

THE WHITE HOUSE

WASHINGTON

March 6, 1981

MEMORANDUM FOR THE ATTORNEY GENERAL
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE SECRETARY OF EDUCATION
THE SECRETARY OF LABOR
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF THE TREASURY
THE DIRECTOR OF THE OFFICE OF MANAGEMENT
AND BUDGET
THE DIRECTOR OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY
THE DEPUTY ASSISTANT TO THE PRESIDENT

Following up discussion at the Cabinet meeting February 26, I hereby establish the Task Force on Immigration and Refugee Policy. The Task Force will be chaired by the Attorney General and include the Secretaries of State, Defense, Education, Labor, Health and Human Services, Transportation, the Treasury, and the Director of the Federal Emergency Management Agency. Frank Hodsoll will be the White House staff member of the Task Force.

The Task Force should review the entire range of immigration and refugee policies and programs and report back to me by the first week of May with recommendations or alternatives on the basis of which we can make progress. The Task Force's work should include consideration of new international approaches, the adequacy of the U.S. legal framework, and improved methods for control of illegal immigration and the handling of mass asylum or immigration crises. I have separately asked our White House staff and OMB to look at the question of Executive Branch organization to deal with these problems.

Please give the Attorney General your cooperation in this effort. Our review will require rapid action and close collaboration with the Congress.

Ronald Reagan

PRESIDENT'S TASK FORCE ON
IMMIGRATION AND REFUGEE POLICY

Agenda of Issues
Wednesday, April 22, 1981, 4:00 p.m.
Roosevelt Room, The White House

I. Illegal Aliens.

A. Background.

1. Introduction to key components of dealing with illegal aliens, e.g., amnesty, employer sanctions, temporary workers, ID cards.
2. Discussion of relationship of enforcement to the above.

B. Options to deal with illegal aliens.

1. Status Quo

- i. No amnesty
- ii. No temporary worker program
- iii. Enforcement
 - no employer sanctions
 - no identification cards
 - no enhancement of border control

2. Temporary workers

- i. No amnesty
- ii. New expanded temporary worker program
- iii. Enforcement
 - Discussion of range of enforcement options, including whether or not to introduce employer sanctions; identification cards; enhanced INS border enforcement; need to administer and enforce temporary workers program.

3. Open

- i. Amnesty
- ii. New expanded temporary worker program
- iii. Enforcement
 - Discussion of enforcement options with reference to need for stronger enforcement or need for employer sanctions, given the perceived invitation for illegal migration after amnesty is granted.

4. Amnesty

- i. Amnesty
- ii. No new temporary worker program
- iii. Enforcement
 - Discussion of enforcement options with reference to strong need for order enforcement or need for employer sanctions given the perceived invitation for illegal migration after amnesty is granted.

THE WHITE HOUSE

WASHINGTON

July 17, 1981

MEMORANDUM FOR DAVID GERGEN

FM: Frank A. Ursomarso *fa*
Tom Decair

RE: Immigration and Refugee Policy

This plan is based on the assumption that after the initial Presidential announcement, the policy would be kept away from the President with the Justice Department taking the lead role in trying to explain the policy.

Thursday, July 16th

- Cabinet meeting

Friday, July 17th through Tuesday, July 21st

- Consultation time. Presidential review of policy

Wednesday, July 22

- Presidential decision
- Notification of Governments of Mexico, Haiti, Cuba, Canada
- Domestic and Congressional notification
- Presidential statement read in Press Room by David Gergen -- morning
- Detailed briefing at Justice with participants from State, HHS, Labor, INS -- evening
- Distribution of fact sheet and positive quotes acquired from notification calls
- Distribution of executive briefing book by spokesmen
- Mailing of fact sheet, positive quotes, Presidential statement to following press -- Hispanic, Black, Editorial Writers

Following Days

- Speech by the Attorney General
- Surrogates fan out
- Op-ed pieces
- Circulate talking points
- Use selected TV shows



Office of the Attorney General
Washington, D. C. 20530

November 29, 1982

(12)

MEMORANDUM FOR THE PRESIDENT

As the American people record your years as President, immigration reform could be a landmark in our nation's history. I fear, however, that without your personal support at this time, the country may lose for years the chance to regain control of our borders.

One of the first things you asked of me as Attorney General was to review and propose reforms of our immigration laws. After three Cabinet meetings in July 1981 you approved a package of reforms now embodied in the immigration bill pending in the House. We have worked ceaselessly for this legislation, and the broad support for these efforts among the public, press, and Congress has been unprecedented. The bill passed the Senate in August overwhelmingly (80 to 19). The House bill was reported favorably by the Judiciary Committee shortly before the recess and awaits final action. Editorial support has been almost universal. (Selected editorials are attached.)

It would be tragic and unnecessary if we now lost the chance to enact this important bipartisan legislation. And there could be no better time to pass a law that will save Americans' jobs -- possibly 400,000 jobs by 1986 according to the Department of Labor.

The immigration bill has its critics, like all comprehensive legislation. Indeed, we both have had some concerns. But the bill is a good one -- the best we are likely to see during your first Administration -- and urgently needed. The problem will not go away and the solution will become no easier. It will be to the enduring credit of your Administration if the immigration bill is enacted in the lame-duck session.

It is critical that you ask the Congressional leadership to give the immigration bill priority consideration. I would like to speak with you about this and will telephone you in the morning.

William French Smith



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

MEMORANDUM FOR THE PRESIDENT

FROM: James A. Baker III
Director

SUBJECT: Proposed Executive Order Entitled "Naturalization Requirements Exceptions for Aliens and Non-Citizen Nationals of the United States Who Served in the Grenada Campaign"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order, submitted by the Department of Justice, that would authorize certain alien members of the Armed Forces who served during the Grenada campaign to obtain expedited naturalization as United States citizens in recognition of their service.

BACKGROUND: The Immigration and Nationality Act, 8 U.S.C. Sec. 1440, provides that

any person who, while an alien or a non-citizen national of the United States, has served honorably in an active duty status in the military, air, or naval forces of the United States . . . during any period in which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force . . . may be naturalized as provided in this section

The section waives several requirements for naturalization including residency and age requirements, and provides for expedited action.

After the recent military operations in Grenada, the Department of Defense received several requests from the public and Congress to accord aliens who fought in the Grenada campaign expedited naturalization under the Immigration and Nationality Act. The Department of Defense determined that such action was warranted and, therefore, designated the period for the Grenada campaign as commencing on October 25, 1983 and terminating on November 2, 1983. Defense also designated areas qualifying for active duty service including the islands of Grenada, Carriacou, and Green Hog.

Handwritten notes:
copy to the President
11-1-83
11-1-83

Pursuant to the Immigration and Nationality Act, the President must issue an Executive order to confer eligibility for expedited naturalization. The proposed order would provide such eligibility for the period and area of military operations recommended by the Department of Defense.

All affected agencies concur in the proposed Executive order.

RECOMMENDATION: I recommend that you sign the proposed Executive order.

Attachment

EXECUTIVE ORDER

NATURALIZATION REQUIREMENTS EXCEPTIONS FOR ALIENS AND
NON-CITIZEN NATIONALS OF THE UNITED STATES WHO SERVED IN THE
GRENADA CAMPAIGN

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 1440 of Title 8, United States Code, it is hereby ordered as follows:

For the purpose of determining the exceptions from the usual requirements for naturalization, the period of Grenada military operations commenced on October 25, 1983 and terminated on November 2, 1983. Those persons serving honorably in active-duty status in the Armed Forces of the United States during this period, in the Grenada campaign, are eligible for the statutory exceptions to the requirements for naturalization, as provided by Section 1440(b) of Title 8, United States Code. Qualifying active-duty service is service conducted, during this period, on the islands of Grenada, Carriacou, Green Hog, and those islands adjacent to Grenada in the Atlantic Seaboard where such service was in direct support of the military operations in Grenada. Qualifying active-duty service during this period also includes service conducted in the air space above Grenada, in the adjacent seas where operations were conducted, and at the Grantly Adams International Airport in Barbados.

MEMORANDUM

NATIONAL SECURITY COUNCIL

4767 Add-on

IM

June 18, 1985

INFORMATION

MEMORANDUM FOR ROBERT C. MCFARLANE

RCM HAS SEEN

Handwritten: Manifest 2

FROM: RICHARD CHILDRESS *(Signature)*

SUBJECT: Simpson Bill on Immigration: S. 1200

Senator Simpson introduced a new 117-page immigration reform bill May 23 that delays granting legal status to illegal aliens already in the United States until a proposed system of employer sanctions has stemmed the flow of unauthorized foreign workers into the United States.

It includes the following provisions:

- Employee Sanctions: Like previous bills, it would penalize employers of four or more workers who knowingly hire illegal aliens. New bill eliminates criminal penalties for employers who repeatedly hire illegal aliens. To address Hispanic concerns about possible discrimination, bill requires GAO to monitor implementation of sanctions and determine whether a pattern of discrimination results.
- Agricultural Workers: Expands and streamlines an existing program for temporary agricultural workers. Allows growers to continue to employ undocumented workers for three years after enactment under conditions set by the Attorney General. By fourth year, all foreign workers would have to be hired through legal channels. All similar to the thrust hammered out last year.
- Legalization: Establishes a presidentially appointed commission to determine whether "appropriate immigration enforcement mechanisms" are in place and controlling illegal entry. If the commission makes such a finding, then persons who could prove they had been physically present in the US prior to January 1, 1980, would be eligible for temporary resident status. The bill authorizes \$600 million annually for three years to cover costs of legalization. (Dispute over legalization costs was final stumbling block in conference committee last year.)

Simpson's bill differs in one major respect from last year's legislation that passed the House and Senate, but died in conference committee. That measure coupled employers' penalties with a program to grant legal status immediately to undocumented workers who could prove they entered the US prior to January 1, 1981, and had been here since.

Simpson's new bill has drawn fire from Hispanic and civil rights groups who describe it as a step backwards. Opposition from these groups was one factor that threatened last year's House bill which passed 216-211.

Even if he can push the bill through the Senate, prospects in the House are murky at best. Three have been introduced and none have the imprimatur of the principal players -- Rodino and Mazzoli. Neither have taken up the issue in earnest and have clearly lost the fire because of last year's bitter seven-day debate.

Draft Justice and INS testimony are supportive of S. 1200 with the exception of some minor federal-state funding provisions.

Ray Burghardt and Paul Thompson concur.

Attachment

Tab A McFarlane Question plus Profs Note dated 6/14/85 with #4767



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

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February 27, 1986

MEMORANDUM FOR CAROL CRAWFORD

FROM: Tara Treacy

SUBJECT: Immigration Reform Legislation

The attached memo provides an overview of Immigration Reform Legislation. It is divided into 5 parts: 1) History of Immigration Reform; (2) Major Provisions of Current Bills; (3) Most Important Issues; (4) Major Players - Congress and Interest Groups; and (5) Current Status.

I. HISTORY OF IMMIGRATION REFORM LEGISLATION

- o The Administration has supported immigration reform for the past 5 years.
- o In October 1981, acting on recommendations of the Presidential Task Force on Immigration and Refugee Policy, the Administration transmitted a bill. This became the basis for the subsequent Simpson-Mazzoli bill introduced in March 1982.
- o The first Simpson-Mazzoli bill passed the Senate by a wide margin in August 1982, but died in the House.
- o The bill was reintroduced in both houses in 1983. It quickly passed the Senate in May 1983. After protracted debate, it barely passed the House in June 1984 by a vote of 216-211. The bill died in conference in October 1984 after four weeks of contentious negotiations over issues ranging from employment discrimination to the amount of Federal reimbursement to the States for social services.
- o Immigration reform legislation was again introduced in this Congress. The Senate bill (S. 1200), still sponsored by Senator Simpson (R-WY), passed by a comfortable margin of 69-30 on September 19, 1985. (This is a somewhat smaller margin than previous bills.) The House bill (H.R. 3810), whose chief sponsor is now House Judiciary Committee Chairman Peter Rodino (D-NJ), has been reported out of the House Judiciary Immigration Subcommittee. Full committee consideration is expected in late March or early April. (Congressman Romano Mazzoli (D-KY) is now a co-sponsor.)

II. MAJOR PROVISIONS OF CURRENT BILLS

The three major features of both immigration reform bills are:

- o Employer Sanctions: provide civil and criminal sanctions against employers who knowingly hire illegal aliens;
- o Legalization Program: grant legal status to millions of illegal aliens already in the country who meet certain requirements;
- o Expand Department of Labor Foreign Worker Program: simplify and expand an existing Department of Labor program (the H-2 program) that allows foreign workers into the country on a temporary basis for a variety of jobs, including agricultural work.

The details of these provisions differ in each bill. There are also other important features. A discussion of the details of the two bills is provided in a side-by-side comparison, which is attached.

III. MOST IMPORTANT ISSUES

- A. "Temporary agricultural worker" program: the most divisive issue. Would allow up to 350,000 foreign workers into the country on a temporary basis to harvest perishable crops. Western agricultural growers pushing hard for this program. Is in addition to the existing Department of Labor H-2 temporary worker program which is much less flexible. Labor program is not as responsive to changes in agricultural conditions. Chairman Rodino and House Democrats oppose. Within Administration, Departments of Labor, Agriculture and Justice unable to reach agreement on scope of acceptable program.
- B. Reimbursement to States for Legalization costs: Many House Democrats, and State and local governments support 100% Federal reimbursement, as in House bill. Administration supports cap of \$1.8 billion, as in Senate bill as reported. Last year's House/Senate conference failed because conferees were unable to reach agreement on this issue.
- C. Anti-discrimination protections: House Democrats, led by Barney Frank (D-MA), believe new protections are needed to prevent employment discrimination, particularly against Hispanics. Administration believes existing laws provide sufficient protection.

IV. MAJOR PLAYERS

A. In Congress

1. Senate:

Senator Alan K. Simpson (R-WY) - Chairman of the Senate Subcommittee on Immigration and Refugee Policy and sponsor of Senate bill.

Senator Pete Wilson (R-CA) - sponsor of amendment that provided special "temporary agricultural worker" program. Chief proponent of the interests of Western agricultural growers.

Senator Edward Kennedy (D-MA) - major supporter of provisions to protect U.S. workers and labor unions.

2. House:

Representative Peter W. Rodino (D-NJ) - Chairman of House Judiciary Committee and chief sponsor of House bill. Opposes a "temporary agricultural worker" program.

Representative Romano L. Mazzoli (D-KY) - Chairman of House Judiciary Subcommittee on Immigration, Refugees and International Law - co-sponsor of current House bill and chief sponsor of prior bills.

Representative Dan Lungren (R-CA) - major supporter of Western agricultural growers.

Representative Charles E. Schumer (D-NY) - heading group of Democrats trying to work out a "temporary agricultural worker" program compromise.

Representative Barney Frank (D-MA) - Chief proponent of anti-discrimination measures.

B. Private Sector/Interest Groups

1. Western growers/agricultural employers - prefer current situation where an abundance of illegal workers is available. Will never support bill without a "temporary agricultural worker" program. Have grown in influence. Very active.
2. AFL-CIO/labor unions - mixed support - oppose weakening of Department of Labor controls, oppose "temporary agricultural worker" program, support reducing the number of illegal aliens.

3. Hispanics - most vocal Hispanic groups oppose bills because of fears of discrimination. Most opinion polls show, however, that the majority of Hispanics support immigration reform.
4. State and local governments - oppose limiting reimbursement to the States because of legalization costs.
5. Chamber of Commerce - oppose mandatory recordkeeping requirements on business. Formally supported Senate bill because it made recordkeeping optional.

IV. CURRENT STATUS

A. In Congress

- o Senate passed S. 1200 in September.
- o House Judiciary Subcommittee reported H.R. 3810 in November.
- o House Judiciary Committee should begin mark-up late March or early April.

B. Within Administration

- o Most issues resolved except for "temporary agricultural worker" provisions;
- o Departments of Labor, Agriculture and Justice continuing discussions on appropriate scope of program.

Attachment

Comparison of Senate and House Immigration Reform Bills

Senate Bill (S. 1200)

Provides legal status to aliens in the country prior to 1/1/80 (Stricter than House bill).

Ties legalization program to a reduction in the flow of illegal aliens. Legalization program begins when a special Presidential Commission finds that employer sanctions are working and illegal immigration has decreased, but not later than 3 years after enactment.

Does not require businesses to keep records of having checked a new employee's alien status. Employers who do keep records will have an affirmative defense against a charge of knowingly hiring an illegal alien. Employers who don't keep records will be presumed to have knowingly hired an illegal alien.

Requires GAO to report for 5 years on the implementation of employer sanctions to see if a pattern of discrimination has resulted (i.e., employers are not hiring foreign looking people because they might be illegal aliens). An Executive Branch task force will review reports and recommend changes if necessary.

Bars newly legalized aliens from Federal benefit programs for 6 years.

As passed on the Senate floor, provides a 6-year capped reimbursement to the States for costs associated with legalization. Cap is set at \$300 million for first 2 years and \$600 million for last 4 years. Administration is on record as supporting the capped entitlement in S. 1200, as reported, which provides only 3 years of funding at \$300 million per year.

House Bill (H.R. 3810)

Provides legal status to aliens in country prior to 1/1/82.

Establishes legalization program immediately upon enactment.

Requires mandatory record keeping by businesses.

Creates a new office in the Justice Department to investigate and prosecute charges of immigration-related employment discrimination.

Bars newly legalized aliens from Federal benefit programs for 5 years.

Provides a 100% reimbursement to the States for 5 years for costs associated with legislation.

Senate Bill (S. 1200)

Allows agricultural employers 3 years to gradually phase out their use of illegal aliens. Also establishes a special "temporary agricultural worker program" (in addition to the existing Department of Labor H-2 program) for perishable-crop growers that would allow up to 350,000 foreign workers into the country for a specified period of time.

House Bill (H.R. 3810)

Provides no special programs for agricultural employees. Decided to take up in conference.

THE WHITE HOUSE
WASHINGTON

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MEETING WITH SENATOR ALAN SIMPSON (R-WY) AND
CONGRESSMEN PETER RODINO (D-NJ), HAMILTON FISH (R-NY),
ROMANO MAZZOLI (D-KY) AND DANIEL LUNGREN (R-CA)

DATE: Tuesday, March 11, 1986
LOCATION: Oval Office
TIME: 3:45 p.m. (15 minutes)
FROM: William L. Ball, III *WB*

I. PURPOSE

To focus attention on the need for immigration reform and urge Congress to complete action this session on pending immigration reform legislation.

II. BACKGROUND

Last September, with Administration support, the Senate passed S. 1200 (authored by Senator Simpson) by a vote of 69-30. This is the third time since 1982 that the Senate has passed a bill that seeks to revamp the Nation's immigration laws, but no legislation has yet received final Congressional action.

On November 19, 1985, the House Judiciary Subcommittee on Immigration, chaired by Congressman Mazzoli (D-KY), along with Ranking Minority Member Dan Lungren (R-CA), completed action on H.P. 3080 and favorably reported the bill for full Committee consideration. No further action on the legislation has been taken.

In the past, both Speaker O'Neill and Chairman Rodino (D-NJ) have asked for assurances of Presidential interest before they proceed. On January 24 of this year, Chairman Rodino restated this request in a letter to you. In addition, during your breakfast visit with selected House Republicans on January 30, you will recall that Congressman Hamilton Fish (R-NY), Ranking Republican on the Judiciary Committee, raised questions about the level of Administration support for immigration reform. You assured him of your strong interest, and expressed regret that anyone misunderstood your desire to regain control of our borders.

The most contentious issue in this year's immigration debate has been whether to create an additional seasonal worker program for perishable agricultural products. The Senate adopted an amendment by Senator Pete Wilson (R-CA) establishing this program. In the past, the House has adopted a similar measure over the objection of Chairman Rodino. Your Administration opposed the Wilson amendment during Senate floor consideration.

Proponents of the Wilson amendment believe that Chairman Rodino may be using his request for your support as an excuse to delay action on the bill and eventually kill the entire legislation for this Congress. If the legislation reaches the House floor, a provision similar to the Wilson amendment is likely to pass. Due to the crowded House legislative floor schedule, proponents fear that Rodino may attempt to kill the bill through delay or hold it hostage to an unacceptable compromise.

III. PARTICIPANTS

The President

Attorney General Edwin Meese, III
OMB Director Jim Miller

Senator Alan Simpson (R-WY) - Assistant Majority Leader
Congressman Peter Rodino (D-NJ) - Chairman, House Judiciary Committee
Congressman Hamilton Fish (R-NY) - Ranking Minority Member, House Judiciary Committee
Congressman Romano Mazzoli (D-KY) - Chairman, Subcommittee on Immigration, Refugees and International Law of the House Judiciary Committee
Congressman Daniel Lungren (R-CA) - Ranking Minority Member, Subcommittee on Immigration, Refugees and International Law of the House Judiciary Committee

White House Staff

Don Regan
William L. Ball, III
John Svahn

IV. PRESS PLAN

White House Photographer only.

V. SEQUENCE OF EVENTS

Members arrive in West Lobby and are escorted to the Oval Office to meet with the President.

TALKING POINTS

- Welcome, it's good to have all of you here this afternoon to talk about immigration reform.

- Now, I realize that there are a number of important items on the Congressional agenda for the next few months.

- However, I think we should be able to get comprehensive immigration reform since we came so close in the last Congress, and since the Senate -- thanks to Al (Simpson) and others -- has already acted.

- Thanks to both of you, Ron (Mazzoli) and Dan (Lungren), the House has a bill to work on.

- There have been questions raised about my commitment to getting a bill this year.

- In my legislative message, I reiterated my support for action, and I want to assure all of you personally that I give high priority to the need to regain control of our borders. I am committed to responsible immigration reform legislation.

-- Since the ball has been passed to the House and it's in your court, Peter, how do you handicap our chances in the House?

(Chairman Rodino leads discussion.)

(Note: If discussion turns to farm workers, Attorney General Meese should be called upon to respond)

-- This has been a very helpful discussion. I do hope we can get comprehensive reform signed into law this year.

-- I appreciate your leadership on this important issue. We stand ready to work with you in any way we can.

-- Thank you all again for coming down this afternoon.

Ag

THE WHITE HOUSE

WASHINGTON

10/29/86

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10/29/86
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RE: 4-11

MEMORANDUM

TO: WILLIAM BALL

FROM: FREDERICK J. RYAN, JR. *FJR*

SUBJECT: APPROVED PRESIDENTIAL ACTIVITY

MEETING: Signing Ceremony for Immigration Bill

DATE: November 6, 1986

TIME: 10:00 am

DURATION: 5 minutes

LOCATION: Oval Office

BACKUP LOCATION:

REMARKS REQUIRED: To be covered in briefing paper

MEDIA COVERAGE: Coordinate with Press Office

FIRST LADY PARTICIPATION: No

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

- | | |
|-----------------|-------------------|
| W. Ball | W. Henkel |
| P. Buchanan | J. Hooley |
| D. Chew | A. Kingon |
| J. Courtemanche | J. Kuhn |
| M. Coyne | C. McCain |
| E. Crispin | J. Miller |
| M. Daniels | R. Riley |
| T. Dawson | R. Shaddick |
| D. Dellinger | B. Shaddix |
| A. Dolan | L. Speakes |
| J. Erkenbeck | G. Walters |
| L. Faulkner | WHCA Audio/Visual |
| C. Fuller | WHCA Operations |

THE WHITE HOUSE

WASHINGTON

October 24, 1986

NOTED BY DTR

MEMORANDUM FOR DONALD T. REGAN

FROM: DENNIS THOMAS

SUBJECT: Senator Alan Simpson

Senator Simpson called to ask for a signing ceremony for the Immigration Bill on November 6 in the morning. He would like to make travel plans and asked us if this time would be clear with the President.

APPROVE

DTR 10-27-86

DISAPPROVE



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

NOV 05 1986

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1200 - The Immigration Reform and
Control Act of 1986
Sponsor - Sen. Simpson (R) Wyoming

Last Day for Action

November 11, 1986 - Tuesday

Purpose

To control illegal immigration to the United States.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of Health and Human Services	Approval
Department of State	Approval
Department of Justice	Approval (Signing statement attached)
Department of Labor	Approval
Department of Commerce	No objection
Department of Defense	No objection
Department of the Treasury	No objection
National Security Council	No objection
Department of Education	Defers
Department of Housing and Urban Development	No comment
Small Business Administration	No comment
Council of Economic Advisers	Disapproval

Discussion

S. 1200 represents the culmination of an effort lasting almost six years to reform the immigration laws in order to curb the flow of illegal aliens into the United States. This landmark legislation would:

- o prohibit, and impose penalties for, the employment of aliens who are in the country illegally;

- o increase Department of Justice enforcement activities along the border to prevent the unauthorized entry of aliens;
- o provide for the legalization of certain aliens who have been in the country illegally;
- o appropriate funds to reimburse the States for public assistance, health, and education costs resulting from the legalization program;
- o establish programs to permit the entry of aliens for agricultural work; and
- o prohibit unfair immigration-related employment practices.

In addition, the enrolled bill would (1) require the submission of numerous reports to Congress concerning implementation of the authorities in the enrolled bill and (2) make miscellaneous immigration-related amendments.

A summary of the key provisions of the enrolled bill is contained in Attachment "A." Attachment "B" summarizes the appropriation authorizations and the appropriations contained in S. 1200.

Agency Views and Signing Statement

Although the concerned departments and agencies generally recommend approval or have no objection to approval of the enrolled bill, the Council of Economic Advisers recommends that you disapprove it. The Council recommends disapproval because, in part, the bill contains "seriously troublesome provisions that would place heavy enforcement burdens on employers, increase Federal budget costs, and implement inequitable and overly broad legalization procedures." In making this recommendation, however, the Council states that it "recognizes . . . a variety of issues must be weighed in addressing the issue of immigration and that important considerations may mitigate against our advice."

In recommending the approval of S. 1200, the Department of Justice has prepared a signing statement for your consideration. The statement, while applauding the enactment of S. 1200, notes that "there are areas which need further modification" and that the Administration will work with the Congress to resolve such problems. In addition, the proposed statement would address concerns about several constitutional aspects of the enrolled bill, and clarify the Administration's interpretation of these and other provisions.

In particular, the Statement of Legal Intent portion sets forth interpretations of various provisions concerning (1) antidiscrimination, (2) the search warrant requirement, (3) legalization, (4) the special agricultural worker program, and (5) the advisory commissions. For example, the statement indicates that while the bill prohibits certain kinds of discrimination in connection with the employment of citizens and legalized aliens, it does not "preclude employers from sometimes treating aliens differently from citizens." The statement goes on to discuss the basis for this interpretation and the types of situations where disparate treatment would be permissible.

The proposed signing statement has been forwarded for review to the Departments of Agriculture, Health and Human Services, Labor, State, Housing and Urban Development, Education, Commerce, Defense, and the Treasury, as well as the Small Business Administration, the Council of Economic Advisers and the National Security Council. Agriculture, Labor, HHS and the NSC have suggested various changes to the proposed statement, which are currently under review by Justice. We will forward any revisions to the proposed signing statement upon receipt from Justice.

Conclusion

S. 1200 incorporates difficult compromises reached by a number of divergent groups after lengthy congressional debate. As a result, the bill contains numerous provisions that we consider unnecessary, inappropriate or burdensome (e.g., the two study commissions and numerous reporting requirements). Moreover, we are particularly concerned with (1) the special agricultural worker program, (2) the Federal Government reimbursement to the States for the cost of imprisoning certain felons who are illegal aliens, (3) the overall cost of the bill (\$6.3 billion through fiscal year 1991), including \$4 billion to reimburse the States for health, education and welfare costs, and (4) the advance appropriation of funds which bypasses the appropriations and budgeting process.

Accordingly, during the next Congress we may seek amendments to these objectionable provisions, as well as others which the Justice Department addresses in its proposed signing statement, as indicated above. We expect that the concerned agencies will be considering such changes during the coming months.

We recognize, however, the fundamental importance of immigration reform and the key role that you have played in

obtaining the enactment of this important legislation. I therefore join the Departments of Justice, Agriculture, Labor, State and Health and Human Services in recommending your approval of S. 1200.


James H. D. III
Director

Enclosures

SUMMARY OF S. 1200 - THE IMMIGRATION REFORM AND
CONTROL ACT OF 1986

EMPLOYER SANCTIONS

-- Prohibitions Against Employment of Unauthorized Aliens

S. 1200 would make it unlawful for any person knowingly to hire, recruit, or refer for a fee any alien not authorized to work in the United States. The bill would also make it unlawful for a person to continue to employ an alien if the employer knows the alien is or has become unauthorized to work in the United States. Employers would be required to verify the immigration status of all newly hired persons (by examining a U.S. passport or other documents specified in the enrolled bill) and attest in writing, under penalty of perjury, to having verified that the employee is authorized to work in the United States. This requirement would be waived if an employee's status was verified by a State employment agency and the employer retained a certification which evidenced such verification. Before being hired, an employee would also have to attest in writing as to his employment eligibility.

-- Evaluation of Employment Verification Requirements

The enrolled bill requires the President to evaluate the system to verify employment eligibility and implement those changes necessary to make the system more secure, upon providing the Congress with appropriate notice. No major change (e.g., a telephone verification system) may be implemented unless Congress specifically provides funds for such purpose. The President is authorized, however, to conduct "demonstration" projects subject to limitations contained in the enrolled bill.

-- Recordkeeping Requirement

Employers would be required to retain the attestation forms and make them available to Immigration and Naturalization Service or Department of Labor personnel. "Good faith" compliance with these recordkeeping requirements would allow an employer to establish an "affirmative defense" against a charge of having violated the employer sanctions. Failure to maintain the records would, however, subject the employer to a civil fine of up to \$1,000.

-- Penalties for Hiring Violations

Employers convicted of a hiring violation would face a fine of \$250 to \$2,000 per illegal alien for the first offense; \$2,000 to \$5,000 for a second offense, and \$3,000 to \$10,000 for a third offense. Persons convicted of "pattern or practice" violations would be subject to a \$3,000 fine and six months in prison for each alien illegally employed. The bill would establish a six-month education period during which employers would not be subject to penalties, and provides that during the subsequent 12-month period a violator would be given a warning citation for the first offense.

-- Sunset Provision

The prohibitions against the employment of unauthorized aliens and related provisions would be terminated after approximately four years if (1) the Comptroller General finds that the sanctions have resulted in a widespread pattern of discrimination against citizens or eligible aliens seeking employment and (2) Congress enacts a joint resolution adopting the Comptroller General's determination. In this regard, beginning one year after the enactment of the enrolled bill, and for three years thereafter, the Comptroller General would be required to prepare an annual report to the Congress which includes (1) findings concerning implementation of the employer sanctions and (2) a specific determination as to whether such sanctions have resulted in discrimination in employment on the basis of national origin.

The report of the Comptroller General would also be reviewed by a joint task force consisting of the Attorney General, the Chairman of the Commission on Civil Rights, and the Chairman of the Equal Employment Opportunity Commission. If the Comptroller General's report finds that the employer sanctions have resulted in discrimination, the task force would be required to prepare a report to the Congress containing legislative recommendations to deter or remedy the discrimination.

INCREASED ENFORCEMENT

-- Additional Authorizations for Department of Justice

S. 1200 would authorize additional appropriations of \$422 million for the Immigration and Naturalization Service (INS) in fiscal year 1987. The Continuing Resolution for 1987 appropriated \$593 million for the INS. It would also authorize an additional \$419 million for 1988. The bill would require that a sufficient portion of these funds be used to increase the number of INS border patrol personnel by 50 percent over the 1986 fiscal year level (3,693 positions).

The Department's existing Executive Office of Immigration Review would also be authorized additional appropriations of \$12 million in fiscal year 1987. The Continuing Resolution for 1987 appropriated \$16 million for the Office. The bill would also authorize an additional \$15 million in fiscal year 1988.

S. 1200 would authorize \$35 million for an immigration emergency fund, which would be available, in part, to provide for increased border patrol or other INS enforcement activities in the event that the President determines that an immigration emergency (e.g., the 1980 Cuban boat-lift) exists.

-- Related Provisions

INS officers would be required (absent the consent of the owner) to obtain a search warrant before entering a farm or other outdoor agricultural operation in order to enforce the immigration laws. Criminal penalties for smuggling an alien into the United States would be increased, subjecting offenders to a possible five year prison sentence in addition to fines specified in applicable criminal statutes.

States would also be required to verify, through INS computer records, the legal status of all aliens applying for benefits under certain programs of public assistance. The Secretaries of the Federal departments which administer the programs subject to this requirement would be authorized to grant a waiver from this requirement if (1) compliance would not be cost effective or (2) an equally effective status verification system already exists.

LEGALIZATION

S. 1200 would legalize the status of undocumented aliens who have continuously resided in the United States prior to January 1, 1982. Aliens satisfying this and additional requirements (e.g., no felony convictions) would be granted temporary resident status. After 18 months these temporary residents could obtain permanent residence status after satisfying various requirements, including demonstration of basic citizenship skills (e.g., a minimal understanding of English and a knowledge of American history). (Generally, under existing law, a person with permanent resident status may apply for U.S. citizenship after being in such a status for a five-year period.)

The Attorney General would be authorized in his discretion to waive the citizenship skills requirement for any alien 65 years of age or older. In addition, the bill would specify that Cubans and Haitians who entered the United States prior to January 1, 1982, would be eligible for adjustment to permanent resident status if application is made within two years of enactment of this bill.

PUBLIC WELFARE ASSISTANCE AND REIMBURSEMENT TO STATES

Generally, aliens would, for the first five years of their legalized status, be barred from receiving most forms of federally-funded public assistance. An exception would permit legalized aliens to receive emergency medical care. Aliens who are aged, blind, disabled, children, or pregnant would also be able to receive assistance under Federal programs, and the bar would not apply to Cuban and Haitian entrants as defined in the bill.

The bill would appropriate up to \$1 billion a year in each of four fiscal years, beginning with fiscal year 1988, for the States' additional public assistance, health, and education costs incurred as a result of the legalization program. Payments to the States would be offset by the amount spent by the Federal Government for programs of financial, medical, and Food Stamp assistance provided to the excepted classes of newly legalized aliens. States would have to apply for the Federal payments, and the funds would be allocated according to a formula to be developed by the Secretary of Health and Human Services. Amounts paid to the States would remain available until the end of fiscal year 1994.

In addition, S. 1200 also would permanently authorize the appropriation of "such sums as are necessary" to reimburse States for the costs of imprisoning certain illegal aliens or Cuban nationals convicted of felonies. (The Attorney General would be directed to reimburse States for such costs, subject to amounts provided in advance in appropriations acts.)

TEMPORARY WORKER PROGRAMS

-- Special Agricultural Worker Provisions

S. 1200 would establish a special program to allow certain aliens who have harvested perishable commodities to be eligible to remain in the country on a permanent basis. Pursuant to the program, two separate categories of workers would be eligible for legalization.

The first category of aliens who could apply for temporary resident status would be those who have worked at least 90 days in the United States performing "seasonal agricultural services" (as defined in the bill) during the one-year period ending May 1, 1986. In general, after two years in the temporary resident status, such aliens could be adjusted to permanent resident status.

The second category would consist of up to 350,000 aliens who have performed seasonal agricultural services for at least 90 days for each year during the three-year period ending May 1, 1986. These aliens would be able to adjust to permanent resident status after having been a temporary resident for one year.

Workers in both categories would not have to remain in agricultural jobs once having received temporary resident status. All "special agricultural worker" aliens who are legalized under this program would be barred for five years from participating in the program of Aid to Families with Dependent Children, but may seek Medicaid and Supplemental Security Income benefits to the same extent as aliens legalized under the bill's general legalization program. In addition, the special agricultural worker aliens would be eligible for Food Stamp benefits, and could qualify for other forms of assistance not available to aliens under the general legalization program depending on how the bill's provision are interpreted.

Since those admitted as special agricultural workers would not necessarily choose to remain employed in agriculture, S. 1200 contains a "replenishment" program. Under the replenishment program, the Attorney General would be required (for each fiscal year 1990 through 1993) to grant temporary resident status to additional qualified aliens, if available, to replace the special agricultural workers who seek employment outside of the agricultural sector. (The number of "replenishment" workers that could receive temporary resident status would be determined pursuant to limitations specified in the enrolled bill.)

Replenishment workers would be required to work in agriculture at least 90 days each year for three years in order to avoid becoming subject to deportation. After this period, the replenishment workers would be eligible for permanent resident status. Replenishment workers who subsequently seek to become naturalized citizens must perform seasonal agricultural services for 90 days per year for a total of five years. The replenishment workers, like the agricultural workers that they replace, may seek Supplemental Security Income and Medicaid benefits. They may also participate in the Food Stamps program if eligible, but, with this exception, would otherwise be subject to the same limitations on benefits imposed under the general legalization program.

-- H-2A Temporary Agricultural Workers

The existing program to admit foreign workers into the United States on a temporary basis (the "H-2" program) would be streamlined under S. 1200. The bill would establish a new nonimmigrant category (H-2A) for the admission of temporary foreign agricultural workers, and contains administrative provisions governing the operation of the program. Included in these provisions is an expedited procedure for admitting H-2A workers when the Secretary of Labor's determination that qualified U.S. workers would be available for employment at a future date subsequently proves to be incorrect. Also, the bill would make H-2A workers eligible for legal assistance on job-related issues, such as wages and working conditions, from the Legal Services Corporation.

S. 1200 also contains a "sense of the Congress" provision which states that the President should establish an advisory commission to consult with Mexico and other appropriate countries in order to advise the Attorney General concerning the operation of the H-2A program.

-- Commission on Agricultural Workers

S. 1200 would create a Commission on Agricultural Workers to evaluate the impact of the special agricultural worker provisions as well as the availability of domestic farm labor. The Commission is to be composed of twelve members (six members would be appointed by the President, three by the Speaker of the House of Representatives, and three by the President pro tempore of the Senate). The Commission would be required to report to Congress (not later than five years after the enactment of this bill) on its findings and any recommendations concerning agricultural workers. Such sums as may be necessary are authorized for the Commission, which would expire 64 months after the enactment of this bill.

ANTIDISCRIMINATION PROVISIONS

S. 1200 would prohibit unfair immigration-related employment practices, and require the President to appoint, with the advice and consent of the Senate, a Special Counsel within the Department of Justice to investigate charges and bring complaints before an administrative law judge concerning such practices. (The bill defines "unfair immigration-related employment practice" to include discrimination against a job applicant based on the applicant's national origin or citizenship status. With respect to legalized aliens, the prohibition applies only to those who have evidenced an intention to become a citizen.) S. 1200, however, contains several exceptions to the definition, specifying that: (1) employers would not be liable for hiring citizens or United States nationals in preference to an alien if both were equally qualified and (2) the antidiscrimination provisions do not apply to employers of three or fewer persons. Persons would be authorized to file an employment practice complaint before an administrative law judge if the Special Counsel has not done so within 120 days of receiving the charge.

Penalties for employers who violate the antidiscrimination prohibitions would include fines not exceeding \$1,000 for each person discriminated against as well as a requirement to hire the person with a possible award of back pay. The antidiscrimination provisions would be subject to repeal, however, if: (1) the employer sanctions are repealed or (2) Congress passes a joint resolution containing a finding that such sanctions had (a) resulted in no significant discrimination or (b) created an unreasonable burden on employers.

REPORTING REQUIREMENTS

S. 1200 contains numerous reporting requirements. The President is required to submit to the Congress by January 1, 1989, and every three years thereafter, a comprehensive report on the impact of immigration on the United States. In addition, the President must submit various reports concerning employer sanctions, the temporary agricultural worker (H-2A) program, and the legalization program. A "sense of the Congress" provision states that the President should consult with the President of Mexico concerning the effect of the bill on Mexico, and report to the Congress any changes "that may be necessary." The Attorney General would also be required to report on the type of equipment and resources needed by the INS to carry out its responsibilities under the bill.

MISCELLANEOUS PROVISIONS

Other provisions contained in S. 1200 would:

- provide special immigrant status to certain officers and employees of international organizations (such as the United Nations and the World Bank) and their immediate families, thereby permitting these persons to remain in the United States after completion of employment with these organizations;
- permit certain natural fathers of children born out of wedlock to petition for the admission of such children to the United States;
- adopt a "sense of the Congress" that political prisoners from Cuba should be admitted to the United States;
- authorize the Attorney General and the Secretary of State to establish a three-year pilot program for up to eight countries allowing nonimmigrant visitors to enter the United States for up to 90 days without first obtaining a visa, and require the Attorney General and Secretary of State to report to the Congress on program results and recommendations for its extension;
- increase the legal immigration ceilings for colonies from 600 to 5,000 (this provision anticipates additional persons seeking to immigrate to the United States when Hong Kong becomes part of the Peoples Republic of China);
- require the Attorney General to begin deportation proceedings as expeditiously as possible when aliens have been convicted of deportable offenses; and

- require the Secretary of Defense to provide the Attorney General with a list of Defense Department facilities that could be made available to the Bureau of Prisons for incarceration of aliens subject to deportation or exclusion.

Finally, S. 1200 would establish a Commission for the Study of International Migration and Cooperative Economic Development, which, in consultation with the governments of Mexico and other appropriate countries in the Western Hemisphere, would examine (1) the conditions which encourage aliens to illegally enter the United States and (2) the use of reciprocal trade and investment programs to alleviate such conditions. The Commission's 12 members (three members would be appointed by the Speaker of the House of Representatives, three members by the Minority Leader of the House, three members by the Majority Leader of the Senate and three members by the Minority Leader of the Senate) must be appointed within 90 days after the enactment of this bill. Not later than 3 years after the appointment of its members, the Commission would be required to report its findings and recommendations to the Congress. The bill authorizes "such sums as may be necessary" for the Commission, which would be terminated not later than 30 days after its report is submitted.

ATTACHMENT B

S. 1200 - The Immigration Reform and Control Act of 1986
(Budget Authority in Millions)

<u>Authorized Amounts</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>Total 1988-1991</u>
Health, Welfare & Education (Reimbursement to States) <u>1/</u>	--	1,000	1,000	1,000	1,000	4,000
Immigration & Naturalization Service <u>2/</u>	422	419	424	428	431	2,124
Executive Office of Immigration Review <u>2/</u>	12	15	16	17	18	78
Department of Labor - Wage & Hour Division	10	10	10	10	10	50
Immigration Emergency Fund	<u>35</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>35</u>
Total <u>3/</u>	479	1,444	1,450	1,455	1,459	6,287

- 1/ Includes State general assistance, public health, and education costs, and for those exempt from the bar on Federal benefits, Food Stamps, Medicaid, Supplemental Security Income and Unemployment Compensation. (S. 1200 actually appropriates the amounts shown.)
- 2/ Although only specifically authorized for 1987 and 1988, these additional costs can be expected for several years.
- 3/ Additional items were authorized on a "such sums as necessary" basis. One of the most costly is expected to be the reimbursement to the States for incarcerating felons who are illegal aliens or Mariel Cubans. Justice estimates these cost at about \$200M per year.

THE WHITE HOUSE
WASHINGTON

January 13, 1987

TO: ROBERT M. GATES
ACTING DIRECTOR, CENTRAL INTELLIGENCE AGENCY

ALAN C. NELSON
COMMISSIONER, IMMIGRATION AND NATURALIZATION
SERVICE

EDWIN MEESE, III
ATTORNEY GENERAL OF THE UNITED STATES

DETERMINATION PURSUANT TO SECTION 403h,
TITLE 50, UNITED STATES CODE

On Monday, January 12, 1987, after becoming aware of the plight of Mrs. Anne Brusselmans, the President initiated contacts with the Central Intelligence Agency, the Immigration and Naturalization Service, and the Department of Justice in order to accomplish, as soon as practicable, the granting to her of permanent resident status in the United States.

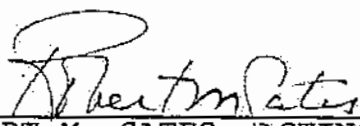
Mrs. Brusselmans, 81, was a leader in the "underground railroad" which helped downed U.S. and Allied flyers escape from Nazi-occupied Belgium during World War II. At great personal risk, she ran a spy network that fed intelligence about German troop movements to the Allies in England and helped Jews by providing them with phony papers. She is credited with saving more than 200 pilots, subjecting herself and her family to serious hazard in the process. The Nazis issued a death warrant for her when her activities were discovered, but she proceeded nonetheless. At the conclusion of the war, she was awarded several honors from the Allied countries, including the Medal of Freedom.

For six years, Mrs. Brusselmans has sought permanent resident status so that she may live the remainder of her life with her daughter in Florida. Although an effort was made to introduce legislation to make her a citizen, it was stalled in a congressional committee. Last month, upon learning that she would soon be forced to leave America, she suffered a heart attack and her doctors feel she has perhaps two years to live.

In view of the foregoing, the President believes that Mrs. Brusselmans is eligible for permanent resident status pursuant to the procedures set forth in § 403h, Title 50, United States Code, which authorizes the Director of Central Intelligence Agency, the Attorney General, and the Commissioner of Immigration to determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission. The President has asked that a decision be reached in this matter as quickly as possible. If you concur in the recommended determination, please so indicate by your signature below and immediately forward this document to the remaining addressees above so that they may make their decisions. Thereafter, this document should be returned to the Counsel to the President.

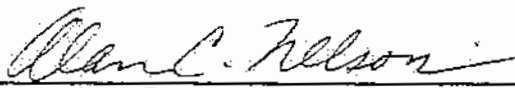
The undersigned concur in the determination that the entry of Mrs. Anne Brusselmans into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission:

Dated: January 13, 1987



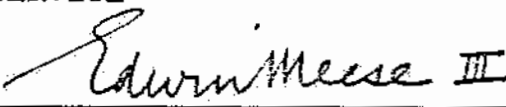
ROBERT M. GATES, ACTING DIRECTOR
CENTRAL INTELLIGENCE AGENCY

Dated: January 13, 1987



ALAN C. NELSON, COMMISSIONER
IMMIGRATION AND NATURALIZATION
SERVICE

Dated: January 13, 1987



EDWIN MEESE, III, ATTORNEY GENERAL
OF THE UNITED STATES

THE WHITE HOUSE

WASHINGTON

January 14, 1987

Dear _____:

Today, by administrative action, Anne Brusselmans has been granted permanent residence in the United States. This is an important first step on the road to full citizenship.

Anne Brusselmans is a courageous woman to whom this country owes a great debt of gratitude. From 1941 to 1945, she helped run the "Comet Escape Line" from Nazi-occupied Belgium to England, through which hundreds of American and Allied pilots shot down behind enemy lines made it to safety. She ran a spy network that provided intelligence on Nazi troop movements to the Allies, and helped Jews by providing them with forged documentation. She fed and clothed American, British and Australian flyers and hid them in her small Brussels apartment, all at great risk to herself and her family.

After the war her daughter, Anne, moved to America. Mrs. Brusselmans, now 81 with a bad heart, has for the last six years worked unsuccessfully to attain the legal privilege of permanently joining her daughter here in this country. It is ironic that America, which has seen fit to bestow upon Anne Brusselmans the Medal of Freedom for her extraordinary contributions to our nation, has yet to grant her the simple rights of citizenship that we all enjoy, and that she so valiantly defended. I believe there is no one among us more worthy of the rights of full United States citizenship than Anne Brusselmans. She has earned it.

Several Members of Congress have already recognized the merits of Mrs. Brusselmans' case. As a result of the attention that they focused on her, and the actions the Administration has taken today, her goal of becoming a permanent legal resident of the United States has been realized. But our task will not be complete until we see to it that one so deserving as she can enjoy all of the benefits of American citizenship. I now urge you and each of the Members of the House and Senate to quickly pass legislation that will complete the process of granting full citizenship to Anne Brusselmans.

Sincerely,