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Date: 2/12/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Roberts toBranden Blum re: testimony: Immigration and Naturalization Service before committee on the Judiciary. 1p.	4/19/85	P5 ~~P5~~ 12/14/00

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]
- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]
- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(of FOIA].
- F-3 Release would violate a Federal statue [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial inf [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institu [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells of the FOIA].

THE WHITE HOUSE

WASHINGTON

July 16, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Draft Report on S. 1074, the "Immigrant Repatriation Study Act"

Counsel's Office has reviewed the above-referenced draft report, and finds no objection to it from a legal perspective.

ID # 326065 CU

JV

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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: James C Munn

☐ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: DOJ draft report on S1074, the "Immigrant Repatriation Study Act"

ROUTE TO: Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU HOLL	ORIGINATOR	85,07,10 PX			1 1
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ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
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FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

July 1, 1985

LEGISLATIVE REFERRAL MEMORANDUM

TO: Department of State
Department of Health and Human Services
National Security Council
Department of Transportation

326065 cw

SUBJECT: DOJ draft report on S. 1074, the "Immigrant Repatriation Study Act"

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than

Friday, July 19, 1985

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.

James C. Murr for
Assistant Director for
Legislative Reference

Enclosure

cc: T. Treacy
S. Gates
F. Fielding
S. Brentlinger
J. Weinberg
J. Cooney

U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

82-0120 - meb:am

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Justice on S.1074, a bill to study the problems of indigent, elderly immigrants who wish to return to their home countries but cannot afford to pay the transportation costs to do so. The Department of Justice recommends against enactment of this legislation.

The bill directs the Attorney General to study the problems of indigent, elderly immigrants who may wish to return to their home countries but cannot afford to pay the cost of travel. The Attorney General is directed to conduct a study to determine the number of such immigrants, the cost of such a program, the options for financing such a program, and the advantages or disadvantages of requiring the government to ensure that a repatriated immigrant's health and welfare will be protected upon return to his or her country. The bill further requires the Attorney General to determine whether and to what extent the repatriation program in the State of Hawaii should be used as a model for a similar Federal program.

Section 250 of the Immigration and Nationality Act grants the Attorney General the authority to remove from the United States any alien who falls into distress or who needs public aid from causes arising subsequent to his entry, and is desirous of being so removed, to the native country of such alien, or to the country from which he came, or to the country of which he is a citizen or subject, or to any other country to which he wishes to go and which will receive him, at the expense of the appropriation for the enforcement of the Act. We believe that this section of the current law adequately provides for those indigent and elderly immigrants sought to be protected in the proposed legislation.

With regard to the study required by the proposed bill, many of the items to be studied are not within the purview of the Immigration and Naturalization Service. For example, the Attorney General is directed to study the cost savings from the

termination of public benefits to which the repatriated immigrants would no longer be entitled. These programs, such as supplemental security income, food stamps, etc., are operated by other Federal and State agencies.

Further, the Department of Justice opposes requiring the Federal Government to attempt to ensure that a repatriated immigrant's health and welfare will be protected upon return to the native country. Such an undertaking is not within the purview of the Department of Justice.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administrations program.

Sincerely,

Phillip D. Brady
Acting Assistant Attorney General
Office of Legislative and
Intergovernmental Affairs

THE WHITE HOUSE

WASHINGTON

June 13, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ and INS Draft Testimony on S. 1200, Immigration Reform and Control Act of 1985

Counsel's Office has reviewed the above-referenced testimony, and finds no objection to it from a legal perspective.

ID # _____ CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
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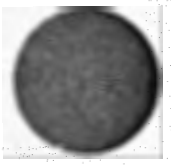

Name of Correspondent: James C. Mun

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: DOJ and INS draft testimony on S. 1200, the Immigration Reform and Control act of 1985

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
OA Hill	ORIGINATOR	85 10 6 12			1 1
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OA HT 18	R	85 10 6 12		S	85 10 6 12 1 pm
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INS FILE

DEPARTMENT OF STATE

Information Sheet

CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS

Section 221(g) of the Immigration and Nationality Act reads as follows:

"No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provisions of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law: Provided, That a visa or other documentation may be issued to an alien who is within the purview of section 212(a)(7), or section 212(a)(15), if such alien is otherwise entitled to receive a visa or other documentation, upon receipt of notice by the consular officer from the Attorney General of the giving of a bond or undertaking providing indemnity as in the case of aliens admitted under section 213: Provided further, That a visa may be issued to an alien defined in section 101(a)(15)(B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States."

Section 212(e) of the Immigration and Nationality Act reads as follows:

"No person admitted under section 101(a)(15)(J) or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: Provided, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: And provided further, That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

Section 212(a) of the Immigration and Nationality Act reads as follows:

"Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

"(1) Aliens who are mentally retarded;

"(2) Aliens who are insane;

"(3) Aliens who have had one or more attacks of insanity;

"(4) Aliens afflicted with psychopathic personality, or sexual deviation, or a mental defect;

"(5) Aliens who are narcotic drug addicts or chronic alcoholics;

"(6) Aliens who are afflicted with any dangerous contagious disease;

"(7) Aliens not comprehended within any of the foregoing classes who are certified by the examining surgeon as having a physical defect, disease, or disability, when determined by the consular or immigration officer to be of such a nature that it may affect the ability of the alien to earn a living, unless the alien affirmatively establishes that he will not have to earn a living;

"(8) Aliens who are paupers, professional beggars, or vagrants;

"(9) Aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense), of aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime; except that aliens who have committed only one such crime while under the age of eighteen years may be granted a visa and admitted if the crime was committed more than five years prior to the date of the application for a visa or other documentation, and more than five years prior to date of application for admission to the United States, unless the crime resulted in confinement in a prison or correctional institution, in which case such alien must have been released from such confinement more than five years prior to the date of the application for a visa or other documentation, and for admission, to the United States. Any alien who would be excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1(3) of title 18, United States Code, by reason of the punishment actually imposed, or who would be excludable as one who admits the commission of an offense that is classifiable as a misdemeanor under the provisions of section 1(2) of title 18, United States Code, by reason of the punishment which might have been imposed upon him, may be granted a visa and admitted to the United States if otherwise admissible: Provided, That the alien has comitted only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.

"(10) Aliens who have been convicted of two or more offenses (other than purely political offenses), regardless of whether the conviction was single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement actually imposed were five years or more;

"(11) Aliens who are polygamists or who practice polygamy or advocate the practice of polygamy;

"(12) Aliens who are prostitutes or who have engaged in prostitution, or aliens coming to the United States solely, principally, or incidentally to engage in prostitution; aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; and aliens who are or have been supported by, or receive or have received, in whole or in part, the proceeds of prostitution or aliens coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution;

"(13) Aliens coming to the United States to engage in any immoral sexual act;

"(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers who are able,willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);

"(15) Aliens who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission, are likely at any time to become public charges;

"(16) Aliens who have been excluded from admission and deported and who again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their reapplying for admission;

"(17) Aliens who have been arrested and deported, or who have fallen into distress and have been removed pursuant to this or any prior act, or who have been removed at Government expense in lieu of deportation pursuant to section 242 (b), unless prior to their embarkation or reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their applying or reapplying for admission;

"(18) Aliens who are stowaways;

"(19) Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact;

"(20) Except as otherwise specifically provided in this Act, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General pursuant to section 211(e);

"(21) Except as otherwise specifically provided in this Act, any quota immigrant at the time of application for admission whose visa has been issued without compliance with the provisions of section 203;

"(22) Aliens who are ineligible to citizenship, except aliens seeking to enter as nonimmigrants; or persons who have departed from or who have remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency, except aliens who were at the time of such departure nonimmigrant aliens and who seek to reenter the United States as nonimmigrants;

"(23) Any alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, or who has been convicted of a violation of, or a conspiracy to violate, any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, or any salt derivative or preparation of opium or coca leaves, or isonipecaine or any addiction-forming or addiction-sustaining opiate; or any alien who the consular officer or immigration officers know or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs;

"(24) Aliens (other than aliens described in section 101(a)(27)(A) and aliens born in the Western Hemisphere) who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 238(a) and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

"(25) Aliens (other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad) over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect.

"(26) Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period; and (B) at the time of application for admission a valid nonimmigrant visa or border crossing identification card;

"(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States;

"(28) Aliens who are, or at any time have been, members of any of the following classes;

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: Provided, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or any reason to believe) that such organization was a Communist organization;

(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty,

necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;
(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity or propriety of unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;
(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (G);
(I) Any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii)(a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission actively opposed to the doctrine, program, principles, and ideology of such party or organizations, or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall be admitted into the United States under (ii) of this subparagraph;

"(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950;

"(30) Any alien accompanying another alien ordered to be excluded and deported and certified to be helpless from sickness or mental or physical disability or infancy pursuant to section 237(e), whose protection or guardianship is required by the alien ordered excluded and deported;

"(31) Any alien who at any time shall have, knowingly and for gain, encourged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

"(32) Aliens who are graduates of a medical school and are coming to the United States principally to perform services as members of the medical profession, except such aliens who have passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health, Education and Welfare) and who are competent in oral and written English. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted for permanent residence), to nonpreference immigrant aliens described in section 203(a)(8), and to preference immigrant aliens described in section 203(a)(3) and (6).

"(33) Any alien who during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of or in association with-

(A) the Nazi government of Germany,

(B) any government in any area occupied by the military forces of the Nazi government of Germany,

(C) any government established with the assistance or cooperation of the Nazi government of Germany, or

(D) any government which was an ally of the Nazi government of Germany,

ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

NOTE: If you believe you are ineligible for a visa under one of the classes enumerated above, please read carefully the following exceptions and explanations to determine whether they might be applicable to you.

Section 212(g) of the Immigration and Nationality Act, provides that:

"Any alien who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien afflicted with tuberculosis in any form who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or if an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or of an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, if any, including the giving of a bond, as the Attorney General, in his discretion after consultation with the Surgeon General of the United States Public Health Service, may by regulations prescribe. Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection."

Section 212(h) of the Immigration and Nationality Act, provides that:

"Any alien, who is excludable from the United States under paragraphs (9), (10), or (12) of this section, who (A) is the spouse or child, including a minor unmarried adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or (B) has a son or daughter who is a United States citizen or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in extreme hardship to the United States citizen or lawfully resident spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

Section 212(i) of the Immigration and Nationality Act, provides that:

"Any alien who is the spouse, parent, or child of a United States citizen or of an alien lawfully admitted for permanent residence and who is excludable because (1) he seeks, has sought to procure, or has procured, a visa or other documentation, or entry into the United States, by fraud or misrepresentation, or (2) he admits the commission of perjury in connection therewith, may be granted a visa and admitted to the United States for permanent residence, if otherwise admissable, if the Attorney General in his discretion has consented to the alien's applying or reapplying for a visa and for admission to the United States."

Section 212(b)(1) exempts from the literacy requirement of paragraph (25) any prospective immigrant who is the parent, grandparent, spouse, daughter, or son of an admissible alien, or any alien lawfully admitted to the United States for permanent residence, or any citizen of the United States, if accompanying such admissible alien, or coming to join such citizen or alien permanent resident, and if otherwise admissible.

The provisions of paragraphs (11) and (25) are not applicable to aliens who in good faith seek to enter the United States as nonimmigrants. (212 (d)(1))

The exceptions under paragraph (28)(I) should be noted; these exceptions apply to nonimmigrants and immigrants alike.

The provisions of paragraphs (9), (10), (12), and (23) above apply regardless of the issuance of a decree of amnesty, a foreign pardon, the expungement of penal records, or any other act of clemency. A visa applicant must furnish full information regarding any conviction of a criminal offense regardless of the fact that he may have subsequently benefited from an amnesty, pardon or

other act of clemency. Failure to reveal such a conviction might result in permanent exclusion from the United States, or in prosecution or deportation in the event admission is effected on the basis of such a misrepresentation. An explanation of any amnesty, pardon or other act of clemency should be given in order that the consular officer may have complete information as a basis for determining whether the conviction or convictions would have a bearing upon the applicant's eligibility to receive a visa.

Additionally, the Immigration and Nationality Act contains provisions for waiver of certain grounds of ineligibility for nonimmigrants and persons who have been lawfully admitted to the United States for permanent residence and who are returning to a lawful unrelinquished domicile of seven consecutive years in the United States.

Penalties.

An applicant will be required to make certain statements under oath at the time of formal application for a visa and submit certain documentary evidence that he is not among any of the ineligible classes. These statements and the evidence will be carefully examined, It should be understood that willful misrepresentation of a material fact in connection with a visa application may result in permanent inadmissibility to the United States or deportation if admitted.

DEPARTMENT OF STATE

Washington, D.C. 20520

EVIDENCE WHICH MAY BE PRESENTED TO MEET THE PUBLIC CHARGE PROVISIONS OF THE LAW

GENERAL

The Immigration and Nationality Act requires an applicant for a visa to establish to the satisfaction of the consular officer at the time of his application for a visa, and also to the satisfaction of the United States immigration officials at the time of his application for admission into the United States, that he is not likely at any time to become a public charge.

An applicant for an immigrant visa may generally satisfy this requirement of the law by the presentation of documentary evidence, *in duplicate*, establishing that:

1. he has, or will have, in the United States funds of his own sufficient to provide for the support of himself and members of his family; or
2. he has employment awaiting him in the United States which will provide an adequate income for himself and members of his family; or
3. he is skilled in a profession or occupation which has been determined to be in short supply in the United States and can show that he has funds adequate for transportation to the United States and for the support of himself and members of his family until he is able to locate employment in his profession or occupation; or
4. relatives or friends in the United States will assure his support.

APPLICANT'S OWN FUNDS

An applicant who expects to be able to meet the public charge provisions of the law under 1. or to present evidence of funds required under 3. above may submit to the consular officer one or more of the following items:

(a) statement from an officer of a bank showing present balance of applicant's account, date account was opened and average balance during the year. If there have been recent unusually large deposits, an explanation therefor should be given;

(b) proof of ownership of property or real estate, in the form of a letter from a lawyer, banker or responsible real estate agent showing its present valuation. Any mortgages or loans against the property must be stated;

(c) letter or letters verifying ownership of stocks and bonds, with present market value indicated;

(d) statement from insurance company showing policies held and present cash surrender value;

(e) proof of income from business investments or other sources.

EMPLOYMENT

Applicants having prearranged employment should submit evidence thereof, *in duplicate*, from the prospective employer on his business letterhead or if he has no letterhead in the form of a contract or affidavit. An applicant whose employment has been certified by the Department of Labor need not furnish a statement or contract of employment unless specifically requested to do so by the consular officer.

The letter, contract or affidavit should:

(a) contain a definite offer of employment;

(b) state whether the employment will be immediately available upon the applicant's arrival in the United States;

(c) specify the location, type, and duration (whether seasonal, temporary, or indefinite) of the employment offered;

(d) specify the rate or range of compensation to be paid;

(e) be of recent date; and

(f) if the prospective employer is an individual rather than a firm, some evidence proving that the individual is in a financial position to carry out the offer of employment.

AFFIDAVIT OF SUPPORT

There are no prescribed forms to be used by persons in the United States who desire to furnish sponsorship in t form of an affidavit of support for presentation to the consul.

Each sponsor should furnish a statement, *in duplicate,* in affidavit form setting forth his willingness and financi ability to contribute to the applicant's support and his reasons in detail for sponsoring the applicant.

The sponsor's statement should include:

(a) information regarding his income;

(b) where material, information regarding his resources;

(c) his obligations for the support of members of his own family and other persons, if any;

(d) his other obligations and expenses;

(e) plans and arrangements made for the applicant's reception and support; and

(f) an expression of willingness to deposit a bond, if necessary, with the Immigration and Naturalizatio Service to guarantee that the applicant will not become a public charge in the United States.

The sponsor should include in his affidavit a statement concerning his status in the United States. If the sponso is an American citizen he should state how he acquired United States citizenship. If naturalized, he should indicat in the affidavit the date of naturalization, the name and location of the court, and the number of his certificate o naturalization. In no case, however, should a naturalized citizen attach a copy of his certificate of naturalization sinc reproduction thereof is *prohibited by law* and severe legal penalties are prescribed for such reproduction. If the sponso is an alien who has been lawfully admitted into the United States for permanent residence, he should state in th affidavit the date and place of his admission for permanent residence and the alien registration number which appear on his Alien Registration Receipt Card (Form I–151). In no case should a copy be made of Form I–151 since th reproduction of this document, like a certificate of naturalization, is also *prohibited by law* and severe legal penaltie are prescribed for such reproduction.

To substantiate the information regarding his income and resources the sponsor should attach one or more of th following items to his affidavit:

(a) notarized copies of his latest income tax return;

(b) a statement, in duplicate, from his employer showing his salary and the length and permanancy o employment;

(c) a statement, in duplicate, from an officer of a bank regarding his account, showing the date the accour was opened and the present balance;

(d) Any other evidence adequate to establish his financial ability to carry out his undertaking toward th applicant for what might be an indefinite period of time.

If the sponsor is a well established businessman, he may submit a rating from a recognized concern in lieu of th foregoing.

If the sponsor is married, the affidavit should be jointly signed by both husband and wife.

Affidavits of support should be of recent date when presented to the consular officer. They are unacceptable if mor than a year has elapsed from the date of execution.

A sponsor may prefer to forward his affidavit of support direct to the consular office where the visa application wi be made, in which event the contents will not be divulged to the applicant.

IMPORTANT: All support documents must be presented to the consular officer in duplicate.

NOTE: An applicant who expects to meet the public charge provisions of the law through the presentation of an affida support is encouraged to forward this information sheet to his sponsor so as to assist him in preparing his affidavit.

IMPORTANT This document must be read and signed by persons wishing to submit an affidavit of support on behalf of an alien applying for an immigrant visa. A signed copy of this document must be attached to each copy of any affidavit of support submitted on behalf of an applicant.

The Social Security Act, as amended, establishes certain requirements for determining the eligibility of aliens for Supplemental Security Income (SSI) and Aid to Families with Dependent Children (AFDC) benefits. The Food Stamp Act, as amended, contains similar provisions. These amendments require that the income and resources of any person (and that person's spouse) who executes an affidavit of support or similar agreement on behalf of an immigrant alien, be deemed to be the income and resources of the alien under formulas for determining eligibility for SSI, AFDC, and Food Stamp benefits during the three years following the alien's entry into the United States.

The eligibility of aliens for SSI, AFDC, and Food Stamp benefits will be contingent upon their obtaining the cooperation of their sponsors in providing the necessary information and evidence to enable the Social Security Administration and/or State Welfare Agencies to carry out these provisions. An alien applying for SSI, AFDC, or Food Stamp benefits must make available to the Social Security Administration and/or State Welfare Agencies documentation concerning his income or resources or those of his sponsors, including information which he provided in support of his application for an immigrant visa or adjustment of status. The Secretary of Health and Human Services and/or State Welfare Agencies are authorized to obtain copies of any such documentation from other agencies.

The Social Security Act and the Food Stamp Act also provide that an alien and his or her sponsor shall be jointly and severally liable to repay any SSI, AFDC, and Food Stamp benefits which are incorrectly paid because of misinformation provided by sponsor or because of sponsor's failure to provide information. Also, any incorrect payments of SSI and AFDC benefits which are not repaid will be withheld from any subsequent payments for which the alien or sponsors are otherwise eligible under the Social Security Act.

These provisions do not apply to aliens admitted as refugees or granted political asylum by the Attorney General. They also will not apply to the SSI eligiblity of aliens who become blind or disabled after entry into the United States. The AFDC provisions do not apply to aliens who are dependent children of the sponsor or sponsor's spouse.

I, _____, residing at _____
(name) (street and number)

_____, acknowlege that I have read the above
(City) (State)

and am aware of my responsibilities as an immigrant sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended. This statement is submitted on behalf of the following persons:

Name	Sex	Age	Country Of Birth	Married or Single	Relationship to Sponsor

_____
Signature of Sponsor(s)

THE WHITE HOUSE

WASHINGTON

April 18, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Department of State Testimony for Senate Judiciary Subcommittee Hearing on S. 377, a Bill to Stay the Deportation of Certain Salvadorans, and for Other Purposes

Counsel's Office has reviewed the above-referenced testimony, and finds no objection to it from a legal perspective.

ID # _____ CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
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Date Correspondence Received (YY/MM/DD) 85/04/18

Name of Correspondent: James Nunn

☐ MI Mail Report **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Dept of State testimony for Senate Judiciary Subcommittee Hearing on S.377, a bill to stay the deportation of certain Salvadorans, and for other purposes

ROUTE TO:		ACTION			DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD		Type of Response	Code	Completion Date YY/MM/DD
CU HOU		ORIGINATOR	85/04/18				/ /
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CUAT 18			85/04/18			S	85/04/19 10 AM
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ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
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Comments: _____

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

April 17, 1985

LEGISLATIVE REFERRAL MEMORANDUM

TO: Department of Justice - Jack Perkins (633-2113)

National Security Council

SUBJECT: Department of State draft testimony for Senate Judiciary Subcommittee hearing on S. 377, a bill to stay the deportation of certain Salvadorans, and for other purposes

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than 10:00 A.M., Friday, April 19, 1985.

NOTE: A hearing before the Senate Judiciary Subcommittee on Immigration and Refugee policy is scheduled for 4/22/85. State testimony on similar legislation in the 98th Congress (H.R. 4447) was circulated for comment and cleared in April 1984.)

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.

James M. Murr for
Assistant Director for
Legislative Reference

Enclosure

cc: A. Curtis
S. Gates
J. Cooney
F. Fielding
S. Elliff

(State)

Mr. Chairman and members of the Subcommittee:

I am grateful for this opportunity to appear before you today.

As every member of the Subcommittee knows, El Salvador remains a deeply troubled country, but one in which extraordinary political progress is being made. The recent March elections represent yet another step in a five-year evolution as a democratic nation. The country still suffers from a dedicated Marxist insurgency in which guerrillas are actively engaged in terrorist attacks, but the Duarte government is working to end the violence through dialogue within the framework of the 1983 Constitution. Serious human rights abuses have obviously not disappeared, but disappearances and death squad assassinations have been significantly reduced. By anybody's standard, violence has dropped - from a high of 9,000 civilian deaths in 1980 to 771 in 1984, as reported by the press. Although severely depressed, the economy showed a small increase in the gross domestic product in 1984.

Meanwhile, the steady migration of Salvadorans to the United States continues, and from an estimated 300,000 here before the violence broke out in 1979, there are an estimated 500,000 here today. The United States is thus confronted with a number of significant immigration issues regarding El Salvador. Who are the migrants? Are they refugees, or are

4/22/85

Senate Judiciary/Subc Immig + Ref. Policy

they motivated solely by economics? How do we deal with the asylum applications? For those not entitled to asylum, how do we respond to their desire to live in the United States?

The asylum issue is in a sense an easy one. The Immigration and Nationality Act implements the U.S. obligations under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. Our law set forth the standards by which an asylum application must be judged. The Attorney General may grant asylum if he determines an alien in the United States meets the definition of a refugee, that is, a person who has fled his country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. We apply these standards fairly. In fact, only a limited number of aliens, irrespective of their nationality, can meet them. This is true of asylum applicants from El Salvador. This has occasioned much criticism of the Administration's asylum policy toward El Salvador, but in fact we have no "asylum policy" toward El Salvador or any other country; we apply the same standards to each. Recommendations for the approval of applications from Salvadorans and Nicaraguans both run at relatively low rate. This reflects no policy decision, nor does it reflect the state of our bilateral relations with either government; it simply reflects the fact that all asylum applicants must meet the same legal standards in order to be

granted asylum. We are well aware that much criticism could be ended were the number of Salvadoran asylum approvals higher. But, to approve asylum applications for partisan political reasons would ignore the law. We recommend in favor of applications that meet the standards and against those that do not. And although the percentage of approvals for asylum claims is only three percent, El Salvador in fact ranks fourth in the world in terms of actual numbers approved.

The argument is then made that all Salvadorans, even those who do not qualify for asylum, should not be deported to El Salvador but rather allowed to remain here. As you know, the Administration does not concur with this view even if it were only a temporary suspension. All suspension of deportation decisions require a balancing of judgments about several factors, including foreign policy, humanitarian, and immigration policy implications.

In the case of El Salvador, the immigration policy implications of suspension of deportation are enormous. Here we have a country with a history of large-scale illegal immigration to the United States. Can anyone doubt that a suspension of deportation would increase the amount of illegal immigration from El Salvador to the United States? An intelligent and industrious Salvadoran weighing a decision to try illegal immigration to the United States knows that one of the risks is deportation, which might occur before he has had a

chance to earn back the costs of the journey. If we remove that possibility of deportation, it is logical to suggest that illegal entry becomes a more attractive investment.

There is reason to think that the "magnet effect" would be overwhelming. In a Spanish International Network exit poll last year, 70% of Salvadorans responded "yes" to the question "Would you emigrate to the United States to work?". Over $30 million per month is sent home from Salvadorans working illegally in the United States. In addition, the vast majority of Salvadorans who do file for asylum allege no fear of persecution but state that they came to the United States to work. The evidence is simply not here that most Salvadorans in this country are refugees.

Of course, some Salvadorans are refugees who may be and have been granted asylum, and they do not need suspension of deportation to be protected. So, by definition, when we discuss suspension of deportation for the group which is not eligible for asylum, what we are discussing is whether people who emigrate from El Salvador to the United States illegally, for reasons other than fear of persecution should be permitted to reside here. If one says yes to this question then we do not have an immigration policy with regard to El Salvador. We have abdicated the responsibility to have one.

It was our country's ad hoc approach to refugee flows that prompted the Congress to pass the Refugee Act of 1980. It was

the specific intent of the Congress to end nationality-specific measures that provided benefits for persons from one country and left other persons with similar claims in limbo. It was also the Refugee Act that incorporated the 1951 Convention's definition of a refugee into our law. Under that Act each asylum application to be examined on an individual basis.

Legally and morally, the distinction between economic migrants and political refugees matters greatly. The United States has undertaken the protection of refugees, but has not agreed to accept for permanent residence every illegal immigrant who reaches our shores. There is no such thing as a "self-appointed refugee." Each person who seeks the protection of the United States must apply for asylum, and each application is examined on a case-by-case basis to see if it meets the standard of law. Asylum is a special and narrow exception to our laws, and not meant to be an extra immigration program. We grant asylum only when someone can show a well found fear of persecution if he or she were to return home. Under our laws, generalized conditions of poverty and civil unrest do not entitle people who leave their homelands to settle here. If this were our test, half the 100 million people living between the Rio Grande and Panama would meet it, as would hundreds of millions more people in other parts of the Earth.

Some people argue that it is too hard for Salvadorans to be

granted asylum, and therefore Americans who support them are morally bound to break the law. But the United States is an incredibly generous country, admitting 270,000 legal immigrants plus 70,000 refugees worldwide in this Fiscal Year alone. This country does not deserve the abusive rhetoric that has become standard fare from those who evade the very system established to protect those who need protection the most. The notion that the only way to stay in this country is to enter illegally and break the law once you are here, is simply not valid. The United States issued over 8,000 immigrant visas to Salvadorans last year in addition to 328 approvals on asylum claims.

Some groups argue that illegal aliens who are sent back to El Salvador meet persecution and often death. Obviously, we do not believe these claims. If we did, we would not deport these people back to El Salvador. Twice, in recent years, the United States Embassy in San Salvador has made attempts to track deportees and see if they were being persecuted; we concluded that they were not. In February we asked the Archbishop and Tutela Legal, which is the human rights office of the Archdiocese of El Salvador, whether they believed there was a pattern of persecution of deportees. They replied that they did not.

It is noteworthy that these accusations of abuse toward deportees are lodged by some American activist groups critical of United States policy in El Salvador. They find no echo or

source in complaints from Salvadoran human rights groups, which have never made this claim. And that stands to reason. El Salvador is a country, as noted above, in which emigration abroad is a common and respected means of self-improvement, and it would be odd to think that this action engaged in by hundreds and thousands of Salvadorans, by perhaps a quarter of the population, was viewed by anyone as proof of a suspicious association. We have interviewed deportees at the airport, in the Embassy, and after they have returned to their homes. We have never met anyone who thinks he is a target because he has been deported from the United States. Surely there must come a time when any fair-minded observer concludes that this alleged pattern of wide-scale abuse of deportees is just a fiction unsupported by evidence.

Many Salvadorans are told that they will be deported into the hands of the military, and are sold a gruesome picture of the United States "dumping" them at the airport. In truth, no one is "dumped" at the airport. There is now a program in place conducted by the Intergovernmental Commission on Migration (ICM), a highly respected international organization. ICM meets every Salvadoran who has been sent home by the United States. Each is offered assistance in meeting up with family members, each is given a temporary I.D. if needed, given money for travel home, or a place to live if the individual does not want to go to his hometown or village.

Each has explained to him the assistance programs of the Salvadoran government and church so that he or she may gain their benefits. Each person is invited to send in a questionnaire every month for six months after he has returned to his home, describing any difficulty that he or she may encounter. ICM has not reported a single case of a deportee coming to harm.

Let me give you a rough "profile" of those returned from the United States between December and February: ICM met 794 returnees - deported Salvadorans, voluntary returns, and excludables. Of the 794, 688 were male, 624 were single, and 716 were over the age of 18, generally between 18 and 35. With this profile, one need not wonder why Salvadorans receive over 30 million dollars each month from their relatives in the United States. One need not deny there is a tremendous economic incentive to come here.

In conclusion, I do not believe that the appropriate response to the problems of poverty or violence in El Salvador is to allow any Salvadoran who wishes, to simply live in America instead - any more than I think this is true for Guatemala, or Haiti, or Nicaragua, or Sri Lanka, or Afghanistan, or Iran, or Uganda, or Ethiopia, or Lebanon, or Vietnam, or Zimbabwe. My point, of course, is that in a very large number of countries millions of people, and indeed, tens of millions, face lives which any American can only view as

desperate. How do we respond? We respond with our willingness to allow hundreds of thousands to legally immigrate to the United States. We respond with our asylum and refugee programs, which are the most generous in the world. We respond with our foreign aid program. And we respond with various political and diplomatic efforts to resolve disputes and reduce violence. It does not seem to me that a sensible response can be to say that all these people, if they can make it to the United States, can stay. We can and we must do very many things to address the urgent and desperate humanitarian needs of tens of millions of people throughout the world, but one thing we really cannot do for them all is tell them to move to America.

I therefore respectfully suggest that the current policy is an appropriate one, combining large amounts of economic assistance, energetic diplomatic efforts, and the grant of asylum to those with a well-founded fear of persecution.

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ID # _____ CU

PE008-03

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☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

JR - Duke

Name of Correspondent: Phillip Brady

☐ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Proposed Communication to Congress re: Compensation for the overtime inspectional services of employees of the U.S. Customs Service and the Immigration & Naturalization Service

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUHOLL		ORIGINATOR DD	85102126			1 1
		Referral Note:				
CUAT 18		A/R DDH	85102127		S	85103111
		Referral Note:				
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NO ACTION NECESSARY

A

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C - Completed
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THE WHITE HOUSE

WASHINGTON

April 24, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Justice and GSA Draft Reports on H.R. 30, the "Immigration Act of 1985"

Counsel's Office has reviewed the above-referenced draft reports, and finds no objection to them from a legal perspective.

Sg

ID # 311178 CU

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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

J.R.

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: James C. Mum

☐ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Justice and GSA draft reports on H.R. 30, the "Immigration Act of 1985"

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	ACTION Tracking Date YY/MM/DD	DISPOSITION Type of Response	DISPOSITION Code	DISPOSITION Completion Date YY/MM/DD
CU HOLL	ORIGINATOR	85/04/18			/ /
	Referral Note: DD'				
CU AT 18	A	85/04/19		S	85/04/29
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ACTION CODES:
A - Appropriate Action
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D - Draft Response
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I - Info Copy Only/No Action Necessary
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DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

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THE WHITE HOUSE

WASHINGTON

April 19, 1985

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

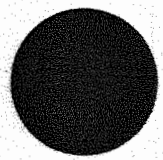
SUBJECT: Testimony: Immigration and Naturalization Service Before Committee on the Judiciary

I have reviewed the proposed testimony of INS Commissioner Nelson and INS General Counsel Inman and am concerned about the first full paragraph on page 13 of the Nelson testimony and the essentially identical paragraph on page 6 of the Inman testimony. I am not convinced that it is necessary to mention the "sanctuary movement" at all, and would delete the paragraphs. If some mention of the movement is considered desirable, I would still delete the last three sentences of these paragraphs. I do not think Administration officials should be in the position of advising congregations offering sanctuary how they could better spend their money, nor do I see the point in suggesting that the money could support Salvadorans in refugee camps rather than here in the United States. I certainly object to stating that the money could "go a long way to effect change within the system," since it is not clear what is being suggested -- support of legislation like the present bill the Administration opposes?

ID # _____ CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /



Name of Correspondent: Alan Nelson

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Testimony: Immigration and naturalization service before Committee on the Judiciary

ROUTE TO:		ACTION			DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD		Type of Response	Code	Completion Date YY/MM/DD
CUHOLL		ORIGINATOR	85,04,18				/ /
		Referral Note:					
CUAT18		R	85,04,18			S	85,04,19
		Referral Note:					
			/ /				/ /
		Referral Note:					
			/ /				/ /
		Referral Note:					
			/ /				/ /
		Referral Note:					

ACTION CODES:
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D - Draft Response
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FOR OUTGOING CORRESPONDENCE:
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Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

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Name of Correspondent: Maurice Inman

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Testimony: Immigration and Naturalization Service before Committee on the Judiciary

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CLHOLL	ORIGINATOR	85,04,18			/ /
	Referral Note:				
CLAT 18	R	85,04,18		S	85,04,19
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

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Lisa: ___

- no bar to re-entry unless deported
- can go in + get attorney if leaving soon [is she going]
[Lisa will call]

- no working papers

Chinese student
4 mth visitors visa, issued by brother. expired.
how to avoid problems when returns, bar for re-entry (our issue)
retroactive extension, [or working papers domestic] INS

(212) 953-8288
STUART ROOT

To John
Date 9/6 Time 4:25

WHILE YOU WERE OUT

M Stuart Root
of
Phone 212/953-8288
Area Code / Number / Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL ✓

Message

Operator

AMPAD EFFICIENCY® 23-020

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Response to Governor Graham's Letter to President on Mariel Boatlift

Bob Kimmitt has provided us with a copy of a proposed letter from Deputy Secretary of State Dam to Governor Graham of Florida, responding to correspondence from Graham on the U.S. - Cuban agreement to repatriate certain Marielitoes excludable from the United States under U.S. law. Mr. Hauser and I attended an NSC meeting on this question on January 22, 1985; the draft response is along the lines agreed to by all at that meeting.

Briefly, the background: The 1980 Mariel boatlift sent to our shores a large number of convicts and mental patients excludable under U.S. immigration law (though the number of such misfits was a small percentage of all Marielitoes.) When Cuba refused to take these excludables back, the U.S., as required by Section 243(g) of the Immigration and Nationality Act, suspended the issuance of visas in Havanna. As you know, Cuba and the U.S. have now reached an agreement whereby Cuba will accept the return of excludables and visa processing in Havanna will recommence. Graham was concerned that not all Marielitoes in Florida prisons would be covered by the agreement, but only those identified on a negotiation list, leaving him with some on his hands.

Dam's response explains how the list was compiled, and states that the agreement only covers those on the list. At the same time, the draft states that our authorities will expect Cuba to accept other, "unlisted" excludables, as required by law. (Whether Cuba will live up to this expectation is unclear, and depends on delicate negotiations and, in particular, how the repatriation of those on the list proceeds.) Dam's letter also advises Graham on the probable effects of reopening visa processing in Havanna -- an increase in Cuban emigration, but nothing approaching the Mariel flood.

The letter is consistent with the consensus of the January 22 meeting, and I have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR ROBERT KIMMITT
DEPUTY ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: FRED F. FIELDING
Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Response to Governor Graham's Letter to President on Mariel Boatlift

Counsel's Office has reviewed the above-referenced Presidential letter, and finds no objection to it from a legal perspective.

FFF:JGR:aea 3/12/85
cc: FFFielding
JGRoberts ✓
Subj
Chron

THE WHITE HOUSE

WASHINGTON

March 12, 1985

MEMORANDUM FOR ROBERT KIMMITT
DEPUTY ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Response to Governor Graham's Letter to President on Mariel Boatlift

Counsel's Office has reviewed the above-referenced Presidential letter, and finds no objection to it from a legal perspective.

FFF:JGR:aea 3/12/85
cc: FFFielding
JGRoberts
Subj
Chron

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Date Correspondence Received (YY/MM/DD) ___/___/___

Confidential Attachment

Name of Correspondent: Robert M. Kennett JR

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Response to Governor Graham's Letter to President on Mariel Boatlift (S/S 8506462)

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU Holland		ORIGINATOR	85/03/08			/ /
		Referral Note:				
CUAT/8		D	85/03/11			85/03/12
		Referral Note:				
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THE WHITE HOUSE

WASHINGTON

April 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Statement of Elliott Abrams Concerning H.R. 4447 for Temporary Deportation of Nationals From El Salvador/Immigration Policy

OMB has asked for our views by close of business today on testimony Assistant Secretary of State Elliott Abrams proposes to deliver on April 12 before the Subcommittee on Immigration, Refugees and International Law of the House Judiciary Committee. The testimony argues that the U.S. considers Salvadoran asylum applications under the same general standards it applies to all asylum applications, noting the interesting fact that Salvadoran and Nicaraguan asylum applications are granted at about the same rate. Abrams goes on to defend the return of Salvadorans ineligible for asylum to El Salvador, arguing that there is no evidence that Salvadoran deportees are mistreated upon their return to El Salvador. The testimony concludes by stating that most Salvadorans seek to enter the U.S. for economic reasons, and that it is not feasible simply to let those that reach the U.S. remain. I have reviewed the testimony, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

April 10, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING FFF/RAH
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Elliott Abrams Concerning H.R. 4447 for Temporary Deportation of Nationals From El Salvador/Immigration Policy

Counsel's Office has reviewed the above-referenced testimony, and finds no objection to it from a legal perspective.

FFF:JGR:aea 4/10/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 10, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Statement of Elliott Abrams Concerning H.R. 4447 for Temporary Deportation of Nationals From El Salvador/Immigration Policy

Counsel's Office has reviewed the above-referenced testimony, and finds no objection to it from a legal perspective.

FFF:JGR:aea 4/10/84
cc: FFFielding/JGRoberts/Subj/Chron

ID #_____ CU

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CORRESPONDENCE TRACKING WORKSHEET

JR

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Date Correspondence Received (YY/MM/DD) ___/___/___

Name of Correspondent: Braden Blum OMB

☐ **MI Mail Report** **User Codes:** (A)_____ (B)_____ (C)_____

Subject: Statement of Elliott Abrams concerning H.R. 4447 for temporary deportation of nationals from El Salvador / immigration policy

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION Type of Response	Code	Completion Date YY/MM/DD
CUHOZL	ORIGINATOR	84/04/10			
	Referral Note:				
CUAT 18	D	84 04/18			
	Referral Note:				
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	Referral Note:				

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5/81

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO	Susan Gates Kathy Collins	Take necessary action	☐
		Approval or signature	☐
	Sylvia Malm	Comment	☐
	Mike Uhlmann	Prepare reply	☐
	Fred Fielding	Discuss with me	☐
	Robert Kimmitt	For your information	☐
		See remarks below	☐
FROM	Branden Blum BB	DATE	4/10/84

REMARKS

Subject: Department of State testimony on H.R. 4447, a bill to provide for the temporary deportation of nationals of El Salvador, and for other purposes.

I have previously circulated for comment and cleared a Justice statement and a State report on H.R. 4447. The attached statement discusses our immigration policy and other efforts to assist persons from El Salvador. The conclusion, although not specifically referencing H.R. 4447, is that legislation is not needed.

Please reivew and provide me with your comments by COB today, 4/10/84. A hearing is scheduled for Thursday, 4/12.

OMB FORM 4
Rev Aug 70

STATEMENT BY

HONORABLE ELLIOTT ABRAMS
ASSISTANT SECRETARY OF STATE
FOR
HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

BEFORE THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION, REFUGEES AND INTERNATIONAL LAW
HOUSE OF REPRESENTATIVES

APRIL 12, 1984

Mr. Chairman and members of the Subcommittee:

I am grateful for this opportunity to appear before you today. As every member of the Subcommittee knows, and indeed as every American must by now be well aware, El Salvador is a country troubled by poverty, violence, overpopulation, and a history of oppression. For a number of years, Salvadorans have taken advantage of economic opportunity elsewhere. Prior to the war between El Salvador and Honduras in 1969, a large number were living in Honduras. Through the 1970s, hundreds of thousands of Salvadorans came to the US. The increased violence in El Salvador prevalent since 1980 no doubt increased the incentives to leave the country, as have the economic difficulties which the war has only worsened.

The US is thus confronted with a number of significant immigration issues regarding El Salvador. It is difficult for Salvadorans to get visitors' visas to the US and difficult for them to get immigrant visas as well. We face a very significant amount of illegal immigration from El Salvador, and a large quantity of asylum applications. How do we deal with the asylum applications? To those not entitled to asylum, how do we respond to their desire to live in the United States?

The asylum issue is in a sense an easy one. US law, in incorporating the definition of a refugee contained in the Convention and Protocol Relating to the State of Refugees set forth the standards by which an asylum application must be judged. We apply these standards and a limited number of aliens,

irrespective of their nationality, can meet them. This is also true of asylum applicants from El Salvador. This has occasioned much criticism of the Administration's asylum policy toward El Salvador, but in fact we have no "asylum policy" toward El Salvador or any other country; we apply the same standards to each. In the last few months recommendations for the approval of applications from Salvadorans and Nicaraguans have been running at roughly the same rate, and though of course there are variations for both countries, about 15 percent of applications can meet legal standards. This reflects no policy decision, nor does it reflect the state of our bilateral relations with either government; it simply reflects the fact that asylum applicants must meet the legal standards in order to be granted asylum. We are well aware that much criticism could be ended were the number of Salvadoran asylum applications that are approved higher. But, to approve asylum applications for partisan political reasons would ignore the law. In fact, we recommended in favor of applications that meet the standards and against those that do not.

The argument is then made that all Salvadorans, even those who do not qualify for asylum should not be deported to El Salvador but rather allowed to remain here. As you know, the Administration does not concur with this view. All EVD decisions require a balancing of judgments about their foreign policy, humanitarian, and immigration policy implications.

In the case of El Salvador, the immigration policy implications of EVD are enormous. Here we have a country with a history of large-scale illegal immigration to the US. Can anyone doubt that a grant of EVD would increase the amount of illegal immigration from El Salvador to the US? An intelligent and industrious Salvadoran weighing a decision to try illegal immigration to the US knows that one of the risks is deportation, which might occur before he has had a chance to earn back the costs of the journey. If we remove that possibility of deportation, it is simple logic to suggest that the illegal entry becomes a more attractive investment.

Of course, not all Salvadoran migrants to the US are solely or primarily economic migrants; some are refugees who may be and have been granted asylum; they do not need EVD to be protected. So by definition, when we discuss EVD for the group which is not eligible for asylum, what we are discussing is generally whether people who emigrate from El Salvador to the United States illegally should be permitted to reside here. If one says yes to this question then we do not have an immigration policy with regard to El Salvador. We have abdicated the responsibility to have one.

Some groups argue that illegal aliens who are sent back to El Salvador there meet persecution and often death. Obviously, we do not believe these claims or we would not deport these people. Twice in recent years the US Embassy in San Salvador

has made attempts to track deportees and see if they were being persecuted; we concluded that they were not. Last summer we asked the officials of Tutela Legal, which is the human rights office of the Archdiocese of El Salvador, whether they believed there was a pattern of persecution of deportees. They replied that they did not. It is noteworthy that these accusations which are lodged by some American activist groups critical of US policy in El Salvador, find no echo nor did they find their source in complaints from Salvadoran human rights groups, which have never made this claim. And that stands to reason. El Salvador is a country, as noted above, in which emigration abroad is a common and respected means of self-improvement, and it would be odd to think that this action engaged in by hundreds and thousands of Salvadorans, by perhaps a quarter of the population, was viewed by anyone as proof of communist association. I submit that the notion that the people being deported are easily identifiable when they return to El Salvador is false, and the notion that they are automatically suspect is equally false. We will soon be sending additional personnel to El Salvador to do another study of deportees, for we wish to be sure that in the course of time our conclusions remain warranted. If they are not, then we must act on this new information. But the record and simple logic seem to me to indicate that the argument that deportees are persecuted is a product more of political opposition to Administration policies in Central America than it is of facts.

The Subcommittee will be interested to learn that, in part in response to the great interest expressed by Chairman Mazzoli, Senator Simpson and others, we have once again attempted to study this question of the treatment of deportees. The Embassy in San Salvador was sent the names of nearly 500 deportees, selected at random. Efforts are now underway to contact every one of them in order to see what happened to them after their return. As of the end of March, we had looked into about half the cases using Salvadoran employees so as to draw as little attention as possible to this whole survey. Of course, a substantial proportion of the addresses Salvadorans had given the Immigration Service turned out to be fictitious making it hard to find some of them. ~~In other cases, we have not yet sent investigators into zones of greater conflict, although we plan to.~~ In a few cases, individuals were reported by neighbors as having once again returned to the United States illegally. What is remarkable is that we have not come across a single case of abuse or murder of a deportee, nor has anyone contacted suggested that he knew of such a case. I would not suggest to this Subcommittee that we have completed here the definitive scientific study and that no further efforts are needed, and indeed our own efforts are continuing. But surely there must come a time when any fairminded observer concludes that this alleged pattern of wide-scale abuse of deportees is just a fiction unsupported by evidence.

→ Some addresses are in cities separated by zones of conflict. We plan to fly in investigators to check into these situations

I am sometimes asked why the US does not do anything to solve the humanitarian problem of poverty and displaced persons and violence in El Salvador. This is a startling question, when you consider the enormous amount of American diplomatic and political effort aimed at bringing democracy and peace to El Salvador, and the extraordinary amounts of economic aid which we give and increased amounts which the Administration has urged upon Congress.

Our proposal of 341 million dollars in economic assistance for FY 85 to El Salvador is certainly a valuable response to the humanitarian problem there. I do not believe that the appropriate response to the problems of poverty or violence in El Salvador is to allow any Salvadoran who wishes to simply live in America instead — any more than I think this is true for Guatemala, or Haiti, or Nicaragua, or Sri Lanka, or Afghanistan, or Iran, or Uganda, or Ethiopia, or Lebanon, or Vietnam, or Zimbabwe. My point, of course, is that in a very large number of countries millions of people, and indeed, tens of millions, face lives which any American can only view as desperate. How do we respond? We respond with our willingness to allow hundreds of thousands to immigrate to the United States. We respond with our asylum and refugee programs, which are the most generous in the world. We respond with our foreign aid program, now totaling 8.89 billion dollars including the pending supplemental request. And we respond with various

political and diplomatic efforts to resolve disputes and reduce violence. It does not seem to me that a sensible response can be to say that all these people, if they can make it to the US, can stay. We can and we must do very many things to address the urgent and desperate humanitarian needs of tens of millions of people throughout the world, but one thing we really cannot do for them all is tell them to move to America.

I therefore respectfully suggest that the current policy is an appropriate one, combining large amounts of economic assistance, energetic diplomatic efforts, and the grant of asylum to those with a well-founded fear of persecution.

INS

THE WHITE HOUSE

WASHINGTON

August 30, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS JGR

SUBJECT: Letter to James Baker Regarding Iranian Jewish Cases Pending Before the Immigration and Naturalization Service

Rabbi Sherer, President of an organization of Orthodox Jews, has written the Attorney General urging him to provide some system of expeditious review of asylum claims by Iranian Jews. Rabbi Lubinsky, Government Affairs Director of the organization, wrote Mr. Baker, enclosing a copy of the Sherer letter, and Mr. Baker has referred the correspondence to us. When I inherited this matter from H.P., I called the Justice Department for a copy of the Attorney General's response to Sherer. Justice could not find any response. Presumably the letter was referred to INS and lost forever. I recommend a formal transmittal to ensure that any reply to Lubinsky is consistent with Justice's reply to Sherer. Such a transmittal will also afford Justice an opportunity to reply to Sherer, if they have in fact lost his original letter.

Attachments

IMMIGRATION REFORM LEGISLATION

Q. The Senate has passed and the House is currently debating the Simpson-Mazzoli immigration reform legislation. There are significant differences between the bill that passed the Senate and the one that is likely to pass the House; in particular, the House bill is likely to be considerably more costly in terms of required Federal expenditures than the Senate bill. If the final product is closer to the House bill than the Senate bill, will you sign it?

A. This Administration has been working diligently for 3½ years to obtain significant immigration reform. As I have stated many times, we need to regain control of our borders. We support the Simpson-Mazzoli approach, which has two major elements: making it illegal for employers to hire illegal aliens -- to remove the incentive to enter our country illegally -- and granting a one-time amnesty to those who entered illegally in the past but have now become settled here. This dual approach combines effectiveness in regaining control of our borders with fairness and compassion.

As for the differences between the Senate and House versions, we have made it clear that we prefer the Senate bill, which received overwhelming bipartisan support in that body. It is our hope that through changes in the House bill, and agreements in conference, the final product will closely resemble the Senate bill.

Q. Speaker O'Neill once expressed the fear that you would veto the immigration bill to garner election-year support from Hispanics. Is that a possibility?

A. As the Senate vote demonstrated, immigration reform is not a partisan political issue. There is widespread bipartisan agreement that reform is needed and that Simpson-Mazzoli is the best vehicle for achieving that reform. Furthermore, the bill has significant support among Hispanic groups. It does, after all, grant amnesty to illegal aliens who have settled here -- the vast majority being of Hispanic origin -- and the provisions making it illegal to hire illegal aliens have been carefully drafted to ensure that there is no discrimination against American citizens of Hispanic descent.

THE WHITE HOUSE

WASHINGTON

August 30, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to James Baker Regarding Iranian Jewish Cases Pending Before the Immigration and Naturalization Service

The attached correspondence from Rabbi Lubinsky of Agudath Israel to Mr. James A. Baker III is transmitted for appropriate review and direct response. You will note that the Lubinsky letter refers to a letter from Rabbi Sherer to the Attorney General.

Attachment

FFF:JGR:aea 8/30/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 30, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Letter to James Baker Regarding
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the Immigration and Naturalization Service

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cc: FFFielding
JGRoberts
Subj.
Chron

sent to DOH - 8/30/83 aea

ID # 151980 CU

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HP IZM

☐ O - OUTGOING
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☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Rabbi Menachem Lubinsky

☐ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Letter to James Baker re: Iranian Jewish cases pending before the Immigration and Naturalization Service.

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION Type of Response	Code	Completion Date YY/MM/DD
CWLO MJ	ORIGINATOR	83/07/14 PWJ			1 1
	Referral Note:				
CWDT DB	D	83/07/14 PWJ			83/07/24 PWJ
	Referral Note:				
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Private

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ESTABLISHED 1922

AGUDATH ISRAEL
OF AMERICA
הסתדרות
אגודת ישראל
באמריקה

OFFICE OF GOVERNMENT
AND PUBLIC AFFAIRS

FIVE BEEKMAN STREET
PHONE: (212) 791-1800

NEW YORK, N.Y. 10038
CABLE: AGUDOHNEWYORK

June 9, 1983

151980 cw

Hon. James A. Baker, III
Chief of Staff and Assistant
to the President
The White House
Washington, D.C. 20500

Dear Mr. Baker:

I am pleased to share with you a copy of a letter that our president, Rabbi Morris Sherer, sent to Attorney General William Smith.

In our discussions with the State Department and INS, we have learned that an effort is underway to clear up the "backlog" of 150,000 cases. The problem, however, remains that Iranian Jews continue to be treated as part of that backlog, despite the fact that they, along with the Bahais and the Moslems, have already been determined candidates for asylum.

I would urge you to use your good offices to urge the Attorney General to undertake some special program to clear up the backlog of Iranian Jewish cases as soon as possible.

Thank you for your assistance.

Kind regards.

Sincerely,

Rabbi Menachem Lubinsky
Director of Government and
Public Affairs

ML:dl
Enc.

אגודת ישראל
ESTABLISHED 1922

AGUDATH ISRAEL
OF AMERICA
הסתדרות
אגודת ישראל
באמריקה

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OFFICE OF THE PRESIDENT

June 9, 1983

Hon. William French Smith
Attorney General
U.S. Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Smith:

I am writing to solicit your assistance in dealing with the backlog of political asylum requests by Iranian Jews that are now pending before the Immigration and Naturalization Service.

Agudath Israel of America, which is a 61 year old national coalition movement of Orthodox Jews, has a long history of assisting Jews who have fled from persecution. We have worked very closely with INS and with the U.S. State Department to facilitate processing large numbers of Iranian Jews who have come to this country since the fall of the Shah of Iran.

We were extremely grateful to the Administration when it included Jews along with Bahais and Moslems in a special status which predetermined that they were to be granted asylum. However, as time lapsed on, we learned that the asylum applications of Iranian Jews were unfortunately part of the huge backlog of cases that were pending at INS. I understand that at this very moment 150,000 asylum applications are pending.

What prompts my concern is that we are aware of a large number of cases of Iranian Jews currently in the U.S.A. where the delay in the granting of asylum has created enormous hardships. In some cases, it has resulted in the inability of a youngster to pursue an education. For some, it has prevented a relative from entering the country, and for others, the delay affected a relative's health.

It is in this spirit that I appeal to you to make some extraordinary effort to single out the cases of Iranian Jews for more expeditious review, particularly since they are already in a predetermined category. I plead for your compassion and understanding in dealing with this problem.

Sincerely,

Rabbi Morris Sherer
President

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