

Ronald Reagan Presidential Library  
Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Anderson, Martin: Files  
**Folder Title:** Immigration and Refugee Policy,  
President's Task Force on (3)  
**Box:** 19

---

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: [reagan.library@nara.gov](mailto:reagan.library@nara.gov)

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>



---

# Report of the President's Task Force on Immigration and Refugee Policy



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

June 26, 1981

MEMORANDUM FOR THE PRESIDENT

FROM: The Attorney General

SUBJECT: Report of the Task Force on  
Immigration and Refugee Policy

I am pleased to transmit to you the Report of the Task Force on Immigration and Refugee Policy. The Task Force, established by you on March 6, includes the Secretaries of State, Defense, Education, Labor, Health and Human Services, Transportation, the Treasury, the Directors of OMB and the Federal Emergency Management Agency, and Frank Hodsoll. You asked that we review the entire range of immigration and refugee policies and programs and to report to you regarding alternatives and our recommendations.

The attached Report contains decision packages in four areas: (i) the Cuban-Haitian problem, (ii) legal immigration and refugee admissions, (iii) illegal immigration, and (iv) refugee benefits and services. A separate decision package is being prepared on management and organization issues. The four packages are legally and politically interconnected, and can most appropriately be considered only as component parts of an overall policy.

Pressures to immigrate to the United States continue to increase at a time of inflation, unemployment, and necessary cuts in social programs. Immigration is pushed by poverty and unemployment in the sending countries, particularly Mexico, and pulled by the ease of entry and offers of work in this country at relatively high wages.

Americans perceive this as a major problem. Concern has been heightened by the mass influx of Cubans and Haitians into south Florida, and the continuing arrivals of refugees from other parts of the globe. Polls show 91% of Americans favor an "all out effort" to stop illegal immigration. Concern carries over to the level of legal immigration, which is the highest of any country in the world. Individuals and groups of varying political persuasions alike call for greater restriction.

Immigration policy is, in large measure, "no win." Improved policies cannot entirely solve the problem, and will most certainly prompt criticism from one quarter or another. Nonetheless, the Task Force has rejected the status quo. To do so would constitute acquiescence in lack of border control, and acknowledgement of unwillingness to enforce the law. This would be intolerable. A great country should be able to enforce its borders.

A summary of the Task Force recommendations follows. Many of these proposals will be controversial, but we believe that, as a package, they constitute a balanced, fair and workable framework for our national immigration policy.

*William Louis Swift*

## SUMMARY OF TASK FORCE RECOMMENDATIONS

### I. Cubans and Haitians

#### 1. Legal Status.

Seek legislation (1) to authorize Cubans and Haitians who arrived before October 10, 1980, to apply for permanent resident status after residing here for two years, and (2) repeal the 1966 Cuban Adjustment Act; but

Maintain the Cuban entrants who are serious criminal offenders or mentally ill, or who cannot for other reasons safely be released into the community, in appropriate custodial facilities pending their repatriation to Cuba.

#### 2. Domestic Enforcement Measures.

Propose legislation (1) to prohibit bringing undocumented aliens to the U.S.; (2) to prohibit, in Presidentially-declared immigration emergencies (e.g. during a "Freedom Flotilla") U.S. citizens from traveling to designated foreign countries in a U.S. flag vessel; and (3) to strengthen existing authority for the seizure and forfeiture of vessels used in violation of the immigration laws.

#### 3. Reform Of Exclusion Proceedings.

Propose legislation to reform and expedite exclusion proceedings. Applications for asylum would be heard before newly established INS asylum officers and could be appealed to the Attorney General. Exclusion hearings would be confined to the question whether the alien had adequate documentation.

#### 4. Foreign Policy Measures.

Pursue this year international negotiations (1) to provide additional resettlement opportunities for Haitians in Western Hemisphere countries; (2) to obtain Haitian cooperation in restraining illegal immigration of its nationals to the U.S.; and (3) to discourage third countries from serving as conduits for illegal immigration into the U.S. Consider diplomatic measures to secure the return of the criminals, mentally ill, and anti-socials who arrived in the Mariel boatlift.

5. Contingency Planning.

Seek legislative and budgetary authority (1) for the President or his delegate to direct federal agencies to take necessary actions, including the establishment of holding centers; (2) to reimburse state and local governments for certain authorized expenditures resulting from the emergency; and (3) establishing an emergency immigration and refugee fund of \$100 - 200 million and permitting agencies in an emergency, to reprogram existing immigration and refugee funds.

Identify suitable facilities to hold 10,000 to 20,000 people; plan for activation of the facilities on short notice, but maintain the facilities on an inactive basis prior to an emergency.

6. Enforcement Options.

Seek legislation authorizing the President to direct the Coast Guard to assist foreign governments that request such assistance to interdict on the high seas their flag vessels suspected of attempting to violate U.S. law. U.S. would negotiate agreement providing for cooperation in enforcing U.S. and Haitian laws. A strategy of selective interdiction would be devised requiring modest resources (\$10 M per year, probably offset by reduced welfare and resettlement costs) and no significant diversion from drug enforcement and search and rescue operations.

Detain undocumented aliens upon arrival pending exclusion or granting of asylum. This requires facilities with a capacity of 5,000 - 10,000 assuming more rapid exclusion hearings and high apprehensions.

II. Immigrant and Refugee Admissions

1. Admissions.

Maintain numerical limitations for existing preference categories, but (1) increase the ceiling from 270,000 to 310,000 to allow 40,000 visas/year to Mexico and Canada, and (2) increase the ceiling by an additional 100,000/year (for 5 years) to reduce backlogs.

Continue to admit immediate relatives of U.S. citizens outside of numerical limitations (expected 150,000 but increasing.)

Continue to admit refugees subject to annual Congressional consultations, in accordance with the Refugee Act of 1980.

2. Composition.

Increase Mexican and Canadian per country ceilings to 40,000 each with the unused portion of either country's ceiling being available to the other country.

III. Illegal Immigration

1. International Cooperation.

Negotiate with Mexico (1) joint prevention of third country nationals crossing Mexico to enter the U.S. illegally, (2) increased cooperation in the border areas, (3) labor-intensive developmental projects in principal Mexican "sending" states (perhaps with matching U.S. AID funds).

2. Enforcement of Existing Statutes.

Moderately increase in INS (\$54 million) and DOL \$12.7 million) enforcement. Expected additional 184,000 INS apprehensions; expected 24,000 additional DOL compliance actions covering 312,000 underpaid workers. Increased costs could be partly offset by fees.

3. Employer Sanctions.

Propose legislation prohibiting employers (4 or more employees) from "knowingly" hiring illegal aliens. Provide civil fines \$500 - 1,000; injunctions where "pattern or practice". Good faith reliance on existing documentation (including more secure Social Security card) is a defense.

4. Temporary Worker Program.

Propose legislation to establish new experimental program for Mexican nationals (for a 2-year trial period, 50,000 visas per year maximum). The program would exclude jobs in a state where it certified there was an adequate supply of American workers. DOL would allocate the national ceiling among affected states.

5. Legalization.

(a) Permit illegal aliens continually resident in the U.S. for at least 5 years to apply for permanent resident status. Estimated 1.2 million people eligible. (b) Grant temporary worker status to illegal aliens continuously resident in the U.S. for at least 3 years. Eligibility for permanent resident status after 5 years. Estimated 1.5 million aliens eligible.

IV. Benefits and Services for Refugees and Asylees

For FY 1982 and 1983, continue the present categorical programs but reduce the level of cash assistance payments to refugees who do not qualify for AFDC or other welfare programs. HHS will explore possible impact aid options and ways in which medical assistance can be separated from cash assistance. HHS and the Office of the Coordinator will explore instituting a separate health care program for refugees, possibly on a pilot basis, after FY 1982.





I. Cubans and Haitians.

A. Background.

The 1980 "Mariel boatlift" brought a wave of 125,000 Cubans to south Florida; over 24,000 were criminals, mentally ill or otherwise maladjusted. Most have been resettled. But 1,800 criminals remain in the Atlanta federal prison, and about 1,700 social misfits and mentally ill remain at Fort Chaffee, Arkansas. Cuba has thus far refused to accept back these undesirables, most of whom are "excludable" from the U.S. under law. CIA estimates an additional 200,000 Cubans could come to the U.S. if Castro reopened the port of Mariel for this purpose.

There is also a continuing migration to Florida of undocumented Haitians (35,000 now here; 1000-1500/month still arriving). This seriously impacts Florida. Although Haiti is willing to accept back Haitians deported by the U.S., exclusion proceedings have been blocked by litigation. While State believes that few Haitians are entitled to asylum under current law, the U.S. District Court for Southern Florida believes the Haitians would be persecuted on return. Exclusion proceedings are currently being instituted against new Haitian arrivals, but legal challenges are expected to continue.

B. Options and Recommendations.

Presidential decisions are needed as follows:

(1) What do we do with the 160,000 Cubans and Haitians now here, including criminals, mental cases, and social misfits?

(2) What policy should the Administration pursue with regard to future arrivals?

1. Legal Status.

Carter established a new category, "Cuban/Haitian entrants" for those arriving on or before October 10, 1980; this provided for these people to remain temporarily pending legislation to permit permanent residence. Legislation

introduced in the last Congress was not acted upon. The temporary status expires July 15, 1981. Without further legislation, Cubans (but not Haitians) can apply for permanent resident status under the Cuban Refugee Adjustment Act of 1966, after residence here for one year. Applications under this Act have been deferred pending this report.

Mass deportations would not be in the national interest. With the exception of the criminals, mentally ill, and the misfits at Fort Chaffee, Cuban/Haitian entrants should be permitted to remain. Cuba will not likely accept its nationals' return; and since most of the Cubans have been resettled, many with relatives, and are becoming productive members of society, their involuntary return to Castro would be highly controversial. Although the Haitians could theoretically be deported, the administrative burden would be enormous, and we would be criticized for treating them less favorably than the Cubans.

RECOMMENDATION (All Agencies)

That the Administration seek legislation (1) to authorize Cubans and Haitians who arrived before October 10, 1980, to apply for permanent resident status after residing here for two years, and (2) repeal the 1966 Cuban Adjustment Act; but

That the Cuban entrants who are serious criminal offenders or mentally ill, or who cannot for other reasons safely be released into the community, should not be given permanent resident status. Such persons should be maintained in appropriate custodial facilities pending their repatriation to Cuba.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

2. Domestic enforcement measures.

In the course of the Mariel boatlift, it became apparent that U.S. laws intended to deter bringing undocumented aliens into the U.S. are inadequate. Criminal penalties and forfeiture of vessels used to bring aliens to the United States would help avoid future mass migrations.

RECOMMENDATION (All Agencies)

That the Administration propose legislation to prohibit bringing undocumented aliens to the U.S.; to prohibit, in Presidentially-declared immigration emergencies (e.g., during a "Freedom Flotilla") U.S. citizens from traveling to designated foreign countries in a U.S. flag vessel; and to strengthen existing authority for the seizure and forfeiture of vessels used in violation of the immigration laws.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

3. Reform of Exclusion Proceedings.

Exclusion and deportation proceedings are subject to lengthy delays. The current legal framework provides for a quasi-judicial hearing and a right to both administrative and judicial appeals, after time-consuming referrals to State for advice on whether the alien is entitled to asylum. Not necessary for a fair hearing, these procedures are completely unworkable in the event of a mass inflow.

RECOMMENDATION (All Agencies)

That the Administration propose legislation to reform and expedite exclusion proceedings. Applications for asylum would be heard before newly established INS asylum officers and could be appealed to the Attorney General. Exclusion hearings would be confined to the question whether the alien had entered the U.S. with adequate documentation.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

4. Foreign Policy Measures.

A number of diplomatic measures should be pursued to help curtail illegal immigration from Cuba and Haiti.

RECOMMENDATION (All Agencies)

That the Administration pursue this year international negotiations (1) to provide additional resettlement opportunities for Haitians in Western Hemisphere countries; (2) to obtain Haitian cooperation in restraining illegal immigration of its nationals to the U.S.; and (3) to discourage third countries from serving as conduits for illegal immigration into the U.S. And that the Administration consider diplomatic measures to secure the return of the criminals, mentally ill, and anti-socials who arrived in the Mariel boatlift.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

5. Contingency Planning.

The most significant lesson from last year's mass arrivals in Florida was the need to plan for such contingencies. Carter had neither a consistent policy nor an orderly way of implementing decisions. Contingency planning involves both management and policy issues. Management issues are discussed in a separate memorandum. This paper asks only for decisions on (1) legal and budgetary authority, and (2) facilities to deal with future mass influxes.

Clear legislative authority is needed to authorize federal agencies to respond quickly in a coordinated way to any future immigration emergency. Budgetary authority to fund emergency operations also is required. The prior Administration was hindered during the Mariel boatlift by the absence of these authorities. In the aftermath of Mariel, the Fascell-Stone Amendment was enacted, providing you with authority to respond to inflows of Cubans or Haitians. This authority should be extended beyond Cuban and Haitian inflows, to any immigration emergency.

Also, facilities are needed to hold mass arrivals pending processing and legal proceedings. The prospect of indefinite detention may be an added deterrent to future flows. Most suitable sites are excess military facilities. The cost of setting up a camp facility typically has averaged \$10 to \$20 million. The per capita daily operating cost would range from \$10/day to \$50/day, depending on the degree of security. Justice has reviewed an inventory of potential sites.\*

RECOMMENDATION (All Agencies)

That the Administration seek legislative and budgetary authority (1) for the President or his delegate to direct federal agencies to take necessary actions, including the establishment of holding centers;\*\* (2) to reimburse state and local governments for certain authorized expenditures resulting from the emergency; and (3) that there be established an emergency immigration and refugee fund of \$100-200 million and that, in an emergency, agencies also be authorized to reprogram existing immigration and refugee funds.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

---

\* On the basis of the recent inventory, the following sites have been identified, Ellington Air Force Base, outside of Houston; Fort McCoy, Wisconsin; Hamilton Air Force Base, California; Craig Air Force Base, Alabama; Roanoke Rapids Radar Station, North Carolina; and Glasgow Air Force Base, Montana.

\*\* The Department of Defense (DOD) believes that the proposal to expand and make permanent the Fascell-Stone amendments would perpetuate much of the confusion and delay which characterized last year's handling of the Cuban and Haitian influx. Instead of waiting for the uncertain outcome of what DOD regards as a questionable legislative proposal, DOD recommends that the President clearly designate a single federal agency as being responsible for handling a future refugee and immigration crisis. That agency, in turn, should then quickly reorder its internal priorities, make standby arrangements with contractors and voluntary agencies, and take whatever other steps are needed to cope with a mass influx.

That the Administration identify suitable facilities to hold 10,000 to 20,000 people; that plans be made for activation of the facilities on short notice, but that the facilities remain inactive prior to an emergency.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

6. Enforcement Options.

Three enforcement options are presented involving (1) interdiction by the Coast Guard of illegal aliens traveling to the U.S. by sea, and (2) detention upon arrival of those apprehended, pending deportation or asylum.

OPTION I [Status Quo]

The Administration would continue current practices of (1) not interdicting illegal aliens at sea; and (2) only initially detaining aliens, followed by their release into the community with the right to work pending asylum or exclusion.

Analysis:

This option avoids the disadvantages of interdiction or detention in Options II and III.

But failure to interdict or detain will not deter illegal immigration. Release into the community with work authorization encourages such immigration and aggravates the adverse impact on south Florida. It treats Haitians more favorably than other illegal aliens, e.g., Mexicans. A non-enforcement policy will cause an outcry in Florida. Governor Graham appears prepared to capitalize on the circumstances. Senator Hawkins is placed in a difficult situation. Pro-enforcement Members of Congress also disfavor a "do-nothing" approach.

None of your advisers recommend this approach.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

OPTION II [Status Quo Plus Limited Interdiction at Sea]

As in Option I, the Administration would continue a policy of non-detention. But the Administration would seek legislation to authorize the President to direct the Coast Guard to assist foreign governments that request such assistance to interdict on the high seas their flag vessels suspected of attempting to violate U.S. law. U.S. would negotiate agreement providing for cooperation in enforcing U.S. and Haitian laws. A strategy of selective interdiction would be devised requiring modest resources (\$10 M per year, probably offset by reduced welfare and resettlement costs) and no significant diversion from drug enforcement and search and rescue operations. Interdiction would be conducted only as directed by those responsible for crisis management, and not as standard Coast Guard procedure.

Analysis

This option may deter continuing flows from the Caribbean and is estimated to decrease inflows into south Florida by at least 1200/year. It would demonstrate a commitment to enforcement without risking the cons incidental to extended detention, and thus help diffuse the current political situation in south Florida.

But interdiction could result in an ugly incident with Haitians jumping overboard or otherwise being injured or killed and the Coast Guard getting the blame. Black Caribbean and African nations might react adversely. It could set an international precedent for turning away "boat people." Even with authorizing legislation, U.S. Coast Guard might be sued for abridging rights of potential asylees. Liberals, blacks, and church and human rights groups would strongly oppose.

This approach is recommended by Transportation and Frank Hodsoll.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_



OPTION III [Limited Interdiction at Sea Plus Detention]

As in Option II, the Administration would pursue a limited interdiction policy. Also, we would detain undocumented aliens upon arrival pending exclusion or granting of asylum. This requires facilities with a capacity of 5,000-10,000 assuming more rapid exclusion hearings and high apprehensions. Capacity requirements and costs would be reduced if detention deterred further flows, but would increase if exclusion proceedings were plagued by litigation and other delays. (The estimated cost of a detention facility is \$30-60 million annually and \$10-15 million in start-up costs. Estimated welfare and resettlement savings would be \$45 M per year.)

Analysis

This option would bring Haitian policy in line with that regarding others who enter the U.S. illegally (e.g., Mexicans, El Salvadoreans, and other Central Americans). Detention could deter continuing illegal immigration reducing adverse community impacts. It would demonstrate a major commitment to enforcement, and would prevent aliens from disappearing prior to exclusion hearings.

But detention risks camps overflowing because of procedural delays. The community in which the detention facility is located could create a greater political problem (e.g., as at Fort Chaffee, Arkansas) than dispersion of the aliens into the community. Detention could cause illegals to go underground; this could pose an even greater burden to local communities and states since Federal reimbursement of welfare and medical expense and voluntary agency services would not automatically be available. Detention could create an appearance of "concentration camps" filled largely by blacks.

State, Justice, Treasury, Labor, and HHS recommend this approach.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_



## II. Immigrant and Refugee Admissions.

There are two issues for decision: (1) What should be the annual levels of legal immigrant and refugee admissions? and (2) How should the composition of immigrant and refugee admissions be determined? In answering these questions, one has to consider the impact of illegal immigration.

### A. Background.

Under current law individuals enter the United States legally for permanent residence in one of three categories: (1) immigrants subject to an annual worldwide numerical ceiling of 270,000; (2) immediate relatives of U.S. citizens not subject to any numerical limitation; and (3) refugees. All three categories combined contribute approximately one-fourth of the total U.S. population growth annually. This nearly doubles when illegal immigration is added. Further, the impact is much greater in some states; over 70 percent of all new immigrants move to six states -- California, New York, Florida, New Jersey, Illinois and Texas.

#### 1. Immigrants.

Until the late 1800s no limits existed on immigration into the United States. Thereafter Congress passed a series of restrictions culminating in the national origins quota system of the 1920s. This system explicitly favored Northern and Western Europe and the Western Hemisphere (on which no restrictions were placed). In 1965 Congress established the present system; Western Hemisphere immigration was restricted for the first time and, in the Eastern Hemisphere, the national origins system was replaced by equal country ceilings (20,000 per country) with preference for family reunification. The country ceilings were extended to the Western Hemisphere in 1976 (causing particular hardship to Mexico).\* While this system de facto favors the developed Western world (where by the 1960s political and economic conditions no longer pushed immigration to the U.S.), developing world push has in fact resulted in the majority of immigrants in the 60s and 70s coming from Latin America and Asia. Current demand far outruns available legal immigration; this creates backlogs within particular countries (e.g., Mexico, China, Philippines, Korea) which increases pressures for illegal immigration.

---

\* Presidents Ford and Carter both endorsed legislation to increase the Mexican quota, but no action was taken.

The current worldwide legal immigration is 420,000; 270,000 subject to the ceiling plus an average 150,000 "immediate relatives" of U.S. citizens (spouses and children, and parents of adult citizens). 87 percent of current immigrants are relatives of American citizens and lawful permanent residents. The remainder is divided evenly between professionals and workers with certified job offers.

## 2. Refugees.

During the period of open immigration, no distinction was made between normal immigration and refugees from political persecution. When immigration was restricted in the 1920s, no special provision was made for refugees, and in 1939 Congress rejected the rescue of children from Nazi Germany. After World War II, a variety of ad hoc measures were used to admit refugees outside of annual quotas; these were primarily aimed at rescuing particular categories of victims of Communism. Finally, in 1980, Congress passed the Refugee Act to provide a "comprehensive and longterm policy."

The 1980 Act adopts, in large part, the definition of "refugee" agreed to by the U.S. as a party to the UN Protocol Relating to the Status of Refugees: a person outside the country of his nationality who is unable or unwilling to return to, or avail himself or herself of the protection of, that 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.

The Act provides for (1) authority for regular and emergency admission of refugees and for federal assistance to the States for refugee resettlement; (2) annual Congressional consultations to set the level of refugee admissions and their allocation among countries; and (3) a U.S. Coordinator for Refugee Affairs. The FY 81 ceiling was 217,000. (77% Indochinese, 17% Soviet and East European, 6% other). Total FY 81 resettlement costs were budgeted at \$555.7 million.

In addition to the refugee admissions program, the U.S. Government funds, manages and monitors bilateral and multi-lateral overseas refugee relief programs (\$330 million in

FY 81). U.S. and UN policy is to seek first voluntary repatriation, second assimilation into the first asylum country or as a last resort resettlement in a third country.

While the U.S. admits only a small percentage of the world's total refugees (estimated at 16 million), we are in fact in FY 81 resettling 60% of all the Indochinese and 70% of the Soviet Jews who will be resettled in third countries. Among the many refugee groups, we identify those of special humanitarian concern or ties to the U.S. (Vietnamese, Laotians, and Cambodians because of our involvement there, Jews from the Soviet Union and Eastern Europe). Other countries pursue similar policies.

B. Options

Detailed descriptions of the options are attached; all require legislation.

All of the options have similar demographic consequences. Unless illegal immigration (current high estimate 500,000/year net) is curtailed, U.S. population will increase by 2030 from 227 million (including the 3-6 million illegals presently in the U.S.) to 298-306 million (Option I vs. Option III); 18-20% of that population will be immigrants or descended from immigrants since 1980; 14-15% will be Hispanic (vs. 6.5% now). If, on the other hand, illegal immigration can be cut to, say, 100,000/year, U.S. population in 2030 would be approximately 25 million less; only 10-12% would be immigrants or descended from immigrants since 1980; the Hispanic proportion would be 9-12%.

OPTION I [An approach more restrictive than the status quo, similar to legislation introduced by Senator Huddleston]

---

A. Admissions

- All inclusive legal cap: 470,000 (including current preference cap 270,000; normal immediate family admissions 150,000; and 50,000 refugees)
- Refugee mortgage: Borrow from future years for refugee emergencies

B. Composition

- Status Quo
- Maximum 20,000/country (except immediate relatives of U.S. citizens)
  - 80% to family preferences; 20% to occupational preferences (half to professionals/half to non-professionals) individually certified by DOL as not displacing or adversely affecting American workers.

Analysis

This option establishes clear admissions levels and responds to restrictionist and refugee-impacted area sentiment. Simpson and Huddleston favor it, but Huddleston would set the cap at 350,000.

But, the overall cap is highly controversial. And in the case of neighboring countries, the option provides no alternative to illegal immigration; it reduces our ability to cut backlogs creating added pressures for illegal immigration and to respond to refugee emergencies. It could create tensions between immigrant and refugee groups, and between relatives of U.S. citizens and other immigrants because of the mortgage provision. It also maintains equal limitations on all countries, without regard to size, demand, proximity to the U.S., or threat of illegal immigration.

None of your advisers recommend this approach, although Senator Simpson is leaning in this direction.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

OPTION II [Status quo plus relief of backlogs and Mexican/Canadian preference]

---

A. Admissions

Approximately 740,000 in FY 82; reducing to 640,000 in FY 84 and 540,000 in FY 87.

-- Cap only for preference categories

410,000 for next 5 years to reduce backlogs; then back to 310,000. The additional 100,000 would be allocated over and above current per country ceilings proportional preferences.

-- Immediate Family Admissions

No limit; 150,000 expected.

-- Refugee admissions subject to annual Congressional consultations

187,000 in FY 82; expected to decline significantly by FY 84 (unless there is a major disruption somewhere in the world).

B. Composition\*

Status Quo, but:

- increase Mexican and Canadian per country ceilings to 40,000 each with the unused portion of either country's ceiling being available to the other country. These ceilings would be independent of the system for the rest of the world.

---

\* The Task Force had originally recommended prospective elimination (after clearance of backlogs) of the preference for brothers and sisters of adult U.S. citizens. The purpose was (i) to eliminate exponential increases caused by this preference consonant with American views of a nuclear family and (ii) to expand slots available for workers. We ultimately rejected moving forward with this now; our attempt to eliminate this preference could distract from the political focus on illegal immigration and not in the end result in increased immigration by workers.

Analysis

This option continues current overall restrictions and flexibility regarding refugees while providing for a temporary boost to relieve backlogs which push illegal immigration [treating potential legal immigrants at least as favorably as illegal immigrants who might be legalized (see below)]. More importantly, the option recognizes the unique relationship with our two neighbors, the fact of common borders, and the need to provide at least a partial alternative to illegal immigration. Targeting Mexico focuses the alternative on the country where the problem is, and will likely remain, the greatest. Organized labor has in the past gone along with higher ceilings for Mexico and Canada.

But the option does not assure an overall limit on immigration, and continues to favor relatives over independent immigrants whose skills we may need. And, its temporary boost of 100,000/year can be attacked as too liberal in a time of unemployment and cuts in domestic programs. It also favors two countries over others, presenting diplomatic problems.

The option represents a balanced compromise between continuing restrictions, economic needs and expediency. All of your advisers recommend this approach, although the Hill and the public will require some persuading.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_



OPTION III

[The Select Commission: more liberal than Option II]

---

A. Admissions

Approximately 800,000 in FY 82; reducing to 700,000 in FY 84 and 600,000 in FY 87.

Same as Option II, but (i) add 80,000/year for preference categories and 5-10,000/year for grandparents, and (ii) no additional visas specifically for Mexico and Canada.

B. Composition

Status Quo, but:

- also exclude from per country ceilings spouses and minor children of permanent residents.
- 71% (vs. 80%) to family preferences; 70% of this to close relatives of permanent residents.
- 29% (vs. 20%) to workers in occupations not on a list of excluded occupations for which DOL has determined there to be sufficient U.S. workers.

Analysis

This option would go further than Option II in relieving potential future backlogs and providing for independent immigrants with needed skills. It applies equally to all countries.

But it also goes further than Option II in being liberal at a time of unemployment and cuts in domestic programs. It does not target the Mexican problem. Its expanded preference for immediate relatives of permanent residents and grandparents only marginally impacts illegal immigration. Its expanded allocation for workers may have little impact; there are few backlogs in the worker preference categories. The proposed streamlined labor certification will not likely be accepted by DOL or Congress.

None of your advisers recommend this approach.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

Illegal Immigration

### III. Illegal Immigration

#### A. Background.

Net inflow of illegal aliens into the United States each year is estimated to be 250-500,000. Gross illegal immigration is perhaps 1.5 to 2 million annually, but many do not remain permanently. The total number who now reside here illegally is estimated to be 3 to 6 million. About half of the flows and illegals here is thought to be Mexican. An additional 25%-35% may come from other Latin American and Caribbean nations; the remainder come primarily from Asia. More than half of the illegal immigration occurs through surreptitious entries across the borders; the rest is accounted for by aliens who overstay their visas or enter with fraudulent documents. During FY 79, 1,069,400 illegal aliens were apprehended (92% at or near the Mexican border), a dramatic increase from the 50,000 apprehensions in 1964.

Illegal immigration results from poverty and unemployment in developing countries, higher U.S. wages, ease of travel and entry into the U.S., and the availability of employment here (it is now legal to employ an illegal alien). The Mexican case is exemplary, its population may double in the next two decades; one-sixth of the population is unemployed or under-employed; U.S. jobs pay 7 times as much as in Mexico; where there have been networks of trans-border relationships for generations.

Illegal immigrants once were concentrated in agricultural employment in the southwest States, but now reside in all regions of the U.S. Only 15% are estimated to work in agriculture. 50% are employed in service jobs and approximately 30% in blue collar jobs.

The economic and fiscal effects of illegal aliens are disputed. However, while there is no clearcut evidence either way, there may be some displacement and depressing effect on the wages of U.S. workers. Most studies indicate that illegal aliens generally do not participate in cash-assistance welfare programs, but do place some burden on public medical and educational services. Illegal aliens in the non-agricultural sectors appear to comply by-and-large with tax payment obligations, including social security.



#### IV. Benefits and Services for Refugees and Asylees.

##### A. Introduction.

This section addresses the financial assistance and social service benefits available to refugees, asylees, and applicants for asylum. Many of these people are not immediately self-supporting; they require governmental assistance during a period of adjustment. Since these people are admitted as a matter of national policy, the federal government has assumed a special responsibility for them.

##### B. The Current Program.

Federal assistance to refugees primarily involves two major programs:

1. Resettlement Grants. The refugee program relies heavily on private voluntary resettlement agencies, such as the U.S. Catholic Conference. These agencies, working with the State Department, locate sponsors and resettlement opportunities, and take responsibility for the refugee's initial reception and placement. They do this for per capita grants of \$365 to \$525 per refugee although resettlement agencies often expend more than that in resettling refugees, and in both the Indochinese and Cuban/Haitian programs have demonstrated their ability to respond quickly. We should, for these reasons, continue their federal support and encourage their increased involvement.

2. Reimbursement of States. Once situated, refugees may require further assistance. The Refugee Act of 1980 provides full federal reimbursement of cash and medical assistance to refugees and asylees for 36 months after entering the U.S. Federal refugee assistance is more generous than for Americans -- it provides welfare assistance to two-parent families, singles and childless couples, who would not be eligible for regular federal programs. Other programs (not limited in time by the 1980 Act) include English language instruction, employment services, and limited funding of school districts with large numbers of refugee children. Asylum applicants are eligible only for social services, e.g., counseling, information, and referral services.

C. Program Problems.

Many States and localities claim that the 36-month period for 100% reimbursement for cash and medical benefits is too short. California and other states with relatively large refugee populations argue that the burden is being unequally distributed among the States; that wherever initial resettlement occurs, many migrate on to Sunbelt states, particularly California. More disturbing still is the growing welfare dependency among refugees. The portion of the Indochinese refugee population receiving cash assistance has risen from 30% in 1976 to 45% in 1980.

D. Program Issues.

In view of these circumstances (many of which were noted by the Select Commission), we have considered possible changes in the refugee program, including (1) tightening cash assistance eligibility; (2) separating medical assistance from cash assistance so that genuine medical need can be met without putting a person on welfare; (3) "impact aid" for certain localities; (4) a block grant approach to Federal funding; and (5) various improvements in refugee placement and coordination among voluntary agencies and State and local governments. In addition, the Select Commission recommended extending the 36-month limit on 100% reimbursement to States for refugee cash and medical assistance.

After consideration of these issues, the Task Force concluded that: (1) Cash assistance eligibility should be tightened (HHS is proceeding with this). (2) A block grant approach should not be adopted in FY 1982 or 1983, and existing categories of funding to States (cash and medical assistance and social services) should be continued in order to assure availability of high-priority assistance and services. (3) Impact aid options should be considered for FY 1982 only if they do not increase total funding requirements. (4) The 36-month limitation should be retained. (The Administration opposed a bill introduced by Dan Lungren of California to delay implementation of the 36-month limit, on the basis that most refugees can and should become self-supporting in 3 years and other ways should be considered to assist those who are chronically dependent.)

RECOMMENDATION (All Agencies)

For FY 1982 and 1983, the present categorical programs should be continued, but HHS will reduce the level of cash assistance payments to many refugees who do not qualify for AFDC or other welfare programs. HHS will explore possible impact aid options and ways in which medical assistance can be separated from cash assistance. HHS and the Office of the Coordinator will explore instituting a separate health care program for refugees, possibly on a pilot basis, after FY 1982.\*

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

\* OMB opposes separation of cash and medical assistance for refugees.





CUBAN/HAITIAN ENFORCEMENT OPTIONS

|                                  | OPTION I<br>Status Quo   | OPTION II<br>Status Quo plus Limited Interdiction at Sea  | OPTION III<br>Limited Interdiction at Sea plus Detention  |
|----------------------------------|--|---|---|
| <b>Interdiction at Sea:</b>      | Continue the current practice of not interdicting illegal migration by sea; do not seek legislation to authorize interdiction by the Coast Guard or Customs.   | Seek legislation to authorize the President to direct the Coast Guard to assist foreign governments that request such assistance to interdict their flag vessels on the high seas suspected of attempting to violate U.S. law. Interdiction would occur in the course of normal Coast Guard activities. U.S. would negotiate agreement providing for cooperation in enforcing U.S. and foreign government's laws.<br><br>INS officials would board interdicted vessel to ascertain whether the vessel was bound for the U.S. and if any passengers were not entitled to admission to U.S. If feasible, vessels carrying such passengers would be escorted to their home port. If not feasible, suitable vessels under Coast Guard control would be used to return such passengers. Persons determined to be eligible for asylum in the U.S. or otherwise entitled to admission would be brought to the United States by the Coast Guard.<br><br>A strategy of selective interdiction would be devised requiring modest resources (\$10 M per year) and no significant diversion from drug enforcement and search and rescue operations. While such a strategy would initially intercept a small portion of illegal aliens, the deterrent effect could be substantial. This strategy could be modified or expanded depending on initial experiences. | Same as Option II.  |
| <b>Detention:</b>                | Continue the current practice; provide only initial detention of aliens arriving without visas. After processing, release aliens with sponsors into the community with the right to work pending decision to admit or exclude.   | Same as Option I.   | Detain indefinitely undocumented aliens upon arrival pending exclusion or granting of asylum. This would bring Haitian policy in line with that directed toward others who enter the U.S. illegally (e.g., Mexicans, El Salvadorans, and other Central Americans). Detention of all undocumented aliens entering South Florida would require facilities with a capacity of 5,000-10,000 (assuming (1) average detention is 6 months to one year, and (2) average apprehensions are 1,500 per month). Capacity requirements and costs would be reduced if detention and interdiction deterred further flows. |
| <b>Budgetary Impact:</b>         | No additional resources required for enforcement.<br><br>Estimated welfare and resettlement expenditures for aliens released into the community \$45 M per year (assuming 1,500 arrivals per month).   | Estimated cost of limited interdiction, \$10 M per year, would be offset by reduced welfare and resettlement costs.   | Estimated cost of implementing limited interdiction as in Option II \$10 M per year. Estimated cost of detention facility \$30 to 60 M annually and \$10 to 15 M in start-up costs. Estimated savings of welfare and resettlement expenditures for aliens otherwise released \$45 M per year.   |
| <b>Political Considerations:</b> | Continuing arrivals of illegal aliens without rapid deportation is viewed by Florida as a non-enforcement policy that causes it serious adverse impact. Governor Graham appears prepared to capitalize on the circumstances. Senator Hawkins is placed in a difficult situation. Pro-enforcement Members of Congress also disfavor a "do-nothing" approach, but might be satisfied if at least exclusion hearings were conducted swiftly and aliens not able to claim asylum deported. | Interdiction is a visible act of enforcement that would help ease the current political situation in Florida, and would be favored by pro-enforcement Members of Congress and the public. Liberals, blacks, and church and human rights groups would strongly oppose.   | A policy combining interdiction and detention would be viewed quite positively by those who favor strict enforcement, including the Florida community and some Members of Congress. The location of large detention facilities, however, would be politically sensitive. Liberals, minorities, and church groups would oppose these measures as draconian and, they may say, racist.  |

## IMMIGRANT AND REFUGEE ADMISSIONS OPTIONS

|                                | OPTION I<br>An approach more restrictive than the status quo -- overall ceiling for all admissions (including refugees)   | OPTION II<br>Status Quo Plus Relief of Backlogs and Mexican/Canadian Preference  | OPTION III<br>The Select Commission Proposals   |
|--------------------------------|---|--|---|
| <b>Admission</b>               |   |  |   |
| Annual Total:                  | 470,000.  | Approximately 740,000 in FY 82; reducing to 640,000 in FY 84 and 540,000 in FY 87.   | Approximately 800,000 in FY 82; reducing to 700,000 in FY 84 and 600,000 in FY 87.  |
| Numerical Limitations:         | An all-inclusive ceiling of 470,000 would be established for all legal admissions, including those now exempt from numerical limitations (refugees and immediate relatives of U.S. citizens). Numbers would be allocated: 270,000 for the current preference categories, plus the normal immediate family category of 150,000 and 50,000 refugees.)<br><br>In the event of an emergency (e.g., Indochina outflows) the President could utilize or "borrow" admissions from the following 3 years, or disregard the statutory categories of allocations within the overall ceiling (e.g., admit more refugees but less family members), following consultations with Congress. | Increase the permanent world-wide numerical ceiling from 270,000 to 310,000 per year for all admissions other than immediate relatives of U.S. citizens and refugees (40,000 added for Mexico and Canada). To relieve existing backlogs, an additional 100,000 would be admitted annually for the next 5 years.  | The permanent world-wide ceiling would be increased to 350,000 from 270,000. The additional visas would be allocated primarily to increased admissions of 1) immediate relatives of permanent resident aliens, and 2) "independent" (non-family) immigrants whose labor is needed. To relieve existing backlogs, an additional 100,000 would be admitted annually for the next 5 years.   |
| Numerically Exempt Admissions: | None.   | Immediate relatives of U.S. citizens (spouses and children and parents of adult citizens) would be admitted outside the numerical ceiling. This would permit approximately 150,000 individuals to be admitted in addition to the 310,000 ceiling.  | Same as Option II, plus grandparents of adult U.S. citizens and adult unmarried children of U.S. citizens (an anticipated addition of 5,000 - 10,000 admissions annually). Total annually estimated at 170,000.   |
| Refugees:                      | Admitted only within the over-all ceiling or through the "mortgage" provision.  | Refugees would continue to be admitted in accordance with the Refugee Act of 1980, under which levels of admissions and allocation among countries are set through annual consultations with Congress. (187,000 in FY 82; expected to come down to 70-80,000 by FY 84 (unless there is a major disruption somewhere in the world).)<br><br>Retain the definition of "refugee" contained in the 1980 Act and U.N. Protocol -- i.e., person with a "well-founded fear of persecution" if returned to their homeland. | Same as Option II.  |
| <b>Composition</b>             |   |  |   |
| General:                       | The existing preference structure would be maintained; 80% to family preferences, 20% to occupational preferences. The existing per country ceilings of 20,000 would be maintained, within the overall world-wide ceiling of 270,000.   | The per country ceilings for Mexico and Canada would be increased to 40,000 each, with the unused portion of either country's ceiling being available to the other. These ceilings would be independent of the system for the rest of the world.   | Establish separate categories of immigrant visas for (1) relatives of citizens and permanent resident aliens, and (2) "independents," i.e., professionals and workers.  |
| Family Reunification:          | The 216,000 family reunification visas (80% of 270,000) would continue to be allocated among 4 preference categories of relatives of U.S. citizens and permanent resident aliens.   | As in Option I, 80% of numerically limited visas allocated among 4 family preferences.   | 250,000 of the total 350,000 visas recommended by the Select Commission would be allocated to relatives of U.S. citizens and permanent resident aliens. 175,000 of the 250,000 family member visas would be issued on a first-come/first-served basis to close relatives of lawful permanent residents; the remainder would be allocated by percentages to 5 other preference categories of less-close relatives of U.S. citizens and lawful permanent residents.*<br><br>Per country ceilings would not apply in the case of spouses and unmarried minor children of lawful permanent residents. |
| Independent Immigration:       | The occupational preference categories (20% of all admittees) would continue to be divided between professionals (10%) and non-professional workers (10%) with job offers certified by DOL on a case-by-case basis as not displacing available and willing American workers or adversely affecting the wages and working conditions of similarly employed U.S. workers.   | Labor certification for independents, i.e., professionals and needed workers, would be streamlined; instead of individual labor certifications DOL would annually publish a list of occupations for which adequate domestic workers were not available. Foreign workers in these occupations with verified job offer would apply to Consular Office for visas.   | Labor certification for the 100,000 independent immigrants would be simplified and streamlined. foreign worker would be required to have a job offer from a U.S. employer for an occupation not on a list of excluded occupations for which DOL had determined there to be sufficient U.S. workers.   |

\* Select Commission Staff Recommendation.

**IMMIGRANT AND REFUGEE ADMISSIONS OPTIONS (CONTINUED)**

|   | <p><b>OPTION I</b><br/>An approach more restrictive than the status quo -- overall ceiling for all admissions (including refugees)</p>   | <p><b>OPTION II</b><br/>Status Quo Plus Relief of Backlogs and Mexican/Canadian Preference</p>   | <p><b>OPTION III</b><br/>The Select Commission Proposals</p>   |
|---|--|--|--|
| <p><b>Demographic Consequences</b></p>  | <p>Assuming gross legal immigration of 470,000 (including 50,000 refugees) and net illegal immigration of 500,000, the population would increase from today's 227 million to 298 million in 2030. Population growth would peak at slightly more than 298 million in 2035. By 2030 more than one of every six Americans (17.7%) would either be an immigrant or descended from immigrants who arrived after 1980. The proportion of Hispanics in our population would rise from today's 6.5% to 14.7%.</p> <p>If net illegal immigration could be reduced to 100,000, the population would be 274 million in 2030, having peaked at 275 million in 2025. By 2030 one of every ten (10.1%) Americans would either be an immigrant or descended from immigrants who arrived after 1980; the proportion of Hispanics in our population would rise to 9.7%.</p> | <p>Assuming gross legal immigration as indicated and net annual illegal immigration of 500,000, the population would grow from today's 227 million to 303 million in 2030 and would peak at slightly more than 303 million in 2035. By 2030 nearly one out of every five Americans (18.7%) would be an immigrant or a descendant of immigrants who had arrived after 1980; the Hispanic proportion of our population would grow from today's 6.5% to 15.3%.</p> <p>If net illegal immigration could be reduced to 100,000, the population would be 278 million in 2030 having peaked at 279 million in 2025. Under these assumptions, more than one of every nine Americans (11.6%) in 2030 would be an immigrant or a descendant of immigrants who arrived after 1980. The Hispanic proportion of the population would grow to 11.9% in 2030.</p> | <p>Assuming gross legal immigration as indicated and net annual illegal immigration of 500,000, the population would increase from today's 227 million to 306 million in 2030 and would peak at slightly more than 306 million in 2035. By 2030 one of every five Americans (19.6%) will either be an immigrant or descended from immigrants who had arrived after 1980; the Hispanic proportion of our population would grow from today's 6.5% to 14.3%.</p> <p>If net illegal immigration could be reduced to 100,000, the population would be 281 million in 2030, having peaked at slightly more than 281 million in 2025. By 2030, one of every eight Americans (12.4%) will either be an immigrant or descended from immigrants who arrived after 1980; the Hispanic proportion of our population would grow to 9.4%.</p>  |
| <p><b>Budgetary Impact:</b></p>         | <p>No budget increase required.</p>  | <p>Cost to State Department and INS of issuing additional visas would be, respectively, \$7.5 M and \$7 M annually for 5 years, \$2.3 M and \$2.4 M thereafter. These additional costs have been offset 50% under current fee schedules; they could be totally offset if fees were raised (see Management paper).</p>  | <p>Annual increased admissions costs: State - \$9.7 M for 5 years and \$4.5 M thereafter; INS - \$9.3 M for 5 years and \$4.7 M thereafter. These increased costs would be offset 45% assuming existing visa fee schedule. They could be offset entirely if the fees were increased (see Management paper).</p>  |
| <p><b>Political Considerations:</b></p> | <p>Senators Huddleston and Simpson favor an overall cap. Restrictionists would favor as would local officials from refugee impacted areas. Ethnic and religious groups would oppose the cap. Labor officials would oppose a cap on refugee admissions, as would some opinion leaders.</p> <p>Leaving the composition alone avoids political free-for-all of reforming the preference system that could distract from illegal immigration problem. Ethnic, religious, and labor groups favor current emphasis on family reunification over admissions of independent immigrants. Business groups are not distressed by status quo, except for unavailability of visas for investors and workers.</p>  | <p>Would be viewed as a moderate course between restriction and expansion. Ethnic and religious groups would get some relief from backlogs, though not permanent increases in ceilings. Restrictionists would prefer an overall cap, and 75-80% of public says it favors decreasing legal admissions.</p> <p>Mexicans and religious groups would support higher country ceilings for Mexico and Canada; Labor has done so in the past. Restrictionists, concerned about increased numbers of Hispanics in this country, would oppose as would others seeking to limit immigration.</p>   | <p>Unless balanced with strong enforcement measures to curb illegal immigration, restrictionists would strongly oppose increased legal admissions, particularly from the Hispanic and Asian countries that would dominate if country ceilings were removed. Some state and local officials might oppose because of the potential impact on low-cost housing and social services where immigrants and refugees concentrate. Blacks might oppose because of a perception of greater job competition.* Labor, though favoring family reunification, opposes increased admissions until illegal immigration curbed, and any increase in admissions of independents. Ethnic and religious groups would favor strongly. Some business support for entry of investors and skilled independents.</p> <p>* Immigrants have quite varied educational backgrounds. Foreign-born males (age 25-44) reported in the 1970 Census average years of schooling that ranged from 16 for Japanese to 6 for Mexicans. This compares to 12.1 years for U.S. whites of 10.0 for U.S. blacks and other races.</p> |

ILLEGAL IMMIGRATION OPTIONS

|   | OPTION I<br><br>The Status Quo   | OPTION II<br>Increased border and labor standards enforcement, no employer sanctions, large temporary worker program, limited amnesty  | OPTION III<br>Large legalization with temporary worker and permanent resident components, experimental temporary worker program for new flows, increased enforcement (including employer sanctions).  | OPTION IV<br>Moderate increase in enforcement (including employer sanctions) + large-scale legalization to permanent resident status; no new temporary worker program |
|---|--|--|---|---|
| <b>International Cooperation:</b>       | Negotiate with Mexico (1) joint prevention of third country nationals crossing Mexico to enter the U.S. illegally, (2) increased cooperation in the border areas, and (3) increased labor-intensive developmental projects in principal Mexican "sending" states perhaps with matching U.S. AID funds.   | Same as Option I.  | Same as Option I.   | Same as Option I.   |
| <b>Enforcement of Existing Statutes</b> | Maintain the existing statutory framework and level of INS enforcement, both along the borders and in the interior. Also continue existing enforcement of the Fair Labor Standards Act, which prohibits employment at less than minimum wage.  | Moderate increase in INS enforcement (14.9% increase in overall budget). 708 additional positions over FY 82 Authorized Force. Expected 184,000 additional apprehensions.<br><br>Increase resources for DOL Wage & Hour Division enforcement of Fair Labor Standards and Farm Labor Contractor Registration Acts. 457 additional compliance officers. Expected 24,000 additional compliance actions covering 312,000 underpaid workers.  | Same as Option II.  | Same as Option II.  |
| <b>Employer Sanctions:</b>              | None. It is now lawful for an employer to hire illegal aliens.   | None.  | Enact legislation prohibiting employers of 4 or more employees from "knowingly and wilfully" hiring illegal aliens. Civil fines of \$500 to \$1,000 for each illegal alien so employed; injunction actions by DOJ against employers where "pattern or practice" of violations exists. Requires 400 additional investigator positions.<br><br>Employee eligibility determined by existing documentation, including more secure Social Security card and employee statement of eligibility. Employer's good faith reliance upon these documents is a defense.<br><br>An employee's "knowing and wilful" use of false documents or making false statements in an affidavit, and an employer's failure to require an employee to provide identification or submit an affidavit would be separate violations of the Act.<br><br>Make the Social Security card more secure against fraud by creating and phasing in a physically counterfeit resistant card to 20 million new hires per year. Requires 5,000 additional positions, largely Clerical. (Costs could be offset by a \$10 fee and \$ million social security fraud savings would be an additional benefit.)<br><br>Target enforcement to reach "pattern or practice" of violations. | Same as Option III.   |
| <b>Temporary Worker Program:</b>        | Maintain existing H-2 program, admitting approximately 30,000 workers (including 18,000 in agriculture) annually, largely from the Caribbean. This requires individualized certification by the Department of Labor (requiring 80 days) that no American worker is available to fill the particular job and that employment of the temporary worker would not adversely affect the wage rate and working conditions of that category of jobs in the particular area. | Establish a new Temporary Worker Program to admit up to 600,000 Mexican nationals at any one time (300,000 for illegals now here; 300,000 for new entrants). Allow temporary stays up to 9-12 months over a consecutive period of up to 10 years. Worker to be a free agent except for the time limit. Permit conversion to permanent residence after 10 years. Do not permit alien to bring in spouse and minor children; allow access to schools and health care, but not welfare, food stamps or unemployment insurance. Prohibit from working for employer involved in a strike. Additional positions: DOL 77; State 45. | Enact legislation to establish a new experimental temporary worker program for Mexican nationals (for a 2-year trial period, 50,000 visas per year maximum). Same as Option II regarding duration of stay, ability to bring in spouses and minor children, access to education and medical services (but not welfare, food stamps or unemployment insurance). But the program would be targeted to specific areas and categories of jobs. The program would exclude jobs in a state where it certified there was an adequate supply of American workers. DOL would allocate the national ceiling among affected States and verify that there was a valid job offer not on the excluded list. Requires 12 additional positions.  | No new temporary worker program. Streamline retain existing H-2 program, admitting 30,000 workers per year, largely from the Caribbean.                               |

**ILLEGAL IMMIGRATION OPTIONS**

|   | OPTION I<br><br>The Status Quo   | OPTION II<br>Increased border and labor standards enforcement, no employer sanctions, large temporary worker program, limited amnesty  | OPTION III<br>Large legalization with temporary worker and permanent resident components, experimental temporary worker program for new flows, increased enforcement (including employer sanctions).  | OPTION IV<br>Moderate increase in enforcement (including employer sanctions) + large-scale legalization to permanent resident status; no new temporary worker program |
|---|--|--|---|---|
| <b>International Cooperation:</b>       | Negotiate with Mexico (1) joint prevention of third country nationals crossing Mexico to enter the U.S. illegally, (2) increased cooperation in the border areas, and (3) increased labor-intensive developmental projects in principal Mexican "sending" states perhaps with matching U.S. AID funds.   | Same as Option I.  | Same as Option I.   | Same as Option I.   |
| <b>Enforcement of Existing Statutes</b> | Maintain the existing statutory framework and level of INS enforcement, both along the borders and in the interior. Also continue existing enforcement of the Fair Labor Standards Act, which prohibits employment at less than minimum wage.  | Moderate increase in INS enforcement (14.9% increase in overall budget). 708 additional positions over FY 82 Authorized Force. Expected 184,000 additional apprehensions.<br><br>Increase resources for DOL Wage & Hour Division enforcement of Fair Labor Standards and Farm Labor Contractor Registration Acts. 457 additional compliance officers. Expected 24,000 additional compliance actions covering 312,000 underpaid workers.  | Same as Option II.  | Same as Option II.  |
| <b>Employer Sanctions:</b>              | None. It is now lawful for an employer to hire illegal aliens.   | None.  | Enact legislation prohibiting employers of 4 or more employees from "knowingly and wilfully" hiring illegal aliens. Civil fines of \$500 to \$1,000 for each illegal alien so employed; injunction actions by DOJ against employers where "pattern or practice" of violations exists. Requires 400 additional investigator positions.<br><br>Employee eligibility determined by existing documentation, including more secure Social Security card and employee statement of eligibility. Employer's good faith reliance upon these documents is a defense.<br><br>An employee's "knowing and wilful" use of false documents or making false statements in an affidavit, and an employer's failure to require an employee to provide identification or submit an affidavit would be separate violations of the Act.<br><br>Make the Social Security card more secure against fraud by creating and phasing in a physically counterfeit resistant card to 20 million new hires per year. Requires 5,000 additional positions, largely clerical. (Costs could be offset by a \$10 fee and \$ million social security fraud savings would be an additional benefit.)<br><br>Target enforcement to reach "pattern or practice" of violations. | Same as Option III.   |
| <b>Temporary Worker Program:</b>        | Maintain existing H-2 program, admitting approximately 30,000 workers (including 18,000 in agriculture) annually, largely from the Caribbean. This requires individualized certification by the Department of Labor (requiring 90 days) that no American worker is available to fill the particular job and that employment of the temporary worker would not adversely affect the wage rate and working conditions of that category of jobs in the particular area. | Establish a new Temporary Worker Program to admit up to 600,000 Mexican nationals at any one time (300,000 for illegals now here; 300,000 for new entrants). Allow temporary stays up to 9-12 months over a consecutive period of up to 10 years. Worker to be a free agent except for the time limit. Permit conversion to permanent residence after 10 years. Do not permit alien to bring in spouse and minor children; allow access to schools and health care, but not welfare, food stamps or unemployment insurance. Prohibit from working for employer involved in a strike. Additional positions: DOL 77; State 45. | Enact legislation to establish a new experimental temporary worker program for Mexican nationals (for a 2-year trial period, 50,000 visas per year maximum). Same as Option II regarding duration of stay, ability to bring in spouses and minor children, access to education and medical services (but not welfare, food stamps or unemployment insurance). But the program would be targeted to specific areas and categories of jobs. The program would exclude jobs in a state where it certified there was an adequate supply of American workers. DOL would allocate the national ceiling among affected States and verify that there was a valid job offer not on the excluded list. Requires 12 additional positions.  | No new temporary worker program. Streamline a retain existing H-2 program, admitting 30,000 workers per year, largely from the Caribbean.                             |