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89/20 ADJUSTMENT OF STATUS FOR CUBAN REFUGEES

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HEARINGS
BEFORE
SUBCOMMITTEE NO. 1
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS
SECOND SESSION
ON
H.R. 15182, H.R. 15183, H.R. 16908,
H.R. 10808 and H.R. 13393



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ADJUSTMENT OF STATUS FOR CUBAN REFUGEES

EIGHTY-NINTH CONGRESS
HOUSE OF REPRESENTATIVES, U.S.
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SECRET

ADJUSTMENT OF STATUS FOR CUBAN REFUGEES

WEDNESDAY, AUGUST 10, 1966

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 1
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m. in room 2141, Rayburn House Office Building, Hon. Michael A. Feighan (chairman of the subcommittee) presiding.

Present: Representatives Feighan, Chelf, Rodino, Donohue, Gilbert, Moore, and Cahill.

Also present: Garner J. Cline, counsel, and Donald G. Benn, associate counsel.

(H.R. 15183, H.R. 16908, H.R. 15182, H.R. 10808, and H.R. 13393, follow:)

[H.R. 15183, 89th Cong., 2d sess.]

A BILL To adjust the status of Cuban refugees to that of lawful permanent residents of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native and citizen of Cuba who was inspected and admitted or paroled into the United States subsequent to January 1, 1959, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, and (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of the date of his last entry into the United States.

[H.R. 16908, 89th Cong., 2d sess.]

A BILL To adjust the status of Cuban refugees to that of lawful permanent residents of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native and citizen of Cuba who was inspected and admitted or paroled into the United States, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, and (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of the date of the approval of the application. The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States.

SEC. 2. Except as otherwise specifically provided in this Act, the definitions contained in sections 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be

held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

[H.R. 15182, 89th Cong., 2d sess.]

A BILL To amend section 245(c) of the Immigration and Nationality Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 245(c) of the Immigration and Nationality Act is hereby amended to read as follows:

“(c) The provisions of this section shall not be applicable to any alien who is a native of any country contiguous to the United States, or of any adjacent island named in section 101(b)(5), other than any such alien born in an independent foreign country of the Western Hemisphere, who, because of persecution or fear of persecution on account of race, religion, or political opinion, is out of his usual place of abode and unable to return thereto.”

[H.R. 10808, 89th Cong., 1st sess.]

A BILL To provide for the adjustment of the status of certain Cuban refugees to that of aliens lawfully admitted for permanent residence, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any alien—

(1) who was paroled into the United States on or after January 1, 1959, under section 212(d)(5) of the Immigration and Nationality Act or who was admitted into the United States as a nonimmigrant on or after such date, as a refugee from the Communist domination of Cuba, or

(2) who is a national of Cuba, admitted into the United States as a non-immigrant on or before the date of the enactment of this Act, who became a refugee from the Communist domination of Cuba on or after January 1, 1959, but before the date of the enactment of this Act, and (A) who has been physically present in the United States continuously from the date of his arrival into the United States, and (B) who has not acquired permanent residence nor had his parole terminated by the Attorney General, may apply to the Attorney General to have his status adjusted to that of an alien lawfully admitted for permanent residence.

(b) The Attorney General shall, under such regulations as he may prescribe, adjust the status of each applicant under subsection (a) to that of an alien lawfully admitted for permanent residence if (1) such applicant is found, upon inspection by an immigration officer or after a hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that (A) he was not and is not in possession of the documents required by section 212(a)(20) of the Immigration and Nationality Act, and (B) in the case of an alien child of an applicant, he is excludable under the provisions of paragraph (1), (2), (3), (4), or (7) of section 212(a) of such Act, and (2) in the case of an applicant described in paragraph (2) of subsection (a), the Attorney General finds that such applicant became a refugee from the Communist domination of Cuba on or after January 1, 1959, but before the date of the enactment of this Act.

SEC. 2. Any alien who has his status adjusted under this Act shall be deemed to have been lawfully admitted for permanent residence as of the date of his arrival in the United States.

SEC. 3. (a) An application for adjustment of status under this Act shall be filed in such a manner and contain such information as the Attorney General may by regulation prescribe.

(b) An inspection and examination of an alien applying for adjustment of status under this Act to determine if he is admissible as an immigrant shall be carried out in accordance with the procedures set forth in sections 234, 235, and 236 of the Immigration and Nationality Act.

SEC. 4. For purposes of this Act, an alien shall be deemed to have been physically present in the United States continuously from the date of his arrival if his stay in the United States was not interrupted by any period of absence in excess of nine months.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 6. The definitions contained in sections 101(a) and 101(b) of the Immigration and Nationality Act shall apply in the administration of this Act.

[H.R. 13393, 89th Cong., 2d Sess.]

A BILL To repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 245 of the Immigration and Nationality Act is repealed.

Mr. FEIGHAN. The subcommittee will come to order.

The purpose of this public hearing is to hear the views of the immediately concerned departments of Government on the question of authorizing adjustment of status for Cuban refugees, from their current indefinite status to that of permanent residents of the United States.

We are pleased to have as our first witness the Honorable George Ball, Under Secretary of State. I notice that Mr. Heymann is accompanying the Under Secretary of State.

The committee has received two letters on this subject from the Department of State, dated August 2, 1966, and August 3, 1966, and one letter from the Department of Justice dated August 4, 1966. These communications will be made a part of the record of hearing immediately following the testimony by the Under Secretary.

Mr. Secretary, this committee appreciates the fact that the Department of State has had under consideration for some time all the ramifications concerned with adjustment of status for Cuban refugees and that it has resolved the policy issues involved. On behalf of the members of this committee I extend to you a cordial welcome. We appreciate your appearance today. You may proceed.

STATEMENT OF HON. GEORGE BALL, UNDER SECRETARY OF STATE, ACCOMPANIED BY PHILIP HEYMANN, ACTING ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS

Mr. BALL. Thank you, Mr. Chairman.

I have a prepared statement which I would like to submit for the record and which I would like to summarize very briefly, if I may, for the benefit of the subcommittee.

(Mr. Ball's prepared statement follows:)

STATEMENT BY THE HONORABLE GEORGE BALL, UNDER SECRETARY OF STATE, ON A BILL TO ADJUST THE STATUS OF CUBAN REFUGEES TO THAT OF LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES (H.R. 15183)

Mr. Chairman, Members of the Committee: It is a privilege to have this opportunity to address myself to the provisions of H. R. 15183, a bill to adjust the status of Cuban refugees to that of lawful permanent residents of the United States.

This bill would permit natives and citizens of Cuba who were inspected and admitted or paroled into the United States subsequent to January 1, 1959, to apply for adjustment to permanent resident status and to have their status adjusted in the discretion of the Attorney General, if they are otherwise eligible to receive an immigrant visa and admissible into the United States.

I believe this bill should be enacted. Its passage would ameliorate the plight of thousands of Cuban nationals who fled to the United States from the communist government of Cuba and who find it difficult to obtain suitable employment and

to travel outside the United States because of the indefinite nature of their status in the United States. At present, a Cuban refugee can obtain a permanent visa only by leaving the United States, applying at a United States consular office in a country other than his native country, and then reentering the United States. This procedure has not proved satisfactory.

In the first place the trip abroad is costly to the Cuban refugees; for many the cost is prohibitive. Second, United States consular offices abroad do not have the staff to handle a large volume of immigrant visa applications from persons who reside outside their consular districts. It has, therefore, been impossible to issue immigrant visas to more than a small percentage of even those who can finance the trip abroad. Consular offices located in areas adjacent to the United States have found it necessary, because of staff limitations, to limit the applications which they can accept to persons who have a close family relationship to citizens or resident aliens, or who are unable, because of their lack of permanent status, to obtain employment for which they are qualified. Finally, these Cuban nationals often find it difficult to effect their admission into a third country for the purpose of applying for a United States immigrant visa.

The granting of a permanent residence status to Cuban refugees would further demonstrate the desire of the United States to play a full and sympathetic role as a country of asylum for refugees from communism, whether the country of flight is located in the Eastern or Western Hemisphere. Legislation previously enacted has made it possible for adjustment of status to be made, without the burden of leaving and reentering the country for many other aliens; for Hungarian refugees by the passage of the Act of July 25, 1958 (P.L. 85-559), or refugee escapees within the mandate of the United Nations High Commissioner for Refugees by the Act of July 14, 1960 (P.L. 86-648), and for refugees from communism from outside the Western Hemisphere by the Act of October 3, 1965 (P.L. 89-236).

Passage of this bill should not and would not be taken as an indication that we believe that the Castro regime is here to stay. Our policy which we firmly share with the other countries of the OAS is one of opposition to the Communist regime in Cuba. Our goal and strong desire is that Cuba shall be freed from Communist domination and shall return again to the free world family of nations. At such time the status of Cubans as residents or parolees would in no way affect their freedom to return to their native land. I am confident that the OAS countries and the free world in general will understand that this special help to Cuban refugees is being given for purely humanitarian and practical reasons and in no way reflects any change in our attitude or any lessening in our determination.

Mr. BALL. This testimony this morning concerns H.R. 15183, and I think my remarks will apply equally to H.R. 16908, two bills to accomplish generally the same purpose.

H.R. 15183 would permit natives and citizens of Cuba who were inspected and admitted or paroled in the United States subsequent to January 1, 1959, to apply for adjustment to permanent resident status and to have their status adjusted in the discretion of the Attorney General if they are otherwise eligible to receive an immigrant visa and admissible into the United States.

The principal differences between H.R. 15183 and H.R. 16908, as I understand it, are that H.R. 16908 would eliminate the requirement that the natives and citizens of Cuba be admitted or paroled subsequent to January 1, 1959, and would make the legislation applicable to Cubans who entered the United States prior to that date as well.

It would also provide that the date on which the immigrant status would apply to the particular individual would be the date of the adjustment rather than the date of entry. I believe those are the two major differences in the pieces of legislation.

Mr. FEIGHAN. It also makes a provision for the spouses.

Mr. BALL. That is right, sir. And, in addition, the provisions of the act are made applicable to the spouse and child of any alien, regardless of their citizenship and place of birth, who are residing with such alien in the United States.

At the present time a Cuban refugee can obtain a permanent visa only by a very awkward procedure of leaving the United States and applying at a U.S. consular office in a country other than his native country and then reentering the United States.

This procedure is burdensome, both upon the applicant and upon the U.S. consular offices. It contains an element of inequity in that it puts a premium on the position of having enough money and time to permit the applicant to travel. This is not possible for some applicants, either because their employment is such that they can't leave it or because of the fact that they simply don't have the money to make the necessary trip.

Secondly, it puts a burden on U.S. consular offices abroad, particularly those in Canada, Mexico, on the border, which do not have the staff to handle the very large volume of immigrant visa applications from persons who reside outside their consular districts.

It has, therefore, been impossible to issue immigrant visas to more than a small percentage even of those who can finance the trip abroad. Consular offices located in areas adjacent to the United States have found it necessary because of staff limitations to limit the applications which they can accept to persons who have a close family relationship to the citizens or resident aliens, or who are unable, because of their lack of permanent status, to obtain employment for which they are qualified.

Finally, these Cuban nationals often find it difficult to effect their admission into a third country for the purpose of applying for a U.S. immigrant visa.

Mr. Chairman, as you and the committee know, there is precedent for the type of legislation which is before this committee this morning. Legislation previously enacted has made it possible for adjustment of status to be made without the burden of leaving and reentering the country for many other aliens; for Hungarian refugees by virtue of the act of July 25, 1958, Public Law 85-559; for refugee escapees within the mandate of the United Nations High Commissioner for Refugees, by virtue of the act of July 14, 1960, Public Law 86-648; and for refugees from communism from outside the Western Hemisphere by the act of October 3, 1965, Public Law 89-236.

This is legislation, therefore, that has respectable precedent. We think it is thoroughly justified on principles of equity. We think that it is in the interests of the United States. Passage of this legislation should, however, under no circumstances be taken as any indication we believe that the Castro regime is going to be a permanent feature of Western Hemisphere political life.

We don't believe that passage of this legislation would be so interpreted. The policy of the United States is a policy which is firmly shared with other nations in the Western Hemisphere, other member states of the Organization of American States; it is a policy of opposition to the Communist regime in Cuba. We have a very firm goal, a very strong desire that Cuba shall be freed from Communist domination and that the Cuban people will, again, be able to enjoy the benefits of freedom, living in a country which is, once more, a member of the free world family of nations.

Whenever this occurs, the status of Cubans as residents or parolees would in no way affect their freedom to return to their native land.

I am confident that the nations of the Organization of American States and the nations of the world in general will understand that this special help to Cuban refugees which would be provided by this proposed legislation is being given for purely humanitarian and practical reasons. It would in no way reflect any change in the attitude on the part of the U.S. Government with regard to the present regime in Cuba.

Thank you, Mr. Chairman.

(The letters previously referred to—two from the Department of State dated August 2, 1966, and August 3, 1966, and one from the Department of Justice dated August 4, 1966, follow:)

DEPARTMENT OF STATE,
Washington, August 2, 1966.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of May 24, 1966 enclosing for the Department's study and report, a copy of H.R. 15183, "A bill to adjust the status of Cuban refugees to that of lawful permanent residents of the United States."

The bill would permit any alien who is a native and citizen of Cuba who was inspected and admitted or paroled into the United States subsequent to January 1, 1959 to apply for adjustment of status to that of a permanent resident of the United States and to have his status adjusted in the discretion of the Attorney General if he is otherwise eligible to receive an immigrant visa and admissible into the United States.

The Department fully supports this bill which would, if enacted, ameliorate the plight of thousands of Cuban nationals who fled to the United States from the Communist government of Cuba and who find it difficult to obtain suitable employment because of the indefinite nature of their status in the United States or who wish to establish a firm and enduring home in this country. Since they are unable to return to their homeland, they are now required to make what is frequently a long and expensive trip to a foreign country to obtain an immigrant visa.

Since the United States Consular Officers are not staffed to handle a large volume of immigrant visa applications from persons who are not residents of their consular districts, it has been possible to issue immigrant visas only to a small percentage of those who would like to obtain them. Consular officers located in areas adjacent to the United States have found it necessary, because of staff limitations, to limit the applications which they can accept to persons who have a close family relationship to United States citizens or resident aliens, or who are able to establish that they are subject to a specific hardship because of their lack of permanent resident status in obtaining or retaining employment for which they are qualified.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

AUGUST 3, 1966.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your request to the Secretary for the Department's views on H.R. 13393, H.R. 15182, and H.R. 15183, bills which relate to or affect section 245(c) of the Immigration and Nationality Act.

While the Department supports the objectives of these bills, it believes that H.R. 13393 and H.R. 15182 are of broader import than H.R. 15183 and therefore might more properly be a matter for study by the Select Commission on Western Hemisphere Immigration. Under a provision in P.L. 89-236 that Commission was established to consider all matters relating to intra-hemisphere immigration. However, the plight of certain Cuban refugees for whom H.R. 15183 would provide relief, although also of interest to the Commission, is a problem of great

urgency not only to the individuals personally affected but also to United States Government agencies, as indicated in my letter to you yesterday on this bill. For that reason, the Department strongly supports favorable action on H.R. 15183 at this time.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 4, 1966.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Department of Justice on H.R. 13393, a bill "To repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens."; H.R. 15182, a bill "To amend section 245(c) of the Immigration and Nationality Act."; and H.R. 15183, a bill "To adjust the status of Cuban refugees to that of lawful permanent residents of the United States."

These bills relate to or affect section 245(c) of the Immigration and Nationality Act, which was recently amended by section 13(b) of P.L. 89-236, the Act of October 3, 1965, effective December 1, 1965 (79 Stat. 911, 919).

The present law provides that adjustment of immigration status to that of permanent resident while in the United States under section 245 is not available to an alien who is a native of any Western Hemisphere country, or of any adjacent island named in section 101(b)(5) of the law (8 U.S.C. 1101(b)(5); 66 Stat. 171). Section 245(c), prior to its amendment by the Act of October 3, 1965, barred the adjustment of status of natives of countries contiguous to the United States or of any adjacent island named in section 101(b)(5). The law existed in that form since the amendment of section 245 by the Act of August 21, 1958 (P.L. 85-700; 72 Stat. 699). Prior thereto, section 245, as originally enacted in 1952, permitted adjustment of status only for an alien who was a quota immigrant, or a nonquota immigrant as the spouse or minor child of a United States citizen. Natives of Western Hemisphere countries hence were not eligible under the original law unless they could qualify as the spouse or child of a United States citizen.

H.R. 13393 would repeal section 245(c) in its entirety. The result would follow that, insofar as nativity is concerned, any alien would be eligible for adjustment of status under that section, including those who were born in independent countries of the Western Hemisphere as well as natives of contiguous territory or adjacent islands. In so doing, it is obvious that the bill does more than restore section 245 to the form which it had prior to the amendment of October 3, 1965. The bill, by repealing section 245(c), not only would make natives of independent countries of the Western Hemisphere eligible for adjustment of status, but also the same privilege would be extended to natives of Canada and Mexico, as well as to natives of the adjacent islands—from which they were barred even prior to the Act of October 3, 1965.

H.R. 15182 would amend section 245(c) to make eligible for adjustment of status any native of contiguous territory or adjacent islands who was born in an independent foreign country of the Western Hemisphere and who, because of persecution or fear of persecution on account of race, religion, or political opinion, is out of his usual place of abode and unable to return thereto. While more restrictive than H.R. 13393, it is nevertheless to be observed that H.R. 15182 similarly relaxes the presently limited provisions of section 245 in favor of natives of the independent countries of the Western Hemisphere, thus including Canada and Mexico, as well as natives of the adjacent islands.

In the reports accompanying H.R. 2580, which emerged as P.L. 89-236, the Judiciary Committees of both Houses of Congress indicated that the new law was specifically designed to overcome the recurring problem in cases of natives of Central and South America who come to the United States as nonimmigrant visitors and promptly seek permanent residence status under section 245. See, e.g., H. Rept. 745, p. 22, and S. Rept. 748, p. 24, to accompany H.R. 2580,

89th Cong., 1st Sess. Additionally, the Chairman of the House Subcommittee on Immigration made fully known to the House this particular provision of the amendment during the debate on the bill (Cong. Rec. Vol. 111, No. 156, 8-24-65, p. 20788) when he said:

"Third. Adjustment of status in the United States for natives of the independent Republics of this hemisphere is prohibited.

"This prohibition results from the deceptive practice of people entering the United States on a visitor's visa with the clear intent to remain permanently in the United States.

"Evidence indicates the growth of this practice in recent years demands a clear remedy."

Finally, in the Conference Report on H.R. 2580 (H. Rept. 1101, p. 15, 89th Cong., 1st Sess.), the statement of the Managers on the Part of the House included the following:

"(5) The House bill provided in section 13 that natives of any countries of the Western Hemisphere or of an adjacent island shall be ineligible for adjustment of status under the provisions of section 245. The Senate amendment exempted from this provision aliens born in an independent country of the Western Hemisphere who, because of persecution or fear of persecution on account of race, religion, or political opinion, is out of his usual place of abode and unable to return thereto. The conferees agreed to accept the House provision."

It would appear, therefore, that Congress purposely barred from adjustment of status under section 245 aliens from the Western Hemisphere countries who had been using the nonimmigrant route to gain admission to the United States and then permanent residence here without following the normal visa issuing procedures applicable to immigrants generally. The subject of admission of aliens to the United States from the Western Hemisphere, in all respects, was of deep concern to the Congress during its consideration of the amendatory legislation of October 3, 1965, resulting in the enactment of a provision in P.L. 89-236 calling for the establishment of a Select Commission on Western Hemisphere Immigration. That Commission is to study all aspects of such immigration, including a specific reference to the matter of adjustment of status of Cuban refugees in the United States (Conference Report, H. Rept. 1101, p. 15).

The Commission is to make its first report on or before July 1, 1967, and is to make its final report on or before January 15, 1968. Meanwhile, pending such study, a numerical limitation upon Western Hemisphere immigration was deferred until at least July 1, 1968 (section 21(e), P.L. 89-236).

Bearing in mind that the new law has been in effect for only about seven months, that the amendment of section 245(c) on October 3, 1965, was designed to cope with a specific and particular problem, and that a Select Commission has been created to study and report on all the problems implicit in Western Hemisphere immigration, the Department of Justice perceives no justification for H.R. 13393 and H.R. 15182 at this time and recommends against enactment of these bills.

H.R. 15183 is designed to be an independent measure which would exempt from the provisions of section 245(c) of the Immigration and Nationality Act, by making eligible for adjustment of status to that of permanent resident, any native and citizen of Cuba who was inspected and admitted or paroled into the United States subsequent to January 1, 1959, and who is eligible for an immigrant visa and for admission to the United States. Such adjustment would be made by the Attorney General in his discretion and under such regulations as he would prescribe. Upon approval of the application for adjustment, a record of admission for permanent residence would be created as of the date of the alien's last entry into the United States.

There are many reasons which would justify the granting of an exemption to Cubans from the proscription against natives of other Western Hemisphere countries as to eligibility for adjustment of immigration status while in the United States. As of July 1, 1966, somewhat in excess of 164,000 Cubans have come to the United States and have remained here in an indefinite and nonresident status, because of the upheaval in their native country causing them to flee to, and remain in, the United States. Since January 3, 1961, when the United States severed diplomatic and consular relations with Cuba, it has been impossible for a Cuban proceeding directly from that country to the United States to apply for an immigrant visa for the purpose of acquiring permanent residence in the United States. Hence, it is clear that the lack of permanent residence status on the part of the Cubans is not the result of any provision of law or policy specifically directed at them, but rather because of the physical impossibility of procuring a visa from a

consular officer in Cuba. While some of these persons could travel to other countries for the purpose of applying for and receiving an immigrant visa, with which they could return to and enter the United States for permanent residence, that process would cause great personal hardships to, and impose financial burdens upon, people who are already impoverished by force of circumstances.

The Cubans' lack of permanent residence status prevents them, under the law, from accumulating the necessary residence in the United States, which is presently a prerequisite to naturalization as a United States citizen. The result is that many skilled and professionally trained individuals who would be a credit to this country are prevented from obtaining gainful employment here, either because of conditions imposed independently by employers, or because of restrictive statutes in many states which prevent the practice of one's profession, for example, as a dentist, lawyer, physician, or teacher, by one who has not acquired full citizenship or has not filed a declaration of intention. Enactment of this legislation would remove many bars to the self-sufficiency of Cuban refugees.

Along the same lines, it is also believed that the granting of permanent residence status would be of value to the Government in reducing the financial expenditures on behalf of those forced to flee from Cuba. It would aid in resettling these people within the United States, because they would be in a better position to qualify for employment in places other than in the Florida area. In addition, by granting residence status to Cuban students who fall into the category of persons benefited by H.R. 15183, they would be in a position to enjoy the advantage of being resident students at various institutions of learning with the possible attendant reductions in tuition costs.

Beyond this, it may be noted that Cubans, as natives of a Western Hemisphere country, are entitled to special immigrant status under section 101(a)(27)(A) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(27)(A); 66 Stat. 169; 79 Stat. 916). As such, they are not subject to the present numerical limitations upon immigration to the United States. Hence, by permitting them to seek permanent residence status under this bill, there would be no violation of the policy of the law in that respect. Furthermore, assuming that the reason for the restriction in section 245(c) of the Act against adjustment of status by a native of the Western Hemisphere was based upon a belief that such an alien could easily return to his own country to procure a visa, it is clear that such an assumption is not valid for Cubans because they cannot return to their homeland for that purpose.

The Department favors and supports the objectives of H.R. 15183 and, accordingly, the Department of Justice recommends enactment of this bill.

It is to be observed that the benefits of the bill are available to an alien who is both a native "and citizen" of Cuba. This necessarily will exclude from eligibility for adjustment of status a native of Cuba who has lost Cuban citizenship and is either stateless or has acquired the nationality of another country. If that result is not desired, the Committee may wish to consider a revision in this respect.

The Committee's attention is also invited to the fact that in some cases a native and citizen of Cuba may have married and have his spouse and children living with him in the United States. The spouse and children may not be natives of Cuba, and may in fact be natives of a country which would preclude their eligibility for adjustment of status either for lack of a visa number or because they are natives of a Western Hemisphere country or adjacent islands and hence statutorily barred from adjustment under section 245 of the Act.

In order to maintain the unity of the family, it is suggested that the bill be revised to provide for the adjustment of status thereunder of the spouse and children of the Cuban who is the principal beneficiary of this bill, regardless of their nationality and nativity, if they are living with him in the United States. To accomplish this purpose, it is recommended that on line 5, page 2, there be added the following additional language:

"The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States."

It has been observed that this legislation will be a separate measure, not part of the Immigration and Nationality Act. For use in its interpretation and application, it is deemed necessary and appropriate that the definitions contained in the Immigration and Nationality Act be made applicable to this bill. Furthermore, in order to make clear that the enactment of this legislation does not affect or modify all the other functions, powers, or duties of the Attorney General in the administration and enforcement of the immigration laws generally, language should be added to the bill making that clear. For that purpose, it is recom-

mended that at the end of the bill there be added an additional section, reading as follows:

"SEC. 2. Except as otherwise specifically provided in this Act, the definitions contained in section 101(a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization."

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

Mr. FEIGHAN. Thank you, Mr. Secretary. This subcommittee appreciates the assurances that you have given today that adjustment of status for these Cuban refugees which the Department recommends be authorized, in no way reflects or infers a change in basic U.S. policy toward the Communist occupation of Cuba.

You have made it clear that the United States does not recognize any degree of finality to the totalitarian regime which now controls Cuba or to the theft of human freedom which has been perpetrated against the Cuban people. Our firmly based hope that the goal of freedom and self-government may be won soon by the Cuban people, would remain unchanged and in no way reduced by the change in status for Cuban refugees.

In my judgment, it is important that this basic consideration be fully clarified and emphasized. We must not allow any public misunderstanding on this basic issue.

Mr. Secretary, I have a few questions, the answers to which will be helpful to our committee deliberations.

How many Cubans came into the United States on immigration visas, having left the United States to secure immigration visas in Toronto, Windsor, Canada; Mexico City, Nassau, or Spain?

Mr. BALL. I can give you that here, Mr. Chairman.

Since January 1, 1959, about 75,000 have been admitted as permanent residents, in possession of immigration visas.

Now, in addition to that, just to complete the record, as of June 30 of this year there were 115,101 Cubans in parole status and 47,080 in voluntary departure status in the United States.

Mr. FEIGHAN. Mr. Secretary, are there not Cubans who have been in the United States for some time now appearing before consuls in Canada and Mexico and elsewhere for applications?

Mr. BALL. That is right, sir; yes.

Mr. FEIGHAN. Mr. Secretary, would it not be possible, even if Congress did not authorize adjustment of status in the United States, that Cubans on indefinite status here could go to any of our consular offices abroad and apply for immigration visas?

Mr. BALL. They can go to our consular offices abroad. As I pointed out in my statement, there is a great deal of congestion in many of those offices and they are overburdened with work, and, therefore, there is substantial delay for the Cubans.

Mr. FEIGHAN. Mr. Secretary, do I correctly assume that the position taken by the Department of State, which restricts itself to policy questions, is whether it is desirable and timely to authorize adjustment of status for the Cuban refugee?

Mr. BALL. That is the principal concern that we have, Mr. Chairman, and we have expressed ourselves, believing that it is desirable and timely.

Mr. FEIGHAN. Mr. Secretary, you had mentioned that you had examined H.R. 16908 which I introduced. Would you have any further comment on that particular bill?

Mr. BALL. I would say, Mr. Chairman, that either one of the bills which is before the committee seems to us to accomplish a very desirable purpose. We have no strong preferences as between them. On the three points that I mentioned which were the fundamental points of difference, as I understand it, the elimination of the requirement that entry be subsequent to January 1, 1959, seems to us to be desirable and we would, on balance, favor that.

On the question as to whether the date the adjustment is made marks the date of the beginning of immigrant status or the date of entry, this is a question which can, I think, be argued either way. There would appear to us to be some basis for equity in extending immigrant status to the time in which entry is first made. The reason I say that is simply that there are certain Cubans here who have professional qualifications who cannot practice their professions until after they become citizens. Some of them have been in this country for several years. The effect of deferring the application of immigrant status to the date of adjustment would be simply to defer longer their exclusion from the practice of their professions.

I don't think this is a large consideration but it is one that I think the committee might wish to take under consideration.

The purpose of requiring a 5-year waiting period for applicants for citizenship is to give them time to get adjusted and acclimated to the United States, to learn the ways of this country, and in that way to make themselves better qualified to assume their responsibilities of citizenship.

It would seem to us—and this is not a matter on which we speak with deep conviction, because as I say it is a matter that can be argued either way—that Cuban nationals who have been in this country for 3 or 4 years, even though they may have been here under parole status, would have probably acquired as much knowledge of the United States as if they had come in under an immigrant visa in the first instance. So there would seem to be to us a slight equity in having this date run from the time in which their first entry was made.

Now, on the third point, the application of the act to the spouse and child of any alien who is residing with such alien in the United States, this seems to us to be altogether proper and desirable.

So that I would sum up by saying that either bill, in our judgment, is acceptable to the Department. The Department of Justice can speak with perhaps more authority on the details of the legislation. We would have a slight preference along the lines that I have indicated.

Mr. FEIGHAN. Mr. Chelf?

Mr. CHELF. Mr. Secretary, I listened very carefully to your testimony. I would like to ask you, again, for the record, just to be sure, outside of the humanitarian feature that is involved here, do you sincerely believe that this legislation is in the best interests of the United States? That is the thing that I am interested in. I want to do all that I can to help others, but the point that worries me—you see, we have helped 100 nations and we have given 122 billions of our

dollars away, only to have these fellows overseas now, who are fat and sleek and rich, to take our own dollars and demand our gold out of Fort Knox. Now, I know it is going on and everybody else knows it, but will this help us here?

Mr. BALL. Mr. Chelf, I don't think you can disassociate the humanitarian motive from the foreign policy interests of the United States in this case.

What we would be doing, what Congress would be doing by passing this legislation, would be demonstrating to the world our sympathy for peoples who do not want to live under totalitarian regimes.

We would be extending to them the privilege of living in a free society. This is consistent with the principles that we have followed in our dealings with nations around the world, to encourage freedom, to encourage resistance to totalitarianism. We have a feeling that this would be a contribution to creating a consistent vision of the United States as a nation which practices what it preaches and which extends to people who are hard pressed under totalitarian regimes the possibility of becoming useful citizens of the United States working toward the general cause of freedom.

Mr. CHELF. Being very much interested in it, and to the extent that I paid my own way out of my own pocketbook, I made a trip, incognito, down to Florida in April of this year. I had been hearing about the Cubans and how many we had and what they were doing, and all that sort of thing. I am happy to say I went down with the cooperation of your Department, and the word did not leak and no newspaper, nowhere, at no time, knew I was there. I got some good information and I just want to say this to you: I think that you are exactly right, for the very simple reason I saw lawyers and doctors and other professional men working at menial tasks, something that was foreign to them but yet they had mastered to the best of their ability that trade. I saw with my own eyes firsthand these people and I talked to them in my broken Spanish as best I could, and let me tell you something, I was very much impressed with them. They are very fine people and they come from good stock.

Mr. FEIGHAN. Mr. Moore?

Mr. MOORE. Mr. Secretary, this matter, of course, is something that came to the attention of the subcommittee during our deliberations last year on the changes which were made in the Immigration and Nationality Act. There was strong feeling within the framework of the committee at that time that there were really overriding diplomatic implications if we were to change, at that time, the status of Cuban refugees. Of course, your statement here today has weighed the equities in this particular regard and you indicate very, very firmly that this should not be taken as any indication that we view with any degree of permanency the Castro regime. I think that is well stated and it is a point that certainly has to come to the attention of this subcommittee, because it is one that has bothered us.

Now, aside from a statement of that position, may I inquire—and again this is perhaps more a state of mind than it is a position of the Department of State—do you feel that it is necessary for us to go to immediate citizenship in order to portray to the world and to the Cuban people our best humanitarian qualities as a nation and our willingness to take those who are the citizens of the world who have been abused by communism, in order to improve the diplomatic

position of the United States and to best express our willingness to be helpful? Do you feel that this step is absolutely necessary for us to portray to the world what really is and has been for a long time past, our national policy?

Mr. BALL. Mr. Moore, I think Mr. Chelf has very well stated the practical problem—that if we do not permit people who are useful resources to the world, no matter in what country they may be living, to practice their professions, to contribute their training, their experience, their gifts to free society, that we are displaying a rather inconsistent position toward the world, for a nation that has historically always attempted to defend freedom and encourage people to resist totalitarianism.

I think this is a very necessary step that is being proposed here. If we do not take this step the condition of Cubans in the United States—who are having to work at tasks which are beneath their qualifications—is going to be a pretty unedifying spectacle to many nations of the world. And many people are going to doubt whether the United States really means what it says.

I think, therefore, that if we are going to have a consistent policy around the world and if we are going to represent to the world a standard of conduct and a principle, that this legislation is necessary to contribute to that.

Mr. MOORE. I think we should put this again in a little closer perspective. You do not mean to say that we use those who, by reason of the citizenship requirement by the various States in certain professional areas, that we should, in order to take care of what the subcommittee, at best, figures are a very, very small number, that we should legislate for the whole when the whole would not benefit materially from what we have done?

Mr. BALL. I am not addressing myself just to those in professional classifications, Mr. Moore. What I am saying is that I think every man ought to have the opportunity to contribute what he can to society according to his gifts and his experience, whether it be in professional work or whether it be in some other line of work. I think also that if a man lives in a society and behaves well and is loyal to the principles of the society, he ought to enjoy the prerequisites of voting, of being able to express himself in the conduct of that society. I think to deny to Cuban nationals who have come here, fleeing from totalitarianism—trying to find a sanctuary where they could live a free life—to deny to them these benefits which men are entitled to if they work hard and behave well, would be an injustice.

Mr. MOORE. May I pose my question in another way by simply saying: Is it, perhaps, not true—and most of the expressions that I have heard are similarly stated as your observations have been—that we have in this country a number of Cuban refugees who are well educated and in some respects have high professional qualifications but are working as waiters, as dishwashers, in an assortment of jobs far below that for which their education qualifies them.

Mr. CHELF. And their dignity.

Mr. MOORE. And their dignity would have them doing in this country under any other circumstance and certainly in their own country.

Now, again, trying to determine and identify where the major thrust is for a blanket change of status for all Cuban refugees, absent

the professional push and the loss of dignity, which is real—there isn't any question about it—someone came to us and told us that one of the former supreme court justices of Cuba was working as a waiter in the Fontainebleau, which is certainly a factor. But, absent this desire to get individuals who have these professional qualifications out doing and contributing to our society as well as putting their education to work, is there a feeling among the average Cuban refugee today that he wants to adjust his status? Has the demand been just as great from him as it has been from those that are under a professional disability as a result of their status?

Mr. BALL. First, I would say, Mr. Moore, that this is an optional provision.

Mr. MOORE. I think that is a good point.

Mr. BALL. A Cuban only avails himself of it if he wants to become an American citizen, if he want to achieve immigrant status. So that this is simply extending the option to those who want it. And I think that we will find, if this legislation is passed, that a great many will want it because they want to become Americans, they want to have the right to be full members of the society in which they are living, even though at some time in the future, when Cuba does become free—because I am certain it will—some of them may wish to go back and resume their lives there. But this is for those who wish it, for those who really want it.

Mr. MOORE. Then as I understand it, basically, your explanation of the differences between the two bills, one by Mr. Gilbert and one by Mr. Feighan, which are before us, is that you feel the greater equities are perhaps on the provisions, although you have declared and placed no real emphasis as between the two, in Mr. Gilbert's bill. Do you see any objection to the language content of Mr. Feighan's bill wherein a change of status would be as of the date of approval of the application for change of status and then reserve to this subcommittee, as this subcommittee does now have within its jurisdiction, those applications by professionally trained individuals for retroactive citizenship where citizenship is a requirement for full enjoyment of their profession?

Mr. BALL. I think that might be a possible solution, Mr. Moore. I think it might be rather more difficult to administer than the other. This is a matter on which I think the Department of Justice should speak rather than the Department of State.

Mr. MOORE. Now, again, this may be a matter more particularly for the Justice Department, but what is the total number of Cubans who have come into the United States since January of 1959, with the advent of the Castro regime?

Mr. BALL. Something in excess of 300,000 all together, Mr. Moore, I don't have the precise figure.

Mr. MOORE. If I understand, of that in excess of 300,000, approximately 75,000 have made arrangements to adjust status outside the United States.

Mr. BALL. That is right, sir.

Mr. MOORE. Now, if we were to pass this legislation, how, in your view, would this operate with respect to Cuban refugees that are now in some status or another in another country? What rights would this proposed legislation provide for them? Could they immediately go into a consulate office in Spain or in any one of the

countries of the world and seek to adjust their status? May we have your thoughts with respect to that?

Mr. BALL. Well, I wouldn't think it would make much difference. The present situation is this. In Spain and Mexico we have a number of Cubans who are applying each month for immigrant status. Last year there were about 300 monthly in Spain and 500 monthly in Mexico. The Cubans that are in those two countries, I think, would continue to do what they have been doing. They would make application to local consular offices there and they would be granted immigrant status in due course after the investigation had been made.

Mr. MOORE. Do we have any facts and figures as to the number of Cuban refugees that are in a status of asylum in other countries and outside the continental limits of the United States?

Mr. BALL. Yes. There are about 46,000 in other countries. And I can give you the breakdown or put it in the record, if you would like.

Mr. FEIGHAN. I think that would be good.

Mr. MOORE. May we have that? I think it would be very helpful.

Mr. BALL. Yes.

(The information requested appears below.)

Estimated Cuban refugees in other countries

Argentina.....	1, 884
Brazil.....	350
Chile.....	30
Colombia.....	400
Costa Rica.....	1, 000
Dominican Republic.....	1, 486
Ecuador.....	250
El Salvador.....	200
Guatemala.....	400
Honduras.....	1, 000
Jamaica.....	64
Mexico.....	10, 300
Nicaragua.....	58
Panama.....	2, 000
Paraguay.....	2
Peru.....	1, 800
Uruguay.....	20
Venezuela.....	10, 000
Total for Latin America.....	31, 244
Plus Spain.....	15, 000
Grand total.....	46, 244

Mr. MOORE. May I inquire as to whether or not the Department of State has discussed this suggested change in our law with any representatives of the Cuban revolutionary groups that are in existence in this country today as to what their thoughts might be and what effect such changing of status might have on any of the plans that these various "revolutionary" groups might have?

Mr. BALL. I am not aware of any discussions of that kind, Mr. Moore. I don't believe we have had any.

Mr. MOORE. May I conclude my statement by asking this question? Mr. Secretary, you are well aware of the contemplated control of the immigration flow into the Western Hemisphere that came about as a result of the change in the immigration law that was made by the Congress last year. Meeting that Cuban problem at this time would seem to me, on the one hand, to have a very salutary effect in that

those adjustments would at this time not be counted against any ceiling which we may apply in the future to the Western Hemisphere, but at the same time if it is not taken care of now it can very well—I say to the subcommittee—destroy, and have a very dampening effect upon the immigration flow that is contemplated to be controlled. Is that not a fair statement, Mr. Secretary?

Mr. BALL. That is right, Mr. Moore. As a matter of fact, since the 1st of December 1965 when the new immigration law became effective the rate of flow of the granting of visas in Spain and Mexico has markedly declined to about 200 monthly in Spain, from 300 monthly, and to 100 monthly in Mexico from 500 monthly.

Mr. MOORE. I would defer any further questions, Mr. Chairman. Thank you, Mr. Secretary.

Mr. FEIGHAN. Mr. Rodino?

Mr. RODINO. Mr. Secretary, first of all, may I say that I am impressed with your statement. You have made crystal clear the general policy reasons for the need to enact the legislation before us. I wholeheartedly agree with that policy. My experience has been such, as a representative of the area of Newark, where there are many Cubans, that they certainly are a welcome asset in their community. They have made a very valuable contribution and, as you describe them, they certainly would be fine citizens if ever they sought to apply for citizenship. I think, certainly, in keeping with our American policy on a humanitarian basis and for practical reasons in our own best interests we must give these people every consideration, recognizing the very many problems that have beset them and recognizing that they are victims of a system which they repudiate and reject. This certainly is another indication, if we enact this legislation, of the kind of thinking that America can be justly proud and hold out to the rest of the world. It is another indication of our American process working.

With that, Mr. Secretary, may I address just a few questions to you? Although it may be impossible to project how long or how many Cubans will continue to seek exit from Cuba to the United States, could you possibly estimate for us how many would enter the United States monthly under present arrangements?

Mr. BALL. At the present time the flow is running at about 4,000 monthly and we would assume that this would continue for some time. Let me ask my colleague here if he has any more precise view on that.

Mr. HEYMANN. No.

Mr. BALL. We can't tell with any precision at all when this flow is going to begin to taper off.

Mr. RODINO. Of course, this has all been taken into consideration when you decided what the policy was to be?

Mr. BALL. That is right.

Mr. RODINO. Recognizing that we could absorb them?

Mr. BALL. Right?

Mr. RODINO. I think, Mr. Secretary, some of us did not hear exactly what the figure was. Did you say 3,000 or 4,000.

Mr. BALL. 4,000.

Mr. RODINO. 4,000?

Mr. BALL. Yes.

Mr. RODINO. How many would you say, Mr. Secretary, are coming in by airlift?

Mr. BALL. The airlift is bringing in almost all of them. As of the 5th of August of this year almost 31,000 had entered by airlift. That is running at the rate of 160 to 170 daily during each 5-day week. This is the bulk of the inflow that is occurring now. It accounts for a very high percentage of it.

Mr. RODINO. If permanent resident status seems to be such a necessary ingredient for a successful career in the United States for these Cubans, Mr. Secretary, why, at the present time, haven't more Cubans taken advantage of our consular offices in Canada?

Mr. BALL. It is very difficult for them. Let's take the case of a typical Cuban refugee. He may find himself in the United States practically penniless, having had taken away from him everything he possessed. He arrives in the United States with no money, he has the immediate requirement of getting himself some kind of employment in order to keep himself and, in most cases, his family alive. If he has to leave that employment for an indeterminate period—because in view of the state of congestion in the consular offices on the border it may take quite a little time—he has to give up his ability to earn money and he has to find the money to make the trip and he has to find some way to sustain himself and to send money to his family while he is in Canada or in Mexico. This is simply beyond the possibilities for a great many Cubans who are faced with the hard necessities of trying to earn a living in an unfamiliar environment, a time of great difficulty for them.

Mr. RODINO. And, Mr. Secretary, you feel confident that the other countries of the world would understand that this kind of special help that we propose to extend to the Cuban refugee is done because it is necessary, because it is practical? It would not have that kind of an effect which might disappoint these other nations and cause them to feel that we are giving special treatment and preference over others?

Mr. BALL. The area of greater sensitivity is among, of course, the states of the other American Republics. We are entirely satisfied that they will understand the purposes for which this was done. They know our position on Cuba. We make it clear to them constantly. They are in agreement with our position on Cuba. They would recognize this as a humanitarian gesture which is quite consistent with the position of the United States.

Mr. RODINO. Thank you very much, Mr. Secretary.

Mr. BALL. Thank you.

Mr. FEIGHAN. Mr. Cahill?

Mr. CAHILL. Yes, Mr. Chairman.

First of all, I apologize because other congressional commitments did not permit me to hear your testimony, but I did have the opportunity to read it, Mr. Secretary. And I join my colleagues in approving, first, the humanitarian approach, the desirability of being helpful to the people who are the victims of this oppression. But there are just a couple of questions that raise themselves in my mind.

It is my understanding that our goal is that Cuba shall be freed from Communist domination and shall return again to the free world family of nations. The question that poses itself in my mind is this: Are we not accepting as refugees in the United States the very people who, in the ordinary course of events, would be leading that revolution in Cuba? And are we not taking from Cuba today the real leaders of Cuba, the ones that Castro wants to get out of Cuba

and are we, therefore, not depriving the average Cuban person of the real leadership that will be necessary to foment a revolution to restore the country to a democracy?

Mr. BALL. Well, this, I think, Mr. Cahill, goes to the question of the airlift and the efforts that we have made to assist people in Cuba who did not want to live under a totalitarian regime, people who wanted to leave Cuba and find a refuge in the United States. I think that for the United States to deny the possibility of these people leaving and coming to this country would be more discouraging in their efforts to bring about a free regime than almost anything we could do. I think to say to people, because we think "you are the potential seeds of revolutionary ferment and are going to be the leaders, that you have to stay in what amounts to a kind of captivity in Cuba," is something that we just can't do. So that I believe that what we did in assisting those to leave, who Castro was willing to permit to leave, by the airlift has been altogether right and I think that this further step of giving them the option of citizenship, if they wish it and wish to live as good citizens of this country, is altogether right, also. I don't think we extinguish in any way the flame that burns in their hearts for the liberation of their country, and I think that as the conditions develop over time, these people will go home when the possibilities permit them to.

Mr. CAHILL. Don't you think the efforts that will pave the way for eventual American citizenship will be a deterrent rather than an incentive for them to return to Cuba?

Mr. BALL. I wouldn't think so because the reasons that would lead them to return to Cuba is that love of country which I think you will find is very deep among most Cubans. They want to go back to Cuba. They want to rebuild their country and they will do so when the opportunity—

Mr. CAHILL. Then why should we grant to these people American citizenship?

Mr. BALL. In the meantime, I think we should give them the option of being able to live in this land as good citizens of the United States even though some of them will ultimately return.

Mr. CAHILL. I agree with that, but my question would be, isn't there another way of doing this besides granting of citizenship? In other words, couldn't the States, for example, in this particular case, make it possible for a person who is in this status to practice medicine and to teach even though he is not an American citizen?

Mr. BALL. The laws on this vary very widely from State to State. I think that in a great many States there are serious inhibitions against practicing professions by those who are not citizens and I know of nothing we can do to change those laws. There are considerations for those even beyond the professions. People who are going to be living away from their native land for an indefinite period of time really ought to have the right to live as citizens in the land in which they are.

Mr. CAHILL. You indicate there are 4,000 coming in monthly?

Mr. BALL. That is right.

Mr. CAHILL. This legislation would be open-ended, would it not; there would be no termination, and there could be an unlimited number. All of those who wanted to come in would be acceptable

and all of those who came in would have the benefit of the legislation, if enacted?

Mr. BALL. Yes, though the Attorney General would apply the same screening procedures he would to anyone else who comes in on an immigrant visa to be sure the security interests of the United States are protected, and that these are the right kind of people.

Mr. CAHILL. I see a difference between a Cuban refugee and a Hungarian. I don't think there was any thought on the part of the U.S. Government that the Hungarian refugee would return, whereas I think this expectation has at least been held out to the American people, that the approach to the Cuban refugee was a humanitarian answer to an immediate problem that would resolve itself later. Now it seems we are adopting a permanent policy. We are really saying in effect we will accept all Cubans who want to come into the United States regardless of the number for however long they want to come in and, after coming in, we will then see to it that they have the opportunity of becoming American citizens. Therefore, it seems to me that the Cuban refugees, like other people from foreign lands, who have come here to the United States, will love the way we live and won't want to go back to their native land.

We are really closing our eyes to reality if we expect that these people will return to the conditions from which they have come after enjoying the conditions which they enjoy in the United States. It does seem to me that the policy is a humanitarian one and most desirable in aid of people who are oppressed. A great deal of thought, however, should be given to it because we are indeed, in my judgment, setting a precedent which will have far-reaching effects in the future.

Mr. GILBERT. Will the gentleman yield?

Mr. CAHILL. Yes.

Mr. GILBERT. I think one point should be cleared up in the gentleman's statement with respect to the 4,000 Cubans entering the United States monthly. I don't believe you ought to leave the impression that 4,000 helter-skelter came into the United States without first having been screened thoroughly, so that we just don't have 4,000 Cubans coming into our country.

Mr. CAHILL. I recognize what the gentleman says and I also recognize that there are at the present time some 300,000 who have come here; by the way, Mr. Secretary, basically where are they located in the United States?

Mr. BALL. There is, of course, a very great concentration in Dade County, in the Miami area, and in Florida generally. Very big efforts have been made by HEW and the other relevant departments of the Government to work with the Cuban refugees in order to get a much better distribution throughout the United States. We have had fine cooperation from the authorities in Florida in this effort in resettling these people, and every effort is made now to try to assure that they are spread throughout the United States and that every State is taking some of them.

Mr. CAHILL. What percentage of these people in your judgement are of professional and semiprofessional caliber?

Mr. BALL. We can put that in the record, Mr. Cahill. I don't know offhand.

Mr. FEIGHAN. Without objection, it will appear in the record at this point.

(The information requested appears below:)

Percentage of people of professional and semiprofessional caliber

Professional, semiprofessional, and managerial.....	8
Clerical and sales.....	11
Skilled.....	7
Semiskilled and unskilled.....	5
Services.....	3
Agricultural and fishery.....	2
Students, children, and housewives.....	64

Source: Figures furnished by Department of Health, Education, and Welfare, Welfare Administration, Cuban Refugee Program, Washington, D.C.

Mr. MOORE. I thank the gentleman from New Jersey for yielding. I want to follow up a question of his, if I might. I am challenging, in a way, the observation made that eventually these people are going to go back to Cuba and eventually these people will contribute to the free Cuba we want to see.

What would be your attitude, Mr. Secretary, if you were a Cuban and that you couldn't get out of Cuba, that you endured all the hardships and the discomfort and restrictions and threats continually, of not only loss of the major freedoms that you have, but in some instances, the lives of members of your family; that the time comes when an overthrow takes place and it takes place by reason of the fortitude of those who have remained in Cuba, and then all of a sudden, when the overthrow has been accomplished, you look out on the horizon and here comes a boatload of 300,000 Cubans who have enjoyed the sunshine and the abundance and the economic good of the United States of America and they are shouting: "We are here to save you."

I daresay you would look back and say: "Brother, I stayed here and saved my own country. You took citizenship in another nation."

Don't you think we might be encouraging some complications within the real fiber of the Cuban people that might at some time cause us even a greater problem than we have today?

Mr. BALL. This is a very familiar situation, of course, Mr. Moore. It has happened again and again where some people have left and some have stayed. They have left or stayed for quite different reasons. I think to some extent the problem that you raise depends on the reasons why the people stayed. If they stayed because they wanted to work in some kind of revolutionary activity, or felt they could contribute most by staying, that is one thing.

Mr. MOORE. Suppose they just couldn't get out?

Mr. BALL. Then I think they would very much envy the people who got out. But when the people who had left the country did return, these things tend to get all mixed up and forgotten. This is over a relatively brief period of time. This is the experience I think we saw happen after the Second World War, which dislocated so many people. Even though there were provisional governments that may have been set up outside the United States, when people came back, there was a period in which these differences were important. But it didn't last very long and the people who had something to contribute to the society contributed it and then the thing began to settle down and work as a unit again.

Mr. MOORE. I think those suggestions are well and good. The proportion, in consideration of the small population of this island, to those who have left is far greater.

Mr. BALL. I agree.

Mr. MOORE. If we were to have the circumstance here in the United States—I read in the paper the other day where a citizen of ours went over to England, and encouraged by the British consulate that there would be no attendant problems, cast a vote in the British election. She came back in to have a child registered for U.S. citizenship and was told she had violated the law and therefore negated her own citizenship.

What is the contemplated long-range view of the Department of State as to what the consequences would be of our giving citizenship to these people and then at some future date their returning as U.S. citizens to Cuba? Is it contemplated they would then surrender their U.S. citizenship and then reidentify themselves as Cuban nationals?

Mr. BALL. We have a different approach to citizenship from that of almost any other nation. In a great many nations of the world dual citizenship is accepted almost as a matter of course. It is particularly true in almost all of the Latin American countries, as I understand it. If a man is born in that country, he remains a citizen of that country.

In many of those countries he has a citizenship even though he renounces it. He just can't get rid of it.

We have a different philosophy. If he renounces U.S. citizenship, he loses it, or if he takes advantage of any foreign law which is extended to a citizen of that country and therefore benefits in a special way by his citizenship in that country, in most instances he will lose his U.S. citizenship. So if the Cuban nationals who now go through this adjustment and become citizens of the United States—they retain their citizenship and are dual nationals. But once they go back to Cuba and begin to exercise the prerogatives of a citizen of Cuba and participate in the political life and vote in the elections and so on, they will lose their U.S. citizenship.

Mr. MOORE. What are other countries doing with respect to the problems of the Cuban refugees?

Mr. BALL. There are some 46,000 refugees in other countries.

Mr. MOORE. I think that figure was given to us for Spain and Mexico. Is that the sum total?

Mr. BALL. The number in Spain is 15,000. The total for all of Latin America is a little over 31,000, making a total of 46,000. These are the countries to which the Cubans have gone because they are the familiar countries and they are the accessible countries. They haven't gone to European countries primarily because it is a totally unfamiliar area; they don't know the languages; they don't know the people.

Mr. MOORE. Mr. Secretary, one last question if the gentleman will continue to yield.

House Report 745 on H.R. 2580 pointed out the parole provisions of the immigration law very firmly and the legislative history with respect to its use was written on the floor of the House. It pointed also very firmly to congressional intent that the provisions of the statute were designed for the emergence of individual and isolated conditions and not for the purposes of the admission of classes or groups. Very, very frankly—I think it is fair to say—Mr. Feighan, and I, when we gathered on that bright day at Liberty Island in New York and witnessed the signing of the Immigration Act, we practically fell off our chairs when we heard the President indicate that the parole

provisions of the law would be made applicable to the Cubans, to bring them in. In doing so he accepted the challenge thrust at him a day or so earlier by Castro.

Can you give us any idea what the executive branch is thinking in this respect?

This isn't an all-inclusive statement for the entire subcommittee membership, but is this misuse of the parole provisions to continue until the 750,000 Cubans who are waiting there are admitted to the United States.

How do you square yourself with what we have been talking about up here on the Hill with reference to what we don't want you to do through the parole provisions of the law?

Mr. BALL. There is a limit on the number of Cubans coming to the United States. I suggested to the Committee a moment ago I couldn't give the time at which the flow would begin to phase out, but it is clearly in practical terms a limited, if I might say, finite number, so it isn't open-ended in a realistic sense.

What the President was doing, of course, when he responded to the challenge that Castro had thrown at the United States, was stating the basic principles of American belief in liberty. I think that we had no option but to take the course which the President took. I think it was right and I think it has been extremely well received around the world.

Mr. MOORE. May I say, Mr. Secretary, I agree. I don't think he had any choice.

Mr. BALL. I would think we don't propose at this time to shut this flow off because we think it is going to taper off by its own accord in time and we don't want to be in the position of making this kind of discrimination.

Mr. MOORE. Thank you.

Mr. CAHILL. I have just one last question, Mr. Secretary. It is my observation that the granting of U.S. citizenship to a Cuban would in effect pretty much prevent him from owing any allegiance to Cuba and would pretty much commit him 100 percent to U.S. citizenship. My view, I think, is fortified by a reading of the oath that he must take. One of the things he must do to become a citizen is "renounce absolutely all allegiance and fidelity to any foreign principality, potentate, state, or sovereignty of whom or which the petitioner was before a subject or a citizen."

So really, one of the prerequisites of American citizenship is an oath that they will have nothing to do with Cuba. It seems to me that pragmatically and realistically we must understand that if we do this thing—I am not arguing that we should or shouldn't—but if we do it, I think we must recognize that we are accepting a former Cuban who will become not only a permanent resident, but a citizen of the United States, and who will never go back to Cuba except as a visitor and, therefore, each and every one of the refugees who comes in here and takes status and becomes a citizen is in my judgment at least forever lost, as an active revolutionist, to Cuba.

Mr. BALL. The oath is that he renounces any allegiance to any foreign principals, potentate, or power. Certainly the Cubans who are in the United States renounce their allegiance to the Government of Cuba.

Mr. CAHILL. Yes.

Mr. BALL. As it is now constituted. This doesn't mean, of course, at some time in the future, if there is freedom in Cuba under a different government—

Mr. CAHILL. The purpose of the oath is, not only that you are renouncing the other, but you are embracing 100 percent the United States of America, and there is no room left for any other love. I don't think you say "under present conditions we are against Germany or Ireland or Italy or Cuba." I mean exclusively you are an American citizen and you are giving your 100 percent devotion to America. I think that is what it means.

Mr. BALL. I think it is quite possible to give 100 percent devotion to America, but still have a love of country in your heart, and the love of country is a love of country and not a love of a government or a principal or a potentate.

Mr. CAHILL. I think we would be arguing on it. It is just my position for the record. I think the thing has to be given a lot of deliberate thought.

I yield the floor to the Chair.

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. I yield to Mr. Chelf.

Mr. CHELF. I have heard this discussion here between the Secretary and Mr. Cahill. I, somehow, can't help but believe, Mr. Secretary, that you are right about the Cubans. Once a person knows a Cuban I think you will have a different attitude and viewpoint. I have been associated with Cubans. You may say "How can a kid from the hills of Kentucky be associated with a Cuban?"

I went to school with some Cubans, that's why. Their parents had the good judgment to send them to Kentucky to be educated. While there I learned the bit of Spanish I know now. I used to know Spanish. I used to be able to converse in it, but today, after 30-odd years, never having spoken it until the other day when the President was kind enough to call me from Florida to go with him to Mexico, I remembered "Viva Mexico" and a few more expressions. But the point is, I visited Cuba at the invitation of one of my classmates a long time ago. I can tell you that little island is a jewel; that is, before communism set in. And I believe with all my heart that you are right from the standpoint that many Cubans will return, because they are a proud people. They love their country with a fierce passion the likes of which I don't believe I have ever seen.

Now, this is how I feel about it. I just can't conceive of a boatload of 300,000 docking at the pier. I believe if they thought tomorrow—those who are here now—that they could overthrow Castro, they would be going back. They would swim back. That is what I think of the courage of Cuban people.

Now, insofar as the unemployment situation is concerned, many of us here, as you well know, were very skeptical and very jealous of the fact that maybe in our exuberance and zeal to get too many over here, to try to help them, to be neighborly, be friendly, that they would take over the jobs of our own people, and especially our colored people down South. But the other day I read in the paper where unemployment in America is at an alltime low. The Labor Department says there is a terrific shortage in employment. They say we could use more workers here.

I think this thing is beginning to answer itself as we go along. That is my interpretation.

Now, our chairman here very wisely requested our staff to furnish this committee with some facts and figures in a report which was submitted just of recent vintage—in fact, August 8, 1966—a report on physicians and nurses in the United States. I am not going to bore you with the whole thing, but for the purpose of the record, it says this, that the status of physicians and registered nurses in the United States and the relationships thereto of alien physicians, registered nurses, and student exchange nurses are as follows:

The report to the President submitted by the President's Commission on Heart Disease, Cancer and Stroke, in December 1964, made this basic finding:

The first hard fact to be faced is that there is not enough health manpower to meet the needs of the American people.

Not some other people, the American people.

There are not enough doctors and not enough supporting people.

The Labor Department endorses that and says that this is true. There are many other figures in this report. As I say, I will not clutter up the record with all of it, but I think this all is beginning to fit, as I see it—I may be wrong; I have been wrong before. I feel this thing will solve itself, given a bit of time, and I want to commend you in your presentation. Also for your constant belief in the people south of the border, our friends and our neighbors there in Cuba, and our good friends in Mexico who too have taken in a lot of their neighbors, the Cuban people.

I thank you from the bottom of my heart, Mr. Donohue, for yielding to me.

Mr. CHELF. That was on my mind and in my heart and I had to get it out of my system.

Mr. DONOHUE. Mr. Secretary, are there any restrictions imposed by other countries against the admission of Cuban refugees?

Mr. BALL. I think there are very few, Mr. Donohue. I think by and large the Cubans can be admitted in almost any country they might choose to go to.

Mr. DONOHUE. The reason I am asking that question is that it is difficult for me to understand why 300,000, plus the 4,000 per month Cubans, would want to come here when they wouldn't be too familiar with our language and would not want to go to one of the Central American countries or South American countries.

Mr. BALL. Many of them, of course, have gone to Latin American countries. I would say that first of all economic conditions in the United States more importantly are much more attractive to them. Second, they know Americans because there were always so many Americans in Cuba throughout its history. Americans as tourists, Americans in business. They are familiar with them and they know how to live with Americans.

Many of them knew particularly the Miami area and Florida. This is a place they visited on their holidays. They knew this part of the world. They tend to settle in the southern part of the United States because the climate is more familiar to them.

Some of them have gone to other Latin American countries but again I think we sometimes tend to underestimate the diversities that exist within Latin America. Even the kind of Spanish that is spoken in

some of these countries is very different, and the attitude of mind of the peoples is not a homogeneous thing anyway so the Cubans don't necessarily feel more at home in Latin American countries than they do in the United States.

Mr. DONOHUE. In other words, you say that people in Central and South America have less in common with the Cuban people than we do?

Mr. BALL. I think this is true in some cases; yes.

Mr. DONOHUE. Well, tell me this, Mr. Secretary: What procedure is followed in screening the people who leave Cuba and seek admission to the United States?

Mr. BALL. There are very elaborate procedures to screen those who are coming in through the airlift, for example. I can't give them to you in detail. Perhaps Mr. Heymann, who is my colleague here, and has more direct responsibility for these things, could do that, if the chairman would like.

Mr. DONOHUE. Let me preface that question with this question: Do we have any representatives in Cuba screening these applicants for admission to our country?

Mr. BALL. Mr. Chairman, is the committee agreeable to having Mr. Heymann answer this question?

Mr. FEIGHAN. I think it would be just as well to defer that question.

Mr. DONOHUE. How many people who leave Cuba and arrive at ports in the United States have been turned back?

Mr. BALL. I would say those who are coming in on the airlift are screened, and they don't leave until the screening process is completed.

Mr. DONOHUE. And how many have been denied admission?

Mr. BALL. A number have been screened out in the process and therefore have not had the humiliation of coming to the United States and being turned back.

Mr. DONOHUE. Do you have any records from our representatives in Cuba—

Mr. BALL. We would be glad to put figures in the record on this, Mr. Donohue, to show exactly what the situation is with regard to those denied entry.

Mr. DONOHUE. I am wondering if you would furnish also for the record a breakdown of the qualifications or the abilities of these entrants into our country?

Mr. BALL. I would be glad to, surely.

Mr. DONOHUE. In other words, how many have medical backgrounds, how many have engineering backgrounds, and so on down the line.

Mr. BALL. I would be glad to.

(The information requested appears below:)

According to information provided by the Immigration and Naturalization Service, 533 persons have been found inadmissible to the United States from the beginning of the airlift through July 31, 1966. Additionally, 223 persons arriving at Veradero Airport for onward movement to the U.S. whose bona fides could not be verified by the U.S. Immigration officers at that airport have been turned back.

For information concerning qualifications of Cuban refugees, see page 38.

Mr. DONOHUE. You say there are 47,000 voluntary departures from this country?

Mr. BALL. I said 75,000 had regularized their immigration status by going outside the country to consular offices on the border and returning.

Mr. DONOHUE. You mentioned some figure pertaining to voluntary departures. Is that figure included in the 75,000?

Mr. BALL. As of June 30 this year there were 115,000 Cubans in the United States on parole status and 47,000 in voluntary departure status. Voluntary departure status means, as I understand it, that they are actually here illegally but the law is just not enforced to have them leave the country.

Mr. DONOHUE. I have no further questions at this time.

Mr. FEIGHAN. Mr. Gilbert—

Mr. GILBERT. At the outset, I would like to compliment the Secretary for his very fine, forthright statement.

I would like to state for the record that I have taken a deep interest in the plight of the Cuban refugee for quite a considerable period of time, for many reasons, but in particular the fact that I have many Spanish-speaking people that reside in my congressional district. Many of them, of course, are of Cuban descent. They started to discuss the problem of the Cuban refugee with me over quite a period of time. For almost all of the reasons that have been mentioned during the course of these hearings today—the plight of the doctor, the plight of the relative who can't find employment, the difficulty to adjust and not having money to travel to other countries.

Because of this, back in May, May 23 of this year, I introduced H. R. 15183, and also H. R. 15182. On May 24, which was the day following the introduction of these two pieces of legislation, I discussed the matter on the floor of the House in order to advise the House, or call to the attention of the Members of the House the plight of the Cuban refugee and I must say I was delighted with the support that I received in writing and verbally from members of the House who had not fully comprehended the magnitude of the problem affecting the Cuban refugee. And I say I was delighted that they were happy to have this called to their attention.

Sometimes it takes a little while, I guess, for the departments to catch up because of the massive amount of work that the departments and agencies have, in order to evaluate the worthiness of the legislation. I was quite surprised and very happy when the Department of State said that they endorsed my bill, H. R. 15183, and also that the Department of Justice endorsed my bill, H. R. 15183, and also I understand this morning that the Department of Health, Education, and Welfare also endorses my bill, H. R. 15183.

I want to thank Chairman Feighan for his interest in this matter and for the fact that he took the initiative and called a public hearing so that voice could be given to all persons interested in this particular problem.

Mr. FEIGHAN. Would the gentleman yield?

Mr. GILBERT. Surely.

Mr. FEIGHAN. As you know, Mr. Gilbert, the matter has been under consideration by this subcommittee for years, in fact. It has been the disposition of me and other members of the subcommittee that the question of the status of Cuban refugees had foreign policy implications which we felt should be determined by the Department of State and the administration and not by us. I am very happy—I don't mean at long last, but just recently—that the administration and the Department of State have responded with reference to the problem of the Cuban refugees.

Mr. GILBERT. I thank the chairman for his observation. Of course, this has foreign policy implications and I, for one, am pleased and delighted that perhaps it was my bill and the efforts of my colleagues and some Cuban refugees and relatives that helped me to have some small part in changing the policies of our country. Of course, this is what makes our country great and our democracy greater.

I don't think there is any specific question that I could direct to you, Mr. Secretary, because I believe the situation has been gone into quite thoroughly this morning by my colleagues on the committee. Suffice it to say that I think that the committee, from the questioning here, have a very sympathetic attitude toward the Cuban problem in the United States and I am sure the committee is going to act in a favorable fashion and I hope the full committee and subsequently the House, on this proposition.

I don't think one point was covered on the 300,000 Cubans who have entered the United States. Of course, a portion of these Cubans have come here with a visa. About how many would you say have entered the country with visas?

Mr. BALL. I am advised that the figure of 75,000 that I mentioned a moment ago represents the total number who have come in with visas. Whether or not they have initially entered with visas or have gone outside to have the situation regularized—

Mr. GILBERT. So you don't have any separate figure as to those who first entered with the visa as opposed to those who entered the country and left to adjust their status and returned?

Mr. BALL. That is right.

Mr. GILBERT. Don't you believe, Mr. Secretary, that if we enacted this legislation and these people could so adjust their status that they would feel they would have more opportunity throughout the country and therefore not concentrate in one or two particular areas of the country so as to create these unemployment problems and other problems that are attendant with the heavy concentration of newly arrived—

Mr. BALL. I think as citizens they would feel much greater mobility than they have now for reasons you state. I would agree with that.

Mr. GILBERT. About how many Cubans would you say would go to the west coast?

Mr. BALL. Since the airlift began, two-thirds of those coming in have moved out of Dade County, and are now moving into other areas of the United States. I wouldn't, myself, be able to estimate the number who would go to the west coast. I think the people in Health, Education, and Welfare might have some figures on that.

Mr. GILBERT. Mr. Chairman, I think it would be wise for the committee that we have the HEW testify relative to the bill before us today since they will administer the program.

Mr. FEIGHAN. We have a compilation of many of the facts within recent date.

The reason these hearings have not been held previously, first, you know that all of us on this subcommittee—and myself particularly—have been very much interested in this Cuban relief problem and I wanted to act, but I first requested and even insisted that the administration and the Department of State make their determination as

to foreign policy implications so we could have a "go" signal and have hearings as we have had them today.

I think it is essential that we have all the information necessary to present to Congress so that this legislation, if adopted—and I hope some legislation will come out of the full committee—that it will be presented to the floor of the House for the Members to work their will.

Mr. GILBERT. I have no further comments or questions of the Secretary, other than to thank him for his appearance here this morning.

Mr. FEIGHAN. Thank you very much, Mr. Secretary, for your presentation, for which we are grateful.

(Whereupon, at 11:40 a.m., the subcommittee was adjourned.)

Secretary: I have the full committee and I hope the full committee will adjourn the House on this proposition.

Mr. Gilbert: I don't think the point was covered on the 300,000 Cubans who have entered the United States. Of course, a portion of those Cubans have come here with visas. About how many would you say have entered the country with visas?

Mr. Feighan: I am not sure that the figure of 75,000 that I mentioned in my report represents the total number who have come in with visas. Whether or not they have initially entered with visas or have come in on some other basis, the situation is somewhat different.

Mr. Gilbert: So you don't have any separate figure as to those who first entered with the visa as opposed to those who entered the country and left to adjust their status and returned?

Mr. Feighan: I don't know, Mr. Secretary, but if we entered the United States and then people could adjust their status that they would feel they would have a more optimistic outlook on the country and therefore not contribute to the two parallel lines of the country as it is now. The unemployment problem and other problems that are attendant with the heavy concentration of people in New York.

Mr. Gilbert: I think the situation would be much greater probably than they are now for reasons that I would agree with that. The United States has many Cubans and you would like to have the 75,000.

Mr. Feighan: I think the situation is that of those coming in with visas, I think the situation is that of those coming in with visas, I think the situation is that of those coming in with visas, I think the situation is that of those coming in with visas.

Mr. Gilbert: I think it would be wise to have the people in the United States who have visas, I think it would be wise to have the people in the United States who have visas, I think it would be wise to have the people in the United States who have visas.

Mr. Feighan: I think it would be wise to have the people in the United States who have visas, I think it would be wise to have the people in the United States who have visas, I think it would be wise to have the people in the United States who have visas.

ADJUSTMENT OF STATUS FOR CUBAN REFUGEES

THURSDAY, AUGUST 11, 1966

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 1 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:45 a.m., in room 2141, Rayburn House Office Building, Hon. Michael A. Feighan, chairman, presiding.

Present: Representatives Feighan, Chelf, Rodino, Donohue, Gilbert, and Moore.

Also present: Garner J. Cline, counsel, and Donald Benn, associate counsel.

Mr. FEIGHAN. The subcommittee will come to order. This hearing is a continuation of the hearings which opened yesterday on pending proposals to authorize adjustment of status of Cuban refugees from their current indefinite status to that of permanent residents of the United States.

We are pleased to have as our witness today the Honorable Nicholas deB. Katzenbach, Attorney General of the United States. He is accompanied by Mr. James Hennessy, Executive Assistant to the Commissioner of Immigration and Naturalization.

We are very pleased, Mr. Attorney General, that you have taken time out from your busy schedule and made a special hurried flight back from Montreal to be with us on this occasion.

Mr. Attorney General, the subcommittee appreciates your favorable report by letter of August 4, 1966, on this subject, which was made a part of the record of yesterday's hearing. The committee also appreciates the fact that the Department of Justice could not act on this matter until the Department of State had resolved the foreign policy issues involved. The promptness of your action, which, when you were in a position to act, is reflected by the fact that your letter followed by 1 day our receipt of a favorable report by the Department of State.

Today we will take up the domestic issues and procedures involved in the adjustment of status under pending proposals.

On behalf of the members of the subcommittee, I extend to you a very cordial welcome. We recall with pleasure your prior appearances before the committee last year and we are happy to have you with us today. You may proceed, sir.

**STATEMENT OF THE HONORABLE NICHOLAS DE B. KATZENBACH,
ATTORNEY GENERAL OF THE UNITED STATES, ACCOMPANIED
BY JAMES HENNESSY, EXECUTIVE ASSISTANT TO THE COM-
MISSIONER, IMMIGRATION AND NATURALIZATION SERVICE**

Mr. KATZENBACH. Thank you for the opportunity of appearing in support of a legislative proposal marked by both compassion and practicality.

This is my first appearance before you since March 4, 1965, when we discussed the bill which later became the Immigration Act of 1965. I welcome this opportunity to express my appreciation and admiration for the work of your subcommittee in drafting that historic legislation.

I can report that the legislation is meeting the national needs and humane purposes for which it was intended. While abolishing the discriminatory national origins system, it is permitting families to reunite and allowing entry of persons with skills of importance to our Nation.

Our implementation of the law is still undergoing refinement. Should we conclude that amendments are needed to attain maximum effectiveness, I am confident that you will give our proposals due consideration.

The Select Commission on Western Hemisphere Immigration, created by the 1965 act, held its first meeting last week under the chairmanship of former Census Bureau Director Richard Scammon. The Commission is expected to supply valuable data in the long neglected field of immigration from other nations of the Western Hemisphere.

Pending completion of the Commission study—and at least until July 1, 1968—there is no numerical limitation on immigration to the independent countries of this hemisphere. However, unlike Europeans, Asians, and Africans—natives of Western Hemisphere countries in the United States may not acquire permanent residence unless they depart and obtain an immigrant visa from a U.S. consul abroad.

When applied to the native of Cuba, this provision becomes an often insurmountable barrier to citizenship, for he may not return to his homeland for the documentation necessary for permanent residency. The difficulties and expense of his traveling to another country for this documentation severely limit the number of Cubans who have been able to commence the 5-year permanent residency required to petition for U.S. citizenship.

The Immigration and Naturalization Service reports there are nearly 165,000 Cubans in the United States without permanent residence status. Of these, 36,000 have arrived since resumption of direct airlifts from Cuba last December 1 under the policy which President Johnson enunciated upon signing the 1965 act. They, along with 81,000 others, are here on parole. Another 47,000 were admitted on nonimmigrant visas issued by U.S. consuls before their withdrawal from Cuba on January 3, 1961.

To permit removal of the restrictions placed upon these refugees by their lack of permanent residency will benefit them and the United States. This country can well use the services of the skilled and professionally trained Cuban who is currently prevented from practicing his profession. Attainment of permanent residency by

more Cuban refugees would reduce our Government's expenditures on their behalf and aid in their resettlement by enhancing their position to qualify for employment in all areas of the Nation.

Mr. Chairman, I endorse the proposal to allow Cuban refugees to apply for permanent resident status.

I am pleased to observe that all bills before you to accomplish this would make the adjustment discretionary and voluntary rather than automatic.

Whether the permanent residency proposed for these refugees would be enrolled back to the date of their entry or begun upon adjustment of their status is a matter which I will leave for congressional determination.

In any event, allowing the Cuban to acquire permanent residence and the promise of eventual citizenship will enrich his life and ours—whether he plans to remain here forever or return to a Cuba freed from tyranny.

Such legislation would be a humane postscript to the message formulated by our Government and voiced by the President when he said to the people of Cuba that "those who seek refuge here in America will find it."

Mr. Chairman, thank you.

Mr. FEIGHAN. Thank you very much, Mr. Attorney General. On behalf of the subcommittee, I want to state we appreciate very much your analysis and observations with reference to the Immigration Act, now the act of 1965.

We are privileged to have you as our witness and we appreciate the thorough cooperation given to our subcommittee not only by you, but by all members of the Department of Justice including Norbert Schlei, former counsel of the Department and the Commissioner of Immigration and Naturalization, Hon. Raymond F. Farrell, and his staff.

The subcommittee, as you know, worked very hard on the Immigration Act of last year and I am very happy to have your observations.

Mr. KATZENBACH. Thank you, Mr. Chairman. I think it is remarkable that on that complicated subject, with the kind of changes that were made, that things have worked out under the law as it was written here by this subcommittee, as easily and well as it has. I am very pleased with it.

Mr. FEIGHAN. That is the result of hard work, Mr. Attorney General.

Mr. KATZENBACH. I realize that.

Mr. FEIGHAN. Mr. Chelf, have you a question?

Mr. CHELF. Mr. Attorney General, yesterday Under Secretary Ball gave his viewpoint with respect to the situation in Cuba. There are some of us here on the committee who heretofore, frankly, have been a bit on the conservative side by not voting to allow too many to come in over such a short period of time. I indicated to him yesterday that at the time that this was done there was a good reason for it: to wit, we were trying as best we could in our small way to preserve and protect the rights—that is, the job rights—of our own people, and particularly our southern colored people.

At the time that this objection was voiced by those of us who believed that way—and I am one of them I must confess—not that we didn't welcome the Cubans because, as I indicated to Mr. Ball yester-

day I, at a very young age, was privileged to room in school with a Cuban and from that I grew to respect and admire the sincerity and the dedication and the perseverance, and the intelligence of the Cuban people.

As a country boy in the foothills of Kentucky, I just hadn't seen a so-called foreigner before and it was a liberal education for me. I helped him with his English and he helped to teach me Spanish.

I want to get the record completely clear that it was not a feeling that I had against the Cuban people, but only the preservation of our own white and colored people here.

Now, in the interim, as you well know, we have the lowest unemployment that we have ever had, so the papers and the Secretary of Commerce stipulate. There is a definite labor shortage. So this is no longer a problem and therefore I am very much for this legislation. I think it is sound.

Let me say this: There were those who also thought that once they came and adopted our country or accepted American citizenship that maybe they would never go back, but I have never felt that way about it. The Cubans are a very proud people, a patriotic people, and I dare say if they thought there was a possibility—those good Cubans that are here now—of overthrowing Castro, the march would be on back to Cuba. The battle cry would be "Cuba siempre," always Cuba, and "Viva Cuba."

That is the way I interpret this thing. I may be wrong. I don't believe that I am, but the point is, those objections we did voice heretofore have crumbled. Frankly, sir, I endorse what Mr. Ball said yesterday and what you say today. I think that the United States would do itself an honor to welcome these fine people who have been literally run out of their home country. Yes, give them an opportunity at least to make the choice as to whether they want to remain here or go back.

I predict there would be far more go back, not because they didn't like the United States, but because of the love of their country. They are one of the most patriotic people, and the most dedicated I have ever met and known.

With those few comments, I will release the balance of my time.

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. Mr. Attorney General, it is nice to have you back in the country. I am pleased to see that you have done your usual commendable job with a rather difficult assignment of the American scene, to sell the American Bar Association on your position. While we disagreed on subject matter in one particular, title IV to be exact, I agree completely with the great salesmanship job you did with them with respect to titles I and II of the Civil Rights Act of 1966.

Beyond that, let me say this seems to be a morning for speeches.

I listened to my dear friend from Kentucky yesterday and I kept wondering: "Arch, why in the world can't you come up with some of these moving observations that rouse the imagination of the people of this country like the gentleman from Kentucky."

I recall his moving speech on the civil rights bill several years ago when he explained to us just how shaky the legislation was. It was his observation, that it reminded him of the stand in the funeral home upon which the book was placed for the individuals to sign who had come to pay their last respects. I think all of us do recall that those are rather shaky sort of fixtures in a funeral home.

I then went off and tried to figure out how I could respond constructively to his moving observations yesterday on the low rate of unemployment in the country and I thought: "Gosh, I would put myself in the same position of most members of my party." That is, looking backward, or at least as the press has us doing, looking backward, or as our dear chairman said, we were rowing backward this time on the civil rights bill of 1966, but I would just want to interpose here before we get to the subject matter at hand and simply refresh the minds of the people of the country that, sure we have a low rate of unemployment, but I remind my colleagues that we have 500,000 men and in South Vietnam, and we are experiencing the largest draft calls we have ever had in any period of time since Korea. In general, we have a larger number of people in our Armed Forces. If this thing continues to escalate, we are going to have zero unemployment. So as we consider this legislation let's keep this in mind.

I have a moment of hesitation as to what we want to do here; it seems in each of the presentations that have been made a major thrust, or the suggestion that we favorably consider this legislation, is that we have people in this country who are Cuban refugees who by one reason or another—and I mean the requirement of State law and so on down the line—they are prevented from following a profession or gainful occupation for which their education and qualifications would merit their undertaking because they do not have (1) permanent residence in the United States, or (2) they do not have U.S. citizenship.

Now, aside from that, can you tell us any other reason—the economic hardship factor represents of such a small number of the vast number of Cubans we have here—can you give us another reason for adjusting the status en bloc here of well over 300,000 Cubans who are in this country? I realize the bill is discretionary in this respect, but what are the other reasons we should consider in studying this legislation.

Mr. CHELF. Excuse me, may I ask, is it 380,000?

Mr. KATZENBACH. It is 165,000 plus 70,000.

Mr. HENNESSY. 70,000 were admitted for permanent residence.

Mr. CHELF. But to the total, that is what at this juncture?

Mr. MOORE. The number arrived at yesterday during the hearing, coming since for January 1959 was over 300,000. It was not a firm figure.

Mr. HENNESSY. There are 165,000 Cubans in this country today who do not have permanent residence.

Mr. CHELF. Permanent visas.

Mr. MOORE. That is not the question. How many have been admitted since 1959?

Mr. KATZENBACH. It is 165,000 plus 75,000. It would be roughly 240,000.

Mr. CHELF. Somewhere in the neighborhood of a quarter of a million.

Mr. KATZENBACH. I think those figures suggest another reason, Congressman. It is perfectly possible today to get the equivalent of this adjustment of status for those who are able to come to the United States, who are able to go out of the United States, get themselves an immigrant visa and come back into the United States. So those who were or are well enough off financially or whose families

are, who can afford to go to Canada, go to Mexico, can accomplish this. Those who don't have those kinds of resources cannot, so there is no great issue of principle in this respect here. If we had a consul in Cuba at this time, it would be possible for them to go there to get an immigrant visa and to come into the country so all we are doing in this sense is giving that opportunity to these people to do in this country what would be done outside of this country, and can be done outside of this country right at this time, so in that sense we are trying to equalize the situation for everyone with respect to their financial ability or, irrespective of the sort of haphazard way—if they come from Cuba to Mexico City, they can go to the consul there and come in on an immigrant visa and take that route to the United States. Whereas, if they come directly over, because of their financial condition, or on one of the two planes a day that bring these people in, they don't have that opportunity.

In addition to the other reasons already mentioned, I think one reason would be simply to put everybody in the same—give everybody the same opportunity without this business of traveling outside the country.

Mr. MOORE. Actually then this legislation is a further refinement of what we did administratively a while back. At that time we were advised that some of the Cuban adjustment of status applicants were forced to go to one or another existing consulates here in the United States for which there was a pound of tribute extracted in order to obtain a permanent visa to the United States.

Mr. KATZENBACH. Yes.

Mr. MOORE. This you consider to be the second step and it is applicable to all regardless of station, professional abilities, or whatever the case might be?

Mr. KATZENBACH. Yes.

Mr. MOORE. Could you tell us what, if anything, we are doing—you touched upon the 4,000 a month who are coming in via the airlift. How are we moving along with our negotiations—I don't want to say with Castro, but our negotiations through various sources, of bringing the 700 to 1,000 U.S. citizens who are in Cuba today out of Cuba and back to this country?

Mr. KATZENBACH. Congressman, I really prefer to leave that question to the Department of State, if I may, because it is within their area of responsibility and I don't really feel competent to give a full and complete answer to it.

Mr. MOORE. There isn't any question of your awareness of the fact that we have 700 to 1,000 U.S. citizens who are in Cuba and who Castro has seen fit not to permit their exist from Cuba.

Mr. KATZENBACH. That is true.

Mr. MOORE. In House Report 745 which accompanied H.R. 2580, the Congress and this subcommittee, and the full committee very firmly pointed out the areas, the limited areas in which we desired the application of the parole provisions of the Statute. We said in that report, and I think it was fair as we represented it to our colleagues on the floor of the House, that parole was designed for emergency and individual and isolated situations; not for immigration of classes or groups, and it would appear that in this particular area you have taken wide latitude with the specific congressional intent of the parole sections of the law. Could we have your thinking and then tell us

why you don't pay very much attention to our express intent in this regard?

Mr. KATZENBACH. I think we do pay attention to it in law areas.

If I accepted your characterization of wide latitude, I think we did it here in this particular situation because I think that was not in conflict really with that report or the objections made to the use of parole.

There are the refugee provisions which don't apply within this hemisphere. If we had refugee provisions, then probably those would be the provisions we would be using here rather than parole because there, in these situations we have special categories for refugees to come in and to come in under special circumstances, and these people are refugees. We don't have those provisions as they apply within the Western Hemisphere and this is our effort, in this respect, simply to equate those situations on broad humanitarian grounds. These people are in a very real sense refugees from the Castro government. That is the reason why we have done it here. We haven't done this quietly or under the table or anything else. We have made it an explicit policy as to what we are doing and I don't think there has been generally any sentiment that this was wrong, that we should not treat these people in this humanitarian way and there simply wasn't another way of admitting these people under these circumstances, other than using those parole powers.

If you go out of that area, I think we have been quite scrupulous in our use of parole. In most of the instances where we have used parole, it has been on a short basis, and it is really what you might call a deferred admissions system because we weren't completely satisfied that in some instances we didn't have all the information—I am talking about other than Cubans—we paroled them for a short period of time while we checked on the information and then admitted them on a permanent basis. We have used it to clean up those situations so they would not work hardships in individual cases of particular persons arriving in this country.

I think this wide latitude has support, I suspect, within this committee, within the Congress, and within the United States.

Mr. MOORE. Could there be another set of circumstances that occur here in the Western Hemisphere? We have limited the definition of "refugee" within the act and we have limited the numbers within the act. Would you feel free to make parole available on any set of facts which you might want to characterize as being refugee in character?

If your answer is yes, then we did little or nothing in our definition, or our limitation.

Mr. KATZENBACH. Well, Congressman, it seems to me it would be foolish for me to flatly predict there could not be another situation. I don't foresee one. I don't know of any. I would hope to goodness there was not going to be another Castro kind of situation within this hemisphere. I don't foresee one. I don't think it will occur, but I would say this: If you have the same kinds of facts that we have had with respect to Cuba, then I would suppose that we would do the same thing and feel that this was exercising the power in the public interest, but I don't foresee that.

I don't predict it. However, my crystal ball isn't good enough to foresee all situations that could conceivably arise.

Mr. MOORE. You have gone one step further in your joint release with the Department of State as of May 31, 1966, wherein you now use parole to take care of those Cuban refugees in Spain or Mexico. You have used it in those instances as a basis—you say in your statement—of reuniting families. Well, no one can quarrel with reuniting families but, again, here you have taken a wide view of what we intend the uses of parole to be. Again I am only referring to the report. This doesn't indicate at all, Mr. Attorney General, that everybody on the committee agrees with me that parole should be limited in this way, but a majority report indicates that is the intent.

Mr. KATZENBACH. I think the Congress took a very strong position in the law last year as to reuniting families.

Mr. MOORE. We didn't take it via the parole route.

Mr. KATZENBACH. It seemed to us that insofar as you had part of the family here on a parole basis, and another part of the family that wanted to be reunited coming in from Spain, that it was best to put them on the same kind of basis as the other members of the family. So in a sense this is just the tail on the dog.

Mr. MOORE. Well, Mr. Attorney General, I recognize the merits and humanitarian reasons for acting in this area and I appreciate your very frank response, but I come away with the conclusion that you are going to use parole wherever you see fit; you are going to use parole wherever the language in some way or another is compatible with the general thesis and thrust of the changes of the law of October 1965 and that the representations that members made in speeches on the floor of the House to encourage support for the then pending legislation—and I remind you that when you get to the point where you get major immigration legislation through this House of Representatives with as little trouble as we had in October 1965—there were a lot of us going with you and we expected the Department of Justice and the Department of State to stay with us in the representations we made.

I come away—not wanting to be argumentative—I feel you are going to use parole whenever you see fit and you are not going to pay much attention to congressional intent.

Mr. KATZENBACH. This is not a fair characterization of this, Congressman.

Mr. MOORE. Why wouldn't you come to us for general legislation in this area? We are amenable to helping you out of these areas without the broad usurping administratively of the power of the Congress.

Mr. KATZENBACH. I think in a way you are answering—your very statement answers the question. I don't think that we are “usurping” any power and exercising some discretion in a way that Congress does not support. The provisions are there. It is permissible to do this under the law. I think it is something this committee, Members of the House, and Members of the Senate, agree with. I see no sentiment which says “Don't let these Cubans in.”

You say we should have come down for legislation to accomplish this. We had the power to do it, we felt we had support in exercising it in this way. We have been very scrupulous with respect to the use of parole in other situations and, after all, if there are Members who feel legislation should be needed in this instance, any Member is free to introduce it.

Mr. MOORE. I would agree that that is true, but the way this Congress has operated over the past half dozen years, we only move when you, the administration, urge us to move. This is true in several instances—we have one before us right now. We have the situation the country is confronted with in the airline strike and we are on dead center because we haven't been told which way to move.

Sure, I can introduce legislation to accomplish this, but if I don't have your best wishes, I very rarely get a hearing on the matter. But I agree with you, I am certainly free and so is every Member, to introduce legislation.

Now, I agree with you, there isn't any great desire here in the Congress to negate generally what you have done necessarily. But the point I make is, if there was a firm national dialog in opposition to this, it would be too late, you would have already acted. You are not going to turn these people all back into Cuba, or wherever this turmoil might exist, or wherever it may raise its head.

Mr. KATZENBACH. I think there has been a good deal of sentiment existing saying, "Don't allow these people to come into this country. Don't permit them to leave Cuba to come to the United States."

If that had been voiced, I think it would have affected the use of our discretionary powers. I think in that situation it should have come to Congress and should have been resolved in that way.

I don't think it basically fair to say here you have exercised discretion; it is in the public interest. We don't quarrel with the use of your discretion in this situation but maybe you will use it in some other situation where we will quarrel with it.

I think we have been attempting to do what Members of Congress would have done in similar circumstances. To me that is a responsible exercise of discretion.

Mr. MOORE. I have no quarrel with the manner in which the President, in his observations at Liberty Island, met the challenge that Castro threw at him. Even though, perhaps, it did have an unpopular ring throughout the country at the time, I think he had absolutely no choice and, had I been in his position, I would have accepted the challenge just as readily as he.

Again though, this is not the norm in which to do it. There are other areas. Even in the implementation of the changes in the Immigration and Naturalization Act of 1965, in which I, as an individual Member—and I like to feel I am knowledgeable in this field—feel that there is a difference in administration than that which is the written word, or the representations presented to the membership of the Congress. I think in the labor certification area, I think you have abused it completely.

This is not the forum to test that and we may have you back again to answer in that regard.

Thank you.

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. I yield to the gentleman from Kentucky.

Mr. CHELF. Thank you so much, Mr. Rodino.

Mr. Attorney General, a while ago, or on yesterday, I mentioned the fact to Secretary Ball that I had been to Florida and that I had personally examined and looked the reception center over. I did

this at my own expense. I can say this to you quite frankly, if it is any comfort to you and to Immigration, and to the State Department and others: I was very much impressed. I went through the place. They didn't know who I was and I wasn't about to let them know who I was. You know, you can always get the full story without the red carpet treatment. I didn't alert them and they didn't know I was coming and they don't know yet that I have been there, except some of your staff, some of Immigration, and some of State.

But the point is—and I think it is well to be put into the record—not only are we flying them in at the rate of some 4,000 a month, but that 4,000 had a friendly meeting, a friendly reception when they landed on American soil. I saw this.

They are then escorted to a reception center. Then next in line they have a full, wholesome meal, especially those who need it, and want it. They then have a full and complete and I mean a thorough check by the doctors. Next in line they are given an opportunity for a shower or a bath, a change of clothes if needed. Now, don't feel that I am trying to say that they are unclean and unkempt. Maybe they had to wear the same clothes and couldn't buy new ones or didn't have the modern cleaning facilities under the Castro regime.

An interview is given them to determine their educational background and training. A check is run on them, insofar as their political affiliation is concerned. They are then released to their friends, their relatives or their families. Then, of course, a job is found for them.

Now, Mr. Attorney General, I took it upon myself also, after I left the reception center, to go over to several places that were employing these Cuban people. It was a proud day for me. They had a song on their lips and a smile on their face because here were doctors, if you please, and engineers, and dentists and lawyers, professional men doing manual labor, but smiling and humming a tune as they did it because they were so glad to get out of the place from whence they had fled.

I think it is a fine program and I wish with all my heart that our Chairman Feighan here would see our chairman, Mr. Celler, and get authorization—we have got the money—to send the whole subcommittee down to see it for themselves.

I think that this ought to be put into the record because in all fairness, in all sincerity, it is to the great compliment of our governmental agencies that are handling this program. I salute these poor unfortunate people who are fleeing the Castro regime. That is why I think, if they thought for a moment that there was any possibility of overthrowing Castro, they would go back. Not because they wanted to abandon their newly acquired citizenship here, permanent residence or permanent visa, but because they wanted to go back to free their native land.

As I said yesterday, they have a fierce passion to see that that is done.

Thank you so much.

Mr. KATZENBACH. Thank you for your remarks. We are pleased with the cooperation—

Mr. CHELF. This trip was on Frank; this was not on the taxpayers.

Mr. KATZENBACH. I understand that, Congressman. I do think there has been awfully good interagency operation, HEW, Immigra-

tion Service, State Department, Labor Department, and others working cooperatively in that center, and I am very pleased you saw it the same way that we feel it is.

Mr. CHELF. I was really impressed. Many years ago I went overseas and studied the displaced persons camps. You know my history on that. I was dead set against it, being from a conservative area. But once I went over there, Mr. Attorney General, and I saw myself, with my own eyes, the misery and the want and the poverty of those poor people, people just like these Cubans that were professional people, I came back, changed my mind, and went to work for the bill and for the legislation, and let me tell you this: I thought that it was the last roundup for "Old Frank," because politically it was about the most unpopular thing that a man could do in my area. I had, I think, about 100 foreign-born out of 300,000 people. So, I had to do a little hustling around. I had to preach a little sermon at every church and every schoolhouse around, but, thank heaven, my people were smarter than I was. They sent me back by the biggest majority I ever received.

Mr. GILBERT. Will the gentleman yield?

Mr. CHELF. The gentleman from New Jersey?

Mr. RODINO. I yield for a comment.

Mr. GILBERT. I want to make an observation, that it shows the high intelligence of the District, the area that you represent, "Old Frank."

Mr. CHELF. Thank you kindly. I think they are great too.

Mr. RODINO. Mr. Attorney General, first of all may I say that I personally welcome your appearance here today. You seem to be a little more relaxed than you have been in the past couple of weeks and I know that if your arguments here are as persuasive as those that you presented before the American Bar Association last night, I am sure you will be able to convince this committee. You have no trouble convincing me because your record has always demonstrated that you are a fine public servant, with great public interest.

Mr. KATZENBACH. Thank you.

Mr. RODINO. Mr. Attorney General, I have just a couple of questions to address to you.

First of all, the Select Commission on Western Hemisphere Immigration met last week. Although I am a member I was unable to attend the first meeting, but I understand it was the consensus of the members present that this Cuban refugee problem is so urgent, so pressing that even though it is within the area for that Commission to look into, it might be well disposed of now. Do you have any views on that particular matter, Mr. Attorney General?

Mr. KATZENBACH. Yes; I think that is correct. I think there are other problems not so pressing which I would urge the committee to defer until you have the view of that Commission, and I think this is one where the committee could act now and that it would be wise to do so.

Mr. RODINO. Mr. Attorney General, referring to the question that was propounded by my good friend, my very good friend, the gentleman from West Virginia, on the extension of the parole provision, I believe that the Justice Department and the State Department, jointly, did a very wise thing, in keeping with the basic philosophy that the Congress has demonstrated, in extending parole

to certain Cubans in Spain and Mexico. I think that this proposition to reunite families is in a humane direction. Could you answer for me and for this committee just how many Cubans were admitted under that extension program?

Mr. KATZENBACH. About 500, not more than that.

Mr. RODINO. Were there as many as that?

Mr. KATZENBACH. That may be a high figure. I am sure it is not over 500.

Mr. RODINO. It seems to me that I have different information, and it is for that reason that I discuss this matter with you. I think that the number is considerably less.

Mr. KATZENBACH. It may well be. I would be happy to supply it from the record. You may be absolutely right. I am just sure there were not over 500 that could have done that, and that is the reason I took that figure.

Mr. RODINO. I wish you would try to get it for us because it is my information that the number is considerably less than that.

Mr. MOORE. Would the gentleman yield? What is your figure?

Mr. KATZENBACH. There were approximately not in excess of 500 who would have been eligible for it at the time we announced the policy, and the figures that we have are 17 in total, 10 from Mexico, 5 from Spain, and 2 from—

Mr. RODINO. That is the total number?

Mr. KATZENBACH. Actually admitted. There would have been 500 who were eligible.

Mr. RODINO. There were about 500 eligibles?

Mr. KATZENBACH. Yes, sir.

Mr. RODINO. But 17, approximately, that were admitted?

Mr. KATZENBACH. Yes.

Mr. MOORE. Will the gentleman yield?

Mr. RODINO. I yield.

Mr. MOORE. Only for an observation.

Again, the point was never the numbers. The point, again, was never the real humanitarian basis for the decision, it was the administrative liberalization of parole which was objected to. I am pleased to have the numbers and I thank the gentleman from New Jersey, my good Honda friend, for getting the numbers and an accurate figure.

Mr. RODINO. Just in perspective, that is all. I know my good friend and colleague from West Virginia is interested in these figures which reflect on the fairness of the Attorney General. This, I think, indicates that the program did not go far afield from what we try to do. I think this is the reason I propounded the question.

Mr. MOORE. If the gentleman will yield, I don't challenge the good intention of the Attorney General. Again, he is an instrument of the administration and the question was only posed to determine just how far this might be, for want of a better word, stretched to accomplish any one of a number of ends. And I just made the observation so that he might know there are some of us in the Congress just wondering how far this administration could possibly go in this area. But, again, I was trying to search the Attorney General's mind as well the thoughts of the gentleman from New Jersey as to just where we might go under a given set of circumstances.

Mr. FEIGHAN. Will the gentleman yield?

Mr. MOORE. I would be happy to, but the gentleman from New Jersey has the floor.

Mr. RODINO. I yield to the chairman.

Mr. FEIGHAN. I believe in the circumstances of many of those who came from Mexico or Spain or elsewhere; their children had preceded them here and many of them had been on relief of some form or other. So, when the parents came, in most of the instances the children were taken off relief and the parents went to work supporting themselves and their families.

Mr. KATZENBACH. Yes, that is correct, Mr. Chairman.

Mr. RODINO. Mr. Attorney General, would you care to comment on whether the date of adjustment of permanent resident status should be that of the original entry or of the application for adjustment? What are your views?

Mr. KATZENBACH. I haven't really taken a position on that. It seems to me it is something which could reasonably be done either way; that is, it could be retroactive or not. I don't believe it is a matter of great importance as to which it is. If it were to be made retroactive, then I think that, as Mr. Gilbert's bill does provide, I think then that should be amended, if that course were taken, so as to give the people who have gone out and gotten immigrant visas, the same benefit and privileges which would be given to those who did not.

Mr. MOORE. That is right.

Mr. KATZENBACH. I think for some people the retroactivity, for the people who actually need citizenship to practice their profession, it would be an advantage to them, where they have been in this country for a considerable period of time, to be able to get their status adjusted and to make an application for citizenship, and it would speed it up in those instances.

I also think, though I haven't gotten firm figures on this, that many of those people who really need it are the people who somehow or other scrounged up the money to get out, come in in that way. So I suspect that most of them are already building time toward the citizenship which they would need; but I can't state that categorically because I haven't gotten the breakdown.

Mr. RODINO. Would it be—

Mr. GILBERT. Would the gentleman yield?

Mr. RODINO. Yes.

Mr. GILBERT. I thank the gentleman.

I merely wish to comment on the statement of the Attorney General. I fully agree with the position you just took and I have prepared an amendment in line with what you have just stated. I will offer it in the bill at the appropriate time.

Mr. RODINO. I think it is fair to say that you don't have any strong views either way, as to which way it might go.

Mr. KATZENBACH. That is correct, apart from that. I guess I would lean a little bit in the interest of again trying to deal with these people who have been here a long time, would lean a little bit toward making it retroactive, but I don't really want to take—I think that this is a matter on which people can differ. I don't think it has tremendous importance for the reasons that I have indicated. I certainly don't have any objection to its being made retroactive and I think I would incline a little bit in that direction.

Mr. RODINO. Would you think, Mr. Attorney General, that the Cuban refugees should be required to wait a minimum period of, say, 2 years before they would be permitted to apply for a change of their status to that of permanent residents?

Mr. KATZENBACH. No, I don't think so, because, after all, you take the comparable situation, they don't have to in order to get the immigrant visa. It seems to me we ought to treat them in the same way and not require a waiting period. If they wouldn't have had to wait to get a visa, then why should they now have to wait to apply for the adjustment of status? I do think that administratively, in trying to deal with applications, should this bill be passed, that we ought to follow a preference system similar to that, or identical with that that is indicated in the immigration law itself, and to do that, exercise our discretion in that direction.

Mr. RODINO. Mr. Attorney General, the present proposals would be applicable to a native and citizen of Cuba, both a native and a citizen of Cuba. In your opinion, would you envisage any difficulty for the Cuban refugees to establish that they are citizens of Cuba? And, if so, would you recommend that the term "citizen" be deleted and the law be made applicable to natives of Cuba?

Mr. KATZENBACH. I can see some conceivable problems on that. Frankly, I think we could live with it just as it is, as far as the proof is concerned. It could be put in the alternative, natives or citizens. I am not quite sure if it is put in the alternative what the criterion would be. While we raise the question with respect to that, I believe, in the report that we sent, I think that given a little bit of flexibility on it, in terms of the documentation of proof, satisfying ourselves, I think we can live with it, with the "native and citizen" language of the bill.

Mr. RODINO. Thank you very much.

Mr. CHELF. Will the gentleman yield? Do you have any figures—

Mr. KATZENBACH. I was just going to add I think with the spouses and children provision that is in the chairman's proposal, this would ease the area where we might otherwise have problems, because if we include them in, that would be the most likely point of difficulty in meeting that double standard. So I think that provision, again, we could meet the native and citizen language.

Mr. MOORE. If we fail to do that, we are going to have to come back and do it again.

Mr. CHELF. Would you yield?

Mr. RODINO. Yes.

Mr. CHELF. Just one question. Do you have any figures on those Cuban refugees who have come into the States, as to whether they are natives of Cuba or whether they took out their papers after having arrived from some other place?

Mr. HENNESSY. I do not have them here available. The vast majority, the overwhelming majority are natives and citizens.

Mr. CHELF. Ninety percent?

Mr. HENNESSY. Well over 90 percent, I would say. There are some elements of post-World War II refugees from continental Europe who settled there, some of Spanish nationality who were in Cuba and a comparatively few from other Western Hemisphere countries.

Mr. CHELF. That is all the more reason why I think they would want to go back once they can get there.

Mr. FEIGHAN. Mr. Donohue.

Mr. DONOHUE. I was wondering, Mr. Attorney General, if you had any figures, that is, if you had a breakdown on the skills that these 300,000 possessed when they came into this country.

Mr. KATZENBACH. We could do a breakdown of that kind. I don't have the figures at the moment, Congressman.

Mr. DONOHUE. Do you have any approximate figures as to how many of the 300,000 were actually professional people?

Mr. KATZENBACH. Professional people, did you say?

Mr. DONOHUE. Professional people. That is, doctors, lawyers, engineers.

Mr. KATZENBACH. Roughly 10 percent.

Mr. DONOHUE. So that you would say that 90 percent of the 300,000 that came in here since 1959 were nonprofessional people?

Mr. KATZENBACH. Yes, roughly.

Mr. DONOHUE. Without any special skills?

Mr. KATZENBACH. Yes, without professional skills; that is, not doctors or lawyers or engineers or architects or that kind of high professional skill. They may have been skilled workmen, but that is a different category.

Mr. DONOHUE. In the classification as parolees, they are not restricted in performing work, are they, like a visitor?

Mr. KATZENBACH. In that area, not by law. I think they do have a little more difficulty with some employers in securing jobs because of the sort of vagueness of parole status. I think it would ease the situation somewhat if they were in a permanent resident status, that this would make their job easier; but as far as being excluded by law is concerned, they are not.

Mr. DONOHUE. I was wondering—you are with the Department of Immigration—do you have any idea of how many of those people are now unemployed?

Mr. KATZENBACH. Are now what?

Mr. DONOHUE. Are now unemployed.

Mr. KATZENBACH. I don't have a figure on it, but it is a very small group.

Mr. DONOHUE. That is, it is only a small number of the 300,000 that are unemployed?

Mr. KATZENBACH. A very small number. And, of course, as Mr. Chelf indicated, we have worked hard to get them jobs. I might add we have worked hard to ease the particular burden in the Miami area, as well, so that little more than two-thirds of those who have come over have found jobs and settled outside of the Miami area.

Mr. CHELF. They are not sitting there waiting for a handout; they are out earning their bread.

Mr. KATZENBACH. Yes.

Mr. CHELF. This is true, I saw it.

Mr. DONOHUE. So they have not been disadvantaged to any great extent by being classified as parolees, have they?

Mr. KATZENBACH. It is hard to measure the extent. Of course, the professionals, where the law does require it, have been seriously disadvantaged in terms of practicing their profession. So for that group, they have. As far as the others are concerned, the question would be how much easier it would be to get employment or how much better employment they might be able to obtain if they had a more permanent status. I find I honestly can't answer that question sta-

tistically or any other way because it is a hypothetical situation. I think it would ease the problem somewhat if they had it.

Mr. DONOHUE. Well, in what way would it ease the problem, if only a small percentage of them are unemployed?

Mr. KATZENBACH. Well, it would ease it in this way: if there were better jobs available, because there were some employers who are reluctant to hire people on this rather vague and indefinite parole status, who would hire people if they had a resident alien status in this country; then to that extent the jobs would be upgraded, they would have better jobs and better opportunities.

I think, in addition to that, there probably is something of an emotional problem in this. I think people like to have the security of knowing they have been admitted, they do have a status of a resident alien; they can, over a period of time, secure citizenship if that is their desire. They feel at that point they have protections, they have a status, in another sense—maybe "adjustment of status" is a particularly good phrase because they do have more "status" than they do when they are simply here on parole, where, while there is no intention of doing it, they are really completely here at the discretionary sufferance of our Department because when they are here on parole we can simply revoke the parole and they are gone. They have to find some other place to go.

Mr. DONOHUE. Of course, I have in mind, Mr. Attorney General, as the gentleman from Kentucky pointed out we have 3.9 percent unemployed in our country today. Well, I am old enough to appreciate there was a time when there were 14 million of our population then out of work. Of course, I, like all of us, just hope that that time may never return again, but there is the possibility that, due to recessions and depressions, a large part of the population of our American citizens might again be unemployed. But, of the 3.9 we were told during the discussion and debate on civil rights that many of them were native Negro Americans, that they can't get jobs because of their color.

Now, with this influx from Cuba, isn't it lessening their opportunities to get employment, in your opinion?

Mr. KATZENBACH. No; it is not, Congressman. I don't believe that measured against the population of the United States—this seems to me at this point to be insignificant. Now, the difficulty with the Negro unemployment is not as much the problem of discrimination, although that exists, but on the unemployment figures it is really the problems of giving people skills to fill jobs. There are jobs still which can be filled; the problem is training the people, giving them the skills that they need to fill these jobs.

Mr. DONOHUE. If I might interrupt you.

Mr. KATZENBACH. We are not proposing here, Congressman, there is nothing in this proposal that is going to affect the situation you were describing one way or the other. We are not bringing more people into the United States because we adjust their status. As you have pointed out, they are here now, they are working. So, nothing that this bill would do could possibly touch on that problem.

Mr. DONOHUE. But I am wondering, as we shelter the jobs that they are now engaged in, if they are not displacing some of the 3.9 percent that are still unemployed.

Mr. KATZENBACH. I don't believe they are displacing anyone from work. Again, it seems to me the short answer, Congressman, is that unless you take the view that nobody should come in from Cuba, that we should cut that off, the adjustment of status, which is all that this bill provides, is not going to affect that problem one way or the other. They are here now. They are here now or they are coming in, and giving them a resident alien status is not going to affect it.

Mr. DONOHUE. Well, that is my point. I am in hearty accord with bringing them in as refugees from a country like Cuba.

Mr. CHELF. Will the gentleman yield?

Mr. DONOHUE. But I am just wondering, having given them haven, how are they disadvantaged by continuing in the category of parolees? Because, we know that as a result of gaining citizenship they will have many added advantages that they do not now have.

Mr. KATZENBACH. Well, again, to go back to something I think I said to Mr. Moore: If these people are well enough off, and go to Montreal, they can get visas and come back in with the same kind of status that this bill would permit them to apply for. It does seem to me just as a matter of fairness, they are in this country, what is served, what useful purpose is served by making them go out of the country, see a consul, get a visa, come back into the country, when it all can be done wherever they are, wherever they are located?

Mr. DONOHUE. Enlighten me, if you will. Let us assume that they did have the money to go to Canada or down to Mexico or one of the other countries—

Mr. KATZENBACH. Yes.

Mr. DONOHUE (continuing). And they applied for a visa through our consuls in those countries, would they have to be certified by the Department of Labor?

Mr. KATZENBACH. No, they wouldn't have to be certified by the Department of Labor. They have to show that they are not going to be a public charge. But this, since they are almost all of them employed now, would not be a problem for them.

Mr. DONOHUE. Well, isn't it so that a person applying for a visa from any one of the other Western Hemisphere countries must first now get clearance through the Department of Labor that there is need for their skills in this country?

Mr. KATZENBACH. Yes, but I think in the case of these people, they are here, they are employed, that test is met. They have a job, they have a job.

Mr. DONOHUE. Are you certain of that, Mr. Attorney General?

Mr. CHELF. Will the gentleman yield?

Mr. DONOHUE. I will be pleased to yield.

Mr. CHELF. Let me say this for the record: I saw no evidence, Mr. Donohue, no evidence of the Cuban refugee taking jobs from our colored people or from anyone. If a fellow wanted to work, he could get a job at many, many of these Miami Beach hotels which needed busboys, dishwashers, waitresses, and scrubwomen, or whatever. They could get a job.

Mr. KATZENBACH. You see, Congressman, if they are already in this country, they already form a part of the labor market in this country. So they can't, by going up to Montreal and coming back, affect that labor market that they are already a part of.

Mr. DONOHUE. But is it not so that when you apply for a visa from one of our consuls in a foreign country or in one of the countries of the Western Hemisphere, you must get clearance from and through the Department of Labor?

Mr. KATZENBACH. Yes, sir, but—

Mr. DONOHUE. Under the 1965 act?

Mr. KATZENBACH. That is correct. But by agreement that we have made with labor in this situation, this does not apply to people already in this country. They have come in in another fashion, they are in this country, they are part of this labor market.

Mr. DONOHUE. Well, did it not come about as a result of a bill introduced by Congressman Gilbert and passed by our committee just within the last week—

Mr. KATZENBACH. No.

Mr. DONOHUE (continuing). That permitted people now in the country to adjust their status?

Mr. KATZENBACH. No.

Mr. GILBERT. Will the gentleman yield?

Mr. DONOHUE. I would be pleased to yield.

Mr. GILBERT. May I explain that the bill we passed permitted those persons who had already applied for adjustment of status prior to December 1, 1965, not be required to leave the country to adjust their status. It was limited to that group only. I have other bills pending which would accomplish the purpose that you just mentioned.

Mr. FEIGHAN. Would the gentleman yield?

Mr. DONOHUE. I would be pleased to yield.

Mr. FEIGHAN. It has just come to my attention that the Attorney General has a Cabinet meeting at 12 o'clock. So I would hope that we can conclude the hearings this morning as soon as possible.

Mr. DONOHUE. Well, in view of that fact, I yield my time to the next gentleman.

Mr. FEIGHAN. Mr. Gilbert?

Mr. GILBERT. Thank you. Am I on your time, Mr. Donohue?

Mr. DONOHUE. I have yielded back my time.

Mr. CHELF. "My time is your time."

Mr. GILBERT. Thank you very much, Mr. Chairman. I also want to welcome the Attorney General here this morning and compliment him for the magnificent job that he did yesterday before the American Bar Association. During many, many years before juries, I think that the toughest jury you can ever appear before is a group of lawyers, because they are probably more critical of another lawyer than any other juror. I think it was quite a compliment to you for what occurred yesterday.

Mr. KATZENBACH. Thank you, Mr. Congressman, but that has not been my experience in appearing before this committee.

Mr. GILBERT. Well, this committee is an exception.

I realize that the hour is very late and I don't want to belabor the point, to go over many of the things that have already been stated here this morning. Suffice it to say that I am very pleased that the Justice Department has supported the bills that I introduced with respect to this refugee problem. I would like to merely clarify the situation.

We have so many of these refugees here who are going to apply for adjustment of status. Now, has the Department given any thought

to whether there would be any priority with respect to the people as they apply?

Mr. KATZENBACH. I think administratively we should have a system of priorities and base that administratively on the system of priorities as reflected in the 1965 act and deal with it in that way, so that the more highly skilled people, the people who have been here a longer time, and the families and so forth, would get the priority in this situation. We would simply follow the model of the existing law, doing this as an administrative matter.

Mr. GILBERT. And when they do apply, who would pay the fees for the examinations and the filing of the petitions? Would that be paid by the applicant or the Government?

Mr. KATZENBACH. I would suppose that this would be a matter that would be considered in the Appropriations Committee with respect to the appropriation.

Mr. HENNESSY. Since your bill is outside the Immigration and Nationality Act, the statutory fees do not apply. So a fee, if any is desired by the committee, would be set in accordance with the provisions under title V of the Independent Offices Appropriation Act. We would expect to have your advice as to whether a fee should or should not be required in this case.

Mr. GILBERT. I have one or two more questions, but it is 12 o'clock and I know the "boss man" is waiting for your presence and I wouldn't want you to be reprimanded because of some question that I may want to ask. I want to thank you for appearing here. Mr. Attorney General.

Mr. KATZENBACH. Thank you.

Mr. CHELF. Before you go, I hope that you urge our chairman—and this subcommittee to go to Miami and look at this installation, look it over. I believe if they do, they will come back sold just as I am.

Mr. KATZENBACH. I think it would be a worthwhile project.

Mr. FEIGHAN. We thank you very much, Mr. Attorney General. We appreciate very much your excellent presentation and are pleased also that you are accompanied by the very able gentleman to your right, Mr. Hennessy.

The hearings will now adjourn until next Wednesday at 10 o'clock, when we will hear from representatives of the Department of Health, Education, and Welfare.

(Whereupon, at 12:03 p.m., the subcommittee adjourned.)

to whether there should be any priority with respect to the people as a whole.

Mr. [Name] said that I think administration should have a system of priorities and that the administration in the system of priorities as well as the law and deal with it in that way, so that the more highly skilled people the people do have been given priority and the valuable and so forth. I think the priority in the system. I would supply all of the model of the existing law.

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ADJUSTMENT OF STATUS FOR CUBAN REFUGEES

WEDNESDAY, AUGUST 17, 1966

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 1
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:30 a.m., room 2141, Rayburn House Office Building, Hon. Michael A. Feighan (chairman) presiding.

Present: Representatives Feighan, Rodino, Donohue, Gilbert, Moore, and Cahill.

Also present: Garner J. Cline, counsel, and Donald G. Benn, associate counsel.

Mr. FEIGHAN. The subcommittee will come to order.

This hearing is a continuation of the subcommittee hearings on pending proposals to authorize the adjustment of status for Cuban refugees. We are happy to have with us representatives of the Department of Health, Education, and Welfare, Dr. Ellen Winston, Commissioner of Welfare, accompanied by Mr. John F. Thomas, Director of the Cuban refugee program.

The Department of Health, Education, and Welfare has primary responsibility for the physical care of Cuban refugees, including the reception centers in Opa-locka, Fla. Members of this committee have had an opportunity to visit the center, to observe firsthand the outstanding work being performed there.

Secretary Gardner has been designated by President Johnson as coordinator of the variety of necessary public services to meet the emergency created by the escape from and movement out of Cuba with large numbers of people fleeing from tyranny and oppression. The Department deserves public commendation for doing an outstanding job at times under very trying circumstances. This committee compliments all of those who have played a part in this program.

On behalf of the committee I extend to you, Commissioner Winston and Mr. Thomas, a cordial welcome. We are glad to have you with us and to hear your testimony.

You can proceed, Dr. Winston.

STATEMENT OF DR. ELLEN WINSTON, COMMISSIONER OF WELFARE, ACCOMPANIED BY JOHN F. THOMAS, DIRECTOR, CUBAN REFUGEE PROGRAM

Dr. WINSTON. Thank you very much, Mr. Chairman.

Mr. Thomas and I welcome the opportunity of appearing before your committee.

A discussion of legislation to permit the adjustment of the status of Cuban refugee parolees to that of permanent residents of the United States is of particular interest to our office.

On February 3, 1961, the late President John F. Kennedy directed the Department of Health, Education, and Welfare to implement a nine-point Cuban refugee program. One of the major objectives of this directive was the reduction on the principal port-of-entry—Miami, Fla.—of the burden imposed on that community by the impact of large numbers of escaping Cuban refugees. To do this we embarked upon a strong resettlement program with the assistance of the four voluntary agencies—National Catholic Welfare Conference, Church World Service, International Rescue Committee, and the United Hebrew Immigrant Aid Society Service. In helping move these people to other areas of the United States, two objectives were achieved. First, the impact on Miami was kept to a minimum. Second, the refugee was assisted in moving to an area where more jobs were available and he could achieve self-support for himself and his family.

I believe it will be helpful at this point if I introduce some statistical data concerning Cuban refugee arrivals in the United States. For clarity I will put this information within a framework of three periods.

FIRST PERIOD, JANUARY 1959—OCTOBER 1962

As the Cuban Government began to enact, in early 1959, agrarian reform laws and other measures to confiscate private enterprises, large numbers of Cubans began to seek asylum in the United States. Movement continued in 1960 as the Cuban Government intensified its efforts to confiscate private businesses. Late in 1961 and early 1962, as the Cuban Government moved into the management of the seized properties, professionals and technicians of all types began to depart from Cuba.

In January of 1961, U.S. consular offices in Cuba were closed as our Government severed diplomatic relations. However, Cubans continued to flee in ever-increasing numbers, assisted by a visa waiver arrangement. During this first period, commercial transportation continued to service the Havana-Miami route, and arrivals reached 1,800 refugees a week.

Reacting to the President's directive, the Department of Health, Education, and Welfare established a Cuban Refugee Emergency Center in Miami in February of 1961, which has served as the focal point for the operation of the Cuban refugee program. Registration at the center is voluntary. Only those who need and ask for our services are registered.

SECOND PERIOD, OCTOBER 1962—OCTOBER 1965

By the time of the missile crisis in October 1962, when all commercial transportation from Cuba to the United States was stopped, over 153,000 Cubans had registered at the Miami Center. The vast majority were still in Miami, and over 68,000 of them were receiving financial assistance from the Federal Government.

The resultant sharp decline in arrivals—due to lack of transportation—permitted us to embark on an intensive study of the refugees in Miami. Information from case interviews was coded for data processing analysis. This process promptly identified those persons capable of accepting a resettlement opportunity and, what is more important,

those requiring individual attention in order to prepare them for a resettlement opportunity.

THIRD PERIOD, OCTOBER 1965—PRESENT

By October 3, 1965, when President Johnson announced the new conditions under which the United States would accept Cubans who sought asylum here and the current influx began, over 93,000 refugees had been resettled from Miami. Associated with this was a drop in the number of persons receiving public assistance in Miami from 68,000 to 17,000 persons.

The current orderly entry by airlift, which started December 1, 1965, had transported 30,487 refugees into the United States as of August 5, 1966. As of the same period, 20,322 refugees had been resettled to other parts of the country. These new arrivals have been paroled into the country. Adding these new arrivals to those previously registered at the Cuban Refugee Center we now have had 211,476 Cubans registered. Of this total, 119,575 have been resettled away from the Miami area through the splendid cooperation with the four national voluntary agencies.

It is not possible for us to distinguish what portion of our services concerns only parolees. I believe you have heard testimony from the Attorney General of the Department of Justice, whose responsibility it is to keep records on persons entering our country. In that testimony are identified, as of June 30, 1966, over 165,000 Cuban refugees paroled into the United States, who have been admitted since January of 1959.

The committee may find interesting certain data concerning Cuban refugee program expenditures. From 1961 through fiscal year 1966, some \$214,661,000 were obligated to carry out the responsibilities of the program. Fiscal year 1966 expenditures were about \$38 million. Some of the major activities during the fiscal year 1966 were as follows:

(a) An average of 15,454 persons monthly received financial assistance in Miami.

(b) From February 1961 through June 30, 1966, over 116,000 Cuban refugees were resettled away from Miami. During the fiscal year 1966, we gave financial assistance to an average of about 4,000 a month at their new locations or well under 4 percent.

(c) Refugees receiving hospitalization, including out-patient services:

In Miami hospitals, 13,145 persons received care.

Refugee Center Clinic.—about 24,000 persons required 89,000 out-patient services and examinations. (Exclusive of medical screening of new arrivals.)

(d) The average number of unaccompanied children in foster homes or institutions, 1,348. You may recall this is a decrease from about 8,000 unaccompanied children we had at one point.

(e) The average number of Cuban children in the Miami/Dade County school system, 16,320.

(f) Approximately 1,600,000 hours of English and vocational training were provided refugees, enhancing their resettlement and employment potentials.

(g) Loans were provided to 3,500 college students during the year. (The Cuban refugee student loan program is patterned after the National Defense Education Act.) It is handled by the Office of Education.

I present these statistics to emphasize the extent of our services to the refugees and to attest to their desire to become productive members of our society.

In general, we have found the Cuban refugees to be cooperative and worthy in every respect of our assistance. Their excellent adjustment to the communities in which they have resettled has more than justified our efforts to help them. Their good work record has prompted many employers to seek them out for job opportunities. In fact, only a few of these resettled refugees have found it necessary to seek public assistance, and then illness is the major cause for the temporary setback. Occasionally the healthy find it necessary early in resettlement to seek temporary help, but by and large the Cuban refugee, through good work habits and motivated toward self-support, has adjusted in the United States as far as his immigration status permits.

Unemployment is not the parolee's problem; it is underemployment that plagues the Cuban parolee in this country. Employment in a profession or a skilled trade is more stable than work in unskilled jobs. And stable employment permits savings; the acquisition of insurance for hospitalization and medical coverage; of unemployment compensation eligibility. With these resources the refugee continues to be financially independent. The parolees are not fortunate in this respect since they do not qualify for many jobs which represent many skills and professions in which we are in short supply.

Without doubt the Cuban professional, paroled into the United States, is the most seriously affected by this situation. I will list for the record some of the work areas where permanent residence or citizenship is a requirement to practice legally:

Architects.....	24 States.
Dentists.....	45 States and the District of Columbia.
Lawyers.....	Most States.
Professional nurses.....	22 States, Puerto Rico, and Virgin Islands.
Practical nurses.....	28 States, Puerto Rico, and Virgin Islands.
Physicians.....	41 States and Puerto Rico.
Public school teachers.....	Most States.
Veterinarians.....	29 States.

I do not want, however, to convey the impression that these are the only groups of persons adversely affected by their (immigration) status. Equally affected are other paroled Cuban refugees who are forced to seek a lower level of employment than one commensurate with their skills and abilities. Handicapped by lack of English in early resettlement, the parolee nevertheless works hard, tries to get ahead. He goes through the door of resettlement with great hope in the future. However, on many occasions this hope is shattered if the new job requires bonding; travel out of the country; or if in the case of his skill learned over many years, a license is required. We cannot reduce this to numbers, but from the statistics I have mentioned you may conclude that we have had some discouraging experiences in dealing with individual cases and their employment and related problems.

The refugee's only recourse to a change in immigration status is to pick up his family and move them out of the country for an indefinite period of time, at great financial expense, in order to reenter as a resident. Most of the refugees are not financially able to make this move.

If I, as Commissioner of the Welfare Administration, failed to mention the deep psychological aspects of this problem, I would be remiss in my responsibility to the people the Congress has entrusted to our care.

Until some time in the unforeseeable future, when they are able to return to their homeland, the refugees will be in the United States. Thousands have been here for 7 years. Many have children 6 or 7 years old, born here in the United States. They are citizens of this country. Their parents are suspended in limbo. Older children in school and young adults at work have integrated extremely well. They are at home with our customs, our laws, and our society.

Other refugee groups have benefited from congressional action similar to that which is being considered here today. These Cuban people have proved worthy of the help they have received and they have earned the right to something more than parolee status.

The Department of Health, Education, and Welfare, in a letter addressed to Representative Celler dated August 10, 1966, endorsed the objectives of the legislation under discussion. I shall be very happy to answer any questions the chairman or committee members may have.

Mr. FEIGHAN. Thank you, Dr. Winston.

I think it will be proper at this time on behalf of the subcommittee to express our appreciation for the splendid cooperation and work engaged in by the voluntary agencies.

Doctor, I would like to know the extent to which granting permanent residence status will remove these Cuban families and individuals from current public assistance programs.

Dr. WINSTON. I would like to reiterate some of the statements in my testimony. Actually, we have reduced to a very low level, relatively, the number of refugees remaining in Miami who are receiving public assistance and the record is excellent for the people who have been resettled across the country.

We have fewer than 4 percent of the resettled Cubans currently receiving public assistance, which means actually that they are receiving assistance at about the same level as the population generally in this country. Of course, we will continue to have some very old people, some disabled people, who will need to continue to receive public assistance but relatively we believe that the record is excellent, that we can find little fault with the way in which the caseloads have been going down.

This has been a decreasing financial burden on this country. Certainly if as we change their status we are able to stimulate resettlement and as the people who are resettled are able to make full use of their skills because they no longer have the handicap of a parolee status, we will see further reductions.

Mr. FEIGHAN. Do you have any statistics as to the number of Cubans who make reimbursement and perhaps the amount of money that may have been returned by these Cubans for financial assistance they have received?

Dr. WINSTON. Returned funds that they have been granted under public assistance?

Mr. FEIGHAN. Yes.

Dr. WINSTON. I will ask Mr. Thomas if we have such figures.

Mr. FEIGHAN. Mr. Thomas.

Mr. THOMAS. Mr. Chairman, we have had some returns. I do not have the figure but we can insert it in the record.

(The information follows:)

Records of the Florida State Department of Public Welfare (the latter administers under a Federal contract, the Cuban Refugee Assistance Program) indicate that Cuban refugees have returned voluntarily approximately \$10,000 they had previously received in the form of financial assistance.

Mr. FEIGHAN. To what extent would the granting of permanent residence permit these Cuban refugees to enter occupations such as medical doctors, nurses, teachers, lawyers, and other occupations where permanent residence is the basic necessity?

Mr. THOMAS. In the professional category, Mr. Chairman, the problem is one of licensing and certification. For the teachers, for example, we have had a number of projects in various universities around the country to bring some of the Cuban teachers up to par with the American standards of education and these persons then generally go into the public school field, high schools, to teach Spanish.

Most of the States have a requirement for permanent residence for certification as teachers. In a few States where this is not a fact of law, where it is only an administrative ruling, we have been able to get State boards of education to give a provisional 1-year certificate to the teacher. This can be carried on only for 1 or 2 years and then the person is in trouble. With permanent status they can get permanent jobs.

Mr. FEIGHAN. Does that same work that you have done apply with reference to the medical profession; that is, getting regulations to permit practice by the Cuban doctors?

Mr. THOMAS. Yes, sir. In the medical field we have had about 1,700 doctors register at our center. We have a refresher course at the University of Miami Medical School. These doctors can take this course and then they can, under agreement with the American Medical Association, take an examination which if they pass will qualify them in most States to be in what we might call an internship. They can work in a hospital, State hospital, an institution, under the direction of an American doctor but they cannot practice because in most States the requirement is for permanent residence or for citizenship to take the State board examination. Here again you have a handicap.

Mr. CAHILL. Will you yield?

Mr. FEIGHAN. Mr. Cahill.

Mr. CAHILL. I would like to raise this question. Assuming that these physicians were given this permanent residence here, what assurance do we have they would have approval of the American Medical Association in relation to their qualifications based upon education and experience in Cuba?

Mr. THOMAS. Mr. Cahill, we can furnish for the record some of the results of foreign trained medical students taking the examination that is possible for foreign trained medical students. These place graduates of the University of Havana Medical School high in the percentage of those who are successful in passing the examination compared to other universities around the world.

There is a great shortage of doctors in this country and the American Medical Association has been very helpful in making it possible for foreign trained doctors to practice in this country one way or the other.

Mr. CAHILL. What examination is required for them to pass?

Mr. THOMAS. They are required to pass the examination for foreign-trained medical doctors; that is Educational Council for Foreign Medical Graduates examination.

Mr. CAHILL. Then having once passed that they would then be certified by the AMA?

Mr. THOMAS. That is right, sir, which most medical—

Mr. CAHILL. They would be eligible for placement in any of the hospitals in the country?

Mr. THOMAS. Yes, sir. In most States, also medical societies.

Mr. GILBERT. Would the gentleman yield?

Mr. FEIGHAN. Mr. Gilbert.

Mr. GILBERT. Thank you, Mr. Chairman.

As I understand it then these physicians ultimately would only be permitted to practice in a hospital as an intern?

Mr. THOMAS. Mr. Gilbert, this is as a result of taking this particular examination. This is if they do not have permanent residence or citizenship.

Mr. GILBERT. That is correct.

Mr. THOMAS. If they get permanent residence then they, in some States, can qualify to take the medical examination. If they get American citizenship after a period of time then almost every State will permit them to qualify.

Mr. GILBERT. That was not my point. I appreciate your answer but these physicians that do qualify under the present conditions, the very most they can hope to aspire to would be to be an intern in a hospital?

Mr. THOMAS. Yes, sir.

Mr. GILBERT. So that the general public would really lose the benefit of the ability and knowledge of these particular doctors in the general practice of medicine?

Mr. THOMAS. That is the situation we are in at the present.

Mr. GILBERT. Still very limited. May I say the amount of income that probably they receive as intern is a pittance.

Mr. THOMAS. That is right, sir.

Mr. GILBERT. I say, do you have any statistics or any idea how these doctors then support themselves and their families?

DR. WINSTON. I think you have put your finger on our very great problem here because actually what happens is that through the efforts of Mr. Thomas and all the people who work with him there have been very imaginative programs for giving these professional people supplementary training and helping them get jobs but they are always lower jobs than their skills and education really qualify them for. This, of course, means less income and means that we have hundreds of these professionally qualified people who are getting along on marginal incomes when, if the doors were open to them, they could earn incomes that would be adequate for the support, relatively, of middle-class living.

Mr. GILBERT. I think that is the very appropriate answer to what I was looking for in response to my question because I think that is the very heart of the problem. That is the reason I have always been

interested in this particular phase of the Cuban refugee problem. Thank you.

Mr. MOORE. Would you yield, Mr. Chairman?

Mr. FEIGHAN. Mr. Moore.

Mr. MOORE. First of all, I think we should say that we have done a rather in-depth survey of the requirements of the various States of the Union with respect to professional requirements, professional status, and what the States require in the form of permanent residence, citizenship, to meet the States' licensing provisions.

There are a number of States in which these individuals can practice without restrictions as regards citizenship, et cetera. May I inquire whether or not you have in your various programs and in your various efforts to aid these people, who are perhaps at a lower level in their professional practice than U.S. citizens with like education, whether or not you have made any effort in dealing with this problem on a State-by-State basis?

Let me give you an example in my State of West Virginia. Citizenship is required for a doctor to practice medicine. It is necessary for him to take the medical licensing examination in that State. However, I have been able, dealing on an individual basis on behalf of foreign physicians, to convince the medical licensing board that they should renew, on an annual basis, the right of a foreign doctor to practice medicine in my State until such time as he has completed the residence requirement to qualify him for citizenship.

Have you thought or given any consideration to going in and working this matter out on a professional basis, a State-by-State basis, a method to permit these individuals to practice their respective professions in the various States?

Mr. THOMAS. Mr. Moore, we have not done it in just the same way as you have stated it. We have worked in almost every instance of a profession with the United States society concerned with this matter; for instance, on the doctors with the American Medical Association; dentists, the American Dental Association, and so forth. We have also had, through our University of Miami Medical School, and for this particular profession, a great deal of contact with medical societies around the country, advising them of the availability of these doctors. Many doctors have been placed in hospitals in that way.

A typical example is in the State of Georgia where they were opening a new State hospital there, and they were afraid that they could not operate this hospital for the lack of doctors. It was in a rural area and this probably was not too attractive to the American medical people. Some seven Cuban doctors are working there under the supervision of American doctors.

Mr. MOORE. Let me interrupt you to ask this: I think that is a very, very fine example of community interest in the Cuban doctors. Do you take the other step and arrange with the State of Georgia that that Cuban doctor is not a captive physician of that hospital but that he can engage in the general practice of medicine in that community while he is awaiting his eligibility for citizenship?

Mr. THOMAS. Well, we make that approach. However, we have to rely on the particular State's attitude toward this. That is how we got these doctors into the Georgia Hospital, by making that approach through the Georgia Medical Society.

However, with regard to meeting the standards in that particular community, sir, we put the proposition for it and say it would be

helpful if these persons could get the full benefit of the profession in status. We have to rely on the attitude of the individual States.

Mr. MOORE. Have these physicians the right to engage in the practice of medicine on a temporary basis until they meet the State of Georgia qualifications? Or do they furnish their best professional know-how to a hospital, and are they nothing but pure interns in that hospital?

Mr. THOMAS. They are pure interns insofar as paper is concerned. In practice they might be given latitude in dealing with patients within that hospital, but the State law of Georgia states it in such a way that he must be a citizen in order to practice medicine in the State of Georgia.

Mr. MOORE. The State of West Virginia has that same requirement, but we have made arrangements with the West Virginia Medical Association and we have a provision now that foreign doctors can be licensed on a temporary basis to practice medicine, not to carry on the work that the American physician himself will not do, but free temporarily to practice medicine.

I asked whether or not in your programs you attempted to set up similar opportunities for the professional individual that is obviously in economic servitude.

Mr. THOMAS. We have not done this State by State. We have worked on it on a national basis. We would be happy to take your suggestion and look at it.

Mr. MOORE. I was rather surprised, Mr. Thomas, to have your observation of the rate of professional status of those graduates of the University of Havana Medical School.

The statistical data I have indicates that 36.9 percent of the doctors that are graduates of that institution fail the foreign service doctors' examination in this country the first time they take it, and the overall rate for all foreign students in this country is about 32.1 percent. Perhaps, then, there is some moment of hesitancy about the qualifications of these people.

I understand from your testimony that you have a program operating to add to their professional training. Is that correct?

Mr. THOMAS. Yes, sir.

Mr. MOORE. Now with regard to the 1,700-plus doctors in this country, how many doctors came here under the cultural exchange program?

Mr. THOMAS. I haven't that breakdown.

Mr. MOORE. Would you furnish us that figure?

Mr. THOMAS. Certainly, if it is available.

Mr. MOORE. Then I would assume the balance would be those physicians that have come since the advent of Castro or since we terminated our diplomatic relations with them.

Mr. THOMAS. Yes, sir.

Mr. MOORE. It would be interesting, also, if we might have the same statistical breakdown for those dentists and all of those who are in this professional grouping. My figures indicate they represent about 8 percent of the total number of Cuban refugees we have in this country.

How many were actually here before Castro, who for one reason or another could not get a change of status or could not obtain the waiver.

Mr. THOMAS. The 1,700 doctors I speak of are those registered with our program. We do not register anyone in the program who was in

this country before January 1, 1959. That is our eligibility criteria for our program.

Mr. MOORE. All right. To go to Dr. Winston, in the breakdown on your testimony on page 3 you have put this together in sections, perhaps 3-year periods. You indicate that the requirement of registration at the center—

Dr. WINSTON. Cuban Refugee Center?

Mr. MOORE. "The statement is registration at the Center is voluntary and only those who need and ask for our services are registered."

Do you mean to indicate there are a number of Cuban refugees or parolees who come into this country who are not now seeking the services of the Cuban Refugee Center operation? If so, how many?

Dr. WINSTON. We ourselves do not maintain those figures. The figures on the total number of Cuban refugees in this country are maintained by other agencies of the Government and we get our data from them.

Actually what happens is that when the people come into Miami, most of them arrive destitute; they must have immediate help. They come to the Center and they are registered and provided the services they need to tide them over. We settle many of them very fast at this point. Some need help for a longer period of time.

We have some people who are in the country for a number of months before they come and register at the Cuban Refugee Center. These are people who have found that they need some type of service which we are equipped to provide, so we do not claim to be serving all of the Cubans through the Cuban Refugee Center.

Mr. MOORE. Do I take it from that that it is possible for a Cuban parolee to get off the airlift plane and walk off without registration?

Dr. WINSTON. Not on the airlift. Every person who comes in on the airlift is processed.

Mr. THOMAS. In the early days of the program, and when I say early days I mean 1959, 1960 and 1961, people came out of Cuba with some wealth. Castro had not begun to strip them at the airport before they left, so that many persons who came in those early days had wealth, banks accounts here, started to do business, had friends, and so forth, so they did not have to register with us for service.

Mr. MOORE. Then that statement applies to that set of circumstances and not the operation which exists today?

Mr. THOMAS. As the operation exists today every person who comes in on that aircraft is registered by us.

Mr. MOORE. May I ask whether or not that same set of circumstances applies to the 44 Cubans who just recently, yesterday morning or the day before yesterday, came in not by airlift but by their own means? Did they come within the registration program?

Mr. THOMAS. If they reached Miami and are registered at our center they then are eligible.

Mr. MOORE. I don't mean eligibility but registration. Suppose they reach Miami and do not desire to register?

Mr. THOMAS. If they do not wish to register for our service then we wouldn't register them. We have an almost automatic arrangement with the Immigration Service and the Coast Guard. Whenever a boat is picked up in the channel after coming in, and most of the time these people are not only destitute but without water, without food, sometimes they are injured and need hospital care, they automatically refer them to our center.

However, here again, the registration is always voluntary.

Mr. MOORE. The only nonvoluntary ones are those included in the airlift?

Mr. THOMAS. Yes. Three agencies are involved in this program—Immigration, State Department, and HEW. We have one central focal point for information and that is on our data processing equipment at the Center. Therefore all of the information with regard to entries, and so on, is put on our IBM cards and thus every person who comes in on the airlift appears on our registration.

Mr. MOORE. The reason for my seeming to hang up on this point is to try to determine the number of Cubans which has come in who are not now registered or for whom we do not have statistical data.

I can understand why the airlift information is readily available. I understand fully the exchange process that exists. I understand that you know full well who is coming and who is not.

Beyond that, however, I was intrigued by the fact that the observation made was that everybody was not required to register, which gave me the thought that there could be a large number of Cubans in this country to whom this legislation would be applicable who have not registered.

Dr. WINSTON, referring to those who leave the Miami area and resettle, I understood you to indicate approximately about 4 percent, which was the national "norm", ultimately made their way to the public welfare agencies and relief agencies of the various States.

Does your program make any contribution to those States for helping the public welfare load?

Dr. WINSTON. The public assistance for these people is paid for out of the appropriation to the Department. It is not a charge upon the State.

Mr. MOORE. And the appropriation to the Department for the Cuban refugee program and not for appropriations of the Department for running various types of welfare programs?

Dr. WINSTON. The cost of public assistance for the resettled Cuban refugees is part of our special appropriation for the Cuban refugee program.

Mr. MOORE. Thank you, Mr. Chairman.

Mr. FEIGHAN. Can you estimate the extent to which granting of permanent residence may encourage more Cuban refugees to leave Florida and resettle elsewhere in the United States?

Dr. WINSTON. This is a very difficult question. Of course, the record we think is pretty good with regard to resettlement already. We have had 73 percent of the arrivals on the airlift resettled. Some of them actually remain in the Miami area only a very few hours or days.

I think you have to realize that we keep working on the population in Miami which is registered at the Center, to help motivate them toward resettlement, or to give them the skills they need so it will be easier for them to resettle.

Actually, I would think that as far as the change in status is concerned, the great benefit from it will be that it opens the opportunity for people to feel settled and qualify themselves for full participation in American life. That is the big gain; rather than that we will have a very substantial acceleration of resettlement out of Miami. That

is already going about as fast as people are able and ready to move to other parts of the country.

Mr. FEIGHAN. Does the present system where the Cuban refugee must leave the United States to apply for immigrant visas work a hardship on the refugee?

Dr. WINSTON. We are very concerned about that. For example, they could go to Canada and come into the country, but this is expensive business, and our testimony has indicated that. Many of them, although they are self-supporting, are self-supporting at a minimal level. Often they would have to give up their jobs in order to leave the country and come back in, so it is really a tremendous financial hardship.

We have some families where they pool their resources so a younger member of the family can go out of the country and come back in and gain permanent status, but it is a tremendous process for them.

Mr. FEIGHAN. What problems, if any, have developed for the Cuban parolee who seeks voluntarily to join the Armed Forces because of lack of permanent residence?

Mr. THOMAS. The Cuban refugee is subject to the draft.

Mr. FEIGHAN. I talk about volunteers.

Mr. THOMAS. To enlist, one has to be a permanent resident of this country. This is an unfortunate situation because there are a number of Cubans who would like to enlist. We know of a number of Cubans, for example, who are fighting in Vietnam, but they have been drafted.

Mr. FEIGHAN. Mr. Rodino?

Mr. RODINO. First of all might I say that Congressman Chelf was not able to attend the hearings today due to commitments made several weeks ago and he regrets he must miss this hearing.

However, he has asked me to read into the record his statement. This is Mr. Chelf's statement:

Both as a Member of Congress and as a taxpayer I want to extend a warm welcome to John Thomas. I always have a feeling of confidence in any refugee program with which he is associated. He is certainly one of the foremost—if not the foremost—experts on refugee matters in Federal service today. Aside from his extensive technical knowledge, he understands fully the role Federal agencies can play and the role private agencies can play in resolving refugee problems.

I have mentioned during the appearance of other witnesses a trip I recently made to Miami. The trip was "incognito" and at my personal expense. It was a rewarding experience.

In my judgment, procedures for the processing of refugees arriving via the air-life are efficient and effective. They reflect, without unnecessary frills or fanfare, the type of warm and sincere welcome we want to extend to these fine people.

HEW is to be commended for the fine job being done.

Mr. RODINO. For myself I welcome Dr. Winston, and John Thomas to this hearing. I would like to extend a personal welcome to John Thomas. My acquaintanceship with John goes far back and spreads over many countries and many refugee problems. I visited South Vietnam last year, along with my good friends, Congressmen Moore, Cahill, and Rogers. We were all pleased to note that HEW had made John's professional know-how available to AID to assist in the development of the refugee program there.

I can assure you that I am not unfamiliar with the fine record your Department and the resettlement agencies working with you have compiled.

In April I was happy to participate in hearings on the program held by Senator Kennedy of Massachusetts in the district I am privileged

to represent. Cubans—for many, many years—have found welcome in New Jersey, and now we are proud of the record we have established in providing a safe haven to well over 17,000 Cuban refugees. They have brought us many needed skills and talents. Because of their fervent desire to build meaningful lives for themselves, their willingness to work, and their many fine characteristics as a people, the Cuban refugees residing in over 209 of our cities and towns have established a splendid reputation.

This was amply attested to at the New Jersey hearings by such figures as Governor Hughes, Mayor Addonizio of Newark, Mayor Dunn of Elizabeth, Mayor Armellino of West New York, and many other religious and civic leaders.

It is a good program, Dr. Winston, and you can be proud of your accomplishments. Of particular significance is the spirit of cooperation existing among the various Federal agencies involved in the current airlift operation. Your agency serves as a focal point for many aspects of the program involving services to the Department of State, the Immigration and Naturalization Service, U.S. Customs Service, and others.

You are doing a remarkable job and doing it within realistic limits. You deserve great credit and we are grateful to you for this splendid effort.

Would you be able to state for the record what assistance, financial or otherwise, the voluntary agencies are providing the Cuban parolees?

Dr. WINSTON. We would like to prepare a summary to insert in the record. We would be very happy to do so. We have indicated that the voluntary agencies are actually responsible for the resettlements. This is a teamwork arrangement with the resettlement agencies and we would like to spell out quite specifically the particular contribution of each of the four agencies.

Mr. FEIGHAN. We would like to have that for the record.

Mr. RODINO. Would you specify how financial assistance is being rendered by them, how much of this is Federal funds and how much is voluntary contribution?

Dr. WINSTON. We will be glad to include the financial arrangements with them.

Also we would like to put into the record the splendid cooperation existing among the four voluntary agencies themselves because I think we have reached a new high level of interagency cooperation among voluntary groups around the Cuban refugee program.

(The summary follows:)

CONTRIBUTIONS OF THE VOLUNTARY AGENCIES IN ASSISTING THE CUBAN REFUGEES

To assist in the resettlement of Cuban refugees away from the Miami/Dade County area, the Federal Government contracted for the services of four national voluntary agencies, each having long experience in the refugee resettlement field. These agencies are:

- National Catholic Welfare Conference
- Church World Service
- United HIAS Service
- International Rescue Committee

Resettlements are made when local affiliates of these agencies undertake to sponsor a refugee or refugee family in their community. Basically, the sponsor is responsible for: locating a job or job interviews; arranging for at least temporary housing, including household furnishings, the payment of a month's rent and utilities, and usually, the provision of 2 or 3 weeks' supply of groceries; welcoming

the refugee; helping the refugee and his family to become oriented in the new community, to enroll the children in school, to find the way to the supermarket, to locate English classes for adults if needed; and finally, providing guidance and counseling on any problems that may arise.

These agencies, or their local counterparts, also contribute to the needs of many of the Cuban refugees residing in Miami where these needs are temporary.

A full accounting of the costs of all of these services furnished through the private sector is not possible for, in many instances, the information is not gathered on a national level. A medical doctor may render a service to a Cuban refugee free of cost because that refugee happened to be resettled by the doctor's church. Or an apartment may be furnished by a realtor as a contribution to his parish resettlement program. These expenditures cannot be tabulated on a national scale.

The record should show the following information furnished by the four voluntary agencies.

CHURCH WORLD SERVICE

This agency has registered 19,911 persons (11,225 cases) and resettled 19,335 persons (8,977 cases) since February 1961.

(1) This has been accomplished through the establishment of the Miami Refugee Resettlement Offices which enlist the active support of the local parishes to assist the refugees to find a new life and freedom. A recent survey of six of the major denominational resettlement offices assisting Church World Service in the Cuban Refugee Resettlement Program indicates that their administrative cost and welfare assistance for their national offices amounted to \$77,500. This does not reflect any related cost to the resettlement of a Cuban refugee on the parish level, which can be conservatively estimated at over \$200 per family.

(2) The Protestant Churches through the denominational Judicatory had established an Emergency Refugee Center for Cuban refugees in Miami for which has been conservatively estimated that this operation represents an expenditure of over \$500,000 a year. In January 1966, the Denominational and Local Judicatory established an Inter-Denominational Agency, the Christian Community and Service Agency of Dade County, which has received support of \$325,000 and additional contributions in kind.

(3) In cooperation with the National Planning Committee for Cuban Refugees of the National Council of Churches and the Greater Miami Council of Churches, a planning commission for Cuban refugees has been established with budgetary support of over \$25,000 yearly.

UNITED HIAS SERVICE

This agency has registered 3,751 persons (1,960 cases) and resettled 2,333 persons (1,040 cases) since February 1961.

The Jewish communities throughout the United States have contributed on a local basis as well as on a national agency scale. From the beginning of the Cuban refugee exodus, United HIAS Service has resettled 1,346 Cuban families including 2,738 refugees at a cost of \$750 per case over and above the contribution from the Federal Government. In addition, during the early years of the program, an expenditure of \$50,000 per year was made in support of local Miami activities on behalf of Cuban refugees of Jewish faith. Present expenditures in Miami run about \$15,000 per year.

NATIONAL CATHOLIC WELFARE CONFERENCE

This agency has registered 144,890 persons (76,087 cases) and resettled 74,594 persons (40,358 cases) since February 1961.

During the period of February 1961 to June 1966, based on cost studies by the National Catholic Welfare Conference, it estimates five million dollars were expended from private funds on local levels assisting refugees in their resettlement adjustment. These funds were spent to provide such as:

- (1) Clothing, furniture, and food supplied by local parishes and groups.
- (2) Social-work services in connection with the integration of Cuban refugees into the local community.
- (3) Emergency relief by local Catholic Charities offices and similar Catholic welfare agencies.
- (4) The value of services and administrative expenditures in approximately 100 local diocesan resettlement offices which were rendered without charge.

INTERNATIONAL RESCUE COMMITTEE

This agency has registered 44,421 persons (23,561 cases) and resettled 24,129 persons (13,800 cases).

In conjunction with the cooperation of International Institutes in various cities, IRC had expended from funds received from private sources \$222,317.00 through December 31, 1965.

In addition, IRC expended \$300,000 during this same period to service the needs of Cubans who could not be assisted under terms of its contract with the Federal Government.

In total IRC has found it necessary to raise over \$500,000 from private sectors to meet its program costs for Cuban refugees over the amounts reimbursed by the Federal Government.

FEDERAL GOVERNMENT GRANTS TO THE FOUR NATIONAL VOLUNTARY RESETTLEMENT AGENCIES SINCE THE INCEPTION OF THE PROGRAM

Under the terms of the contract between the Federal Government and the voluntary agencies for the resettlement of Cuban refugees approximately \$10,100,000 has been granted to the four voluntary agencies. This amount has assisted the agencies in the resettlement of over 115,000 refugees to nearly 3,000 communities throughout the Nation.

Mr. RODINO. I think that would be helpful for the record.

As I recall, Cuban refugees are processed rather rapidly in Florida and they are then moved to new destinations. What preparation is made to receive and help them properly and how are jobs and housing opportunities developed for them?

Mr. THOMAS. The present airlift should be considered in the light of family reunion because the initiation for the movement of the person to the United States comes from a relative in this country. He designates the relatives and the relationship of the relatives that are in Cuba and that he wishes to have moved out. Therefore it is true that a good number of people go through Miami rather quickly because they have been in communication, either through mail or by telephone, with their relatives, and the relatives have helped to prepare the way—in housing, jobs, and so on, along with the local voluntary agencies. The relatives themselves were assisted in the first place by one of the voluntary agencies and they generally turn back to that agency to help with the new relatives coming in.

With regard to the parts of the family—you must remember we move in along with the immediate relatives the persons who are in the household, who sometimes includes an aunt or uncle living with the immediate relative in Cuba. When these come in they generally come in without a full sponsorship and place to go. It is those who generally remain in Miami and we have to work in conjunction with the voluntary agencies to give them an idea of where they might resettle and to indoctrinate them and orient them in the ways of this country.

Dr. WINSTON. But in planning for their resettlement, arrangements are made for jobs to be located in advance before they leave Miami and living arrangements worked out for them.

I think the way in which communities have opened their doors is really remarkable. As you know, we have had many local groups that have organized to see that there were housing arrangements made and jobs waiting for the Cubans when they came in.

Mr. RODINO. In the event a job does not develop and the refugee is not able to support himself or his family, what is the other recourse?

Dr. WINSTON. If the refugee goes into the community and for some reason a job opportunity does not open up, he would be eligible then to come on the public assistance program under the same general policies for native-born residents of the community until help could be given him so he could get settled into a job.

As a result of questions this morning I will ask Mr. Thomas to see if we cannot develop a little information about the length of time that these resettled refugees need public assistance, which is in essence emergency help, a tiding over after they get into the new community.

(The information follows:)

RESETTLED CUBAN REFUGEES REQUIRING FINANCIAL ASSISTANCE

Presently, only four percent of resettled Cuban refugees receive financial assistance, and those average only eleven months on public assistance. In general, it can be said the resettled refugee is employed. Those that do require assistance in the initial stages of resettlement are, in many cases, medical problems in need of treatment. The vigorous efforts of the voluntary agencies to help the resettled refugee find employment represent a major contribution to the very low number that require assistance and then only for a temporary period.

Mr. RODINO. That would be important. My recollection is that the Newark hearings developed that the length of time they required assistance was a relatively short period and a comparable percentage showed the Cuban refugee did not seek assistance as much as the local resident.

Mr. THOMAS. That is right.

Mr. RODINO. That was very encouraging.

Mr. THOMAS. I think this has been one of the things that has encouraged us most, and the voluntary agencies, this desire on the part of the Cuban to be self-supporting. He doesn't want financial aid.

The kinds of cases you refer to who get on public assistance are usually where there is a sponsorship breakdown. They had a job but took too long for the people to come out, and therefore they had to be placed and find another one, or the breadwinner becomes ill, an emergency situation or something like this.

Basically we found the Cuban trying to stay off of public assistance.

Mr. RODINO. Is there any evidence that jobs being filled by Cuban refugees are displacing Americans or a substantial portion of Americans?

Dr. WINSTON. I don't think we have any evidence which supports that at all. In fact, in this period of high employment for our country what we are actually finding is that many employers are seeking Cubans in order to fill jobs they have not been able to fill.

We have a great many people who write our office. We have business concerns who send recruiters into the Miami area because of the need for Cubans to fill jobs that are otherwise vacant in this country.

Mr. MOORE. Do you feel in any sense of the word, perhaps I am being the devil's advocate, that when they look for a highly skilled person they hope to pay a substandard wage to?

Dr. WINSTON. There is no evidence of that.

Mr. MOORE. Do you follow this at all? This concerns all of us here and I am sure it concerns you because of the observation made with regard to the professional people. Do you believe this is an honest endeavor to get a skill which is not available in the community or in the industry involved?

Mr. THOMAS. I would certainly think we are pretty free from that kind of practice.

Mr. MOORE. Do you find they come back because there was a misrepresentation with regard to a job?

Mr. THOMAS. I can recall only one instance, and I think this was in the garment area where a recruiter came down to Miami and quoted certain prices. He didn't say it as specifically as he might have that this is the wage you can get after you have gone through a training period, so there was some disappointment during that early period.

That is the only instance I can remember.

Mr. MOORE. I thank the gentleman.

Mr. FEIGHAN. I would like to have you give me an estimate of the number of Cuban refugees who are natives of independent countries of the Western Hemisphere other than Cuba who are also in eligible for adjustment status.

Mr. THOMAS. That information would be available from the Immigration Service. However, we can ask them to supply that information.

Mr. FEIGHAN. I would like to know if those citizens are generally citizens of Cuba.

Mr. THOMAS. We will supply that information.

(The information follows:)

NUMBER OF WESTERN HEMISPHERE NATIONALS (NON-CUBAN) ENTERING THE UNITED STATES ON THE AIRLIFT?

Records are not available on this point, but it is estimated that very few persons entering the United States on the airlift are natives of Western Hemisphere countries other than Cuba. A small number of non-Cuban nationals do come in but these are generally persons born in Spain, or one of the Eastern Hemisphere countries.

Mr. GILBERT. I take it from your responses, then, that the Cubans have made a pretty good adjustment in the United States?

Mr. THOMAS. Yes, sir.

Mr. GILBERT. They have attempted to get into the mainstream of American life and society. Is that so?

Dr. WINSTON. I think that is very true. We have another measure that is important, and that is the very low rate of crime and delinquency which the Cubans have been involved in.

Yesterday Mr. Thomas gave a figure that we had only four Cuban young people who had come before the juvenile court in Miami because of major delinquency.

When you think of the thousands of young people who have been in that community, and the fact that many of them have been separated from at least part of their family groups, this is a remarkable rate.

Mr. GILBERT. Based upon that, the bills we have before us leave within their discretion whether they wish to seek permanent residency.

In your testimony you mentioned a figure of 165,000 who would be eligible. About how many of those would you think would apply for permanent residency?

Dr. WINSTON. We are not really able to give a precise figure on this because there are many psychological and economic and family reasons involved. We have every reason to believe that perhaps over half of them would apply and that by and large the younger

members of the group whose ties are less deep in their homeland would seek permanent status.

Mr. GILBERT. One other question, then. We would like to know the number of Cubans who might return to Cuba in the event democracy were restored in Cuba. Do you think the fact we would permit Cubans to adjust their status here, make it easier for them, affect the percentage of the number who would wish to return back to Cuba in the event that happy day occurred?

Mr. THOMAS. We have asked this question of many Cuban refugees. The answer has always been that this will have no effect on their decision to return once their country is free.

Mr. GILBERT. Do I gather they then would desire to return to Cuba?

Mr. THOMAS. Yes.

Mr. GILBERT. I thank the gentleman.

Mr. FEIGHAN. Mr. Donohue?

Mr. DONOHUE. You have made an estimate of the number of Cubans that are now in this country, who came to this country subsequent to a certain date in 1959. Is that estimate approximately 300,000?

Mr. THOMAS. In dealing with the number of Cuban nationals in this country one often sees the figure of 300,000. This is the figure that the Immigration Service tells us represents the number of entries into this country.

Mr. DONOHUE. Since 1959?

Mr. THOMAS. Yes, sir. In other words, if a person is here on a parole status and went to Canada to get his visa and came back, that is two entries. That is why the 300,000 figure is higher than the 245,000 we usually use as the number of Cubans in this country.

Mr. DONOHUE. The figure should be 245,000 rather than 300,000?

Mr. THOMAS. Yes, sir.

Mr. DONOHUE. What percentage of those 245,000-plus would be classified as professional people?

Mr. THOMAS. I would say that the present time on our airlift from Cuba we are running about 8 percent professionals, but going back over the overall period, when in the early days more professionals came out, we were running as high as 25 percent professionals, so I think an overall figure would be somewhere between 15 and 18 percent.

Dr. WINSTON. This has to be related to the age distribution. You cannot relate it to the total but to the group which would be within the normal working age.

Mr. THOMAS. Yes, you would have to take out of the total figure the women and children. You take the employable male and then make the age breakdown on that and take the percentage.

Mr. DONOHUE. Assume that 15 percent of the number that came in, that is those of working age, were professionals, this is the group which is being most seriously affected insofar as employment is concerned, employment compatible with their skills.

Mr. THOMAS. Generally, but when you say "seriously affected" if a fellow happens to be a truckdriver and he needs to be bonded by the company to hold his job and he cannot get this bond because the requirements are that he must be a permanent resident, he is seriously affected, too, even though he is not a professional.

Dr. WINSTON. Then we have the handicap of not being eligible for civil service, the merit system, and so on. For example, we had the case brought to our attention of a well-qualified architect. He was

going to work on a project which had Federal funding and therefore he lost that job because in order to work on Government contracts he must have citizenship.

Mr. DONOHUE. He would be classified as a professional?

Dr. WINSTON. Yes, but lots of other people because of special conditions for the job cannot qualify. The problem really covers the whole job structure and not just the professionals.

Mr. DONOHUE. Then do I understand that the nonprofessionals are still handicapped from obtaining employment?

Dr. WINSTON. From obtaining many types of employment, yes.

Mr. DONOHUE. Do you have any figures as to the number of nonprofessionals that are unemployed since they arrived in this country?

Dr. WINSTON. Our figures show that by and large the resettled population is employed. They are at work.

We have those who work in less-skilled jobs. This is an under-employed group.

Other than that we would have the people in Miami who are, we think, potentially employable with whom we are working in terms of giving them language skills, sometimes special training to fit them for the job market. I do not believe that the term "unemployed" as we use it in this country is quite applicable to the Cuban refugee population.

Mr. MOORE. Will the gentleman yield for a followup question?

Mr. DONOHUE. Certainly.

Mr. MOORE. Can you tell us whether or not you are developing what, for want of a better description, is referred to at times as hard-core unemployed within the Cuban refugees? Do you have any statistics that indicate the numbers which perhaps have been in the Cuban refugee program from the beginning, showing no inclination, first, to work; second, to resettle; or, third, to do anything but take of the substance of the United States?

Mr. THOMAS. In my long experience with refugees this has been the happiest experience, if one can refer to a refugee situation as being a happy experience, of not having that type of case.

We do have a difficult case, and in terms of hard core I suppose you can classify it that way.

In Miami the public assistance caseload in Miami consists mainly of persons over 65 years of age who are here alone and therefore have no means of support; medical cases, where a person is in a medical situation and he cannot work; some minor children who are hoping the parents will come out; and then a few cases of women with children, their husbands still being in prison in Cuba, whom we have not gotten into a training program.

To give you an example of this, when we first instituted the data processing system and got our case interviews underway, we had 3,800 women on financial assistance in Miami. These women were mainly women with children whose husbands were in Cuba. These were women from upper class areas and perhaps never had work experience and didn't know what to do.

We instituted English training courses and vocational training. Today we have less than 200 of those people on the financial assistance caseload.

I think we are pretty much devoid of the unresettlement kind of case, unlike the experience we had in Europe where there was a lot of alcoholism, prostitution, and so on.

Mr. MOORE. Dr. Winston indicated that 78 percent of those coming in on the airlift were almost immediately resettled and she made the point that some of these refugees spend a minimum amount of time in the Miami area. However, we still have a large accumulation of Cuban refugees in Miami. Why is that? Perhaps my first question was not as sound as it should have been.

Dr. WINSTON. Sir, we——

Mr. GILBERT. The hour is getting late. I have never had an opportunity to ask a question ever since these hearings have begun. I think time should be limited to give me an opportunity.

I am a cosponsor of this legislation.

Mr. FEIGHAN. You have already asked some questions.

Mr. GILBERT. I asked somebody to yield and the chairman even objected to that.

Mr. FEIGHAN. Will you proceed, Dr. Winston?

Dr. WINSTON. We would be glad, if it is satisfactory with the Congressman, to enter into the record a full statement answering his questions so that we can take the additional questions here; 73 percent is the correct figure for those who go out very promptly.

One of the things we have watched carefully is that there would not be an undue buildup in the Miami area as a result of the airlift. What is actually happening is that while we resettle very rapidly the bulk of the people who come in on the airlift for reasons that Mr. Thomas already has indicated, we are continuing our work with the people who have been there a longer period of time. Hence we continue to resettle from that group, too, so that all in all there is not a major additional buildup in the Miami area.

Mr. MOORE. Thank you, for answering my third question. Mr. Thomas, thank you for answering the fourth question.

I go back to the gentleman.

Mr. DONOHUE. I would like to ask this question again: How many of the nonprofessional group, if you have knowledge of such figures, are unemployed at the present time?

Dr. WINSTON. I think what we could get for you is the number of men within the normal age group.

Mr. DONOHUE. And women?

Dr. WINSTON. And women. What we will do, we will take——

Mr. GILBERT. Mr. Chairman, I make a point of order. The House is in session.

Dr. WINSTON. And break this down by their current status for the record.

Mr. FEIGHAN. I would request the gentleman from New York to withdraw that as we would be able to proceed for at least possibly 15 minutes.

Mr. GILBERT. No, I persist in my motion. I object.

Mr. FEIGHAN. A point of order has been made. The House is in session. So the subcommittee will adjourn.

Mr. CAHILL. Mr. Chairman, I regret the point of order has been made because I had some questions that I wanted to ask. Regrettably I will not be able to be here tomorrow morning. I am sorry that we cannot proceed for at least a half hour.

Mr. FEIGHAN. Would the gentleman reconsider?

Mr. GILBERT. I will reconsider only because my friend, Mr. Cahill from New Jersey, asked me to yield in his point of order.

Mr. FEIGHAN. Fine. Mr. Gilbert.

Mr. GILBERT. I have no questions.

Mr. FEIGHAN. Mr. Cahill?

Mr. CAHILL. I just would like to ask Mr. Thomas one question.

I, too, recognize your extensive experience in this field of refugees, and I am wondering if you had, based upon that extensive experience, an opportunity to evaluate the thinking of these Cuban refugees who are coming into the United States in relation to their attitudes toward citizenship. How do they feel about American citizenship? Is there a great desire on their part to become American citizens?

Mr. THOMAS. My feeling is that first and foremost they are citizens of Cuba and that their interest at the present time is much more toward getting permanent residence so that they might qualify for the jobs, as we have mentioned here this morning, than American citizenship.

Mr. CAHILL. In other words, you feel that basically they are interested only in obtaining the prerequisites to the utilization of their individual skills and they really do not want American citizenship?

Mr. THOMAS. Generally, sir, there will be the individuals who might. We have, for instance, a young lady who works on our social welfare staff in Miami who has recently taken her masters degree in social work. A month ago when I was down in Miami she cheerfully came up and said, "Now I am an American citizen."

I said, "What does this mean with regard to the return to Cuba?"

She said, "I have lost everything, and so forth, and I have decided to make my stay in the United States."

That was one individual person. By and large the Cuban wants to go back home and wants to use permanent residence because there is another factor. Permanent residence gives him an opening in many States to at least make a statement with regard to intent which qualifies him many times where American citizenship is not needed but just a declaration of intent.

Mr. CAHILL. You do not feel, based upon your evaluation of it, that the essential objective is American citizenship?

Mr. THOMAS. No, sir.

Mr. CAHILL. The second question is this: What overall effect do you believe that this exodus from Cuba is having upon the economy and the life of Cuba?

Mr. THOMAS. Sir, this is a little bit out of my field.

Mr. CAHILL. I realize that but I am sure that your conversations and dialog, has indicated to you at least sufficient facts to express an opinion.

Mr. THOMAS. I certainly cannot see how any nation can afford to lose the kind of people that Castro is losing through this exodus. It must have an effect.

Mr. CAHILL. What is the real reason why Castro would permit such as you described to leave, particularly the 1,700 physicians? I am sure there must be a scarcity of physicians in Cuba as there is in the United States. Why will he permit 1,700 doctors to leave an island that needs medical attention?

Mr. THOMAS. I do not know what makes Mr. Castro's mind work. I must say, on the other hand, to permit people to leave in an orderly fashion, people who oppose you politically, is something remarkable. These people could be placed in prison. They could be shot. A num-

ber of things like this have happened in other Communist dominated countries.

Mr. CAHILL. Right.

Mr. THOMAS. He is permitting these people to go out, I presume, because he feels he will never be able to make them see his way and so he might as well get rid of them.

Mr. CAHILL. The last question I have is this: Mr. Moore raised a question of physicians, for example, in Georgia. How many of these 1,700 physicians are actively practicing even to a limited degree their professions in these places?

Mr. THOMAS. Of the 1,700 I do not have the figure offhand. The Cuban Medical Society in exile keeps some excellent records on this matter and we could ask or try to get the figures for the record.

(The information follows:)

Nearly 1,700 Cuban trained physicians have registered at the Cuban Refugee Center since January 1959. More than 700 of these have been licensed to practice in States, according to the Journal of the American Medical Association.

Tables published in the Journal of the American Medical Association for 1965 and 1966 showing the results of foreign-trained physicians taking State medical boards are as follows:

"In 1964, there were 316 medical schools represented. The number examined totaled 3,246. The number who were successful was 2,215; failures numbered 1,031, or 31.8%. The results of the tests for graduates of these schools were as follows:"

	Examined	Passed	Failed	Failed (percent)
Universidad Nacional de Buenos Aires.....	77	61	16	20.8
Universidad de la Habana.....	341	255	86	25.1
Universidad de Santo Domingo.....	87	46	41	46.0
National University of Athens.....	98	55	43	43.9
University of Teheran.....	85	64	21	24.7
Regia Universita, de Bologna.....	130	82	48	36.9
University of Santo Tomas, Manila.....	141	99	42	29.8
University of Istanbul.....	91	63	28	30.8

In 1965 there were 275 medical schools represented. The number of persons examined totaled 3,011. The number who were successful was 2,043; failures numbered 968, or 32.1%. The results of the tests for graduates of these schools were as follows:

	Examined	Passed	Failed	Failed (percent)
Universidad Nacional de Buenos Aires.....	82	62	20	24.4
Universidad de la Habana, Cuba.....	358	226	132	36.9
National University of Athens.....	82	41	41	50.0
Regia Universita, de Bologna, Italy.....	86	43	43	50.0
University of Santo Tomas, Manila.....	155	107	48	31.0
University of Istanbul, Turkey.....	96	54	42	43.8
National University of Mexico, Mexico City....	79	54	25	31.7

Mr. CAHILL. I think that is all. Thank you very much.

Mr. FEIGHAN. Dr. Winston?

Dr. WINSTON. Mr. Chairman, could I make one comment here?

Mr. FEIGHAN. Yes.

Dr. WINSTON. In this testimony we have been emphasizing, Mr. Thomas and I, what it would mean to the Cuban refugee to have permanent residence. I think it is also important to emphasize what it would mean to this country because they are here and so long as they

are barred from making their full contribution to the full limit of their skills and abilities our country is losing.

Mr. FEIGHAN. Thank you.

Dr. Winston or Mr. Thomas, what is the incidence of crime among the Cubans in the United States? I want to inquire also as to the incidence of crime among the Cuban juveniles, particularly the unaccompanied youth which poured into Miami in the early stages of this program. It is my understanding it was extremely low. I wonder if for the record you could give us an estimate.

Mr. THOMAS. We will be pleased to. We have resettled Cubans into some 3,000 communities across the country. We have been particularly happy that very few instances of crime are reported out of these communities. In Miami we have, as Dr. Winston mentioned earlier, some 15,000 to 20,000 children of school age, Cuban children of school age in that community. To date we know of only four cases appearing before the juvenile court and the authorities in Miami regard this as remarkable.

Mr. FEIGHAN. Thank you.

Mr. RODINO. Mr. Chairman, one last question?

Mr. FEIGHAN. Mr. Rodino.

Mr. RODINO. Do the Cubans present any health problems in the resettlement communities?

Mr. THOMAS. Our medical people say that they have no more and no less than the average American; generally the same type of diseases.

Mr. RODINO. Thank you.

Mr. FEIGHAN. For the record I want to state that several members of the subcommittee have raised questions as to the status of American citizens and their dependents who are still in Cuba. The chairman has presented a letter to the members which will be forwarded to Secretary of State Rusk and will be included in these hearings.

Mr. MOORE. Mr. Chairman, on that point I might say I have raised that question when we were inquiring of Under Secretary Ball, and I am very pleased to see the chairman will submit a list of questions in this particular area to the Secretary. I am sure that the response will be quite interesting.

Mr. FEIGHAN. Thank you, Mr. Moore.

(The letter and response follow:)

AUGUST 17, 1966.

HON. DEAN RUSK,
*The Secretary of State,
Department of State,
Washington, D.C.*

DEAR MR. SECRETARY: During recent hearing on pending proposals to authorize adjustment of status for Cuban refugees, several members of the House Judiciary Subcommittee on Immigration and Nationality have raised questions as to the status of American citizens and their dependents who are still in Cuba.

To assist the Subcommittee in its inquiry, we would appreciate it if your Department would submit any information you have on the status of these American citizens, including responses to the following questions:

- (1) What is the number of American citizens and their dependents who are still seeking to leave Cuba? What are their names?
- (2) What steps have been taken or are being taken by the State Department to help these Americans leave Cuba?
- (3) Is the Cuban Government demanding any financial requirement before agreeing to their departure?
- (4) What is the number and what are the names of any Americans who are known or believed to be detained as political prisoners in Cuba?

(5) Has any official United States presentation of the plight of these American citizens or the plight of political prisoners, American as well as Cuban, been made to the Organization of American States, the United Nations, or the International Red Cross?

Because of the continuing interest of the Subcommittee in this matter and its relationship to the whole Cuban Refugee problem, it would be appreciated if the answers to these questions would be given priority consideration by your office.

Sincerely yours,

MICHAEL A. FEIGHAN, *Chairman.*

DEPARTMENT OF STATE,
Washington, August 19, 1966.

HON. MICHAEL A. FEIGHAN,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of August 17, 1966, requesting information for your Committee concerning American citizens and their dependents in Cuba. Following are the answers to the numbered questions which you raised:

1. The Swiss Embassy at Havana has furnished the Department of State lists of approximately 850 American citizens in Cuba who have expressed their desire for repatriation with the members of their immediate families. A total of approximately 2,700 people are involved. Copies of the lists will be furnished to the Subcommittee in the near future. The numbers of American citizens may increase somewhat as other applications for registration are received and adjudicated by the Passport Office.

2. Until commercial air flights from Cuba to the United States were suspended in October 1962, American citizens in Cuba were able to travel direct to the United States. Between January and July 1963, American citizens desiring to leave Cuba were able to do so on American Red Cross ships and flights which took medical supplies to Cuba in the Bay of Pigs prisoner exchange. On earlier occasions and during this period, the Department of State urged Americans in Cuba to avail themselves of the opportunity to leave. Many chose not to do so. From July 1963 through 1965, American citizens were normally able to leave Cuba on commercial transportation through third countries, such as Spain and Mexico, after obtaining the necessary permission to leave Cuba and the required transit visas.

When the Memorandum of Understanding with the Cuban Government was signed permitting Cuban refugees to travel directly to the United States on flights provided by the United States Government, it was our understanding, based on the statements made to the Swiss Ambassador by the Cuban authorities, that American citizens would be able to leave Cuba on these flights which were instituted December 1, 1965. In fact, the Department subsequently arranged special flights to be added to the refugee airlift in order to accomplish this movement without any reduction in the numbers of Cuban refugees. Since this proposal proved not to be acceptable to the Cuban Government, efforts are now under way to assist American citizens to leave Cuba via commercial means by transiting Mexico.

3. All American citizens leaving Cuba via Iberia or Cubana airlines for Spain or Mexico must pay for their transportation in dollars and must leave all of their assets behind. This practice is identical to that followed for Cuban refugees.

4. Our information indicates that there are twenty persons having a possible claim to United States citizenship held in prison in Cuba. The names of these prisoners and the best available information concerning the charges under which they are being held are as follows:

<i>Names</i>	<i>Charge</i>
Fuentes, Pedro J.....	Crimes against state.
Stulz, Fred, also known as Toms, and Frederick Carter.....	Unknown.
Lunt, Lawrence Kirby.....	Counterrevolutionary activity.
Fite, James David.....	Espionage, exchange violations, etc.
Del Pino, Rafael.....	Counterrevolutionary activity.
Garcia y Crews, Antonio.....	Crimes against the state.
Diaz, Elsa.....	Unknown.
Beltran, Roberto Salome Chomat.....	Crimes against the state.
Tur, Juan.....	Espionage.
Caudill, Rev. Herbert.....	Espionage, exchange violations, etc.
Emmick, Frank.....	Counterrevolutionary activity.
Osle, Hector.....	Trying to escape from Cuba.
Poyle Irving Richard.....	Crimes against the state.
Ramos, Edelmiro.....	Illegally entering Cuba for counter-revolutionary purposes.
Goodrich, Gobley Roman.....	Counterrevolutionary crime against the state.
Ruiz, Ruben.....	Unknown.
Douglas, Juan.....	Theft.
Williams, Ramon.....	Counterrevolutionary activity.
Vega, Mildred nee Williams.....	Criminal charge.
Spiritto, John Milg.....	Counterrevolutionary activities.

5. The serious difficulties with regard to the departure from Cuba of American citizens have been evident for only a few months and in this period the Swiss Ambassador has been actively negotiating with the Cuban authorities seeking an acceptable resolution of the problem. He continues to do so. The Department of State prefers to deal with this problem on a bilateral basis for the present but will bear in mind the possibility of help from international organizations.

The American prisoners are regularly visited by Swiss Embassy officials who try to assist them with Red Cross food packages and to ensure that they get medical attention when needed. The Swiss Ambassador has made, and continues to make, strong efforts to obtain commutation of sentences or pardons in several cases.

On the subject of political prisoners, following President Johnson's Statue of Liberty speech on October 3, 1965, in which he expressed our hope that they might be released and our desire to give them haven, the Council of the OAS was informed of this appeal on October 6, 1965 and again on October 18, 1965. At the time of the negotiation of the Memorandum of Understanding we proposed to the Cuban Government that the International Committee of the Red Cross supervise the entire operation but the Cubans stated that they preferred to deal only with the Swiss Government. In the months which have followed the Swiss Ambassador has continued to seek Cuban agreement to a release of political prisoners but to date without success. He has proposed, for example, that a beginning be made by releasing the elderly and ill prisoners, women, and those whose sentences are nearly served.

The Committee will be interested to know that the Inter-American Commission on Human Rights of the OAS is well aware of the plight of political prisoners in Cuba and has periodically sought to obtain permission from the Cuban Government to make an on-site investigation. These requests have been rejected or ignored. The most recent appeal was made in April 1966, following the Commission's meeting in Mexico City at which special attention was given to the situation of women political prisoners in Cuba.

If we can be of further assistance, please let me know.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

On behalf of the subcommittee I want to express our appreciation to you, Dr. Winston and Mr. Thomas, for the very splendid presentation and again congratulate you for the very excellent job that you are doing in this very vital field of refugees.

Mr. MOORE. Mr. Chairman, along that line, may I say for the minority, we very much appreciate the wonderful manner in which Dr. Winston acquitted herself today. The depth and perceptiveness of the program she has responsibility to administer is reassuring. To John Thomas, our relationship goes back along many years to many refugee programs. I would observe, only if he and members of the committee will permit, that I am deeply indebted to Mr. Thomas for my entire attire this morning. I will be ever grateful for his fine talents in other ways.

Mr. FEIGHAN. This concludes the stated purpose of our public hearings to obtain the views of the executive department on the proposals to permit Cuban refugees to adjust their status to that of permanent residents. The subcommittee will next meet for the purpose of considering the proposals in executive session.

(Whereupon, at 12:10 p.m., the subcommittee adjourned.)





