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ADMISSION OF REFUGEES INTO THE UNITED STATES

GOVERNMENT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 3056

POLICY AND PROCEDURES FOR THE ADMISSION OF
REFUGEES INTO THE UNITED STATES

FEBRUARY 24, MARCH 3, AND APRIL 22, 1977

Serial No. 5

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ADMISSION OF REFUGEES INTO THE UNITED STATES

WEDNESDAY, FEBRUARY 24, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:40 a.m. in room 2226, Rayburn House Office Building, the Honorable Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Hall, Evans, and Fish.

Also present: Garner J. Cline and Arthur P. Endres, Jr., counsel; Peter Regis, legislative assistant; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The subcommittee will come to order. This is the first in a series of hearings which will be held by this subcommittee in order to examine U.S. refugee policies, programs, and procedures. We will also consider a bill which I have sponsored to revise, or I should say to establish, a legislative policy governing the admission of refugees into the United States.

When we consider that the vast majority of refugees entering the United States each year do so at the discretion of the Attorney General, rather than under the regular refugee provisions of the Immigration and Nationality Act, it is clear that Congress has abdicated its responsibility in this area.

While there is some consultation with the Congress when the Attorney General exercises his ambiguous parole power, there is little if any meaningful input by the Congress or by members of the Judiciary Committees.

While I agree that some administrative flexibility is certainly required, I do not feel that it is reasonable or proper for the Congress to delegate to the executive branch its constitutional obligation to enact laws establishing this Nation's refugee policy. I do not believe the Attorney General should be the sole decisionmaker on this subject, particularly since there are no legislative guidelines or administrative criteria to assist him in exercising his parole authority.

In this regard, I requested the former Attorney General and the Commissioner of the Immigration Service to promulgate such criteria or general guidelines over one year ago. Despite many assurances that this would be done, they have never been issued.

For these reasons, I have introduced legislation, H.R. 3056, designed to establish a uniform refugee policy, which at the same time will preserve a certain amount of flexibility.

[The text of H.R. 3056 and a brief summary follows:]

95TH CONGRESS
1ST SESSION

H. R. 3056

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1977

Mr. EILBERG introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Refugee Act of 1977".

4 ADMISSION OF REFUGEES

5 SEC. 2. (a) Section 101 (a) of the Immigration and
6 Nationality Act (8 U.S.C. 1101 (a)) (hereinafter in this
7 title referred to as "the Act") is amended by adding after
8 paragraph (41) the following new paragraph:
9 "(42) The term 'refugee' means any person who is
10 outside any country of his nationality or, in the case of a

1 person having no nationality, is outside the country in
2 which he last habitually resided, and who is unable or
3 unwilling to return to, and is unable or unwilling to avail
4 himself of the protection of, that country because of per-
5 secution or a well-founded fear of persecution on account
6 of race, religion, nationality, membership of a particular
7 social group, or political opinion.”.

8 (b) Chapter 1 of title II of the Act is amended by
9 adding after section 206 (8 U.S.C. 1156) the following new
10 section:

11 “ADMISSION OF REFUGEES

12 “SEC. 207. (a) (1) The Attorney General may in his
13 discretion admit into the United States conditionally, pursu-
14 ant to such regulations as he may prescribe and in a number
15 not in excess of twenty thousand in any fiscal year, aliens
16 who (except as provided in paragraph (2)) satisfy an im-
17 migration officer, based on an examination in a foreign
18 country, that they are refugees (within the meaning of sec-
19 tion 101 (a) (42)) .

20 “(2) Not more than five thousand of the admissions
21 authorized under paragraph (1) in any fiscal year may be
22 made available by the Attorney General, in his discretion
23 and under such regulations as he may prescribe, to adjust to
24 permanent residence the status of aliens who—

1 “(A) were inspected and admitted into the United
2 States;

3 “(B) make application for such adjustment;

4 “(C) have been continuously physically present in
5 the United States for a period of at least two years prior
6 to application for such adjustment; and

7 “(D) satisfy an immigration officer that they are
8 refugees (within the meaning of section 101 (a) (42))
9 and that they are admissible as immigrants under this
10 Act at the time of their inspection and examination
11 (except for the fact that they were not and are not in
12 possession of the documents required by section 212 (a)
13 (20) or that they do not have the determination by
14 the Secretary of Labor required by section 212 (a)
15 (14)).

16 “(3) The Attorney General may not admit, or adjust
17 the status of, an alien under this subsection if he determines,
18 based on the examination or inquiry conducted under this
19 subsection, that—

20 “(A) the alien is firmly resettled in any foreign
21 country; or

22 “(B) the alien's primary motivation for seeking
23 admission under this subsection is improvement of his
24 economic condition.

25 “(b) (1) (A) After the President—

1 “(i) has received an appeal, from an international
2 refugee migration organization of which the United
3 States is a member, requesting the United States to
4 admit aliens whom the organization considers to be
5 refugees because of an emergent refugee situation;

6 “(ii) has determined that other countries will ac-
7 cept for resettlement their fair share of such aliens; and

8 “(iii) has submitted to the Congress a determina-
9 tion, made after consultation with the Committees on
10 the Judiciary of the Senate and of the House of Rep-
11 resentatives, that the admission to the United States of
12 such aliens—

13 “(I) is not possible under subsection (a),

14 “(II) will significantly promote the national
15 interest, and

16 “(III) is justified by grave humanitarian
17 concerns;

18 the President may admit into the United States condi-
19 tionally, pursuant to such regulations as he may prescribe
20 and in a number not in excess of the number specified
21 in subparagraph (B), aliens who satisfy an immigra-
22 tion officer, based on an examination in a foreign country,
23 that they are refugees (within the meaning of sec-
24 tion 101 (a) (42)) because of the emergent refugee
25 situation.

1 “(B) The number referred to in subparagraph (A),
2 with respect to any single emergent refugee situation, is the
3 lesser of—

4 “(i) five thousand, or

5 “(ii) 15 per centum of the total caseload of aliens
6 who are considered to be refugees because of the emer-
7 gent refugee situation (hereinafter in this paragraph re-
8 ferred to as the “total caseload of refugees”), as deter-
9 mined under subparagraph (C).

10 “(C) If the Secretary of State determines, after consul-
11 tation with international refugee migration organizations of
12 which the United States is a member, that a specification,
13 contained in an appeal described in subparagraph (A) (i), of
14 a total caseload of refugees—

15 “(i) is reasonable, the total caseload of refugees for
16 purposes of subparagraph (B) (ii) is such specification;
17 or

18 “(ii) is not reasonable or if such a specification has
19 not been submitted in such an appeal, the total caseload
20 of refugees for the purposes of subparagraph (B) (ii)
21 shall be determined by the Secretary of State after con-
22 sultation with such international refugee migration or-
23 ganizations.

24 “(2) (A) After the President—

1 “(i) has determined that an emergent refugee situ-
2 ation is of special concern to the United States; and

3 “(ii) has submitted to the Congress a determina-
4 tion, made after consultation with the Committees on the
5 Judiciary of the Senate and of the House of Represent-
6 atives, that the admission to the United States of aliens
7 who are refugees because of the situation—

8 “(I) is not possible under subsection (a) or
9 paragraph (1) of this subsection,

10 “(II) will significantly promote the national
11 interest, and

12 “(III) is justified by grave humanitarian con-
13 cerns;

14 the President may admit into the United States condi-
15 tionally, pursuant to such regulations as he may prescribe
16 and in a number not in excess of twenty thousand for any
17 single emergent refugee situation, aliens who satisfy an
18 immigration officer, based on an examination in a foreign
19 country, that they are refugees (within the meaning of
20 section 101 (a) (42)) because of the emergent refugee
21 situation.

22 “(B) Upon exercising his authority under this para-
23 graph with respect to an emergent refugee situation, the
24 President shall promptly solicit the cooperation of the inter-

1 national community in the resettlement of aliens who have
2 become refugees because of the situation.

3 “(3) The President may not admit a particular group
4 or class of aliens into the United States under this subsection
5 with respect to an emergent refugee situation after either
6 House of the Congress has adopted a resolution the substance
7 of which disapproves the admission of such group or class of
8 aliens into the United States under this subsection with
9 respect to that emergent refugee situation.

10 “(c) Aliens who are eligible for admission or adjust-
11 ment of status under section 203 (a) (8) by reason of their
12 relation to an alien who qualifies for admission under sub-
13 section (a) or (b), upon such admission or adjustment of
14 status, shall be charged against the numerical limitation set
15 forth in such subsection which applies with respect to the
16 alien who so qualifies.

17 “(d) The President shall submit to the Congress a
18 complete and detailed report concerning the exercise of the
19 authority under subsections (a) and (b), including in such
20 report an analysis of the funds expended for transporting and
21 resettling aliens thereunder and a detailed statement of the
22 facts in the case of each alien admitted to the United States
23 thereunder during the period for which the report is sub-
24 mitted, no later than ten days after the last day of each month
25 in which such authority is exercised.

1 “(e) (1) Notwithstanding any numerical limitation
2 specified in this Act, any alien who has been admitted into
3 the United States under subsection (a) or (b)—

4 “(A) whose admission has not been terminated by
5 the Attorney General pursuant to such regulations as he
6 may prescribe,

7 “(B) who has not acquired permanent residence
8 status, and

9 “(C) who has been in the United States for at least
10 two years,

11 shall, at the end of such two years, return or be returned
12 to the custody of the Service for inspection and examination
13 for admission into the United States as an immigrant in
14 accordance with the provisions of sections 235, 236, and
15 237.

16 “(2) Any alien who, pursuant to paragraph (1), is
17 found, upon inspection by an immigration officer or after
18 hearings before a special inquiry officer, to be admissible
19 as an immigrant under this Act at the time of his inspection
20 and examination, except for the fact that he was not and
21 is not in possession of the documents required by section
22 212 (a) (20) or that he does not have the determination
23 by the Secretary of Labor required by section 212 (a) (14),
24 shall be regarded as lawfully admitted to the United States
25 for permanent residence as of the date of his arrival.”.

1 (2) by striking out "(8)" in subsection (a) and
2 inserting in lieu thereof "(7)";

3 (3) by striking out "or conditional entries" and
4 "and conditional entries" in subsection (e);

5 (4) by striking out "20 per centum" in subsection
6 (e) (2) and inserting in lieu thereof "26 per centum";

7 (5) by striking out paragraph (7) of subsection
8 (e);

9 (6) by striking out "(7)" in paragraph (8) of
10 subsection (e) and inserting in lieu thereof "(6)"; and

11 (7) by redesignating paragraph (8) of subsection
12 (e) as paragraph (7).

13 (c) Section 203 of the Act (8 U.S.C. 1153) is
14 amended—

15 (1) by striking out "or their conditional entry au-
16 thorized, as the case may be," in subsection (a);

17 (2) by striking out "20 per centum" in subsection
18 (a) (2) and inserting in lieu thereof "26 per centum";

19 (3) by striking out paragraph (7) of subsection
20 (a);

21 (4) by striking out "and less the number of condi-
22 tional entries and visas made available pursuant to para-
23 graph (7)" in subsection (a) (8);

24 (5) by striking out "or to conditional entry under
25 paragraphs (1) through (8)" in subsection (a) (9)

1 and inserting in lieu thereof "under paragraphs (1)
2 through (7), or to admission into the United States
3 or adjustment of status under section 207";

4 (6) by redesignating paragraphs (8) and (9) of
5 subsection (a) as paragraphs (7) and (8);

6 (7) by striking out "(7)" in subsection (d) and
7 inserting in lieu thereof "(6)"; and

8 (8) by striking out subsections (f), (g), and (h).

9 (d) Sections 212 (a) (14), 212 (a) (32), and 244 (d)
10 of the Act (8 U.S.C. 1182 (a) (14), 1182 (a) (32), 1254
11 (d)) are amended by striking out "section 203 (a) (8)" and
12 inserting in lieu thereof "section 203 (a) (7)".

13 (e) Subsection (h) of section 243 of the Act (8 U.S.C.
14 1253) is amended to read as follows:

15 "(h) (1) The Attorney General is authorized to with-
16 hold the deportation or return of any alien, subject to such
17 terms and conditions as he may prescribe, to any country
18 where such alien's life or freedom would be threatened on
19 account of his race, religion, nationality, membership of a
20 particular social group or political opinion.

21 "(2) This subsection shall not apply to—

22 "(A) aliens who have entered the United States
23 in violation of this Act, unless they present themselves
24 without delay to an immigration officer and can show
25 good cause for such illegal entry;

1 “(B) aliens who have engaged in the persecution of
2 individuals on account of the individuals’ race, religion,
3 nationality, members of a particular social group, or po-
4 litical opinion; and

5 “(C) aliens, who in the opinion of the Attorney
6 General, constitute a danger to the community or to the
7 security of the United States.”.

8 EFFECTIVE DATE

9 SEC. 6. (a) Except as provided in subsection (b), the
10 amendments made by this title shall take effect on October 1,
11 1977.

12 (b) The repeal of subsections (g) and (h) of section
13 203 of the Act, made by section 5 (c) (8) of this Act, shall
14 not apply with respect to any individual who before Octo-
15 ber 1, 1977, was granted a conditional entry under section
16 203 (a) (7) of the Act (and under section 202 (e) (7) of the
17 Act, if applicable) as in effect immediately before such date.

SUMMARY H.R. 3056

1. *Definition of Refugee*—With slight modifications, the "refugee" definition contained in the proposed bill is almost identical to that which is contained in the U.N. Convention on the Status of Refugees. The definition simply requires that a person be outside of the country of his nationality or last habitual residence and be unable or unwilling to return to such country, and avail himself of the protection of that country, because of persecution, or a well-founded fear of persecution, based on race, religion, nationality, membership of a particular social group or political opinion. In effect, this definition removes from existing law the ideological and geographical limitations regarding refugees.

2. *Normal Refugee Flow*—The proposed bill authorizes the Attorney General to admit to the U.S. 20,000 refugees annually. Five thousand numbers (5000) of this total may be used to adjust the status of those aliens who have been in the U.S. for two years and who qualify as refugees.

3. *Extraordinary Refugee Situation*—In the event of an extraordinary or emergent refugee situation, two procedures are established which authorize the President to respond by admitting groups or classes of refugees into the U.S.:

(a) In the event of an appeal from an international refugee organization (generally the U.N. High Commissioner for Refugees) the President may admit 15 percent of the total number of refugees involved or 5,000 of such refugees, whichever is less. The President's authority is contingent upon his determination that other countries in the international community will accept for resettlement their fair share of such refugees;

(b) In the event of a determination by the President that the United States has a "special concern" or obligation with regard to a particular emergent refugee situation, the President is authorized to admit 20,000 such refugees. The President is also required to simultaneously solicit the cooperation of the international community in resettling such refugees.

The President's authority under either of the above methods is also contingent upon his consultation with the House and Senate Judiciary Committees and his written determination to the Congress that the admission of these refugees: (a) will significantly promote the national interest; (b) is justified by grave humanitarian concerns; and (c) is not possible under the normal refugee provisions.

The President's authority to admit a particular group of refugees under either of these methods shall be terminated with regard to such refugees in the event a resolution is adopted by either body of the Congress expressly disapproving of the continued exercise of the President's authority for that group of refugees.

Detailed reports to the Congress are required with regard to all refugees admitted under these two procedures.

4. *Adjustment of Status for Refugees*—All refugees admitted under either the normal or the extraordinary procedures shall be eligible to have their status adjusted (retroactively to the time of admission) after he has been in the United States for a period of two years.

5. *Conforming Amendments*—A variety of technical and conforming amendments are included in the proposed bill. For example, section 203(a)(7)—seventh preference—is repealed and the parole authority set forth in section 212(d)(5) is restored to its original intent—the admission of aliens due to isolated, emergency circumstances rather than the admission of groups or classes of refugees.

Mr. EILBERG. Such flexibility is particularly essential if this country is to respond to emergent refugee situations which may arise at any time around the world.

My bill proposes numerical limitations for normal refugee flows, and for extraordinary situations such as we have experienced in the past with Hungary, Cuba, and more recently in Indochina. In my judgment, the American people have every right to expect their elected officials to enact humane and reasonable laws in this sensitive area.

Our witness this morning will be Mr. James Carlin, Deputy Coordinator for Human Rights and Humanitarian Affairs, Department of State, who has been asked to provide the subcommittee with background information concerning both past and current U.S. refugee

programs. I am sure that I and my colleagues will find this information particularly helpful and timely.

A detailed analysis of existing policies and procedures is essential in developing appropriate remedial legislation. Before hearing from our good friend, Mr. Carlin, I yield to the gentleman, Mr. Fish, for any statement he wishes to make.

Mr. FISH. Thank you, Mr. Chairman. I am pleased to join with you in opening these first hearings of the subcommittee in the 95th Congress. I think it is most appropriate that we begin our efforts this year by dealing with the important subject of refugees.

Our subcommittee very ably handled the grave problems encountered after the end of the tragic war in Southeast Asia by the Indochina Migration Refugee Assistance Act in the last Congress. Of course, we are now faced with the additional problems of enacting appropriate legislation to allow these refugees to regularize their status, which is not provided for in the Immigration and Nationality Act.

You and I have also been concerned with the movement of Jewish refugees from the Soviet Union. As international crises develop, more persons will come under the broad definition of "refugee." It is clear that our Government must share the international responsibility for dealing with this most human problem.

Therefore, I commend you, Mr. Chairman, for convening this hearing, which I understand will be the first of several dealing with this problem and for your bill, which will provide the mechanism for this country to deal with the continuing programs for refugee assistance.

Mr. EILBERG. Thank you, Mr. Fish. I will be happy to hear from you now, Mr. Carlin. Before we begin, I wonder if you would identify once again your colleagues.

TESTIMONY OF JAMES CARLIN, DEPUTY COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY SHEPARD C. LOWMAN, DIRECTOR, PROGRAM AND ASYLUM DIVISION, OFFICE OF REFUGEE AND MIGRATION AFFAIRS; AND GEORGE L. WARREN, JR., SENIOR ADVISER ON INTERNATIONAL ORGANIZATIONS

Mr. CARLIN. Thank you very much, Mr. Chairman. With me here this morning are two of my colleagues from the Office of Human Rights and Humanitarian Affairs. On my left, George Warren, Jr., senior adviser on international organizations in our office, and on my right, Mr. Shepard Lowman, who is Director of the Program and Asylum Division of the Office.

Mr. Chairman and members of the committee, I am very pleased to appear before this committee today to review our Government's role in refugee and migration activities.

I understand that today's hearing is a forerunner to hearings on bill H.R. 3056, which is designed to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees into the United States.

I further understand that with such hearings in view the committee at this time wishes to have an updating on our policy with respect to refugees and a general review of our involvement in refugee and migration activities over the years.

At the outset, Mr. Chairman, I wish to say how very much the Department of State appreciates this committee's keen interest in refugee activities and we very much welcome this opportunity to review the matter with you today. In doing so, I submit that we all must recognize the tragic truth that refugee problems are likely to be with us for an indefinite period into the future.

Some refugee problems are resolved relatively quickly. Others remain with us persistently. There is a steady flow of refugees from Communist countries everywhere, punctuated at intervals, as history will attest, by massive flows of refugees resulting from particular political developments within Communist countries. And then there are other refugees problems—in Europe, the Middle East, Asia, Africa, and Latin America. We cannot and do not ignore any of them.

Since World War II, the U.S. Congress has been generous in its appropriation of refugee assistance funds for use throughout the world, and has enacted a series of special refugee immigration measures. Every President during that period has requested substantial funds from Congress for refugee assistance purposes, and has taken special administrative measures within the Immigration and Nationality Act to enable us to accept additional refugee immigrants.

All told, since 1945 the U.S. Government has expended an estimated \$5 billion for refugee assistance purposes, and has accepted some 1.8 million refugees for permanent resettlement in this country. During fiscal year 1976, our Government expended some \$475 million on refugee assistance and we accepted about 31,000 refugees for permanent resettlement in the United States. Now what are the reasons for such unprecedented generosity?

In the first place, I think we should remember that the United States is a land of immigrants, and since the founding of the Republic we have had a special national heritage of concern for the uprooted and persecuted.

This traditional concern is expressed by the American people to the Congress and, of course, the American voluntary agencies, representing the principal religious, ethnic, and nonsectarian groups in our country, are the heart and soul of this concern. They are the appointed and recognized agent of the American people for carrying on the national tradition of compassion for the refugees.

But, Mr. Chairman, beyond our national ethos of humanitarian concern for the uprooted and persecuted, there are solid foreign policy reasons why we should involve ourselves substantially and regularly in resolving refugee problems. In the first instance, it is decidedly in our foreign policy interest to project in countries around the world the image of U.S. humanitarian assistance for refugees. Such assistance serves as a glowing example of the purposes and processes of the free democracy which we are, and of the free society which makes such assistance possible.

The flight of refugees into countries of first asylum places economic and political burdens upon such countries. This is particularly true

in the case of underdeveloped countries and, as often happens when large numbers of refugees are involved, the economic burden alone is severely oppressive, and this tends to threaten the stability of the host country.

The political factors inherent in refugee problems frequently lead to controversy and problems for the asylum countries, especially with respect to the governments of the countries from which the refugees have fled.

Our efforts coupled with the broader efforts of the international community to resolve refugee problems thus contribute to the political as well as the economic stability of countries of first asylum.

Mr. Chairman, refugee problems can be and frequently are a threat to the peace. Such problems cannot be divorced from the strife, tensions, and oppressions which are so detrimental to the well-being of nations and peoples. Refugee problems if left unattended can quickly bring human deterioration fostering local frictions, ferment, political tension, and even terrorism.

On the other hand, the provision of timely refugee assistance can lead to just and lasting solutions to refugee problems. Such solutions in turn can help promote the reduction of tensions, the solution of border issues and the preservation of peace itself.

So much, Mr. Chairman, for the importance of the policy content of our refugee assistance. What is our structure and how do we operate in this field of concern for and assistance to refugees?

Mr. Chairman, within the Department of State, the entity which has major responsibility for carrying out the provisions and purposes of the Migration and Refugee Assistance Act of 1962 is the Office of Refugee and Migration Affairs—ORM—under the direction of the Coordinator for Human Rights and Humanitarian Affairs.

This office is charged with responsibility for: the overall direction, coordination and supervision of refugee and migration activities including the formulation of comprehensive policy; the development of plans for and evaluation of U.S. refugee and migration efforts; the provision of leadership, guidance and coordination of refugee and migration programs; the formulation and presentation of budgetary requirements and fiscal policy for the programs; the exercise of policy direction and operational control within the Department of State of refugee and migration programs; the ensuring of appropriate consideration of refugee and migration affairs in foreign policy decisions; and the representation of the United States in and the maintenance of liaison with the United Nations and other intergovernmental bodies, voluntary agencies and other organizations dealing primarily with refugee and migration affairs.

The office also serves as a focal point for information and action for refugee and migration affairs as they relate to Congress, voluntary agencies and the public.

ORM develops an annual budget for carrying out the program which it operates directly and for contributions, as appropriate, to international organizations engaged in refugee and migration activity. The programs covered by the budget authorized in large part by the Migration and Refugee Assistance Act of 1962, are submitted to the

Congress within the context of the Foreign Assistance and Related Programs appropriation.

Apart from our regular budgets and programs, experience has proven it necessary to have a responsible system for meeting unforeseen, urgent requirements for humanitarian assistance to refugees and migrants. Pursuant to this need, the Foreign Relations Authorization Act, fiscal year 1976, Public Law 94-141, amended section 2(c) of the Migration and Refugee Assistance Act of 1962 to establish the U.S. Emergency Refugee and Migration Assistance Fund. This fund, with up to \$25 million in appropriations, is to meet unexpected and urgent refugee and migration needs whenever the President determines it to be important to the national interest to do so. Budgeting for the fund and recommendations for its use originate in ORM.

ORM works in close coordination with other concerned elements of the Department of State and the U.S. Government in general to ensure that its policies and programs in the field of assistance to refugees adequately reflect U.S. interests in all respects.

ORM is directly responsible, among other things, for carrying out the U.S. refugee program—USRP—which operates in behalf of refugees from Communist-dominated countries in Eastern Europe and China. USRP is a people-to-people program with the objective of insuring adequate reception, care, and maintenance and prompt resettlement of the refugee asylumseekers.

USRP operates through a network of voluntary agencies, namely: The American Fund for Czechoslovak Refugees, AFRC; The American Joint Distribution Committee, AJDC; The International Catholic Migration Commission, ICMC; The International Rescue Committee, IRC; The Polish American Immigration and Relief Committee, PAIRC; The Tolstoy Foundation, TF; The United HIAS Service, UHS; and The World Council of Churches, WCC.

In the area of assistance to Soviet Jewish refugees proceeding to Israel, ORM also contracts with the United Israel Appeal—UIA—to facilitate the reception and absorption of these refugees within Israel.

Mr. Chairman, these agencies collectively represent the concern of the American people for the homeless and persecuted refugees.

ORM is also charged with representing U.S. interests in the programs of the United Nations High Commissioner for Refugees, UNHCR, and the Intergovernmental Committee for European Migration, ICEM. These two international agencies are the principal outlets for our multilateral activities in behalf of refugees, over and beyond our continued support of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

The close relationship at the policy and operational level existing between ORM and the voluntary agencies, UNHCR and ICEM, ensures coordinated support for refugee and migration programs.

Let me mention at this juncture, Mr. Chairman, that all refugee assistance is not material or financial in nature. The international protection of refugees is one of the most important and fundamental kinds of refugee assistance, and it is carried out under the aegis of the UNHCR. It consists of securing guarantees against the forcible repatriation, or refoulement, of the refugees to any country where they would face persecution; and also to securing for refugees of those

legal, economic, and social rights in asylum countries which are essential to the refugees if they are ever to cease being refugees and have the opportunity to live in dignity with self-respect and self-support. These include such rights as access to the courts of law, the right to hold gainful employment, freedom of religion, and freedom of movement.

These rights are set forth in the U.N. Convention and Protocol Relating to the Status of Refugees, and the UNHCR works ceaselessly toward promoting more accessions to these international treaties and toward securing more effective implementation of the treaties by countries which are already parties to them.

Certainly, without the effective international protection of refugees, the safety of many would be in jeopardy, and material assistance programs for refugees would be far less effective, and, in some cases, would merely commit the recipients to refugee status on an indefinite basis.

The importance of this protection function is currently highlighted by the plight of Indochinese refugees who have left Vietnam in small boats and who are desperately seeking asylum and resettlement assistance.

Apart from the legal protection function, UNHCR's value lies in its ability to internationalize refugee problems and thus spread the burden of meeting the needs of the refugees among the international community. While the U.S. Government is, of course, a principal contributor to UNHCR, some 80 other governments also contribute to the regular program of that organization under which assistance is currently being provided to hundreds of thousands of refugees in Africa, Asia, and Latin America.

The utility of UNHCR also assumes notable significance in the area of special activities—activities which transcend the basic mandate of his office.

For example, at the request of the Secretary General of the United Nations, the UNHCR has responsibility for coordinating assistance efforts for the benefit of displaced persons on Cyprus, a program of interest to the United States and one to which we are a major financial contributor. Similarly, the UNHCR is currently developing plans to coordinate assistance activities for the benefit of displaced persons within Angola as well as Lebanon.

Mr. Chairman, we also attach great importance to the activities of ICEM, and to our membership in that organization. Membership in ICEM, by terms of its constitution, is restricted to nations which support the principle of freedom of movement, a concern of great significance and importance to the United States.

ICEM has proven to be an immensely versatile instrument, undertaking special refugee processing and movement activities in many parts of the world, while maintaining its traditional refugee and national migrant functions in the European context. Since its inception in 1952, ICEM has moved in excess of 2 million persons, mostly refugees, for permanent resettlement.

Mr. Chairman, speaking of ICEM, it may be of interest to note here that in pursuance of the proposal which you yourself made at the 49th Session of ICEM's Executive Committee last May, ICEM has

been endeavoring within the context of the Conference on Security and Cooperation in Europe—CSCE—to gather basic data on individual cases and serve as the focal point for purposes of family reunification. In this regard, ICEM is seeking to develop the practical measures needed to give real meaning to this very human aspect of the Helsinki Accords.

Mr. Chairman, there is another notable form of assistance to refugees carried out by the United States: namely, the consideration of requests for asylum made to U.S. Government personnel throughout the world. Such requests, when made in foreign areas, are relayed by priority cable to the Department of State, where they are dealt with on an urgent basis by ORM and the country desk officers for the geographic areas concerned.

We treat these matters with great urgency, because frequently the person requesting asylum is in physical danger of being forcibly repatriated if he falls within control of the diplomatic authorities of his country of origin.

For example, in Eastern European communist countries the criminal codes contain provisions calling for imprisonment from 6 months to 5 years or longer and in some cases, even more severe punishment, for persons who depart illegally or who overstay their leave abroad or refuse to return to their country.

Here in the United States, sizable numbers of persons request asylum from U.S. Immigration and Naturalization Service officers. Over 2,000 such cases per year are referred by INS officials to our office for the advisory opinions of the State Department. Many of these persons are found qualified for asylum.

Mr. Chairman, the management of U.S. refugee activities since World War II has followed a long and uneven course. There have been periods when it was viewed as an unwelcome stepchild. It has suffered periods when the policy function was separated from the operational responsibility. Its activities have been attached to five different bureaus in the State Department over the past 25 years.

In times of crisis, special structures have been created to deal with the problem: the Displaced Persons Commission, the Refugee Relief Act Administration, the President's Hungarian Refugee Commission, and the Indochina Task Force.

There have been regular appropriations to the State Department and special withdrawals of foreign assistance funds.

Special arrangements were required to deal with emergency situations such as those involving Hungarians, Czechs, and Indochinese. Special action has been taken to assist Soviet Jews to Israel, and other Soviet refugees not going to Israel. In short, Mr. Chairman, the management of refugee affairs has had to be quite flexible over the years.

Nonetheless, the U.S. record of assistance to refugees is a good one. While I would hasten to admit there remains room for further improvement, particularly in the area of coordination among the various U.S. Government entities involved, the organizational structure now exists to meet any refugee emergency. The resources required for this year and next year have been identified, and we are currently in the process of seeking the necessary appropriations.

In concluding this overview of refugee problems and the existing policy and machinery to deal with them, I should like to emphasize the solid conviction within the administration of the importance of dealing constructively, efficiently, and promptly with refugee problems.

I believe that the Government, the voluntary agencies, and the American people are being true to the sacred American heritage of concern for the uprooted and persecuted. Mr. Chairman, the very initiative taken by your committee to hold this hearing here today attests to the vitality of the concern in America for refugees.

That concludes my statement, Mr. Chairman. I shall now endeavor to answer any questions that you or other members of the committee might have.

Mr. EILBERG. Mr. Carlin, we wish to thank you for a very fine statement regarding the situation today, and before we ask you any questions—consistent with the fact that we have a new administration and there are problems of reorganization and it's difficult to move sometimes as quickly as we would like—I would like to stress, as I am sure you agree, the importance of moving formally into the refugee area and the principle perhaps established by H.R. 3056.

And for you and all those within hearing of my voice, please try to do what you can to see that we get the departmental reports as quickly as we can.

Mr. CARLIN. You have our assurance on that point, Mr. Chairman.

Mr. EILBERG. Mr. Carlin, I realize that you perhaps cannot submit this now, but you indicated that since 1945, the U.S. Government has expended \$5 billion for refugee assistance, and has accepted some 1.8 million refugees. We would like a history of U.S. participation in refugee programs, citing the nature of the situation; U.S. legislation, if any; what it was; the amount of money expended on the program; and the number of refugees accepted under each program.

Mr. CARLIN. Mr. Chairman, we would be very pleased to provide that information, for the record.

[The information referred to follows:]

MIGRATION AND REFUGEE ASSISTANCE, APPROXIMATE NUMBERS OF REFUGEES ACCEPTED BY THE UNITED STATES, 1945-76, UNDER VARIOUS IMMIGRATION PROGRAMS

Legislative or other base of program	Duration of program	Beneficiaries of program	Number admitted
President Truman's directive of December 22, 1945.	1945-48	Displaced persons from European countries who refused repatriation after World War II.	40,324
Displaced Persons Act of 1948.....	1948-52	Displaced persons and escapees from East European countries and ethnic Germans expelled from East European countries.	409,696
Refugee Relief Act of 1953.....	1953-56	Expellees, escapees, and refugees from Europe, the Middle East and the Far East.	189,021
Act of July 29, 1953.....	1953-56	Orphans.....	466
Act of Sept. 11, 1957 (Public Law 85-316).	1958-59	German expellees, Dutch nationals displaced from their homes in Indonesia following that country's independence, families of U.S. resident aliens and refugee-escapees from Communist countries or from countries within the general area of the Middle East.	29,462
Act of July 25, 1958 (Public Law 85-559).	1958-59	Hungarians who fled their country following the 1956 revolt (conversion of their parole status to that of resident alien).	30,751

MIGRATION AND REFUGEE ASSISTANCE, APPROXIMATE NUMBERS OF REFUGEES ACCEPTED BY THE UNITED STATES, 1945-76, UNDER VARIOUS IMMIGRATION PROGRAMS

Legislative or other base of program	Duration of program	Beneficiaries of program	Number admitted
Act of Sept. 2, 1958 (Public Law 85-892).	1958-60-----	Portuguese nationals displaced from their homes in the Azores Islands because of natural calamity and Dutch nationalists displaced from their homes in Indonesia following that country's independence.	22,213
Act of Sept. 22, 1959 (Public Law 86-363).	1959-60-----	Families of resident aliens admitted to the United States under the Refugee Relief Act.	1,820
Act of July 14, 1960 (Public Law 86-648 "Fair Share Act").	1960-65-----	Refugee-escapees from Communist countries in Europe or from countries in the general area of the Middle East.	19,754
President Kennedy's parole directive of May 23, 1962.	1962-65-----	Chinese refugees in Hong Kong-----	15,000
Cuban refugee program (Jan. 1, 1959-June 30, 1976).	Since Jan. 1959----	Cubans who have fled to the United States since the advent of the Castro regime in Cuba in 1959.	660,054
Act of Oct. 2, 1965 (Public Law 89-236), Immigration and Nationality Act, as amended (7th Preference Provision).	Since Jan. 1, 1966----	Refugee-escapees from Communist countries or from countries in the general area of the Middle East.	95,874
Admitted with immigration visas under provisions of the Immigration and Nationality Act, without regard to refugee status.	1945-76-----	No restrictions as to beneficiaries-----	1,205,000
Indochinese refugee parole program--	1975-76-----	Vietnamese refugees (129,000), Cambodian refugees (6,000) and Laotian refugees (10,000).	145,000
Parole programs for various groups of refugees.	Since October 1964--	Miscellaneous categories of refugees-----	15,709
Total-----			1,880,144

¹ Estimated.

U.S. ASSISTANCE TO REFUGEES FOR FISCAL YEAR 1976

Categories of refugees assisted	Program managed by--	Source of funds	Amount of program assistance	Value of Public Law 480 funded by Department of Agriculture ¹	Total
Refugees in Europe and elsewhere from European Communist countries.	State-----	Foreign assistance.	\$2,591,000-----	² \$2,591,000	
Chinese refugees in Hong Kong and Macao.	-----do-----	-----do-----	290,000-----	² 290,000	
Refugees moved from Europe, the Near East and other areas.	Intergovernmental Committee for European Migration (ICEM)—State.	-----do-----	³ 3,000,000-----	² 3,000,000	
Various categories of refugees worldwide.	United Nations High Commissioner for Refugees (UN HCR)—State.	-----do-----	1,168,000-----	² 1,168,000	
Refugees from the Soviet Union.	State-----	-----do-----	20,300,000-----	20,300,000	
Refugee students from southern African countries in the United States.	-----do-----	State-----	238,492-----	⁴ 238,492	
Refugee students from southern Africa in other African countries.	-----do-----	Foreign assistance.	200,000-----	² 200,000	
Refugee students from South Africa, Namibia, and Rhodesia.	AID-----	-----do-----	262,550-----	262,550	
Palestine Arab refugees-----	U.N. Relief and Works Agency for Palestine refugees in the Near East (UNRWA)—State/AID.	-----do-----	38,700,000-----	38,700,000	
Cuban refugees in the United States.	HEW-----	-----do-----	85,000,000-----	85,000,000	
The Indochina refugee program.	State-----	State-----	127,647,000-----	127,647,000	
Indochina refugees in the United States.	HEW-----	HEW-----	105,418,000-----	⁴ 105,418,000	

Categories of refugees assisted	Program managed by—	Source of funds	Amount of program assistance	Value of Public Law 480 funded by Department of Agriculture ¹	Total
Special Lao refugee program.....	State.....	Foreign assistance.....	7,136,000.....		4 7,136,000
Support by UNHCR of Indo-chinese refugees in Thailand.....	do.....	do.....			(²)
Displaced Cypriots.....	UNHCR/AID.....	do.....	29,800,000.....		4 29,800,000
Refugees returning to Mozambique.....	do.....	do.....	615,000.....		615,000
Stateless Christian refugees from Lebanon.....	UNHCR/State.....	do.....	910,000.....		910,000
Kurdish refugees.....	do.....	do.....	150,000.....		150,000
Returnees from Angola in Portugal.....	AID.....	do.....	35,000,000.....		35,000,000
Refugees and returnees from Angola.....	AID.....	do.....	8,131,429.....		8,131,429
Refugees in Lebanon.....	AID/ICRC.....	do.....	4,000,000.....		4,000,000
Public Law 480 Food for Peace—worldwide.....	AID.....	Agriculture.....		5,151,000	5,151,000
Total.....			470,557,471	5,151,000	475,708,471

¹ At Commodity Credit Corporation costs.² Includes obligations incurred in calendar year 1976.³ Includes national migrants to Latin America.⁴ Includes obligations incurred in the transition quarter.⁵ Excludes \$6,240,000 included under the Indochina refugee program and \$3,160,000 included under the special Lao refugee program

U.S. CONTRIBUTIONS TO REFUGEE ASSISTANCE, 1945-75

	Years	Amount (millions)
1. UNRRA (United Nations Relief and Rehabilitation Administration).....	1945-48	\$29.0
2. IGCRC (Intergovernmental Committee on Refugees).....	1946-46	3.0
3. IRO (International Refugee Organization).....	1947-51	237.1
4. UNKRA (United Nations Korean Reconstruction Agency).....	1952-55	23.0
5. Unified Command Emergency Relief for Korea.....	1950-54	61.0
6. UNHCR (United Nations High Commissioner for Refugees).....	1951-75	31.1
7. U.N. Relief for Palestine Refugees.....	1949-50	16.0
8. UNRWA (United Nations Relief and Works Agency for Palestinian Refugees in the Near East).....	1950-75	617.0
9. ICEM (Intergovernmental Committee for European Migration).....	1952-75	133.0
10. WRY (World Refugee Year).....	1960	6.0
11. Special programs by UNHCR:		
a. Assistance for East Pakistani refugees in India.....	1971-72	90.9
b. Assistance to refugees returning to Southern Sudan.....	1974	10.0
c. Assistance to Uganda Asians.....	1974	1.6
d. Exchange of Persons Pakistan/Bangladesh.....	1973-74	4.5
e. Refugees returning to Mozambique.....	1975	.9
f. Refugees returning to Guinea-Bissau.....	1975	1.0
g. Refugees and displaced persons on Cyprus.....	1975	20.7
h. Indochina refugees in Thailand.....	1975	5.0
i. Indochina refugees outside their country of origin.....	1975	.5
Subtotal.....		1,291.3
Through direct U.S. programs:		
12. U.S. Occupation (Europe).....	1945-51	4 300.0
13. U.S. Occupation (Korea).....	1945-48	1 70.0
14. Hungarian Refugees.....	1956-57	18.0
15. USRP (U.S. refugee program, formerly the U.S. escapee program).....	1952-75	71.4
16. FERP (Far Eastern refugee program).....	1954-75	18.3
17. South Vietnamese refugees in South Vietnam (AID programs and previous).....	1954-75	572.5
18. Laotian refugees in Laos (AID program).....	1961-75	104.3
19. Cambodian refugees in Cambodia (AID program).....	1974-75	42.1
20. Public Law 480 food programs (all areas—excluding portions allocated as part of regular contributions to certain programs, e.g. UNRWA and East Pakistani refugees in India).....	1954-75	347.9
21. Tibetan refugees.....	1959-69	4.0
22. Cuban refugees in U.S.A. (HEW).....	1961-75	1,080.9
23. Southern African student programs.....	1962-75	20.1
24. Burundi refugees.....		.4
25. Soviet refugees.....	1972-75	133.5
26. Refugees from Cambodia and Vietnam.....	1975	228.7
27. Refugees from Cambodia and Vietnam (HEW).....	1975	6.1
28. Refugees from Laos.....	1975	2.6
Subtotal.....		3,020.8

U.S. CONTRIBUTIONS TO REFUGEE ASSISTANCE, 1945-75—Continued

	Years	Amount (millions)
Summary:		
A. Through intergovernmental organizations.....		1, 291. 3
B. Through direct U.S. programs.....		3, 020. 8
Grand total.....		4, 312. 1

¹ Estimated.

Mr. EILBERG. You alluded to this in your statement, and as you know, I addressed the executive committee of ICEM last May and called upon that organization to promote family reunification within the context of the Helsinki declaration. Many of the speakers at that meeting actively supported our proposal, as did the ICEM Director himself.

I would be interested in knowing whether any positive results have been achieved by ICEM along these lines. Have there been any organizations within the structure of ICEM to handle this project, and how is the International Red Cross cooperating in this effort?

Mr. CARLIN. Mr. Chairman, since your proposal last May, the Director of ICEM has dispatched a communication to all the signatory governments of the Helsinki Accord. He has had replies from most of the Western governments, several of which were positive and encouraging. He has had no replies from any of the Eastern bloc governments.

ICEM, working closely with the voluntary agencies, has developed substantial data on individual cases. They have established within the ICEM headquarters a special unit to deal with this family reunification activity. At the autumn sessions of the ICEM governing bodies in Geneva, the U.S. delegation encouraged the ICEM Director and his administration to pursue these efforts, and we received his assurance that they would do so.

Now, as to results: It's rather difficult to measure them precisely. However, I can tell the committee that with respect to family reunification cases from the Soviet Union, there were approximately 2,400—persons, that is—in 1976, which represented an increase of several hundred over 1975.

Whether or not these positive results can be traced back to the Helsinki Accords cannot yet be determined, but we are observing this matter very closely.

Mr. EILBERG. On that point, are you suggesting that as a result of ICEM's efforts, that there have been some 600 families that have been reunited from behind the Iron Curtain?

Mr. CARLIN. That is generally correct. During 1976 there were a total of close to 2,400 handled by the voluntary agencies and ICEM. They were moved from the Soviet Union to Rome for final processing, and then processed for immigration to this country.

Mr. EILBERG. Can you tell us further what ICEM has been doing, or any of the member countries specifically, particularly with regard to the Soviet Union? In other words, you have stated there have been possibly 600 cases since May assisted by ICEM. I am just wondering about the mechanics of communication.

Mr. CARLIN. Well, the mechanics of the communication: usually the American voluntary agency is aware of the split family. They work very closely with the ICEM administration. And then our embassy in Moscow becomes involved. When the individual concerned receives an exit permit to leave the Soviet Union, he is partially processed by our embassy in Moscow, moves to Rome for final processing. The entire matter is coordinated very closely by ICEM with the voluntary agencies and the sponsors.

Mr. EILBERG. In the question, also I refer to the International Red Cross. Do you have any information on its activity?

Mr. CARLIN. The ICRC actually follows this matter in various Eastern European countries. They, for their own reasons, seems to prefer to operate independently, and I do not think that ICEM and the ICRC have a particularly close working relationship. But they are both seeking the same objective, as is, incidentally, the UNHCR. The UNHCR has repeatedly encouraged Eastern European governments to permit more family reunification.

I should point out here that the UNHCR has been in effect a de facto focal point for the family reunification of refugees. The UNHCR has received from voluntary agencies dossiers of refugees already outside of Eastern European countries, which list the name and addresses of the refugees' family members who are still in such countries. The fact that the UNHCR is a United Nations organization facilitates the UNHCR program for approaching the government of the Eastern European countries concerned with a view to securing the departure of the family members listed in the voluntary agency dossiers, to join their family members who are in refugee status abroad. The UNHCR's endeavors in this program have met with encouraging results. Through contacts in Geneva with Eastern European Missions, the UNHCR has been able to get cases submitted to the capitals of a number of Eastern European countries and eventually to secure the release of individuals whose families are refugees in resettlement countries.

We estimate in the current year, 1977, that there will be a total of 18,000; we further estimate that 7,000 of those will proceed to Israel and that 11,000 will go to destinations other than Israel.

Mr. EILBERG. What is the current dropout rate in Vienna of Soviet Jews, and what are the other countries that are receiving and resettling Soviet Jews, other than the United States and Israel?

Mr. CARLIN. The current dropout rate, sir, is teetering around the 50 percent mark. It fluctuates from month to month, but that has been the mean average in recent months.

Mr. EILBERG. Could you briefly review for the subcommittee the background and current status of the Soviet refugee programs since 1973?

Mr. CARLIN. Mr. Chairman, the significant movements from the Soviet Union started in 1973. In that year, there were 35,200 movements out of the Soviet Union; 33,249 of them went to Israel; 1,951 went to destinations other than Israel. In 1974, there were 16,842 who went to Israel; 5,238 who went to destinations other than Israel for a total of 22,080. In 1975, 8,395 went to Israel; 7,195 went to destinations other than Israel for a total of 15,590. In 1976, 7,216 went to Israel; 8,545 went to destinations other than Israel for a total of 15,761.

Mr. HALL. Mr. Chairman, what do you mean by "dropout rates"?

Mr. EILBERG. By "dropout rates" we mean that exit visas are applied for by Soviet Jewish citizens, and their announced destination is Israel. When they arrive in Vienna, however, they indicate the desire not to go to Israel, but to the United States or some other country.

Mr. CARLIN. You asked, sir, what other countries were taking them?

Mr. EILBERG. Yes.

Mr. CARLIN. As I indicated, by far the majority go either to Israel or to the United States. Limited numbers are being accepted by Canada, Australia, and a few go to Latin American countries.

Mr. EILBERG. The granting of exit permits by the Soviets has fluctuated over the years. Do you have any idea what are the factors that prompted these fluctuations?

Mr. CARLIN. Mr. Chairman, I really do not consider myself qualified to speculate on the motivation of the Soviet authorities, so I cannot provide an answer to that question. I would repeat that we do expect an increase in 1977: a total of 18,000, as I mentioned a minute ago, which would be up from some 15,000 last year, principally reflecting an increase in the number of so-called third country cases—family reunion type cases.

Mr. EILBERG. What makes you feel that there may be that increase? What is the basis for that expectation?

Mr. CARLIN. There has been a gradual increase in family reunification cases in recent months and during the past year.

Mr. EILBERG. What is the nature and status of the special U.S. program to assist in resettling the Soviet Jews in Israel?

Mr. CARLIN. As you recall, sir, starting in 1973, the Congress appropriated special funds for assistance to Soviet refugees including projects for their absorption in Israel. The 1973 amount was \$50 million; in 1974, \$36.5 million; in 1975, \$40 million; in 1976, \$15 million.

Mr. EILBERG. Excuse me. Are you referring to the calendar year or to the fiscal year?

Mr. CARLIN. These are fiscal year appropriations. These funds were appropriated for a variety of services for those Soviet refugees going to Israel. First of all, their care and maintenance in Vienna, where they were in transit; their transportation from Vienna to Israel; and upon arrival in Israel, their care and maintenance in absorption centers, training and retraining, medical care, scholarships, and housing and rental payments—things of that nature.

Mr. EILBERG. Does the State Department closely review expenditures under this program? If not, do you believe there is a need for greater scrutiny of these expenditures?

Mr. CARLIN. We do keep this matter closely under review, sir. The staff of our mission in Geneva audit our contracts with UIA, and also during the past 18 months, the GAO has conducted an indepth study of this matter, both at the European end and within Israel.

Mr. EILBERG. And do you believe there is a greater need for scrutiny of these expenditures?

Mr. CARLIN. I think the matter is getting adequate attention, sir.

Mr. EILBERG. Mr. Hall, would you like to ask some questions?

Mr. HALL. Mr. Carlin, I notice you made a statement a moment ago about the greater portion of these refugees are coming into the United States, and I thought I understood you to say that Canada had more or less of a restrictive policy toward admission of refugees. Is that a correct statement?

Mr. CARLIN. I understand, Mr. Hall, that the Canadians have no particular program for accepting refugees. They have a broad immigration program, and they have migrant selection missions in the various Western European countries. They consider refugees along with other qualified migrants from Western European countries. I think they operate on what they refer to as a "point system" which reflects the individual's qualifications and various criteria. I'm not sure that in the asylum areas of Western Europe they give particular priority or attention to refugees.

However, in special situations, such as that involving the Ugandan Asians a few years back, Canada was very prompt in taking substantial numbers.

Mr. HALL. Of course, they'll accept draft-dodgers without any question, but that's beside the point. On page 13 that you have here, you said, "While I would hasten to admit that there remains room for further improvement, particularly in the area of coordination among the various U.S. Government entities involved * * *" My question is: Is there any overlapping of agencies with reference to this refugee problem that's creating a problem for you and your organization?

Mr. CARLIN. No, sir. I am not aware of any particular overlapping. There is obviously a need for us to work closely with our own colleagues in the Bureau of Security and Consular Affairs in the Department, and similarly with the Immigration and Naturalization Service. The one area where I think we probably need closer coordination and a better working relationship could be with the Department of Health, Education, and Welfare, in connection with such matters as reception and placement grants and the training or retraining of new refugee immigrants in this country.

Mr. HALL. All right. Under your section 203(a)(7), speaking of the annual admissions to the United States of 290,000 quota immigrants, is that a figure different from those that the Attorney General may, on a discretionary basis, admit?

Mr. CARLIN. Yes. The 203(a)(7), I think, permits the acceptance by our country of some 17,000 refugees per year. That's part of the overall total of immigrants authorized annually.

Mr. EILBERG. If the gentleman will yield, I think to amplify under immigration law, the seventh preference provides for admission of refugees. Of the 290,000, 6 percent of those may enter and obtain visa numbers. However, our concern, I think, this morning as we deal with the subject, arises from the fact that the Attorney General in his discretion may parole individuals, and by practice groups into the United States, and the numbers that have been admitted under that discretionary authority are of a proportion that one-third of those who legally enter the country do so by the personal discretion of the Attorney General. This is above and beyond the 290,000.

Mr. HALL. What sort of screening process is used to seek to determine that no people come into this country that may have political leanings or practice doctrines contrary to the principles of Americanism?

Mr. CARLIN. In the process of dealing with a refugee applicant for admission to this country, apart from the interviewing of the individual by either a consular officer or an officer of our Immigration

Service, data is compiled on the individual and background checks are run through our various national agencies. They also conduct checks as far as possible in the asylum areas where the refugee applicant resided. They do a thorough background check on each individual.

Mr. HALL. Thank you. That's all I had.

Mr. EILBERG. Mr. Carlin, will you describe the U.S. refugee program, and the types of assistance provided to refugees in these programs?

Mr. CARLIN. The United States refugee program is, as I indicated in my opening statement, a people-to-people type of program. To give you a general idea of how it operates, I'll take the situation of a refugee asylum-seeker in Italy:

He is first of all dealt with by the Italian authorities, probably apprehended and channeled up to the refugee reception center in Trieste. There, after the Italian authorities have completed their processing, he is referred to one of the voluntary agencies—one of USRP's working partners.

The voluntary agency would, first of all, register that refugee for USRP assistance, and from that point on, the agency would be able to administer various kinds of assistance to the individual; first of all, counseling with respect to his immigration or his future, whatever he may choose to do. The agency could also provide him supplemental care and maintenance assistance, resettlement documentation and probably arrange for the refugee to take language training, and eventually, through ICEM, arrange for transportation of the individual.

Mr. EILBERG. How do we identify a person from Eastern Europe as a refugee?

Mr. CARLIN. I think the individual pretty well identifies himself. As I say, he's dealt with by the authorities of the asylum government. Usually the authorities of the asylum government, working jointly with the UNHCR, determine whether or not that individual is entitled to refugee status under the mandate of the UNHCR, so it's through a matter of interrogation and processing of the individual that determination is made.

Mr. EILBERG. Are they all registered with the UNHCR or are they identified without UNHCR assistance?

Mr. CARLIN. They are not actually registered with the UNHCR. However, in the principal asylum areas of Western Europe, the UNHCR normally sits with authorities of those asylum governments and makes a determination, assists in the process of determining whether or not that individual is a refugee under the 1951 Convention and whether he is entitled to political asylum.

Mr. EILBERG. How does the refugee get into the USRP channel?

Mr. CARLIN. He is referred to one of the various voluntary agencies. There are eight which are contracting partners of USRP.

Mr. EILBERG. And at what point does INS come into the picture?

Mr. CARLIN. INS comes into the picture when the voluntary agency registers a refugee. Among other things, they determine what the individual's wishes for immigration are, and if it happens to be the United States, which is usually the case, the voluntary agency then assists the refugee to fill out his application for immigration to the

United States. The voluntary agency thus puts the refugee in contact with the Immigration and Naturalization Service.

Mr. EILBERG. What are the respective roles of the host government, the voluntary agencies, UNHCR and ICEM with regard to this program?

Mr. CARLIN. The entities that you have just mentioned really comprise a team. Obviously, the host government provides the asylum, and in the case of many of the refugees, the basic care and maintenance in the refugee reception and resettlement center. The voluntary agencies come along and provide the services which I just mentioned; the counseling, the supplemental care and maintenance, the resettlement documentation, the language training. They get the individual groomed and processed for resettlement. When he is movement-ready, the refugee is then referred to ICEM for transportation. The UNHCR's role in Western Europe is what I mentioned a minute ago: to work with the local host government authorities to determine whether or not the individual is a political refugee in terms of the 1951 Refugee Convention.

Mr. EILBERG. Must all refugees ask for political asylum in the country they enter?

Mr. CARLIN. No, they must not; they need not. But the majority do. I would mention an exception, however: the Soviets who break off in Vienna and go to Rome. They would not seek asylum in Italy, because they are just in transit status there, as opposed to a refugee who enters Italy either legally or illegally, and seeks asylum.

Mr. EILBERG. Are these refugees given any rights to stay, if they are accorded asylum rights?

Mr. CARLIN. Yes.

Mr. EILBERG. Would you provide the subcommittee with a breakdown of the number of Eastern European refugees who were assisted over the last 5 years, including a breakdown of those from the Soviet Union, and from other Eastern European countries? And does the Department of State have any projects or projections as to how many such refugees are expected this year, 1977?

Mr. CARLIN. First of all, sir, we'd be very pleased to provide that material for the record.

[The material referred to follows:]

NUMBER OF REFUGEES FROM EASTERN EUROPE ASSISTED BY THE U.S. GOVERNMENT—1972-77

	Actual					Estimated 1977
	1972	1973	1974	1975	1976	
Refugees from the Soviet Union:						
To Israel.....	31,274	33,249	16,842	8,395	7,216	7,000
To countries other than Israel.....	800	1,915	5,238	7,195	8,545	11,000
Total.....	32,074	35,200	22,080	15,590	15,761	18,000
Refugees from other Eastern European countries.....	6,453	5,474	4,973	4,197	4,587	6,000
Total.....	38,527	40,674	27,053	19,787	20,348	24,000

Mr. CARLIN. With respect to the projection for this year, this involves a certain amount of crystal ball-gazing. We estimate that there will be 18,000 refugees from the Soviet Union; in addition, we expect

6,000 refugees from other Eastern European countries; a total of 24,000.

Mr. EILBERG. Is it possible for a person to come to the United States as a refugee, remain here for 2 or 3 years, and return to his home country?

Mr. CARLIN. Yes, sir.

Mr. EILBERG. And to your knowledge, this has happened before?

Mr. CARLIN. Yes; I think that has happened in a very small number of cases.

Mr. EILBERG. Is this not one justification for not providing permanent resident alien status to the refugee upon his arrival here? There is the possibility that he may return, or want to return, to his home country, or go elsewhere?

Mr. CARLIN. I understand that it is not the practice of INS to lift the passport of the individual asylumseeker in this country. However, in many cases, I think the refugee on his own feels that he wishes to surrender it. The asylumseekers who are granted asylum here, or admitted as refugees, can be issued, and frequently are issued, refugee convention travel documents, which our Government is obliged to issue in keeping with our obligations under the protocol.

Mr. EILBERG. But they're not eligible to become an immigrant or a permanent resident alien for 2 years after their entry?

Mr. CARLIN. That's right, sir.

Mr. EILBERG. Wouldn't it be justifiable to require a person seeking refugee status to make an overt act establishing his refugee status, such as relinquishing his passport to a U.S. authority?

Mr. CARLIN. Could Mr. Lowman answer that?

Mr. LOWMAN. I would make a distinction between—Mr. Chairman—between refugee status and permanent resident alien status. We might extend temporary political asylum to a refugee with the understanding that he would retain his original nationality, and would be a refugee from his home country, whereas when he is seeking permanent resident alien status here, he still retains his former nationality, but at that point might be expected to travel on his identity document as a permanent resident alien. As a temporary asylee he might be expected to travel on a refugee travel document or on his passport, where once he is given permanent resident alien status, he normally travels on a green card.

Mr. EILBERG. Well, what I'm trying to seek is your opinion as to whether once he becomes a refugee, that he should be required to give up his passport to the United States.

Mr. LOWMAN. Well, if he is not a permanent resident alien here, and is not seeking to be a permanent resident alien, there would seem to be no reason to require him to give up the passport, as long as we made a judgment that he was a legitimate political asylee.

Mr. EILBERG. How is the judgment made that a refugee is unwilling to return to his home country? Is this merely a statement, or does he have to prove it in one way or another?

Mr. CARLIN. Mr. Chairman, I think the refugee is obliged to provide significant evidence, substantial evidence, of his intentions in this regard to the authorities of the asylum government on the one hand and to either consular officers or INS officers on the other.

Mr. EILBERG. How do most of these Eastern European refugees enter asylum countries? Do they still cross borders clandestinely, or are

they mostly persons coming out with tourist visas or exit permits, who then decide not to return?

Mr. CARLIN. Mr. Chairman, I think the majority by far would be in the latter category: those who come out of their home countries legally, either as tourists, on business trips, to attend sports events, things of that nature, and then choose not to return, and seek asylum.

Mr. EILBERG. Is that also true of those entering Yugoslavia, would you say?

Mr. CARLIN. In the case of those entering Yugoslavia, Eastern Europeans can travel fairly freely within the Eastern orbit without visas; many travel to Yugoslavia and because the Yugoslav-Italian border is a fairly easy one, there are the illegal arrivees in Italy.

Mr. EILBERG. Without these individuals having tourist visas or exit permits, right?

Mr. CARLIN. That is right; yes.

Mr. EILBERG. One of the basic theories underlying our refugee bill which is before us is that refugee situations should be internationalized; and I am aware that the United Nations High Commissioner for Refugees, is the primary mechanism for achieving this objective. Can you explain to the subcommittee how the UNCHR responds when an emergent refugee situation develops?

Mr. CARLIN. Mr. Chairman, if there is an emergent refugee situation in a given country, the usual pattern would be that the government being seized with the problem would turn to the UNHCR for help. The UNHCR then would normally visit the area, assess the problem, assess the needs of the refugees, and then consider courses of action. First of all, if it was an urgent problem, the UNHCR might make an emergency response. He has an emergency fund of \$2 million, and might provide some measure of emergency relief. And then he would probably appeal to the international community for both financial funds and resettlement opportunities for the refugees. That would be the normal pattern of events.

Mr. EILBERG. With regard to the pattern, can you be a little more specific as to what occasions the triggering of international action in these refugee situations?

Mr. CARLIN. I would cite the recent example of the tragic boat cases involving Vietnamese individuals who leave Vietnam in small boats and seek asylum in one of the countries on the periphery of the South China Sea. The UNHCR has been seized with that problem and has appealed to governments first of all to admit those boat cases for temporary asylum, has appealed for funds to assist them, and has appealed to governments to open their doors and provide permanent resettlement opportunities to these refugees.

Mr. HALL. What success have you had?

Mr. CARLIN. Mr. Hall, UNHCR has had fairly good responses, both in terms of financial support and the willingness of governments to take some of those boat cases. We urged the UNHCR to internationalize that effort before we ourselves made any commitments to take any of them, and the UNHCR satisfied us that he had placement opportunities for—

Mr. LOWMAN. Well, about 50 percent have been taken by other countries to date, of those that have been resettled out of the Southeast Asian area; the boat cases that have been resettled out of the Southeast

Asian area, about half have been taken by other countries; about half by ourselves, under existing programs.

Mr. CARLIN. So having been persuaded that a substantial number would be accepted by other governments, we made the commitment to accept 100 per month under our Conditional Entry program.

Mr. EILBERG. What other countries are receiving those boat cases?

Mr. CARLIN. Certain of the Western European countries; Australia, Canada, New Zealand.

Mr. LOWMAN. The major resettlement area is France. The Canadians, the Germans, the Australians, and the Dutch, and the Norwegians have all made smaller contributions.

Mr. EILBERG. Do you have precise statistics available on those?

Mr. LOWMAN. We can provide them for you, sir.

Mr. EILBERG. We'd like to have them as part of the record.

[The information referred to follows:]

The overall program for those refugees has been and continues to be an activity of the UNHCR. We admitted 517 in the past few months as part of a parole program for 11,800 Indochinese, which has now ended. UNHCR reports that other countries have responded to appeals as follows:

France	621
Australia	464
Canada	132
FRG	102
Norway	80
Netherlands	69
Belgium	25
UK	21
Austria	20
Switzerland	12
Taiwan	6
Total	1,552

Moreover, Hong Kong, a port where first asylum is given to those ultimately going on to other countries, has accepted 25 for permanent resettlement. Altogether 2769 of these refugees have been resettled between July 1976 and mid-February 1977.

Mr. EILBERG. In some cases, such as Lebanon, the United States and UNHCR did not respond, even though a large number of people departed for one particular reason or another. Therefore, can you explain how the UNHCR selects those refugee situations with which the UNHCR is involved?

Mr. CARLIN. Sir, in the case involving Lebanese following the recent conflict there, tens of thousands of Lebanese did, in fact, leave Lebanon for Greece, Cyprus and various other Western European countries. However, most of them had means; did not regard themselves as refugees; and thus did not represent a refugee problem. None of the host countries where these Lebanese found themselves sought international assistance.

The UNHCR sent its representative to many of the countries where the Lebanese were temporarily located, and they satisfied themselves that these Lebanese were not refugees; did not need international assistance. So that would explain the situation with respect to Lebanese generally. I'm sorry; I missed the other part of your question.

Mr. EILBERG. Well, the other part was, how does the UNHCR decide when to get into a refugee situation, or not?

Mr. CARLIN. Well, for the reason I just mentioned they did not consider it necessary to deal with the Lebanese as refugees. In other situations, where they get an appeal from a host government seized with a refugee problem, they would then go in, assess that problem, assess the needs and concern themselves with it. An example—a current example of that would be in southern Africa, where in recent months there have been substantial numbers of refugees from Angola, Rhodesia, and South Africa.

Mr. EILBERG. Mr. Carlin, in the Indochinese situation, when South Vietnam fell, this committee and I believe the Congress expected greater international participation; and evidently, that kind of participation was not present. We would like to know—and it's very much on our mind, as we consider this refugee bill—what countries do participate in taking refugees.

Can you provide those statistics for the last couple of years?

Mr. LOWMAN. Yes, sir.

Mr. EILBERG. Please submit them for the record.

[The statistics referred to follow:]

REFUGEES MOVED UNDER AUSPICES OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

	1975	1976
Australia.....	966	730
Canada.....	2,589	2,949
Israel.....	10,817	9,392
New Zealand.....	165	150
South Africa.....	514	68
Other countries.....	291	93
Latin America:		
Argentina.....	231	83
Bolivia.....	11	3
Brazil.....	127	108
Chile.....	17	23
Colombia.....	86	41
Ecuador.....	24	16
Paraguay.....	1	
Peru.....	21	4
Venezuela.....	222	131
Central America, Panama, and the Caribbean.....	568	454
Europe:		
Austria.....	219	247
Belgium.....	254	238
Bulgaria.....	20	
Denmark.....	246	207
East Germany.....	26	68
Finland.....	31	3
France.....	6,696	11,918
Federal Republic of Germany.....	269	566
Greece.....	2	
Hungary.....	142	31
Ireland.....	25	1
Italy.....	346	73
Luxembourg.....	38	14
Netherlands.....	145	586
Norway.....	189	235
Poland.....	4	
Portugal.....		15
Romania.....	380	49
Spain.....	21	25
Sweden.....	880	880
Switzerland.....	114	175
Turkey.....	2	2
United Kingdom.....	864	570
U.S.S.R.....		46
Yugoslavia.....	22	11

Mr. CARLIN. I think in that connection, Mr. Chairman, I might just make the observation that there are obviously certain refugee groups where the majority of the refugees themselves seek to come to the United States, as in the case of the Soviets.

There are other refugee situations where the majority might seek to go to countries other than the United States; for example, the Chileans, I think out of some 20,000 Chileans moved by ICEM for resettlement, for a large part of whom UNHCR assisted in finding settlement opportunities, only about a thousand came here; the balance went to other countries.

Mr. HALL. Mr. Chairman, may I ask one question at this point?

Mr. EILBERG. Surely.

Mr. HALL. Does your organization—When you mentioned Chile, some went some place and some went other places. Do we participate in the cost of people settling from Chile to other countries, other than the United States?

Mr. CARLIN. First of all, Mr. Hall, we did respond to two appeals: One from the UNHCR for care and maintenance assistance to Latin American refugees—Chileans, Bolivians, Uruguayans in various parts of Latin America; so we responded with a financial contribution; we, along with other governments, for that purpose. Additionally, we responded to an appeal from ICEM, the Migration Committee, for funds for the transportation of Latin American refugees, Chileans and others, to overseas destinations. As concerns Chileans, let me say here that the UNHCR launched two appeals to a total of 35 governments in October and December 1973, seeking resettlement opportunities for refugees in need to leave Chile, as well as one cabled appeal in June 1976 for those in need to leave Argentina. At the same time, local UNHCR offices maintained contact at the diplomatic and working level with a number of embassies in the departure countries, submitting dossiers and appropriate documentation, as required. As a result of these efforts, between September 1973 and the end of the year 1976 a total of over 15,000 refugees, including family members, were able to depart from Argentina, Chile, and Peru, under UNHCR auspices.

Mr. HALL. Well, is that same situation applicable to any other country where refugees may leave a country and go to another country, as far as the United States financial participation is concerned?

Mr. CARLIN. We would deal with those appeals and requests individually and assess the problem, first of all; assess the various aspects of it, our own interests, domestic and foreign, things of that nature, before we would make a decision.

Mr. HALL. Now where do we get the jurisdiction, under existing law, to do that?

Mr. CARLIN. Well, I think the basic Migration and Refugee Assistance Act of 1962 authorizes the appropriation of funds for contributions to both the UNHCR and ICEM. There is also the Emergency Refugee and Migration Assistance Fund. It would be in that context, sir, that we would be assisting in such activity.

Mr. HALL. I understand that part of it; but does that, in itself, authorize expenditures of funds to a Chilean who wants to go to Bolivia, or to a Bolivian who wants to go to France?

Mr. CARLIN. Our interpretation would be that it does; yes, sir.

Mr. EILBERG. I think what you're saying, and correct me if I'm wrong, is that under the emergency appropriation that was made available by the Congress and by our Government, the President then has the power to spend those moneys, even though the refugees are

not coming to the United States; but are participating in movement from one country to another outside the United States.

Mr. CARLIN. This is right; so as to respond to emergency situations. That's right.

Mr. EILBERG. Getting back to the UNHCR, we're concerned with his efforts to try to place refugees among member countries. What is the mechanism, or procedure for consultation with member countries?

Mr. CARLIN. Usually it would be in response to a refugee situation in a given asylum area. After assessing the problem, the UNHCR would appeal to the international community to, apart from providing financial assistance, provide resettlement opportunities for the refugees. That would be the normal procedure.

Now, the UNHCR's activities in this area are reviewed periodically by his executive committee. The United States sits on that committee. They review his program proposals, his activities, and make judgments with respect to them. I might just cite, as an example of resettlement of refugees by other countries, that from among the 70,000 to 80,000 Indochinese refugees remaining in Thailand, France is currently accepting about 1,000 per month.

Mr. EILBERG. But there is no specific mechanism that comes into play when a refugee situation evolves?

Mr. CARLIN. The mechanism, sir, would come into play after the UNHCR determines that a special refugee situation exists. UNHCR would then make a special appeal to the international community—to encourage refugee-receiving countries to open their doors to the refugees.

Mr. EILBERG. Now, in connection with that decision to try to find countries for refugees to go: Is this decision made personally by the UNHCR? Is it made by the executive committee? By whom is it made?

Mr. CARLIN. Well, I don't think the UNHCR decides where the refugees should go. The UNHCR makes the refugee problem known. He interprets the problem to governments, and encourages governments to open their doors to the refugees. Individual governments then decide what their responses might be.

Mr. EILBERG. What factors are considered, and what is usually the determined criterion, with regard to the nature of our Government's assistance to refugees; that is, the United States relationship with the asylum country, pressures from the asylum country, conditions and numbers of refugees in the asylum country, political pressures, foreign policy considerations?

Mr. CARLIN. In most refugee situations, Mr. Chairman, we contribute to an international effort to provide both material assistance and protection to refugees. Whether or not the U.S. Government agrees to accept any of the refugees for permanent resettlement here would hinge on such considerations as the resettlement of the individuals, resettlement opportunities in other countries, the potential for local settlement in the asylum area, domestic and foreign policy interests, national security, and lastly, sir, whether or not the refugee himself would be interested in coming to our country.

Mr. EILBERG. What actually determines whether we provide humanitarian assistance to refugees in asylum countries, as opposed to accepting such refugees for resettlement into the United States?

Mr. CARLIN. There again, I think we would be responding to an international appeal for assistance to the refugees in the asylum area, probably an appeal from the UNHCR. But then, whether or not we would decide to accept any of the refugees for permanent resettlement in this country would hinge on consideration such as those which I just mentioned.

Mr. EILBERG. Now, we've been concerned with the ad hoc, helter-skelter appeal made to us as emergency situations develop, and that is why we have introduced the bill that is before us. Should guidelines or criteria be established, notwithstanding the fact that each refugee situation might be different and require a different approach?

Mr. CARLIN. I would say, sir, there is always, perhaps, room for improvement in our decisionmaking processes as to how we react, respond, to refugee situations. They are varied in nature, and we usually try to make the most honest assessment of each that we can, and recommend action accordingly, whether it be just making financial contributions for material assistance to the refugees in the asylum area, or a recommendation to admit some for permanent resettlement in this country.

Mr. EILBERG. I'm not sure that you have been quite responsive. We have before us H.R. 3056, which attempts to establish the guidelines or criteria. Recognizing that you are not authorized by the administration at this moment to state an opinion on that bill or that approach, I am really asking for your opinion: Do you feel that an approach is necessary to regularize or to provide that guidance, as far as it is possible to do so?

Mr. CARLIN. I think that my answer to that question, sir, would be clearly "Yes." We are still studying your bill in the State Department, and will be formulating our position with respect to it. We think, first of all, there is a need for the broader definition of a "refugee," as set out in your bill. We shall be providing our official reaction to other aspects of your bill very soon, sir.

Mr. EILBERG. Over the years, we have witnessed numerous population disruptions within countries where the United States responded by providing humanitarian assistance. These situations, such as Cyprus, did not involve movement to a third country.

Can you, for the subcommittee, describe the legal distinction between "refugees" and "displaced persons"?

Mr. CARLIN. Mr. Chairman, a refugee is a person who finds himself outside his country, his homeland, his country of nationality and either cannot or does not choose to return for well-founded reasons of fear of persecution because of political opinion, race, religion, nationality, or involvement in certain social groups—things of that nature.

A "displaced person," on the other hand, is an individual displaced within the geographic boundaries of his country, usually owing to some sort of civil conflict. Cyprus is a current example of a displaced person problem, where there are some 200,000 individuals displaced within that island.

As for dealing with two different groups, we in the State Department have our programs to deal with refugees—refugees, that is, in the legal sense of the word. When there are problems involving displaced persons, funds for assistance programs are usually made available by AID. Frequently the programing for displaced persons gets

into the field of development assistance and therefore becomes appropriately a function for AID, rather than for State. However, we do always keep a watching brief on displaced person situations, as well as refugee problems.

Mr. EILBERG. With respect to the role of the voluntary agencies, do you believe there is a continued need for involving the voluntary agencies in the resettlement process?

Mr. CARLIN. Mr. Chairman, I have worked in the field of refugees and migration for approximately 30 years, and over that span of time, I have gained, I think, a good appreciation of the value of the voluntary agencies. I would say absolutely, "Yes." They have a vital and essential role to play in the refugee resettlement process, particularly in programs involving refugees from Eastern Europe, where it is essential for the voluntary agency to work with the refugee in the asylum area—to counsel him, to provide material assistance to him to assist him with his resettlement documentation, to assist him in various ways. And then, more particularly, they have a vital role in locating sponsorships for the refugee in order to facilitate his permanent resettlement.

Mr. EILBERG. What changes, if any, should be made in the relationship between the U.S. Government and the various voluntary agencies? In other words, should we continue to provide a per capita grant approach? Or should we adopt program grant approaches? Should the volags be required to provide matching grants through their own contributions or resources?

Mr. CARLIN. I think that our present arrangement for providing aid to the refugees through the voluntary agencies in the asylum areas is satisfactory. Through that arrangement and through the U.S. refugee program, help such as counseling, care and maintenance, resettlement documentation, language training and transportation is made available to the refugee through the network of voluntary agencies in the asylum areas. Through that process, the refugee is efficiently cared for, processed and brought to the resettlement country.

A problem may then exist as to whether or not additional assistance is required by the voluntary agencies to facilitate the placement, the integration, the training or retaining of the refugee in this country.

During the past few years, since 1973 as a matter of fact, since Congress has taken the initiative to make special funds available for Soviet refugees, we have been able to draw down from the special appropriations to cover reception and placement grants for the voluntary agencies for those Soviet refugees coming to this country.

Last year, however, Congress restricted the use of that special appropriation to only those Soviet refugees going to Israel. Consequently, we did not have funds for such grants in the current year. We have never budgeted for this particular item. We recognize, however, the need of the voluntary agencies for this kind of help, and we agree in principle that they should have it. However, we feel quite strongly, sir, that if and when we are again financially able to cover such reception and placement grants, that they should not be merely for the Soviet refugees, but for all nationality groups. In that connection, we have talks underway with HEW. We think, because this type of assistance gets into the domestic programming field, it might be more appropriately handled by HEW rather than the State Department.

But the matter is being pursued in the meantime. Both the House Appropriations Committee and the House International Relations Committee have cited this need, and they may be taking the initiative to provide funds for this purpose for this calendar year, giving us time to work out a satisfactory solution for the future.

Mr. EILBERG. What is your opinion of the per capita grant approach; should we change it to a program grant approach?

Mr. CARLIN. I think, sir, that our current means of handling the USRP program, which reimburses the agencies for actual costs for things like resettlement documentation, care and maintenance, language training, et cetera—that system is working quite satisfactorily now. Your question might more appropriately fit if we were in a position to pay reception and placement grants in the United States. Then it would be a question of whether or not it should be done on a grant basis, or on an actual cost basis.

I would think it would probably have to be on a grant basis because most of the agencies spend, by far, more money than we would ever be able to give them to actually effect the resettlement and absorption of the refugee.

Mr. EILBERG. Another part of my question was, should the volags be required to provide matching grants?

Mr. CARLIN. As a matter of fact, sir, they do. Since 1973, we have been paying a reception placement grant of \$300 per capita for Soviet refugees resettled in the United States, but many of the voluntary agencies participating in this activity have been spending considerably more than that. I think one or two of the agencies report that their expenditures for this service have been reaching \$2,000 per capita; so they have been more than matching what we gave them.

Mr. EILBERG. We are, in effect, reimbursing the volags only for expenses which are actually incurred, as I understand it.

Mr. CARLIN. At the European end, sir, we reimburse them for actual expenses for care and maintenance, resettlement documentation, staff support costs, et cetera.

Mr. EILBERG. Should the U.S. Government establish a formal agency or mechanism for assisting and resettling refugees in this country, similar to the Jewish in Israel?

Mr. CARLIN. To repeat, sir, I think the existing machinery is quite adequate. In fact, I think our teamwork involving the voluntary agencies, our own U.S. refugee program, ICEM and the UNHCR is working very smoothly and very effectively.

Mr. EILBERG. What pressures does the UNHCR bring on countries to insure their compliance with refugee convention and protocol?

Mr. CARLIN. Well, I think that generally speaking, the UNHCR tries to exercise the moral influence of his office in dealing with governments to achieve this. The matter is reviewed at the periodic sessions of his executive committee, when the High Commissioner himself stresses the importance of the protection function. And I think on every occasion of an executive committee that I can recall, our own U.S. delegation has certainly stressed the importance of this function, and through such public statements, has encouraged governments to be more responsive in terms of meeting their obligations under the protocol and convention.

Mr. EILBERG. I wonder if you could briefly describe for the record what is meant by "the refugee convention and protocol"?

Mr. CARLIN. Well, it's a document, sir, which some 69-odd governments are signatories to, and it places certain obligations on a signatory government. While it does not, I should say, authorize the acceptance of an individual for immigration, it requires a government to grant asylum to an individual who makes a good case for basing his unwillingness to return to his home country on well-founded fear of persecution for reasons of race, religion, nationality, political opinion or involvement in particular social groups. It also obligates signatory governments to grant to refugees a broad range of legal, social, and economic rights—such as the right to work and the right of access to the courts—which are essential to promote the successful assimilation of the refugees and to enable them to cease being refugees and to live in dignity and self-respect.

Mr. EILBERG. Has the UNHCR ever criticized a country for refusing to live up to its obligations under the convention?

Mr. CARLIN. Well, he may not have named names with respect to countries. He has certainly been, in public statements, critical of countries and areas where refugees have been neglected or mistreated. For example, in the recent case of the Vietnamese boat cases, he has certainly been critical of those countries on the periphery of the South China Sea which have refused to admit the boat cases for temporary asylum to permit their resettlement processing. He has also conducted his own personal diplomacy in such situations.

I think there have been situations in Africa where he has directed publicly remarks aimed at certain governments that had returned refugees forcibly to their own countries. So while he perhaps does not name names of such countries, he actively pursues situations where the terms of the protocol or convention are violated.

Mr. EILBERG. Do you have examples available in your records as to such cases?

Mr. CARLIN. I think we could provide that for the record, sir. We don't have that information here at the moment.

Mr. EILBERG. Would you please?

[The information referred to follows:]

The UNHCR is very active in promoting the objectives of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, and in exercising his statutory watchdog function of overseeing the proper implementation of these international treaties by nations which are parties thereto. A matter of particular importance and concern is the provision in both the Convention and the Protocol which prohibits the refoulement or forcible return of a refugee to any territory where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Over the years there have been a number of instances in which Contracting States to the Convention or Protocol have violated their obligation in this regard and have carried out the refoulement of refugees. The UNHCR invariably reacts promptly and vigorously in such cases in taking the matter up with the Contracting State concerned. It is not UNHCR policy, however, to publicize such negotiations in any manner which would name the offending State and thus subject it to international embarrassment. Such negotiations are pursued quietly and, as the High Commissioner reported to the U.N. General Assembly at its last session, "in an open and constructive dialogue, in accordance with the responsibilities entrusted to the High Commissioner by the General Assembly." The High Commissioner—still without naming names—brings such matters forcefully to the attention of the UNHCR Executive Committee and, through his Annual Report, to the attention of the U.N. General Assembly. In both of these fora he regularly deplores the reported instances of refoulement and calls upon all States to observe the humane principles of the Convention and Protocol. The

UNHCR has used similar means to protest instances in which refugees have been subjected to violence or abduction.

Several years ago the UNHCR distributed to all Contracting States to the Convention or Protocol a very extensive questionnaire which, article by article, called upon such States to report in detail the extent to which they had carried out all of their obligations under these instruments, including the listing of pertinent laws and regulations enacted or adopted. This exercise was pursued by the UNHCR with great determination. It constituted a strong pressure upon States parties to the Convention and Protocol to discharge faithfully their obligations thereunder.

Mr. EILBERG. To what extent does the United States urge other countries to adhere to the U.N. protocol and convention with regard to refugees who have sought asylum in that particular country?

Mr. CARLIN. Well, I think, again, at sessions of the UNHCR Executive Committee, we have encouraged that sort of thing. More than that, over a period of 2 or 3 years, we have promoted and supported a project through the world peace through law movement to encourage not only further accessions to the refugee convention and protocol by additional governments, but more particularly to interpret the real meaning of those documents to governments, and to members of the legal profession in various countries around the world. So I think there have been actions of that nature taken, sir.

Mr. EILBERG. Is there a need for an international mechanism or commission to review the compliance by the various countries to the international agreements on refugees?

Mr. CARLIN. Well, I think, Mr. Chairman, that is the basic purpose of the UNHCR. The purpose of that office is to provide international protection to refugees. That's what the Office was established for. In more recent years, UNHCR has gotten more and more into the area of material assistance to needy refugee groups, but the Office's basic reason for being is to provide international protection to refugees.

Mr. EILBERG. Well, I think we understand and agree what the purpose is, but some of us at times doubt that the purposes are being carried out. That is what concerns me, having been through a number of these situations. I have seen lack of activity on the part of the UNHCR, and that's the basis for the question: Whether we might not need something more than the UNHCR. That may be an editorial comment on my part.

Mr. CARLIN. I think we must continue urging the UNHCR to meet his responsibilities in the area of protection and assistance, encourage other friendly governments to support us in that effort.

Mr. EILBERG. For the benefit of the subcommittee, can you give us a brief description of what ICEM does?

Mr. CARLIN. ICEM exists essentially to provide transportation to refugees and migrants who are processed and movement-ready. ICEM also assists in certain situations with the documentation and processing of refugees and migrants for movement; so their main function and purpose is to provide transportation to refugees and migrants.

However, more than that, ICEM has a special program for moving skilled and professional migrants to Latin America. It's called the "Selective Migration Program for Latin America," under which they identify particular needs at the Latin American end and then recruit in Europe skilled or professional migrants to meet those needs.

This process is designed to enhance the economic development of Latin America. Under that program, ICEM is moving between 3,000

and 4,000 highly skilled migrants per year. In the transportation field, of the 50,000 to 60,000 persons moved by ICEM per year, a very high majority would be refugees.

Mr. EILBERG. And the others would be the movement of nationals who simply want to relocate to a place where they may have better opportunities?

Mr. CARLIN. That is correct, sir. ICEM over the years has moved many thousands of national migrants to countries like Australia, Canada, New Zealand; and while the numbers have been less to Latin American countries, there it's been a select group of migrants.

Mr. EILBERG. What is the level of ICEM's program for the current year?

Mr. CARLIN. For the current year, I think their program totals about \$28 million.

Mr. EILBERG. How much is the United States contributing toward the program?

Mr. CARLIN. About \$7 million.

Mr. EILBERG. How many persons, broken down into refugees and migrants, did ICEM move in 1976? How many do they plan to move in 1977?

Mr. CARLIN. In 1976, they moved about 65,000 persons. Of that total, some 4,800 would have been national migrants as opposed to refugees. I think in 1977 they project the movement of 57,000 persons; again, by far, mostly refugees.

Mr. EILBERG. In your opinion, is the ICEM operation essential as an integral part of our processing of the refugees?

Mr. CARLIN. Yes. We feel that ICEM's services are extremely valuable, and represent an important part of the teamwork which I have already described to the committee.

Mr. EILBERG. Do you see any room for improvement on what they're doing?

Mr. CARLIN. Again, sir, I think there's always room for improvement. By way of a general comment, I think ICEM is doing extremely well in the area of refugee resettlement—very responsive and very effective. I think there is room for improvement in the area of their Latin American program. They have not been successful in interpreting that program to governments. Consequently, over the years, it has been badly underfinanced. I think that in concept it's a sound program, but it has had limited success; probably because governments don't thoroughly understand it.

Mr. EILBERG. As I understand it, ICEM is the only international organization which has limited its membership to democratic governments. Is this membership qualification still valid and for what reasons?

Mr. CARLIN. I don't think that limitation necessarily exists. Of course there must be on the part of governments a willingness and interest to become a member of ICEM. There is of course a constitutional requirement, so far as ICEM is concerned, that member governments must support the principle of freedom of movement. And there are obviously countries in the world today who do not practice that principle; consequently they are not in ICEM.

Mr. HALL. Mr. Chairman, may I ask a question? How many governments are a part of this ICEM?

Mr. CARLIN. Thirty-three governments.

Mr. EILBERG. Are there any nondemoncratic governments included in those 33?

Mr. CARLIN. No, sir.

Mr. HALL. You've got a budget of how much? We're putting how much into it?

Mr. CARLIN. \$6.9 million in the current year, sir, against a total budget of about \$28 million.

Mr. HALL. \$28 million.

Mr. EILBERG. How do you arrive at a budget allocation for ICEM?

Mr. CARLIN. We sit on all three governing bodies of ICEM. There is a Subcommittee on Budget and Finance, an Executive Committee, and Council. And ICEM's programs, project proposals, et cetera, are reviewed by those three bodies, so that we have ample opportunity to see what they are proposing, what they think the needs are. And then we try to make a judgment in relation to those projected programs and needs in relation to our interests.

Mr. EILBERG. Do you consider that we are giving adequate support to the organization, or should we increase our support? What would you suggest?

Mr. CARLIN. I think, sir, comparatively speaking—and I mean comparing ourselves to the other member governments of ICEM—we are doing extremely well. There is no particular problem of financing ICEM's refugee settlement activity. They have had a rather chronic deficit in the area of Latin American programs probably for the reasons I have already mentioned, but to get back to your question; I think that we have been reasonably generous in supporting ICEM over the years. We think it's doing a very valuable job. We think other governments, other member governments of ICEM, should be doing more; and we repeatedly pursue that objective in the governing bodies of ICEM.

Mr. EILBERG. All right. I think the subcommittee will take a recess so we can go to vote; and then we'll come back with just a few more questions.

[A brief recess was taken.]

Mr. EILBERG. The subcommittee will come to order. Mr. Carlin, just so that we may have a better understanding of the function of UNHCR and the other agencies, ICEM. Apparently the UNHCR renders protection to the refugee—legal protection—but then the refugee may be moved to an asylum country, where there may not be any voluntary agency. And then ICEM has responsibility for moving them to resettlement countries. Is there a possible void or gap there at the point of the asylum country? Who looks after the refugees there?

Mr. CARLIN. I think, Mr. Chairman, UNHCR maintains representation in most of the principal refugee asylum countries and while they have limited staff representation, I think they make a good effort to watch over the interests of the refugees, particularly in terms of providing protection.

So far as ICEM is concerned, ICEM's work obviously ends when they deliver the refugee to his resettlement country. The voluntary agencies, on the other hand, have the capability to follow up on the placement of the refugee and, on occasion, when there is a breakdown

in that placement, to step in and find a second placement opportunity. So there is some followup, both on the part of the UNHCR in terms of protection, and on the part of the voluntary agencies in terms of followup work, to ensure satisfactory placement.

Mr. EILBERG. Do you believe that the present system for handling refugees, UNHCR, ICEM, the voluntary agencies, is adequate, or do you think the present system and procedures could be improved?

Mr. CARLIN. I think by and large, the machinery that exists today involving the UNHCR, ICEM, the voluntary agencies, our own WSRP program is adequate. We did touch earlier on one, perhaps one area of deficiency; and that would relate to the financial ability of the voluntary agencies to receive, place, train, retrain refugees in this country. But otherwise, I think the existing basic machinery is adequate, and functioning very efficiently; certainly insofar as European refugees are concerned.

Now, refugee problems are dealt with differently in different parts of the world depending upon the needs and wishes of the refugees. In Africa, for example, UNHCR will go in to deal with a refugee problem, provide immediate emergency assistance, and then take measures to provide the tools, utensils, agricultural implements and seeds to permit the refugees to become self-supporting in agricultural communities as rapidly as possible. That is the approach in many of the African refugee areas. It's something else in Europe; it's something else again in Latin America. By and large, sir, I think the machinery that exists is generally satisfactory.

Mr. EILBERG. Are you convinced that our support to the international refugee organizations, or the private voluntary agencies, is adequate, or should it be increased? If so, in which way?

Mr. CARLIN. Taking first of all our supports to international agencies, like UNHCR and ICEM, comparatively speaking, I think we are doing very well. A number of other governments are not doing as much as we think they should. Apart from our regular support to the annual programs of ICEM and UNHCR, the United States frequently responds to special situations, and makes special financial contributions.

Turning to the voluntary agencies, I would again have to refer to the matter of reception and placement grants. We are exploring a long-term solution to that problem.

Mr. EILBERG. I understand your support to these organizations are subject to overall State Department budget constraints. Do these constraints limit support where a determination has been made that the requirements are essential?

Mr. CARLIN. Well, that's absolutely true, sir, that we are subject to budget ceilings and constraints; and there have been occasions where things that we have recommended in the area of assistance to refugees and migrants have been disallowed or reduced. Reception placement grants and ICEM's Latin American program happen to be examples of that type of action sir. However, I think by and large the measure of our assistance to the agencies, to the international organizations, has been reasonably generous and for the most part adequate.

Mr. EILBERG. To what extent has, or will, the \$25 million emergency fund alleviate some of the problems we have experienced in the

past in providing timely assistance when an emergent refugee situation arises?

Mr. CARLIN. First of all, sir, we are very pleased that Congress has taken the initiative to establish this \$25 million emergency fund. However, to date, only \$15 million of the \$25 million has been funded; and at the present time, we have just over \$1 million remaining in the fund; so while that fund is extremely useful to meet emergency situations, we feel quite strongly that there's a need to have it fully funded and then to have prompt action on replenishment as drawdowns are effected.

Mr. EILBERG. Some communications from the State Department and Justice indicate there is no yardstick available to really gauge the impact of past refugee programs on the economic, demographic, sociological and political situation in the United States. In your opinion, do you consider that these studies would be of value?

Mr. CARLIN. I would think, sir, for the long pull, particularly in terms of immigration policy and refugee immigration, that such a study would be of value, and perhaps provide useful data in terms of measuring our ability to continue accepting more and more migrants and refugees for permanent settlement. So I think my quick answer would be, "Yes, sir."

I am not sure we in the State Department have the staff and resources to carry out such a study. Perhaps it should be an interdepartmental exercise involving HEW, Labor, ourselves; perhaps it could be a joint effort.

Mr. EILBERG. Is there really an overall refugee policy? Or do you think we only react, rather than act?

Mr. CARLIN. Well, we like to think we do have a policy; and we try to be as responsive as possible to refugee situations. And on occasion, I think we have acted rather than reacted. To cite an example or two: the evacuation of the refugees from Vietnam; more recently, we have prompted the initiative to lift some 2,700 Christian refugees out of Beirut during the conflict situation in Lebanon.

We are currently taking initiatives to have a new look at the emerging refugee situations in southern Africa, and encouraging UNHCR and others to give the new problems in that area the careful attention they deserve. So I think we are acting as well as reacting, and I think we are trying to be as responsive as possible to emergent refugee problems and situations.

Mr. EILBERG. Mr. Carlin, I don't want to disagree with you, but some of our most hectic moments in the last years that we've had, have been when we have considered parole by the Attorney General. And reflecting on those meetings that we've had, in which I have participated, frequently with the Attorney General and the Immigration Commissioner present, there was really inadequate information, distorted information based upon need of further study, and so that about all that they were accomplishing at various points in these various programs was conveying to us their sense of emergency, but certainly no sense of refugee policies.

So I'm inclined to disagree with you, based upon the trauma of those meetings. And hopefully, in this Congress we'll get some legislation through, perhaps on the basis of the bill which we've introduced, which will establish a more clear refugee policy.

Do you know what the total budget for the UNHCR was last year?

Mr. CARLIN. I think in 1976 UNHCR's budget was some \$14 million; \$14.8 million; yes, sir.

Mr. EILBERG. And do you know what the funding level of UNHCR is for the current year, for its regular program?

Mr. CARLIN. Its regular program in the current year is at the \$16.6 million level.

Mr. EILBERG. And what percentage is the United States contributing to that program?

Mr. CARLIN. Approximately 10 percent, sir.

Mr. EILBERG. Is that enough, or should it be increased, or decreased?

Mr. CARLIN. I think toward UNHCR's regular program that is sufficient, and compares favorably with contributions from other governments. However, apart from our contributions to that regular program, we do make a number of special contributions to UNHCR in response to special appeals for emergent refugee situations.

Mr. EILBERG. Does the United States have any input into the decisions which are made by the UNHCR as they relate to priorities for his regular program, or the expenditure of funds under either its special program or its special activities?

Mr. CARLIN. We are a member of the UNHCR Executive Committee, and, of course, we attend all meetings of that body, so we are able to provide our input, judgments, recommendations as to what UNHCR programs should be, the financial level, et cetera. Through our mission in Geneva, we have contact with UNHCR practically on a day-to-day basis to discuss particular projects of interest to the U.S. Government, and to encourage the UNHCR to move in given areas. I think generally speaking, sir, we are well represented with respect to the activities of UNHCR.

Mr. EILBERG. Has the U.S. delegation to the United Nations ever made its refugee priorities known, or have we ever requested the U.N. Secretary-General to respond to a particular emergency using the good offices of the UNHCR?

Mr. CARLIN. Yes, Mr. Chairman. I think we've done that on occasion. For example, we encouraged both the Secretary-General and the High Commissioner for Refugees to become involved with the problem of displaced persons in Cyprus.

We also encouraged UNHCR to take a more active role with respect to the boat cases, the Vietnamese boat cases, which are currently presenting a very tragic problem. We have recently encouraged UNHCR to be more responsive to the needs of a particular group of refugees in Africa.

Mr. EILBERG. I wonder if we could ask you to go back and give us a more complete answer to that question. We're very interested in the role of the U.N. and UNHCR, and our curiosity never ends. Its activities are frequently unknown and what priorities it has are certainly unknown to us. We should know what the U.S. Government is doing with the U.N., UNHCR. So I'd appreciate it if you would give us a more complete report on that subject.

Mr. CARLIN. We'll develop that for the record, sir.

[The information referred to follows:]

As previously stated to the Committee, the United States requested both the U.N. Secretary General and the U.N. High Commissioner for Refugees to become involved with providing assistance to the displaced persons in Cyprus.

The United States also appealed directly to the Secretary General to arrange for the High Commissioner to assume responsibility for coordinating effective international assistance for the relief and resettlement of the refugees escaping from Vietnam in boats. Since the time when the High Commissioner assumed such role the United States has repeatedly brought to his attention the importance which we attach to this matter and has urged him to redouble his efforts toward assuring a fully effective response to the problem by the international community.

The United States Government, through Secretary of State Kissinger's Lusaka speech of April 27, 1976, has made it clear to all concerned including the United Nations that we place a high priority on the provision of assistance to refugees from Southern Africa. Since then we have on several occasions, both in the UNHCR Executive Committee and otherwise, reiterated our interest to the High Commissioner for Refugees and asked him to take urgent steps to assure that Southern African refugees receive effective UNHCR assistance.

For some time after the emergence in Iran of the problem of Kurdish refugees from Iraq, the UNHCR took no active steps to assist these refugees. The United States, through the Department of State, intervened on several occasions with the UNHCR with the view to securing UNHCR assistance for the Kurds. Subsequently, the UNHCR placed several thousand of the Kurdish refugees under the UNHCR mandate and successfully undertook a relief and resettlement program in their behalf.

In 1968, after the invasion of Czechoslovakia, some 60,000 Czech refugees fled to nearby countries, chiefly Austria. The United States, acting both through direct unilateral approach and in concert with other countries through the UNHCR Executive Committee, pressed the UNHCR to extend assistance to the Czech refugees. This was subsequently done, through contribution by the UNHCR to the Austrian Government of funds earmarked for assistance to the Czech refugees.

Publicly, the allocation of UNHCR funds as between countries is carried out on a non-priority basis. The annual global budget is prepared by the UNHCR and submitted for approval, with justification for each project, to the 31-nation UNHCR Executive Committee at its annual meeting in the Fall of each year. Funds are allocated according to the scope and nature of each refugee problem to be assisted. Urgent, priority needs which may develop in certain areas—particularly those arising between sessions of the Executive Committee—are met by the UNHCR by drawing on the \$2 million UNHCR Emergency Fund, with appropriate notification by the High Commissioner to members of the Executive Committee.

The Annual Report of the UNHCR is sent to and reviewed by the U.N. General Assembly, as an agenda item at its regular annual session. On this occasion—as in the meetings of the UNHCR Executive Committee—the United States Delegation has every opportunity to express its views and to urge and vote for action by the UNHCR in areas of particular concern to the United States. Apart from the sessions of these multilateral bodies, the United States through the Department of State maintains close and continuous contact with the UNHCR on a direct basis, chiefly with UNHCR Headquarters in Geneva. This is done by the United States Mission in Geneva, acting upon both general and particular instructions from the Department of State, and by the Department itself through direct contact with the High Commissioner himself or with the United States Office of the UNHCR at the seat of the United Nations in New York. Through these means the United States is able to communicate its views and recommendations to the UNHCR on a regular basis, to stay closely in touch with developments concerning UNHCR activities, and to exert every effort toward influencing the UNHCR in matters related to UNHCR protection measures, the financial level of UNHCR programs, the areas in which the UNHCR participates and actual priorities carried out in practice by the UNHCR.

Mr. EILBERG. Has the U.S. Government ever failed to respond to an appeal or special request by the UNHCR for funds or for providing resettlement opportunities in the United States for any group of refugees?

Mr. CARLIN. Yes, Mr. Chairman. For example, the UNHCR had a program to assist displaced persons within Vietnam, and a similar program in Laos. Following the change in governments in those two coun-

tries in 1975, we no longer responded to his request for financial support for either of those programs. In the case of Latin American refugees, we have responded, but our response has been a limited one. In the case of Chileans, I think about 19,000 have gone to destinations other than the United States. Approximately 1,000 have come here.

Mr. EILBERG. We would like to have a more complete report for the record, if you could provide one.

Mr. CARLIN. We'd be pleased to, sir.

[The information referred to follows:]

There have been instances in which the United States has not responded, or has responded in a limited manner, to appeals of the UN High Commissioner for Refugees for funds or for resettlement opportunities in this country. With the fall of Vietnam in 1975 the United States has not provided funds to the UNHCR program of assistance for displaced persons within that country or in the neighboring country of Laos.

The United States has responded in a limited way to UNHCR appeals for assistance to refugees from Chile and refugees in Argentina. In the case of Chile the United States agreed to accept a total of 400 families from Chile and Peru, involving approximately 1,100 persons. Other governments accepted approximately 19,000 refugees. A U.S. contribution of \$500,000 was made available to the UNHCR for this special program.

The High Commissioner has estimated that there are over 10,000 refugees in Argentina, one thousand in dire circumstances. The United States has agreed to accept 200 families for resettlement in response to a UNHCR appeal. The United States also responded in a limited way in 1972 when the Ugandan government expelled some 35,000 Asians from that country. The United States accepted only 1,900 persons among that group.

Mr. EILBERG. What factors are considered by the Department of State in determining the nature of our response to these appeals that you referred to?

Mr. CARLIN. Well, I think we take a number of things into account—the humanitarian factors, to what extent is it an emergency. We consider our national security, the extent of our concern and interest in particular refugee groups, the interest or lack of interest among the refugees in coming to the United States, our capacity to absorb the refugees—that is, voluntary agency willingness and capacity to provide sponsorships; and, as I think I mentioned earlier in our deliberations this morning, the resettlement of the refugees in question. Those are some of the factors that are taken into account.

Mr. EILBERG. Do we examine any of the responses or possible response of other countries?

Mr. CARLIN. Yes indeed, we do, sir. We watch very closely what other countries are doing, and frequently encourage UNHCR to press other countries to do more when we think we're getting too far out front in given situations.

Mr. EILBERG. You may have answered this, but do we utilize a "fair share" approach, or do we independently determine the nature of our response?

Mr. CARLIN. Generally speaking, we try to put our response on a fair share basis. The most recent example of that has been in relation to the Vietnamese boat cases. The UNHCR demonstrated to us that other countries were taking their fair share. We then made a commitment to take 100 per month under the conditional entry program.

Mr. EILBERG. Sir, I don't know that you answered the part of the question dealing with the fair share approach.

Mr. CARLIN. Well, as I say, we as far as possible endeavor to take our fair share, but we also like to see other refugee-receiving countries take their fair share, and we negotiate with the UNHCR with respect to that objective. I think, at least during the past year or so, we have met with some measures of success in this regard. Mr. Lowman would like to add something, if he may.

Mr. EILBERG. Yes.

Mr. LOWMAN. In that connection, Mr. Chairman, our definition of "fair shares" as we have seen it has been not an automatic percentage, but rather a judgment of these individual cases; what other countries have interest in the refugees involved, what our own interests were. So we're back to the kind of situation where, indeed, our fair share, as we saw it, was a considerably higher percentage in the case of Vietnamese refugees and considerably lower in the case of, say, the recent Chilean program. But it is an endeavor to take a fair share within our perception of all the factors involved.

Mr. EILBERG. Mr. Carlin, I wonder if you can, when the opportunity presents itself, express our concerns to the U.S. delegation to the UN and to the UNHCR, possibly even to the Secretary General himself; and I'm stating for the record, now, that we expect to send a record of this hearing to the individuals that we've mentioned, but we are anxious for them to know our concerns as early as possible. Will you agree to do that?

Mr. CARLIN. Yes, sir.

Mr. EILBERG. I would like to place on the record at this point Presidential determinations of amounts contributed over the years following the 1962 Migration Act and including the sums contributed under the recent emergency fund, and make them part of the record without objection at this point.

[The information referred to follows:]

Transfers from foreign assistance appropriations to migration and refugee assistance appropriations by Presidential determination

Fiscal year:	Dollar amounts
1963 -----	none
1964 -----	none
1965 -----	none
1966, unnumbered refugees from Cuba -----	271, 000
1967 -----	none
1968, P.D. 68-3—Refugee needs in connection with the Middle East crisis -----	125, 000
1969, P.D. 69-4—Czechoslovak and other refugees from communist countries in Europe -----	5, 706, 000
1970 P.D. 70-2—Czechoslovak and other refugees from communist countries in Europe -----	5, 752, 000
1971:	
P.D. 71-15—Refugees from East Pakistan (Bangladesh) in India -----	5, 000, 000
P.D. 71-19—Refugees from East Pakistan (Bangladesh) in India -----	5, 000, 000
Total -----	10, 000, 000

Transfers from foreign assistance appropriations to migration and refugee assistance appropriations by Presidential determination—Continued

Fiscal year—Continued

	<i>Dollar amounts</i>
1972:	
P.D. 72-01—Refugees from East Pakistan (Bangladesh) in India	5,000,000
P.D. 72-06—Assistance to selected emigrees (purchase of annuities)	1,850,000
P.D. 72-14—Refugees from the Soviet Union going to Israel	2,000,000
Total	8,850,000
1973:	
P.D. 73-01—Refugees returning to the Sudan	2,500,000
P.D. 73-06—Asians expelled from Uganda	1,500,000
Total	4,000,000
1974:	
P.D. 74-06—Exchange of Persons—Pakistan and Bangladesh	4,400,000
P.D. 74-25—Assistance to Palestinian refugees	4,200,000
P.D. 74-25—Assistance to refugees in and from Chile	1,400,000
Total	10,000,000
1975:	
P.D. 75-06—Assistance to Soviet refugees going to other than Israel	5,000,000
P.D. 75-13—Assistance to refugees from South Vietnam and Cambodia	5,000,000
Total	10,000,000
P.D. 76-02—Assistance to refugees from Laos and authority to use funds made available under P.D. 75-13 for this purpose. Use of P.D. 75-13 and P.D. 76-02 funds:	
Cambodia/South Vietnam	2,277,454
Laos	2,722,546
1976: P.D. 76-03—Assistance to refugees from Laos	6,800,000

Drawdowns by Presidential determinations from the emergency refugee and migration assistance fund July 1, 1976 through January 31, 1977

Transition quarter:

P.D. TQ-2—Assistance to Soviet refugees not resettling in Israel, current year 1976	5,300,000
P.D. TQ-4—Assistance to Kurdish refugees	150,000
P.D. TQ-5—Assistance in Greece to stateless Christian refugees from Lebanon	910,000
Total	6,360,000

Fiscal year 1977, through January 31, 1977:

P.D. 77-3—Resettlement of Angolan refugees who have fled to Portugal	1,000,000
P.D. 77-4—Relief and resettlement of Latin American refugees	1,200,000
P.D. 77-7—Assistance to Soviet refugees not resettling in Israel, 1977	2,000,000
P.D. 77-9—Assistance to African refugees	1,000,000
P.D. 77-11—Contribution to the UNHCR's Indochinese refugee program in Thailand	2,100,000
Total	7,300,000

Mr. EILBERG. Mr. Carlin, would you briefly describe the nature of the following refugee situations, and please indicate the types of assistance being provided by the United States in each of these cases. I have eight different situations. We have referred to a few of these, and you may want to amplify in those cases. First, refugees in Thailand.

Mr. CARLIN. Mr. Chairman, there are approximately 70,000 to 80,000 Indochinese refugees remaining in Thailand today. The UNHCR has an ongoing program there for assistance to those refugees. I think it totals approximately \$26 million for the current year. Toward that effort, we are providing \$5 million plus for the care and maintenance in Thailand.

Mr. LOWMAN. Also \$2.5 million for resettlement outside Thailand, and another \$1.8 million for care and maintenance of boat cases; not in Thailand but in other areas of Southeast Asia.

Mr. EILBERG. Do you wish to amplify that, Mr. Carlin?

Mr. CARLIN. The nature of the UNHCR's program in Thailand is care and maintenance, and I think in this current year UNHCR has added the new dimension of trying to develop projects which are designed to make the refugees self-supporting.

Mr. EILBERG. Is there anything further that you would add on the so-called boat cases?

Mr. CARLIN. I think there are about 3,000 of them needing help at the present time.

Mr. LOWMAN. To date, about—between 800 and 900 have been resettled out of Southeast Asia, about half of those coming to the United States, under the old expanded parole, and we have identified and nominated by the host in the area about another 800 to 900 individuals who would qualify under old criteria for special attention by the United States.

Mr. EILBERG. What kind of special attention?

Mr. LOWMAN. Well, we had intended now to make available to—as a part of the commitment, responding to the UNHCR appeal, committed 100 conditional entry numbers per month to the acceptance of these refugees.

Mr. EILBERG. Mr. Carlin, referring next to the Assyrian and Armenian refugees in Lebanon: What kind of assistance is being provided by the United States in these cases?

Mr. CARLIN. Mr. Chairman, we have made no particular contribution for those groups in Lebanon. During this past year, we have made a contribution of \$4 million to the ICRC, the International Committee of the Red Cross, mainly for medical assistance to victims of the conflict there, and some emergency relief assistance. Additionally, we have made a pledge of \$1 million to the UN, \$300,000 of which would go to UNHCR for activities within Lebanon for the benefit of the displaced Lebanese and victims of the conflict; but we have made no particular contribution to the two nationality groups you referred to, sir.

Mr. EILBERG. And what about the Chilean refugees?

Mr. CARLIN. I'm sorry. I missed your question, sir.

Mr. EILBERG. The Chilean refugees; the nature of the refugee situation and the type of assistance being provided by the United States.

Mr. CARLIN. Well, we have been operating for the past year or so a scheme to accept 400 Chilean detainees from Chile, 400 cases. That program is just about completed now. Some 370 cases involving about 1100 persons have arrived in the United States, and the remaining number of that 400 will shortly be arriving.

More recently, we have started a program for the benefit of Chilean and other Latin American refugees chiefly in Argentina, and we've made a commitment to take some 170 such cases from that country, and an additional 30 cases from Chile. That program has just recently been initiated. We have some 200 cases in processing down there at the present time, and movements should commence very shortly.

Mr. EILBERG. What types of assistance are being granted to the Chilean refugees, wherever they may be?

Mr. CARLIN. Well, apart from what we're doing in terms of resettlement, many other countries have opened their doors to Chileans, and the total number having been resettled to other destinations, I think, is approximately 19,000. Quite apart from resettlement assistance, the UNHCR has care and maintenance programs in Latin America, in Argentina, mainly, where the care and maintenance cost is expected to exceed \$3 million in 1977 for the benefit of Latin-American refugees. Some \$250,000 will be required in Peru for the same purpose in 1977.

Toward that effort, we have made a commitment of \$1.2 million; \$500,000 of that was for UNHCR care and maintenance program in Argentina and elsewhere in Latin America; \$500,000 was channeled to ICEM for transportation of Latin American refugees, and \$200,000 was given to the International Committee of the Red Cross. They've had an active medical program in Latin America, a tracing action, and they, from time to time, administer emergency relief supplies to refugees and detainees.

Mr. EILBERG. Are we doing anything for the Chilean refugees right now, here in the United States?

Mr. CARLIN. No, we are not, sir.

Mr. EILBERG. Now what about the situation of the Angolan refugees who have fled?

Mr. CARLIN. Well, first of all, approximately 600,000 Portuguese were obliged to leave Angola during the recent strife in that country, and they've been returned to Portugal. And we—that is, USAID—has made a contribution.

Mr. WARREN. \$35 million.

Mr. CARLIN. \$35 million to the Government of Portugal to assist those returnees from Angola in Portugal. Apart from that, we have made a special contribution to ICEM of \$1 million to—as part of an appeal. The ICEM Director appealed to ICEM member governments for funds for the resettlement of those returnees from Angola, and our response was \$1 million. ICEM is currently developing programs to move some of those people to countries in Latin America and elsewhere.

Mr. EILBERG. Have any of these people entered the United States? Angolan refugees?

Mr. CARLIN. Not to my knowledge.

Mr. EILBERG. And what can you tell us about the stateless Christian refugees from Lebanon?

Mr. CARLIN. During the heat of the battle in the Lebanon, sir, some 2,700 Christian refugees—Armenians, Assyrians, and others—were lifted from Beirut to Athens. And in Athens, they were processed for resettlement. Approximately 2,400 of them have been accepted by the United States and are physically here today.

A number of the balance have been accepted by other countries: Australia, Canada, et cetera. There are approximately 100 still in Athens awaiting resettlement.

Mr. EILBERG. What types of assistance is the United States providing to them, whether here or in Athens?

Mr. CARLIN. We contributed to their care and maintenance in Athens through the UNHCR the amount of \$910,000; and as I indicated earlier, we took the majority of them, accepted them for immigration to this country. Incidentally, many of them had been in processing in Beirut for the United States previously, so it was a matter of continuing the processing in Athens.

Mr. EILBERG. Are we doing anything for them here?

Mr. CARLIN. No, we are not, sir. The voluntary agencies of course sponsor their resettlement and they have followed that up, sir.

Mr. EILBERG. How did the stateless Christian refugees come to the United States?

Mr. CARLIN. Well, they were processed in Athens and when they were movement-ready, visaed and movement ready, they were moved by ICEM.

Mr. EILBERG. And what was their legal basis for their coming here? Was it parole?

Mr. CARLIN. It was a combination, sir, of using conditional entry numbers and nonpreference visa numbers.

Mr. EILBERG. No parole?

Mr. CARLIN. No parole. No, sir.

Mr. EILBERG. What about Kurdish refugees from Iraq?

Mr. CARLIN. Early in 1976, there were some 1,400 Kurds in Iran, Kurds from Iraq in Iran, seeking resettlement. They had been identified by the UNHCR. Again, the UNHCR appealed to the international community to open their doors to them. Of the 1,400, we agreed to take up to 400, and we ended up taking just over 300. They are physically here today. The balance of that original 2,000 were accepted by other countries: Western European countries and Canada.

Mr. EILBERG. And the voluntary agencies are taking care of those people?

Mr. CARLIN. Voluntary agencies provided the sponsorships for those who came to this country; yes, sir.

Mr. EILBERG. Without any U.S. Government assistance?

Mr. CARLIN. We did provide care and maintenance support. They stopped down in Frankfurt for immigration processing, and we provided care and maintenance in Frankfurt, I think, to the tune of \$150,000. Other than that, we expended no funds on them.

Mr. EILBERG. Do you have any information on the recent parole of the 4,000 Russian Jews in Rome? Have they departed Italy, and have they been brought here?

Mr. CARLIN. We understand, sir, that that action is very well underway. I think some have physically been moved since the program

started last month. When we recommended that particular action, we estimated that there would be in excess of 4,000 Soviet refugees in the pipeline in Italy as of the turn of the year, and that estimate proved to be quite true. However, during the month of January, the INS and our consular officers issued either conditional entry numbers or non-preference visa numbers to, I think, some 1,200 to 1,400 of these refugees.

Mr. EILBERG. In addition to the 4,000?

Mr. CARLIN. No. This was included within the 4,000, and with respect to the special parole action we had stipulated that it would apply to those who had arrived in Italy prior to December 31, 1976. So the effect of the issuance of conditional entry and nonpreference numbers to about 1,400 diminished our ability to use up, fully utilize, the 4,000.

So we have recommended now to the Commissioner of the Immigration and Naturalization Service that we extend the date, the deadline, from December 31 to April 1, in order to fully utilize the 4,000 numbers. I think this is fully justified, sir, because Soviet refugees continue to arrive in Rome at the rate of about 700 per month; so unless we do that, there will just be a new backlog in some months' time.

Mr. EILBERG. I missed the numbers that they used.

Mr. CARLIN. I think it was approximately 1,400.

Mr. EILBERG. This, of course, was not consistent with the agreement or consultation with the members of the Judiciary Committee of both Houses. We had authorized 4,000, and that was intended for those 4,000 who were there at that time.

Mr. CARLIN. That was our intention as well, sir; and it seems that while we were awaiting a final approval for extending the dateline processing is proceeding satisfactorily in Rome. If the Commissioner agrees to extend the deadline, we will be able to take full advantage of the 4,000 parole numbers.

Mr. EILBERG. Does he have the authority to do that without having to go through consultation?

Mr. CARLIN. I can't give you an answer to that, sir, but I think it's his intention to consult with your committee, sir, and with the appropriate committee on the Senate side.

Mr. EILBERG. Well, we wish that you would go ahead.

Mr. CARLIN. In the meantime, the action continues in Italy. We've made this proposal to the INS very recently.

Mr. EILBERG. And finally, what about refugees from Rhodesia, Namibia, South Africa, and Angola?

Mr. CARLIN. This is a serious problem at the present time, and it's rapidly worsening, with more and more refugees coming out of those countries. There are over 400,000 Angolans outside, Angola at the present time, plus many new refugees from Rhodesia, Namibia and South Africa. Once again, in response to an appeal from UNHCR, we have recently made a special contribution of \$1 million for assistance to these refugees.

Mr. LOWMAN. The UNCHR has appealed for \$3.25 million. We made a contribution or \$1 million in response to that appeal.

Mr. CARLIN. And I would add, sir, that the refugee situation in Africa seems to be worsening. It's a matter that we have under very close review.

Mr. EILBERG. Now, when the request was made to you from the UNHCR for a monetary contribution, what are the mechanics involved in making that decision and giving them the money?

Mr. CARLIN. Well, first of all, I would mention that the UNHCR appeal went not only to us, but to the international community. When we got his appeal, we considered it in the State Department. We sought information and advice from our embassies in the countries where the refugees were situated. When we made our judgment in the matter, we then recommended a drawdown from our refugee emergency fund, and this goes all the way through OMB to the White House. Finally, the President makes the final decision. And that's what happened in this case.

Mr. EILBERG. And can you tell us, with regard to the last category, you mentioned a dollar figure that we've given, and you said the situation is worsening. Could you just expand on that a little bit?

Mr. CARLIN. Well, there's still a very unsettled situation in Angola which seems to be producing more and more refugees from that country. The strife in Rhodesia and in South Africa is also accounting for more and more refugees, particularly young student types; and when they get out to countries like Botswana, Swaziland, et cetera, they need special attention. And part of our support, part of the UNHCR's efforts, is to provide education for some of those young Africans coming out. In many cases, their education was interrupted in their home countries, so part of the emphasis is on education of those refugees who get out. But it's all a result of the turmoil, the unsettled conditions in southern Africa at the present time.

Mr. EILBERG. Mr. Carlin, gentlemen, you've been very helpful, and your supply of information is inexhaustible. And we continue to admire the kind of work that you do, and thank you very much for your cooperation with the subcommittee. The subcommittee is adjourned.

[The prepared statement of Mr. Carlin follows:]

STATEMENT OF JAMES L. CARLIN, DEPUTY COORDINATOR FOR REFUGEE AND
MIGRATION AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman and Members of the Committee, I am very pleased to appear before this Committee today to review our government's role in refugee and migration activities. I understand that today's hearing is fore-runner to hearings on Bill H.R. 3056 which is designed to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees into the United States. I further understand that with such hearings in view the Committee at this time wishes to have an up-dating on our policy with respect to refugees and a general review of our involvement in refugee and migration activities over the years.

At the outset, Mr. Chairman, I wish to say how very much the Department of State appreciates this Committee's keen interest in refugee activities and we welcome this opportunity to review the matter with you. In doing so, I submit that we all must recognize the tragic truth that refugee problems are likely to be with us for an indefinite period into the future.

Some refugee problems are resolved relatively quickly. Others remain with us persistently. There is a steady flow of refugees from communist countries everywhere—punctuated at intervals, as history will attest, by massive flow of refugees resulting from political developments within communist countries. And then there are other refugee problems—in Europe, the Middle East, Asia, Africa and Latin America. We cannot and do not ignore any of them.

Since World War II, the United States Congress has been generous in its appropriation of refugee assistance funds for use throughout the World—and has enacted a series of special refugee immigration measures. Every President during that period has requested substantial funds from Congress for refugee assistance

purposes, and has taken special administrative measures within the Immigration and Nationality Act to enable us to accept additional refugee immigrants. All told, since 1945 the United States Government has expended an estimated \$5 billion for refugee assistance purposes, and has accepted some 1.8 million refugees for permanent resettlement in this country. During fiscal year 1976, our government expended some \$475 million on refugee assistance and we accepted about 31,000 refugees for permanent resettlement in the United States. Now what are the reasons for such unprecedented generosity?

In the first place, we should remember that the United States is a land of immigrants—and since the founding of the republic we have had a national heritage of concern for the uprooted and persecuted. This traditional concern is expressed by the American people to the Congress and, of course, the American Voluntary Agencies, representing the principal religious, ethnic and non-sectarian groups in our country, are the heart and soul of this concern. They are the appointed and recognized agent of the American people for carrying on the national tradition of compassion for the refugees.

But, Mr. Chairman, beyond our national ethos of humanitarian concern for the uprooted and persecuted, there are solid foreign policy reasons why we should involve ourselves substantially and regularly in resolving refugee problems. In the first instance, it is decidedly in our foreign policy interest to project in countries around the world the image of U.S. humanitarian assistance for refugees. Such assistance serves as a glowing example of the purposes and processes of the free democracy which we are, and the free society which makes such assistance possible.

The flight of refugees into countries of first asylum places economic and political burdens upon such countries. This is particularly true in the case of underdeveloped countries and, as often happens when large numbers of refugees are involved, the economic burden alone is severely oppressive and this tends to threaten the stability of the host country. The political factors inherent in refugee problems frequently lead to controversy and problems for the asylum countries, especially with respect to the governments of the countries from which the refugees have fled. Our effort coupled with the broader efforts of the International Community to resolve refugee problems thus contribute to the political as well as the economic stability of countries of first asylum.

Mr. Chairman, refugee problems can be and frequently are a threat to the peace. Such problems cannot be divorced from the strife, tensions and oppressions which are so detrimental to the well-being of nations and peoples. Refugee problems if left unattended can quickly bring human deterioration fostering local frictions, ferment, political tension and even terrorism. On the other hand, the provision of timely refugee assistance can lead to just and lasting solutions to refugee problems. Such solutions in turn can help promote the reduction of tensions, the solution of broader issues and the preservation of peace itself.

So much for the importance of the policy content of our refugee assistance. What is our structure and how do we operate in this field of concern for and assistance to refugees?

Mr. Chairman, within the Department of State, the entity which has major responsibility for carrying out the provisions and purposes of the Migration and Refugee Assistance Act of 1962 is the Office of Refugee and Migration Affairs (ORM) under the direction of the Coordinator for Human Rights and Humanitarian Affairs (D/HA). This office is charged with responsibility for: the overall direction, coordination and supervision of refugee and migration activities including the formulation of comprehensive policy; the development of plans for and evaluation of U.S. refugee and migration efforts; the provision of leadership, guidance and coordination of refugee and migration programs; the formulation and presentation of budgetary requirements and fiscal policy for the programs; the exercise of policy direction and operational control within the Department of State of refugee and migration programs; the ensuring of appropriate consideration of refugee and migration affairs in foreign policy decisions; and the representation of the United States in and the maintenance of liaison with the United Nations and others intergovernmental bodies, voluntary agencies and other organizations dealing primarily with refugee and migration affairs.

The office also serves as a focal point for information and action for refugee and migration affairs as they relate to Congress, voluntary agencies and the public.

ORM develops an annual budget for carrying out the programs which it operates directly and for contributions as appropriate to international organizations engaged in refugee and migration activity. The programs covered by the budget authorized in large part by the Migration and Refugee Assistance Act of 1962, are submitted to the Congress within the context of the Foreign Assistance and Related Programs appropriation.

Apart from our regular budgets and programs, experience has proven it necessary to have a responsive system for meeting unforeseen, urgent requirements for humanitarian assistance to refugees and migrants. Pursuant to this need, the Foreign Relations Authorization Act, Fiscal Year 1976 (P.L. 94-141) amended Section 2(c) of the Migration and Refugee Assistance Act of 1962 to establish the United States Emergency Refugee and Migration Assistance Fund. This Fund with up to \$25 million in appropriations is to meet unexpected and urgent refugee and migration needs whenever the President determines it to be important to the national interest to do so. Budgeting for the Fund and recommendations for its use originate in ORM.

ORM works in close coordination with other concerned elements of the Department of State and the U.S. government in general to ensure that its policies and programs in the field of assistance to refugees adequately reflect United States national interests in all respects.

ORM is directly responsible for carrying out the United States Refugee Program (USRP) which operates in behalf of refugees from communist dominated countries in Eastern Europe and China. USRP is a people-to-people program with the objective of insuring adequate reception, care and maintenance and prompt resettlement of the refugee asylum-seekers. USRP operates through a network of voluntary agencies, namely.

- The American Fund for Czechoslovak Refugees (AFCR)
- The American Joint Distribution Committee (AJDC)
- The International Catholic Migration Commission (ICMC)
- The International Rescue Committee (IRC)
- The Polish American Immigration and Relief Committee (PAIRC)
- The Tolstoy Foundation (TF)
- The United HIAS Services (UHS), and
- The World Council of Churches (WCC)

In the area of assistance to Soviet Jewish refugees proceeding to Israel, ORM also contracts with the United Israel Appeal (UIA) to facilitate the reception and absorption of these refugees within Israel.

These agencies collectively represent the concern of the American people for the homeless and persecuted refugees.

ORM is also charged with representing U.S. interests in the programs of the United Nations High Commissioner for Refugees (UNHCR) and the Intergovernmental Committee for European Migration (ICEM). These two international agencies are the principal outlets for our multilateral activities in behalf of refugees—over and beyond our continued support of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

The close relationship at the policy and operational level existing between ORM and the voluntary agencies, UNHCR and ICEM ensures coordinated support for refugee and migration programs.

Let me mention at this juncture, Mr. Chairman, that all refugee assistance is not material or financial in nature. The international protection of refugees is one of the most important and fundamental kinds of refugee assistance, and it is carried out under the aegis of the UNHCR. It consists of securing guarantees against the forcible repatriation—or refoulment—of refugees to any country where they would face persecution; and also to securing for refugees of those legal, economic and social rights in asylum countries which are essential to the refugees if they are ever to cease being refugees and have the opportunity to live in dignity with self-respect and self support. These include such rights as access to the courts of law, the right to hold gainful employment, freedom of religion, and freedom of movement.

These rights are set forth in the UN Convention and Protocol Relating to the Status of Refugees, and the UNHCR works ceaselessly toward promoting more accessions to these international treaties and toward securing more effective implementation of the treaties by countries which are already parties to them. Certainly, without the effective international protection of refugees, the safety of many refugees would be in jeopardy, and material assistance programs for refugees would be far less effective, and, in some cases, would merely commit

the recipients to refugee status on an indefinite basis. The importance of this protection function is currently highlighted by the plight of the Indochinese refugees who have left Vietnam in small boats and who are desperately seeking asylum and resettlement assistance.

Apart from the legal protection function, UNHCR's value lies in its ability to internationalize refugee problems and thus spread the burden of meeting the needs of the refugees among the international community. While the United States government is, of course, a principal contributor to UNHCR, some eighty other governments also contribute to the regular program of that organization under which assistance is currently being provided to hundreds of thousands of refugees in Africa, Asia and Latin America.

The utility of UNHCR also assumes notable significance in the area of special activities—activities which transcend the basic mandate of his office. For example, at the request of the Secretary General of the United Nations, the UNHCR has responsibility for coordinating assistance efforts for the benefit of displaced persons on Cyprus—a program of interest to the United States and to which we are a major financial supporter. Similarly, the UNHCR is currently developing plans to coordinate assistance activities for the benefit of displaced persons within Angola as well as Lebanon.

Mr. Chairman, we also attach great importance to the activities of ICEM, and to our membership in that organization. Membership in ICEM, by the terms of its constitution, is restricted to nations which support the principle of freedom of movement—a concern of great significance and importance to the United States. ICEM has proven to be an immensely versatile instrument, undertaking special refugee processing and movement activities in many parts of the world, while maintaining its traditional refugee and national migrant functions in the European context. Since its inception in 1952, ICEM has moved in excess of two million persons, mostly refugees, for permanent resettlement. Mr. Chairman, speaking of ICEM, it may be of interest to note here that in pursuance of the proposal which you yourself made at the 49th Session of ICEM's Executive Committee last May, ICEM has been endeavoring within the context of the Conference on Security and Cooperation in Europe (CSCE) to gather basic data on individual cases and serve as the focal point for purposes of family reunification. In this regard, ICEM is seeking to develop the practical measures needed to give real meaning to this very human aspect of the Helsinki Accords.

Mr. Chairman, there is another notable form of assistance to refugees carried out by the United States—the consideration of requests for asylum made to United States government personnel throughout the world. Such requests when made in foreign areas are relayed by priority cable to the Department of State, where they are dealt with on an urgent basis by ORM and the country desk officers for the geographic areas concerned. We treat these matters with great urgency because frequently the person requesting asylum is in physical danger of being forcibly repatriated if he falls within control of the diplomatic authorities of his country of origin. For example, in Eastern European communist countries the criminal codes contain provisions calling for imprisonment from six months to five years or longer and in some cases even more severe punishments for persons who depart illegally or who overstay their leave abroad or refuse to return to their country. Here in the United States sizeable numbers of persons request asylum from U.S. Immigration and Naturalization Service officers. Over 2,000 such cases per year are referred by INS officials to our office for advisory opinions of the Department of State. Many of these persons are found qualified for asylum.

Mr. Chairman, the management of U.S. refugee activities since World War II has followed a long and uneven course. There have been periods when it was viewed as an unwelcome stepchild. It has suffered periods when the policy function was separated from the operational responsibility. Its activities have been attached to five different bureaus in the State Department over the past twenty-five years. In times of crisis special structures have been created to deal with the problem—the Displaced Persons Commission, the Refugee Relief Act Administration, the President's Hungarian Refugee Commission, and the Indochina Task Force. There have been regular appropriations to the State Department and special withdrawals of Foreign Assistance funds. Special arrangements were required to deal with emergency situations such as those involving Hungarians, Czechs and Indochinese. Special action has been taken to assist Soviet Jews to Israel, and other Soviet refugees not going to Israel. In short, Mr. Chairman, the management of refugee affairs has had to be quite flexible over the years.

Nonetheless, the U.S. record of assistance to refugees is a good one. While I would hasten to admit that there remains room for further improvement, particularly in the area of coordination among the various U.S. government entities involved, the organizational structure now exists to meet any refugee emergency. The resources required for this year and next year have been identified and we are currently in the process of seeking the necessary appropriations.

In concluding this overview of refugee problems and the existing policy and machinery to deal with them, I should like to emphasize the solid conviction within the Administration of the importance of dealing constructively, efficiently and promptly with refugee problems. I believe that the government, the voluntary agencies and the American people are being true to the sacred American heritage of concern for the uprooted and persecuted. Mr. Chairman, the very initiative taken by your Committee to hold this hearing today attests to the vitality of the concern in America for refugees.

That concludes my statement, Mr. Chairman. I shall now endeavor to answer any questions that you or other members of the Committee might have.

Thank you.

[Whereupon, at 12:10 p.m., the hearing was recessed, subject to the call of the Chair.]

ADMISSION OF REFUGEES INTO THE UNITED STATES

THURSDAY, MARCH 3, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:55 a.m. in room 2226, Rayburn House Office Building, the Honorable Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg and Fish.

Also present: Garner J. Cline and Arthur P. Endres, Jr., counsel; Peter Regis, legislative assistant; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The subcommittee will come to order.

This is the second in a series of hearings which will be held by the subcommittee to review U.S. refugee programs and procedures.

Today's hearing has been called to receive testimony from the Department of State and Justice on H.R. 3056, which I have introduced to revise existing law as it pertains to the admission of refugees to the United States.

I am deeply concerned that, under current law and procedures, Congress has surrendered—to a great extent—its authority to regulate the flow of refugees to this country. Our bill represents an attempt to restore this authority and, at the same time, to establish a proper balance between the executive and the legislative branches of Government in establishing the appropriate procedures governing their admission.

There are several primary issues which naturally surround the discussion of any legislation in this area, and these issues are: Who should be considered as "refugees" under our law? By what method should these "refugees" be admitted? What numerical limitations, if any, should be placed on the admission of "refugees," under both normal and extraordinary situations?

We will attempt to discuss these and other issues during the course of our hearings today; and we are anxious to explore, with our Departmental witnesses, some of the problems that have developed in past refugee situations, in order that we might devise appropriate legislation to govern the future admission of refugees.

The first witness this morning is the Honorable John W. DeWitt, Deputy Administrator, Bureau of Security and Consular Affairs, Department of State.

We welcome you, Mr. DeWitt, with your associates, and we would appreciate it if you would identify your associates for the record and then proceed with your statement in any way that you wish.

TESTIMONY OF HON. JOHN W. DeWITT, DEPUTY ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS; ACCOMPANIED BY JAMES CARLIN, DEPUTY COORDINATOR FOR HUMANITARIAN AFFAIRS; SHEPARD C. LOWMAN, DIRECTOR, PROGRAM AND ASYLUM DIVISION, OFFICE OF REFUGEE AND MIGRATION AFFAIRS; JULIO ARIAS, DIRECTOR, VISA OFFICE; AND CORNELIUS SCULLY, HEAD OF THE REGULATIONS AND LEGISLATIVE DIVISION, VISA OFFICE, FROM THE DEPARTMENT OF STATE

Mr. DeWITT. Yes, sir, Mr. Chairman; I am pleased to introduce my associates.

Associates with me at the table this morning: On my immediate left, Mr. James Carlin, the Deputy Coordinator for Humanitarian Affairs of the Department of State. On my far left is Mr. Shepard Lowman, the Director of the Program and Asylum Division, Office of Refugee and Migration Affairs in the Department. On my immediate right is Mr. Julio Arias, Director of the Visa Office. And on my far right is Mr. Cornelius Scully, Head of the Regulations and Legislative Division of the Visa Office.

Mr. Chairman, members of the subcommittee, I am pleased to appear before you this morning to present the views of the Department of State on the Chairman's bill, H.R. 3056, which would make significant changes in the procedures for admitting refugees to the United States.

Mr. Chairman, the Department welcomes the submission of H.R. 3056 and your making it the first order of business for your subcommittee in the 95th Congress. In spite of the fact that a number of highly successful refugee programs have been carried out in recent years, in consultation with this and other committees of the Congress, the Department has felt for some time that the procedures for dealing with refugees should be clarified and systematized. Your bill addresses itself to precisely this point and is designed to accomplish these goals.

We welcome the establishment of a separate numerical limitation for refugees. We support the broadening of the definition of refugee, which will bring it in close conformity with that contained in the United Nations Protocol Relating to the Status of Refugees. The provision for according permanent residence status to refugees admitted under the emergent circumstances provisions of the bill after they have been here for 2 years without regard to numerical limitations will solve the problem which now exists for refugees paroled into the United States who remain for long periods of time in an indefinite legal status.

The Department also supports the bill's purpose to institutionalize procedures which, although working quite well in most instances, have been without a formal framework and, therefore have created some uncertainty regarding the placement of responsibility for the decisions required in this field. We do have some comments and suggestions on specific aspects of the proposed procedures, which I will now attempt to describe.

Proposed section 207(a) would replace existing section 203(a)(7). It would authorize the admission as conditional entrants of up to 20,000 aliens annually who met the new definition of "refugee" and

who satisfied an immigration officer at an examination in a foreign country that they were not firmly resettled in any country and that their primary motivation in seeking admission was not improvement of their economic condition. Provision would be made for the use of up to 5,000 of this total for the adjustment of status of aliens in the United States who meet the requirements for conditional entry and who had been here for at least 2 years.

The 20,000 total represents a slight increase in the conditional entry numbers authorized for refugees. The existing total is 17,400—10,200 from the Eastern Hemisphere and 7,200 from the Western Hemisphere. However, the demand under the existing limitations is very heavy and may be expected to increase with the broadening of the definition of the term "refugee." Also, as the subcommittee is aware, under present practice dependents of conditional entrants may now be documented as nonpreference immigrants to the extent that nonpreference visa numbers are available for their use.

Proposed section 207(c) would terminate this practice by requiring that all refugees admitted to the United States be counted against the 20,000 total. For this reason, the Department supports an increase in the numbers allocated for refugees to 20,000. The Department also wishes to point out that great fluctuations in the number of applications by aliens who would normally be processed under the "normal flow" provisions of section 207(a) may produce a situation where the "emergent circumstances" provisions of proposed section 207(b) could appropriately be invoked.

The Department believes that the 20,000 limitation on "normal flow" refugees should be deducted from the overall hemispheric totals of 120,000 and 170,000, in order to preserve the existing grand total of 290,000. While we recognize that this determination is one for the Congress to make, we favor leaving the total numerical limits unchanged until there is a more solid basis for determining the optimum rate of annual immigration for the United States.

The Department is concerned that the language of the bill designed to exclude from refugee status those who are simply trying to improve their economic lot could be construed to bar the admission of an alien who met the definition of refugee contained in proposed new section 101(a)(42). The Department agrees that an "economic refugee" should be denied the benefits of "refugee" status, but believes that the definition of refugee itself accomplishes this purpose.

Thus, proposed section 207(a)(3)(B) could be omitted entirely. Alternatively, the distinction between an "economic refugee" and a "political refugee" who has been persecuted economically should be further clarified in the bill itself, or in the legislative history.

Proposed new section 207(b) would establish specific procedures for the admission as conditional entrants of alien refugees in emergent situations. The President would be authorized to admit refugees conditionally under certain conditions and in specified numbers after receipt of a request from an international refugee migration organization; or upon a determination that there existed an emergent refugee situation in which the United States had a special concern. Maximum numbers for a single emergent situation in the former case would be 5,000 or 15 percent of the refugee caseload, whichever was smaller, and in the latter case the maximum would be 20,000. In either case,

consultations with the Judiciary Committees of both Houses of Congress and a finding of national interest and grave humanitarian concerns would be required. Finally, in any case in which the President had authorized the admission of refugees pursuant to these procedures, these admissions would be discontinued upon the approval by either House of the Congress of a resolution disapproving the continued exercise of the authority in behalf of the refugees concerned.

There are certain points regarding the provisions concerning "emergent situations" on which I would like to comment:

First, certain provisions of proposed section 207(b)(1) require a finding that other countries will accept for resettlement their fair share of refugees before the United States can respond to an appeal by an international refugee organization. We fully agree that the resettlement of refugees is a matter of international concern and that we must vigorously encourage international participation in refugee problems. To hold back until this participation is assured, however, would deny our own role as a leader in the field of humanitarian concerns in the international community. In addition, we believe that the United States should not turn its back on refugees simply because other countries may choose to do so. Thus, we would much prefer to see in 207(b)(1)(A)(ii) language to the effect "has taken action to urge that other countries accept their fair share of such aliens."

With respect to proposed section 207(b)(2), the Department is somewhat concerned that the language in 207(b)(1) could be read to prohibit action under 207(b)(2) in an emergent refugee situation of special concern to the United States if the situation had also been the subject of an international appeal. Thus, the Department would suggest the revision of 207(b)(2)(i) to read "has determined that an emergent refugee situation, whether or not the subject of an appeal by an international refugee migration organization, is of special concern to the United States;"

The Department does not believe that numerical or fixed percentage limitations should be placed on the admission of refugees in emergent situations. Each situation determines to a large extent its own appropriate limit. The provision for mandatory consultations with the Congress would provide a continuing check by the Congress on the number of refugees admitted in each emergent situation.

The Department has some concern regarding proposed section 207(b)(5) for termination of a program upon passage by either House of the Congress of a resolution disapproving such program. The Department is of the opinion that such a provision could have substantial practical disadvantage. The terms of a refugee program, we believe, should be settled between the executive and legislative branches, in advance of its implementation, through the consultative process provided for in the bill. A termination of a previously agreed upon program could be a disruptive factor in the relationship between these two branches of our Government and could place the United States in the awkward international position of being unable to honor a commitment to participate in a refugee resettlement of a multilateral character.

Proposed section 207(c) would provide that, when an alien is documented as a nonpreference immigrant on the basis of his relationship to another alien who has been documented as a refugee, the admission

of the alien documented as a nonpreference immigrant shall be charged against the numerical limitations on the admission of refugees. Because the number of refugees who may be admitted as conditional entrants will be increased to a worldwide total of 20,000, the Department perceives no objection to this proposed section.

Proposed section 207(e) would require the President to submit to the Congress a complete and detailed report of the exercise of the authority contained in sections 207(a) and (b). The reports would be required to be submitted on a monthly basis and to contain an analysis of the funds expended for transporting and resettling refugees and a detailed statement of the facts in the case of each refugee admitted. While the Department considers it necessary that the Congress receive reports concerning the administration of the law in order to exercise its oversight function effectively, we believe that a modified, reporting schedule would keep the Congress fully informed and, at the same time, reduce the administrative workload now called for by the bill.

Proposed section 207(c) would provide for the acquisition of permanent residence by aliens admitted pursuant to proposed sections 207(a) and (b) 2 years following their admission with permanent resident status retroactive to the date of arrival. The acquisition of permanent residence by such aliens pursuant to this provision would not be subject to the numerical limitations on immigration. The Department supports this provision.

Section 3 of the bill provides for the exclusion of aliens who have engaged in persecution of individuals on account of race, religion, nationality, membership in a particular group or political opinion. The Department perceives no objection to this proposal.

Section 4 of the bill would amend section 212(d) (5) of the act—the parole provision—to bar the parole of an alien who met the definition of “refugee” as contained in proposed new section 202(a) (42). The parole authority would remain otherwise unchanged. The Department is concerned that this absolute prohibition against parole of a refugee would render it impossible to deal with two kinds of situations—the case of an alien at our borders seeking asylum as a refugee and the case of an alien in a third country who was in imminent danger of being forcibly repatriated or handed over to the authorities of his government and who could not readily gain access to an immigration officer abroad to file an application for conditional entry. The Department would urge that provision be made to deal with both of these kind of situations.

Section 5 of the bill contains a number of technical amendments, together with a proposal to amend section 243(h). The proposed amendment of section 243(h) would bring this section more nearly into conformity with the provisions of the refugee protocol, but would exclude certain classes of aliens from its benefits. The Department is concerned about the denial of benefits under this section to an alien who entered illegally unless he promptly reported to an immigration officer and showed good cause for his illegal entry. To deny an alien relief from deportation for this reason when he has demonstrated that he will be persecuted if deported would seem to be an excessively harsh act, one that is out of character with our traditional concern for refugees. Moreover, it could result in a conflict with our obligations under section 33 of the refugee protocol. Otherwise, the Department perceives no objection to proposed section 5(e).

This concludes my prepared statement, Mr. Chairman. My colleagues and I are now at your disposal for any questions you or other members of the subcommittee may wish to ask.

Mr. EILBERG. Thank you, Mr. DeWitt, for an interesting and thoughtful statement, which indicates a lot of work on the part of you and your staff. We are grateful for that and for your contribution. I now have some questions that I would like to ask.

I note that the State Department supports the broadening of the definition of "refugee," as set forth in my bill, H.R. 3056. Would you please explain your interpretation of the language in the bill which has been borrowed from the U.N. protocol—namely, a refugee "who is unable or unwilling to return to, and is unable and unwilling to avail himself of the protection of that country" because of race, religion, et cetera. In your opinion, does this language require any overt act by the refugee to surrender his passport in the country of asylum?

Mr. DEWITT. Mr. Chairman, this is a matter that we have discussed within the Department itself in the different offices concerned with refugee matters. It seems to us, in general, that the mere fact that a person who declares himself to be a refugee—who fills out the required documents for conditional entry, stating that he is a refugee and why—in our opinion this is a sufficiently strong enough act in itself to make the individual concerned a "refugee," and the surrender of his passport would not be required.

Mr. EILBERG. Yes, sir.

Although not mentioned in your statement or the Department's report, I would like to point out that our definition requires that both conditions be met "unable or unwilling to return to, and is unable and unwilling to avail himself of the protection of that country"; whereas the U.N. protocol uses the word "or" indicating only one of the conditions is required to be met.

In your opinion, does our definition permit us to better judge who a "refugee" really is?

Mr. DEWITT. Sir, if you'll permit me, I'd like to defer to Mr. Carlin.

Mr. EILBERG. Mr. Carlin?

Mr. CARLIN. Mr. Chairman, I think the definition, as it's set out in the bill, is adequate. I think the individual, when he is processed in the asylum area, is able to demonstrate to the host government authorities, to representatives of the UNHCR, that he is in fact a refugee. Those persons who are presented through the voluntary-agency network to our Immigration Officers in the asylum areas for immigration processing, would thus be individuals who clearly were, in the view of host government and UNHCR authorities, "refugees."

The individual himself would consider himself a refugee; or would the UNHCR, the host government authorities, and the voluntary agencies; thus, it seems safe to assume that he would meet the definition of the "refugee" as set out in the bill.

And, as far as our experience suggests, the refugee would not be availing himself of the protection of his government's embassy in the asylum country.

Mr. EILBERG. Do I understand that you therefore agree with our definition, Mr. DeWitt?

Mr. DEWITT. Yes, sir.

Mr. EILBERG. I am pleased to see that the State Department agrees with the thrust of the bill as it relates to institutionalizing procedures

for admitting refugees. On the other hand, with regard to "extraordinary situations," the State Department appears to feel that the consultation process has worked quite well. Do you really feel that the consultation procedure has been satisfactory? Or has it been merely a "pro forma" gesture on the part of the executive branch?

Mr. DEWITT. Mr. Chairman, we believe that, without question, the consultative process can be and should be improved. I do not think it has been simply a "pro forma" kind of operation, but I do think that there is much that we can do to strengthen and to improve the consultative process, as required by the bill.

Mr. EILBERG. Do you believe that the consultation procedure has provided the Congress or the Judiciary Committee with the opportunity to provide meaningful input into decisions to parole groups or classes of refugees?

Mr. DEWITT. I think part of my problem, Mr. Chairman, is that I have not been present in the Department for a long enough time to have engaged in a lot of these programs. I have been in some, but perhaps again if you would permit I would ask Mr. Carlin to respond.

Mr. EILBERG. Mr. Carlin?

Mr. CARLIN. Well, Mr. Chairman, we would certainly agree that there is room for improvement in this process of consultations. For example, in the future when there is an appeal from an international entity such as UNHCR, the committee could be given, immediately, that particular communication so that, while the executive branch of the Government would be considering the appeal and whether or not the U.S. Government should respond to it, the committee would have that information at an early stage. Subsequently, we could have consultations with the committee to present our position on the matter; and have the views and guidance of the committee. That could possibly improve and facilitate the consultation process. There may well be other ways. In an emergent situation when the President would consider recommending special action, I think the committee could be informed immediately while the executive branch itself is developing detailed information about a particular refugee situation or emergency.

I think there are various steps that could be taken in the future to improve the process of consultation.

Mr. EILBERG. Really, the question has not been quite responded to, and I appreciate your statement Mr. Carlin. We're just trying to analyze the experience that has taken place up to this time.

I think Mr. DeWitt wanted to make another comment, didn't you? I'm not pressing you.

Mr. DEWITT. No, sir. What I was going to do was to extend on Mr. Carlin's remarks, because this is one of the things that we have talked about extensively, on how we could improve the consultative process. Perhaps I could leave that for later, sir, when you wanted to talk about the future; and then we could go into some of the things that we have discussed.

Mr. EILBERG. In your judgment, has the State Department provided adequate information to the Congress, or for that matter, to the Justice Department to enable us to make informed and reasoned decisions on parole questions?

Mr. CARLIN. Well, sir, I can't cite all the examples, but we did of course have extensive hearings with regard to the proposed parole action for the Indochinese. Information, as we were able to develop it, about the caseload—details of it—were made available to the committee.

More recently, the example of an accumulation of Soviet refugees in Italy—details of that situation were made available to the committee to support our recommendation for parole action.

I would agree with Mr. DeWitt that it has not been adequate in the past, but I think we are all pledged to do better in the future and we are certainly exploring ways to achieve that.

Mr. LOWMAN. Could I expand on that just for a moment, Mr. Chairman?

In the past, it does seem to me useful to make the point that, at least in my experience in the past year and a half, the parole actions that I've watched develop have been very much influenced by the comments and desires and input from the Congress, including matters such as criteria on which refugees allowed in, the terms under which they were allowed in, the numbers in which they were allowed in. All those matters were very much influenced by the expressed wishes of the Congress.

Although the consultative procedure may have been less orderly and laid out in a less-institutionalized framework than should be the case—

Mr. EILBERG. I'd just like to respond primarily to Mr. Carlin, that a number of the members of this panel have had the strain and the burden of being part of the so-called "consultative process," and that's the reason for the bill.

In the case of the Indochinese, this subcommittee pressed very hard so that, when the emergency crystalized, we were able to get through the entire Congress pertinent legislation in approximately 2 weeks.

That was as the result of our prodding. There was great disorganization among the agencies in the executive branch that were then involved.

I express my concern, Mr. Carlin, because for instance, in the case of the Soviet Jews in Rome, that situation occurred while we were in adjournment; and we had to have conversations, literally, over the telephone to develop the consultative process there.

But, in case after case—with due respect to all the individuals who participated where we have come to meetings, where we have been consulted by the Justice Department and the State Department, there were no facts or figures. And invariably—I emphasize "invariably"—at a first meeting, we had to ask innumerable questions which the people with whom we were consulting had no answers.

And they came back time, and time again, resulting in a great deal of time spent by the members of Congress involved trying to develop the facts. And so I cannot but repeat most emphatically that the consultative process has not been adequate—or we wouldn't be sitting here right now deciding, or trying to decide on some process that would be more definite.

Mr. DeWitt, in your statement on page 2, you note that current procedures "have created some uncertainty regarding the placement of responsibility for the decisions required in this field."

Isn't it true that during the first few days of the Indochina conflict there was substantial confusion within the Department of State concerning the responsibility of, and procedures for, initiating the parole request?

Isn't it also true that this confusion stemmed primarily because of turnover in the Department in those positions—that is, the Administrator of the Bureau of Security and Consular Affairs, and the Director of the Visa Office—which usually exercise authority in this area?

If so, isn't this sufficient reason in itself for placing the parole procedures expressly in U.S. law, thereby eliminating some of the uncertainty, confusion, and ambiguity surrounding the exercise of parole?

There are three thoughts involved there, but essentially I think you get the thrust of my question.

Mr. DeWitt. Yes, sir.

I would address myself perhaps to your last point first. And in that, I think that we are in complete agreement, that we do need to further clarify the specific steps to be taken in the consultative process.

I think that the turnover of personnel, as a problem that you mentioned, is one that highlights the situation in that when we are dealing with something that is informal—ad hoc—we have to start from scratch, all over again, and it makes it very difficult for new people on the job to pick up.

It is in this field that we would like to work with this subcommittee and staff members in trying to develop some specific criteria for the consultative process.

Again, concerning the specific instance of the—Indochina situation, I'm unable to address myself to that one specific issue.

Mr. EILBERG. Mr. DeWitt, until now the practice has been for the Justice Department alone to consult with us. But of course this would only be after you'd consulted with them, in effect, provided some policy for them to follow.

And I wonder if you would comment on the idea that we also should meet and consult with you, perhaps jointly with Justice, since presently you are the missing partner in those consultations.

Mr. DeWitt. Yes, sir; I would agree with that suggestion completely.

In brief, the way it has operated in the past—with the parole authority of 212(b)(5), the Attorney General—when a refugee situation developed within the Department, a letter would be sent from the Secretary of State to the Attorney General, recommending that he consult with the Congress to see if a parole program could be established.

I believe that the provision in the bill, to have the President be responsible personally for making a determination from the point of view of the executive as to whether a refugee program should be established or not, would in itself help to improve the situation. Because this would permit the President, the Chief Executive, to draw on the entire resources of the executive branch to meet fully the consultative requirements of the bill.

And in this process I believe that the Departments of State and Justice would continue to be primarily the ones most immediately concerned. But there might well be others who could be called into the process.

In brief, I do believe that the State Department officials should consult directly with this committee in the determination of the programs, and we should not merely transmit our suggestions and desires through the Department of Justice.

Mr. EILBERG. On page 3 of your statement, you note that "great fluctuations" in the number of normal flow refugees may require us to "invoke" the emergent circumstances or emergency procedures set forth in section 207 (b) of the bill.

I do not see any direct relationship between the normal flow refugees and the extraordinary situation under the structure set forth in the bill.

Doesn't your statement ignore the fact that an extraordinary flow situation must be triggered by an international appeal or by a determination that the emergency refugee situation is of "special concern" to this country?

Therefore, how do you relate "demand" in a normal flow category to the extraordinary flow concept as set forth in the bill? And shouldn't the emergency or extraordinary situation be entirely independent of the normal flow of refugees?

Mr. DEWITT. Mr. Chairman, our concern—as reflected by the statement—came primarily from our experience in the most recent parole program concerning Soviet refugees in Rome.

In effect, under present conditions, we have had a normal flow of Soviet refugees who have dropped out in Vienna and have been processed in Rome, under the "conditional entry" program, combined with nonpreference visas for dependent family members when these nonpreference numbers were available.

As you and the other members of the subcommittee are aware, the number of conditional entry numbers and nonpreference visas was insufficient to handle the normal-flow situation. And, as a result, a backlog developed which created an emergent situation. This is the point that we were trying to make, that—and we foresee the possibility of it happening in the future—of a case where we have a normal flow of refugees moving through, but because of the 20,000 limitation, a backlog might develop in a specific area which would require us to invoke the emergent provisions of the bill.

Mr. EILBERG. In your statement, you note that overall limitations should remain unchanged until there is a "more solid base for determining the rate of annual immigration for the United States."

The State Department and the Justice Department have been dealing with immigration and refugee problems for many years, and it appears to me that no attempt has been made by these Departments to evaluate the social and economic impact of our immigration and refugee policies, although both Departments have publicly recognized the need for such evaluations.

Is it not the responsibility of the administrators of these programs, within SCA and INS, to initiate, conduct, or contract for studies and evaluations of this nature? Why has this not been done?

And, is your Department going to allocate any funds for these purposes in the future? Alternatively, do you feel that the Congress has the primary responsibility to undertake research and evaluation along these lines?

Mr. DEWITT. I do believe that the determination of the optimum number of immigrants that should be received in the United States on an annual basis is a question of such difficulty and complexity that it should not be, and cannot be, the responsibility of one single department of the executive branch—be it the Department of State, or Justice.

We have been concerned, as the subcommittee is aware, that there have been recent recommendations concerning an overall study of our entire immigration policy. The recent GAO report on immigration policy recommended this, as well as the Domestic Council's report on illegal aliens.

And, as far as the State Department is concerned, we also strongly support a wide-ranging study of immigration policies. And we believe that only a very wide-ranging study could give us the answers we need.

We need to take into account, in such a study, the demographic factors of the United States; the shift in our own demography now, and for the future; and I believe that we all agree that a complete study review needs to be made.

Perhaps the question is: Who is best equipped to conduct it? If it were indeed in the executive branch, I believe it should be an interagency study—not confined to one specific department of the executive branch.

On the other hand, the last complete and detailed review of our immigration policies—the basis for the 1952 act—was conducted by the Congress, a 4-year study which is probably the most recent, and most definitive, study of the entire policy that we have available at this time.

Mr. EILBERG. I'm still concerned about why the departments have not done—or tried to do it before this time. Why is it that we don't have a policy? I mean, we don't have a policy because we don't have the facts. And why don't we have the facts?

Mr. DEWITT. Sir, I believe that—from the point of view of the executive branch—there is increased interest in the entire problem of the numbers of immigrants admitted legally to the United States each year, as well as the problem of illegal immigrants.

Mr. EILBERG. Are you speaking for the incoming administration?

Mr. DEWITT. Yes, sir. And I would say that there is a very strong concern. Whether we will be competent, through an interagency task force, or an interagency study group, to actually do the kind of definitive study that is required in this case, I do not know. But I do know that steps are being taken now, primarily between three Departments of the executive branch—the Department of Labor, the Department of State, and the Department of Justice—to see if we cannot look at this problem from the aspect of three areas of the executive branch.

I agree, Mr. Chairman, we've talked about this in the past, and there has been reference to the need for these kinds of figures. And I don't have any figures to give you, sir.

I would say that perhaps we have been dilatory in this respect.

Mr. EILBERG. Can you describe, in more detail, why the Department feels that numerical limitations should not be placed on the admission of refugees in emergent situations?

Aren't we now in a position to determine the maximum number of refugees who could be absorbed in any one year? If not, why? What

is the "maximum limit" you could suggest that would be reasonable, and at the same time consistent with our humanitarian tradition and future responsibilities in this area?

Mr. DEWITT. Mr. Chairman, in the bill—if I may review just a minute—we have the two kinds of situations: The normal flow of refugees, and the emergent situation.

The Department supports entirely a numerical limitation on the normal flow refugees, and the number of 20,000. We do differ, however, on the provisions of the bill that would place a numerical limitation, either in absolute numbers or on a percentage basis, on an emergent refugee situation.

Mr. EILBERG. Mr. DeWitt, I hope we're working under the same premise: That we will admit refugees, provided we can absorb them?

I mean, it seems to me that those concepts have got to be tied together.

Mr. DEWITT. Yes, sir; very definitely. The ability of the United States to absorb refugees—the impact of any refugee program on the domestic scene in the United States, our own national interests and our own internal security—are all very intimately involved in this question.

Mr. EILBERG. Well, now then, shouldn't we be able then to determine, if we put our minds to it, the maximum number of refugees that the United States can absorb in any given year?

Mr. DEWITT. My own feeling on this, Mr. Chairman, is that in an emergent situation, the difficulty is in being able to predict what we may be faced with in the future; and the fact that we have placed in the legislation itself a numerical limitation on the number that may come in in an emergent situation might place us in a very difficult position, depending on the kind of emergent refugee situation we were faced with.

Mr. EILBERG. Regardless of the fact that the United States cannot absorb, presumably, large numbers of refugees in a given situation?

Mr. DEWITT. I agree, sir. The United States certainly cannot absorb an unlimited number of refugees. What we would hope for, Mr. Chairman, would be that rather than establishing within the legislation itself specific numbers for the emergent situation, that these numbers could be established through the consultative process between the executive branch and the Congress, in each specific instance.

Mr. EILBERG. That hasn't really worked before, because then we get into the ad hoc situation where every situation is different.

What I'm saying is that we're trying to establish criteria here so that we do not continually change the way in which we now handle the whole process.

Mr. Carlin?

Mr. CARLIN. I'd just like to add, Mr. Chairman, that I think our country's capacity to absorb refugees in a given situation would hinge somewhat on the nature of the particular refugee problem. We must of course take into account the capacity of the voluntary agencies and their ability to arrange sponsorships in any given refugee situation.

To cite as an example: There are some 70,000 Indochinese refugees in Thailand today, most of whom are Meo Tribesmen—individuals who would be difficult to resettle abroad.

Now, the resettlement of that type of refugee should be taken into account. It's a refugee emergency situation, but they are not easily resettlement. Thus a solution other than resettlement in the United States should be sought. There may be other situations—a special emergency in Europe such as the Hungarian emergency, where that type of refugee is much more resettlement; and where the voluntary agencies with which we work would find it easier to find housing, jobs, be able to give assurances, et cetera.

So I think that factors such as these should be taken into account at the time of consultations with respect to given refugee situations.

Mr. EILBERG. Well I think we have gotten away from the question I have asked. Namely: Is it possible to determine what the maximum absorption limit for refugees in the United States may be? And what is your opinion on what that figure might be?

Mr. DEWITT. Again, sir, I would just go back to our ability to determine the maximum number that could be absorbed by the United States. This kind of figure I believe could only come from the kind of study that we were talking about earlier.

And I myself do not feel competent to be able to suggest what would be a maximum number that this country could absorb.

Mr. EILBERG. Well, then, if we were to follow your line of reasoning, Mr. DeWitt, then we should not pass upon this bill in this Congress, but wait until that study is available and just continue in the ad hoc basis that we're on now. I suggest to you that we're not about to do that. I mean, we have every intention—or "expectation," I should say—of moving this legislation in this Congress.

Mr. DEWITT. Yes, sir.

I was not suggesting that any action on this bill be delayed until such a study was made. I was trying to express the opinion that, rather than placing within the bill itself numerical limitations on emergent situations, that we seek to improve the consultative process to the extent that the consultative process itself will be able to provide a reasonable limit upon each emergent situation as it arises.

Mr. EILBERG. Is it your position that numerical limitations should be decided entirely by the executive branch after their review of the situation?

Mr. DEWITT. No; I believe the numerical limitations should be decided as part of the consultative process. With a viable consultative process—with a give-and-take on both sides—it would be a joint decision.

Mr. EILBERG. Since only four members of this Judiciary Committee are involved in the consultation process, don't we in effect deprive our colleagues and the American people of an opportunity to voice their concerns, or provide input into decisions on the numbers of refugees to be admitted in the emergency situations?

Mr. DEWITT. I well realize that it is a very difficult point—how much advice and opinion can be received not only from the entire Congress but also from the American public in any given situation.

However, in my own opinion, it would seem that this committee—because of its experience and knowledge in this field—would be the most appropriate group that could make this decision on behalf of the rest of the Congress.

Mr. EILBERG. If you wish to reflect on that answer and supply a better one, we'd be glad to receive it at a later time.

I could suggest one to you, but that is your job.

The State Department has recommended that the concept of "economic refugees" as set forth in this bill needs further clarification either in the law itself or in the legislative history.

Shouldn't we draw an initial distinction between "why" a government persecutes a person—that is for reasons of race, religion, nationality—and "why" a person decides to emigrate from a particular country?

Why don't you agree with the approach taken in the bill which separates these two concepts and merely allows or directs an immigration officer in his interviews to pursue the question of whether the "alien's primary motivation for emigrating is improvement of his economic condition"? And, you know, there we're referring, among other things, to the Haitian situation.

Mr. DEWITT. Yes, Mr. Chairman.

Our concern here was that the political persecution by a government of an individual or a group, could very well be done by economic means, by depriving the individual of a means to earn a livelihood, limiting the number of professions he might enter, or a variety of economic sanctions and pressures that could be brought against him for political reasons.

Mr. EILBERG. But—if I may interrupt—don't you agree that our bill would qualify a person as a refugee who has been persecuted economically as long as that persecution is based on race, religion, or nationality and so forth?

Mr. DEWITT. Yes, I believe perhaps our problem—or my problem—is one of interpretation. What we wanted to avoid was to have, within legislation, anything that could be interpreted to bar from the benefits of the bill, and bar from refugee status, a person who indeed was seeking to improve his economic position but was doing so because he had been deprived of his economic livelihood for political reasons.

This was our concern; this was what we were seeking to do.

Mr. EILBERG. The Department takes exception to the provision which requires a finding that other countries will accept for resettlement their fair share of the refugees in response to an appeal by an international refugee migration organization prior to U.S. response.

In actual practice, has it not happened in some situations that other countries have responded before the United States?

Mr. DEWITT. That other countries have responded before the United States? Yes, sir; I believe that's true.

Mr. EILBERG. Also, in the procedures followed by these international organizations, do they not get pledges and assurances from certain governments, formally or informally?

Mr. CARLIN. Well first of all, sir, I would confirm that on occasion in relation to given refugee situations, other governments have responded before and to a greater extent than the United States.

In the case of Chileans, I think out of some 20,000 having moved, about 19,000 have gone to destinations other than the United States in response to appeals and the willingness of those governments to take them.

MR. EILBERG. Well my point, Mr. Carlin, is: The provision that we have in our bill, is this actually a deterrent to the United States giving a prompt response?

MR. DEWITT. Mr. Chairman, our interpretation was that the United States would not be able to act until it receives a guarantee that other countries had agreed to take their fair share, depending on what that situation might be.

And our feeling was that, while indeed the United States should seek to insure that there is international participation in the refugee resettlement program and we should encourage other countries—either through the UNHCR, through the U.N., or even bilaterally—to accept refugees; that while we should do everything we can to encourage that we should not wait until we've received a guarantee that this will take place.

We think we should have the flexibility to be able to move ahead as soon as the situation arises.

MR. EILBERG. I would feel much better about the quality of your response, Mr. DeWitt, in this case if we knew that international agencies, including the U.N. and UNHCR, were intimately and closely involved, and were doing everything they could, in every refugee situation in which the United States is asked to be involved.

I wonder whether the State Department has pressed adequately. I suggest that it has not in all refugee cases. We sometimes just rush into this without regard to pressing other countries to make an effort. And that's a statement on my part.

I suggest that we've got to approach the problem from that point of view, as well.

Regarding the Department's observations that the reporting requirements contained in the bill are excessive and would impose an undue administrative burden on the executive branch, Mr. DeWitt, do you realize that there are thousands of parolees in the United States who are required to meet certain standards of conduct under their parole status—and we have no idea who they are, where they are, what they are doing—in fact, the only time we see them again is when they present themselves to adjust their status.

Why shouldn't there be reporting requirements?

MR. DEWITT. Sir, we agree entirely that it is necessary that the reports be submitted. Our recommendation in this respect was that we attempt to meet the needs and requirements that Congress be fully informed by providing that information, but, in a less frequent manner, than required by the legislation with monthly reports.

There is certainly no objection to providing information. What we were seeking to do was to be able to keep the Congress fully informed, in a more simplified manner.

MR. EILBERG. We recently asked for a detailed report on Chilean parolees which number only in the hundreds. All we ever received was a list of names, and nothing else. And we were informed that there was no information available in the Executive Branch which could provide us with information on these persons. If we cannot keep track of several hundred, what about the thousands that have entered?

MR. DEWITT. I agree, sir. More needs to be done.

MR. EILBERG. I firmly believe that we should have some basic information available so that: (1) we don't have to get involved in investi-

gations when adjusting status; (2) we can measure that impact of refugee program on the United States; and (3) we can have data available to formulate a better policy in future programs.

Therefore, Mr. DeWitt, is that reporting requirement really excessive, when you consider these factors?

Mr. DEWITT. Sir, when you consider all those factors, it is not excessive.

Mr. EILBERG. So now you're on our side?

Mr. DEWITT. Yes, sir.

Mr. EILBERG. You express concern that sudden termination of previously agreed upon programs would be disruptive of a harmonious relationship between the two branches of our Government, and could place the United States in an awkward international position of being unable to honor a commitment.

The implication in the Department's remarks are that Congress has no conscience with regard to a harmonious relationship with the executive branch, and that it would be a party to placing our country in an awkward international position.

Don't you feel that Congress is sufficiently responsive to our international commitments, and aren't we in a better position than the State Department to balance the various competing considerations—domestic and foreign policy considerations—regarding refugees?

Mr. DEWITT. Yes, sir; but I believe I should say at the outset that this portion of the bill report conveyed an impression that it was certainly not the intention of the Department of State to convey. I authorized a letter with an unfortunate choice of words.

So, if I gave this type of impression, it certainly was not one which I was attempting to convey. What I was trying to say was that our impression—from reading the bill—was that, after a consultative process had been completed between the Congress and the executive branch and a refugee program had been agreed upon, that then it appeared that a resolution by either House of the Congress could terminate this program after it had been agreed upon and was underway.

The intent was not to say—or to imply—that the Congress was irresponsible, or didn't take all factors into consideration. What we were saying is that we believe that once an agreement is reached between the Executive and the Congress on certain refugee programs and the numbers established, it should then be allowed to run to its conclusion.

Mr. EILBERG. How would the State Department propose to modify the existing hemispheric limitations in order to preserve the annual numerical limitation of 290,000, as suggested in your comments?

Mr. DEWITT. What we had proposed in our initial thinking on this matter, is that with the total—the 20,000 refugee total—we would deduct 8,000 from the Western Hemisphere and 12,000 from the Eastern Hemisphere, to give us a total of 20,000 refugees.

Mr. EILBERG. And from what preferences would you deduct those totals?

Mr. DEWITT. It would be from all of them, sir. There would be a proportional decrease throughout.

Mr. Chairman, permit me to let Mr. Scully address himself to that.

Mr. SCULLY. Mr. Chairman, our notion was that the numbers would simply be deducted from the overall limitation. The preferences, with their percentages, would remain. We would accept your suggestion that the 6 percent of the total be applied to second preference. So, in other words, you would have a 20, 26, 10, 10, 24, and 10 percent allocation. You would not modify those percentages, except to the extent of adding the 6 percent; but you'd just simply be applying those percentages against a smaller hemispheric total.

The percentage would then result in a smaller total number for that particular preference category.

Mr. EILBERG. You would maintain the 20,000 per country annual limitation on the dependency percentages?

Mr. SCULLY. Yes, sir. We would modify, however, the quarterly limitations slightly in order to maintain an even quarterly flow. We would simply reduce each hemispheric total and reduce proportionately the quarterly limitation totals, and then leave the system otherwise unchanged; except with, also, your proposal to make second preference 26 percent, rather than 20 percent.

Mr. EILBERG. Thank you, Mr. Scully.

Why has the State Department abandoned its former position strongly advocating issuance of immigrant visas to refugees by their consular officers abroad, rather than have processing handled by INS officials in foreign countries?

Mr. DEWITT. Mr. Chairman, this was a question that we have been discussing on an ongoing basis. I believe the reason for our change is attributable to perhaps two main factors.

One of them is that we do now have a refugee program with Indo-chinese boat cases, that demonstrate our ability to work with the Immigration and Naturalization Service in a difficult situation. The initiative, and the cooperation that we have received in running this program which covers a wide geographic area, has led us to believe that we can work together and cooperate together in accomplishing the purposes of handling the refugees.

In addition, with the adoption of the provisions of your bill, there will be substantial changes in the handling of refugees. And our thought was that it would perhaps be best to leave the responsibility with officers of the Immigration and Naturalization Service initially, at the very least, and rather than trying to make abrupt administrative changes as well as legal changes at the same time, we would leave the administrative methods the same. And then, if experience dictates the need for a change, it can be reconsidered at a later time.

Mr. EILBERG. You object to the provision in the bill which would terminate the existing authority to parole individual refugees in emergency situations, such as those applying for asylum at our borders.

In view of the existing ambiguity concerning the parole power and its susceptibility to abuse, wouldn't it be better to devise a new, narrowly defined legislative or administrative mechanism to handle those persons seeking asylum at our border?

Mr. DEWITT. Mr. Chairman, our concern was that our reading of the provisions of the bill would deny or would preclude our ability to assist people who we may really want to help and who are entitled to help.

I myself don't have any specific suggestions on the best way to achieve it. What we wish to do is to bring to the attention of the subcommittee this problem to insure that in the final version of the bill, there are provisions to handle these two special types of cases—the refugee at our border, and the other instance: the refugee who is in imminent danger of being sent back to his country where he'd be persecuted but it was to avail himself of the refugee provisions because of his inability to get in touch with an officer of the Immigration and Naturalization Service.

Mr. EILBERG. Can you tell us how often parole has been exercised for asylum seekers either at our borders or in third countries?

Mr. DEWITT. Sir, we would like to provide that for the record.

Mr. EILBERG. Thank you.

[The information referred to follows:]

PAROLE AUTHORIZATIONS TO ASYLUM SEEKERS IN U.S. EMBASSIES
IN THIRD COUNTRIES OR AT U.S. BORDERS

In 1976, the Immigration and Naturalization Service (INS), upon recommendation of the Department of State, authorized individual parole for 11 refugees who had sought assistance at one of our embassies in a third country. So far this year, there have been 8 refugees paroled into the United States. These individuals would meet the definition of a refugee as contained in proposed Section 101(a) (42) but due to fast moving circumstances and events which are often present in such cases, we were precluded from handling these cases through normal refugee channels. Such refugees are generally under threat of forcible repatriation or persecution by the government where they are located and are unable to make their way to a point where they can be processed by an Immigration Officer. The number of such cases is small but they are generally serious matters, often involving individuals defecting from their governments service.

The Department does not have available statistics on refugees who are paroled into the United States after presenting themselves at our borders. However, at least 10 nationals of Soviet bloc countries presented themselves in this fashion last year.

Mr. EILBERG. Has parole or preparole ever been granted to assist a person seeking asylum within a U.S. embassy in his native country?

Mr. CARLIN. No, Mr. Chairman, I do not believe such treatment has been given in the refugees' country of nationality except in situations such as the Chile parole program.

Mr. EILBERG. Will you document that for us for the record?

Mr. CARLIN. A typical type of case, sir?

Mr. EILBERG. No, numbers involved.

Mr. CARLIN. Yes, we can, sir; yes, sir.

[The information referred to follows:]

PAROLE OR PREPAROLE AUTHORIZATIONS TO PERSONS SEEKING ASYLUM
FROM WITHIN THEIR COUNTRY OF NATIONALITY

In the case of the parole of Chilean refugees from Chile, 400 principal applicants were authorized under The Attorney General's parole. Of these 378 families, totaling 1171 persons had arrived in the United States as of March 7, 1977. A further parole of 200 principal applicants from among Chilean, Uruguyan and Bolivian refugees in Argentina and Chile has been authorized but these refugees have not yet begun to arrive in the United States.

Parole or pre-parole on an individual basis has not been granted to a person seeking asylum at a U.S. Embassy located within his native country. In reviewing requests for assistance from such individuals, we are guided by the 1951 UN Convention's definition of refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of "well-founded fear of being persecuted for reasons of race, religion,

nationality, membership of a particular social group, or political opinion. An additional reason why parole has not been exercised in cases of persons fleeing persecution within their own countries is that the cooperation of the government where the individual is located is not only helpful but essential.

We note, however, that since the individual in this case is not outside his or her country of nationality, the definition found in proposed Section 101(a) (42) would not apply.

Mr. EILBERG. In the late 1960's, the Department of State testified before the Senate Foreign Relations Committee and indicated that legislation was not required to implement either the U.N. Convention relating to the status of refugees or the 1968 protocol to that convention.

The position at that time was based on the fact that existing law—particularly section 243(h)—was sufficiently flexible to accommodate the provisions of the protocol.

In retrospect, and based on our experience with the attempted defection of Simas Kudirka and the procedural problems that have been encountered with regard to Haitians claiming asylum, was this a wise decision? In other words, should the granting of asylum be totally an administrative procedure? Or should it be supported and amplified by legislation?

Mr. CARLIN. Mr. Chairman, this is a complex matter which may well warrant further study.

Cases of asylum-seekers in the United States are referred to us by the Immigration Service for an advisory opinion. We in the State Department who have responsibility in this area try our level best to develop information, details about the asylum-seeker, and determine whether or not he has good reason to fear persecution if he were returned to his home country. But it's a very complex procedure. We go back to embassies to develop information. We seek information from other sources.

It's a difficult matter, and I think we, from our side, would welcome further study and consideration—possibly other mechanisms—conceivably legislation to dictate the procedures for coping with this matter.

Mr. EILBERG. So that the possibility does exist in your mind that we need amplifying legislation?

Mr. CARLIN. I think generally, yes, sir.

Mr. EILBERG. Gentlemen, that concludes our questioning. I want to thank you, Mr. DeWitt, and all your associates for a very interesting exchange this morning. We welcome your contribution and we thank you very much.

Mr. DEWITT. Thank you, Mr. Chairman.

[The prepared statement of Mr. DeWitt follows:]

STATEMENT OF HON. JOHN W. DEWITT, DEPUTY ADMINISTRATOR, BUREAU
OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, members of the Subcommittee, I am pleased to appear before you this morning to present the views of the Department of State on your Chairman's bill, H.R. 3056, which would make significant changes in the procedures for admitting refugees to the United States.

Mr. Chairman, the Department welcomes the submission of H.R. 3056 and your making it the first order of business for your Subcommittee in the 95th Congress. In spite of the fact that a number of highly successful refugee programs have been carried out in recent years, in consultation with this and other

Committees of the Congress, the Department has felt for some time that the procedures for dealing with refugees should be clarified and systematized. Your bill addresses itself to precisely this point and is designed to accomplish these goals.

We welcome the establishment of a separate numerical limitation for refugees. We support the broadening of the definition of refugee, which will bring it in close conformity with that contained in the United Nations Protocol Relating to the Status of Refugees. The provision for according permanent residence status to refugees admitted under the emergent circumstances provisions of the bill after they have been here for two years without regard to numerical limitations will solve the problem which now exists for refugees paroled into the United States who remain for long periods of time in an indefinite legal status.

The Department also supports the bill's purpose to institutionalize procedures which, although working quite well, have been without a formal framework and, therefore have created some uncertainty regarding the placement of responsibility for the decisions required in this field. We do have some comments and suggestions on specific aspects of the proposed procedures, which I will now describe.

Proposed section 207(a) would replace existing section 203(a)(7). It would authorize the admission as conditional entrants of up to 20,000 aliens annually who meet the new definition of "refugee" and who satisfied an immigration officer at an examination in a foreign country that they were not firmly resettled in any country and that their primary motivation in seeking admission was not improvement of their economic condition. Provision would be made for the use of up to 5,000 of this total for the adjustment of status of aliens in the United States who met the requirements for conditional entry and who had been here for a least two years.

The 20,000 total represents a slight increase in the conditional entry numbers authorized for refugees. The existing total is 17,400—10,200 from the Eastern Hemisphere and 7,200 from the Western Hemisphere. On the other hand, the demand under the existing limitations is very heavy and may be expected to increase with the broadening of the definition of "refugee." Also as the Subcommittee is aware, under present practice dependents of conditional entrants may now be documented as nonpreference immigrants to the extent that nonpreference visa numbers are available for their use.

Proposed section 207(c) would terminate this practice by requiring that all refugees admitted to the United States be counted against the 20,000 total. For this reason, the Department supports an increase in the numbers allocated for refugees to 20,000. The Department also wishes to point out that great fluctuations in the number of applications by aliens who would normally be processed under the "normal flow" provisions of proposed section 207(a) may produce a situation where the "emergent circumstances" provisions of proposed section 207(b) could appropriately be invoked.

The Department believes that the 20,000 limitation on "normal flow" refugees should be deducted from the overall hemispheric totals of 120,000 and 170,000, in order to preserve the existing grand total of 290,000. While we recognize that this determination is one for the Congress to make, we favor leaving the total numerical limits unchanged until there is a more solid basis for determining the optimum rate of annual immigration for the United States.

The Department is concerned that the language of the bill designed to exclude from refugee status those who are simply trying to improve their economic lot could be construed to bar the admission of an alien who met the definition of refugee contained in proposed new section 101(a)(42). The Department agrees that an "economic refugee" should be denied the benefits of "refugee" status, but believes that the definition of refugee itself accomplishes this purpose. Thus, proposed section 207(a)(3)(B) could be omitted entirely. Alternately, the distinction between an "economic refugee" and a "political refugee" who has been persecuted economically should be further clarified in the bill itself, or in the legislative history.

Proposed new section 207(b) would establish specific procedures for the admission as conditional entrants of alien refugees in emergent situations. The President would be authorized to admit refugees conditionally under certain conditions and in specified numbers after receipt of a request from an international refugee migration organization; or upon a determination that there existed an emergent refugee situation in which the United States had a special concern. Maximum numbers for a single emergent situation in the former case would be 5,000 or 15 percent of the refugee caseload, whichever was smaller, and in the latter case the maximum would be 20,000. In either case, consultations with the Judiciary Committees of both Houses of Congress and a finding of national

interest and grave humanitarian concerns would be required. Finally, in any case in which the President had authorized the admission of refugees pursuant to these procedures, these admissions would be discontinued upon the approval by either House of the Congress of a resolution disapproving the continued exercise of the authority in behalf of the refugees concerned.

As I noted earlier, the Department supports the effort to codify practices which, in many respects, have been in effect for some time. There are certain points, however, on which I would comment.

First, certain provisions of proposed section 207(b)(1) require a finding that other countries will accept for resettlement their fair share of refugees before the United States can respond to an appeal by an international refugee organization. We fully agree that the resettlement of refugees is a matter of international concern and that we must vigorously encourage international participation in refugee problems. To hold back until this participation is assured, however, would deny our own role as a leader in the field of humanitarian concerns in the international community. In addition, the United States should not turn its back on refugees simply because other countries may do so. Thus, we should much prefer to see in 207(b)(1)(A)(ii) language to the effect "has taken action to urge that other countries accept their fair share of such aliens".

With respect to proposed Section 207(b)(2), the Department is somewhat concerned that the language in 207(b)(1) could be read to prohibit action under 207(b)(2) in an emergent refugee situation of special concern to the United States if the situation had also been the subject of an international appeal. Thus, the Department would suggest the revision of 207(b)(2)(i) to read "has determined that an emergent refugee situation, whether or not the subject of an appeal by an international refugee migration organization, is of special concern to the United States;".

The Department does not believe that numerical or fixed percentage limitations should be placed on the admission of refugees in emergent situations. Each situation determines to a large extent its own appropriate limit. The provisions for mandatory consultations with the Congress would provide a continuing check by the Congress on the number of refugees admitted in each emergent situation.

The Department understands that the Department of Justice has some question concerning the constitutionality of the provision in proposed section 207(b)(5) for termination of a program upon passage by either House of the Congress of a resolution disapproving such program.

The Department will leave that aspect of the matter to the Department of Justice, but wishes to express its view that such a provision, regardless of its constitutionality, would have substantial practical disadvantages. The terms of a refugee program should be settled between the Executive and Legislative Branches, in advance of its implementation, through the consultative process provided for in the bill. A termination of a previously agreed upon program could be a disruptive factor in the relationship between these two Branches of our Government and could place the United States in the awkward international position of being unable to honor a commitment to participate in a refugee resettlement of a multilateral character.

Proposed section 207(c) would provide that, when an alien is documented as a non-preference immigrant on the basis of his relationship to another alien who has been documented as a refugee, the admission of the alien documented as a non-preference immigrant shall be charged against the numerical limitations on the admission of refugees. Because the number of refugees who may be admitted as conditional entrants will be increased to a world-wide total of 20,000, the Department perceives no objection to this proposed section.

Proposed section 207(e) would require the President to submit to the Congress a complete and detailed report of the exercise of the authority contained in sections 207(a) and (b). The reports would be required to be submitted on a monthly basis and to contain an analysis of the funds expended for transporting and resettling refugees and a detailed statement of the facts in the case of each refugee admitted. While the Department considers it entirely proper that the Congress receive reports concerning the administration of the law in order to exercise its oversight function effectively, it would seem that the terms of this requirement are excessive and would impose an undue administrative burden upon the Executive Branch. The Department defers to the Department of Justice on the questions whether these reports should be submitted by the Attorney General rather than the President and on a periodic but less frequent than monthly basis.

Proposed section 207(e) would provide for the acquisition of permanent residence by aliens admitted pursuant to proposed sections 207(a) and (b) two years following their admission with permanent resident status retroactive to the date of arrival. The acquisition of permanent residence by such aliens pursuant to this provision would not be subject to the numerical limitations on immigration. The Department supports this provision.

Section 3 of the Bill provides for the exclusion of aliens who have engaged in persecution of individuals on account of race, religion, nationality, membership in a particular group or political opinion. The Department perceives no objection to this proposal.

Section 4 of the bill would amend section 212(d)(5) of the Act—the parole provision—to bar the parole of an alien who met the definition of “refugee” as contained in proposed new section 101(a)(42). The parole authority would remain otherwise unchanged. The Department is concerned that this absolute prohibition against parole of a refugee would render it impossible to deal with two kinds of situations—the case of an alien at our borders seeking asylum as a refugee and the case of an alien in a third country who was in imminent danger of being forcibly repatriated or handed over to the authorities of his government and who could not readily gain access to an immigration officer abroad to file an application for conditional entry. The Department would urge that provision be made to deal with both situations.

Section 5 of the bill contains a number of technical amendments, together with a proposal to amend section 243(h). The proposed amendment of section 243(h) would bring this section more nearly into conformity with the provisions of the Refugee Protocol, but would exclude certain classes of aliens from its benefits. The Department is concerned about the denial of benefits under this section to an alien who entered illegally unless he promptly reported to an immigration officer and showed good cause for his illegal entry. To deny an alien relief from deportation for this reason when he has demonstrated that he will be persecuted if deported would seem to be an excessively harsh act, out of character with our traditional concern for refugees. Moreover, it could result in a conflict with our obligations under section 33 of the Refugee Protocol. Otherwise, the Department perceives no objection to proposed section 5(e).

This concludes my prepared statement, Mr. Chairman. My colleagues and I are now at your disposal for any questions you or other members of the Subcommittee may wish to ask.

Mr. EILBERG. We'd like to welcome to the stand Mr. Chapman and his associates. The bell is ringing at the moment. I think we'd better go over and answer the quorum call, and then pick up your statement immediately upon our return.

Mr. CHAIRMAN. Very well, sir.

[A brief recess was taken.]

Mr. EILBERG. Commissioner, we are indeed glad to have you with us this morning. It's a pleasure to have you spend part of your time helping us out to try to do the right thing as far as the subject area is of great concern to you and to this subcommittee.

TESTIMONY OF HON. LEONARD F. CHAPMAN, JR., COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE; ACCOMPANIED BY SAM BERNSEN, SPECIAL ASSISTANT FOR LEGISLATION; DAVID CROSLAND, ACTING GENERAL COUNSEL; AND CARL J. WACK, JR., ASSOCIATE COMMISSIONER FOR EXAMINATIONS

Mr. CHAPMAN. I hope we will be of some help, Mr. Chairman. It is a pleasure to be here. I will present the views of the Department of Justice on H.R. 3056. I am accompanied by Mr. Sam Bernsen, who is now my Special Assistant on Legislation; Mr. David Crosland, who I'd like to introduce, who is now the newly appointed Acting General

Counsel for the Service; and Mr. Carl J. Wack, Jr., who is the Associate Commissioner for Examinations.

We have prepared a comprehensive formal statement, Mr. Chairman, which outlines the bill and states those portions that are favored by the Justice Department, and those the Department believes should be modified or revised.

With your permission, I would like to submit that formal statement for the record, and at this point—again with your permission, deliver verbally a summary of that statement.

Mr. EILBERG. The statement will be admitted and we'll be happy to hear your summary.

[The prepared statement of the Hon. Leonard F. Chapman, Jr., follows:]

STATEMENT OF LEONARD F. CHAPMAN, JR., COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Mr. Chairman, members of the committee, it is a pleasure to be here today to present the views of the Department of Justice on H.R. 3056. I am accompanied by James Greene, Deputy Commissioner, and Sam Bernsen, Special Assistant in Legislation.

H.R. 3056 would make ten major changes in the treatment of refugees under the Immigration and Nationality Act.

First: The definition of refugee is expanded, and existing ideological and geographical limitations are removed, so that refugees from any country of the world are eligible if outside their country because of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. The new definition is basically that employed in the UN Convention and Protocol Relating to the Status of Refugees to which the United States is a party.

Second: The "normal flow" refugee rate is increased from a maximum of 17,400 annually to a maximum of 20,000 annually. This number is in addition to the Eastern and Western Hemisphere annual limitations of 170,000 and 120,000 respectively. The 6% of the annual worldwide numerical limitation presently allocated to "conditional entrants" is shifted to spouses and unmarried sons and daughters of lawful permanent residents.

Third: The authority to allow refugees to come to the United States in "emergent" situations is transferred from the Attorney General to the President.

Fourth: An annual numerical limit of 20,000 is imposed on the admission of refugees in each "emergent" situation of concern to the United States, and a 5,000 limit is imposed in each "emergent" situation where an appeal is made by an international refugee organization.

Fifth: The President is required to consult the Judiciary Committee of the House and the Senate before exercising his authority in any "emergent" refugee situation.

Sixth: The President is required to make detailed monthly reports to Congress on both "normal flow" and "emergent" refugee situations with respect to each alien allowed to come to the United States and the cost of transportation and resettlement.

Seventh: The President may be compelled to discontinue "emergent situation" admission of a particular group or class of refugees by vote of either House of Congress.

Eighth: Aliens who have engaged in persecution of others on account of race, religion, nationality, membership of a particular social group, or political opinion are barred from admission to the United States.

Ninth: The bill would provide that all refugees admitted under either the "normal flow" or the "emergent situation" provisions shall be eligible to have their status adjusted after being present in the United States for two years.

Such adjustment would operate retroactively to the date of admission.

Finally, the bill seeks to make withholding of deportation based on persecution available in exclusion, as well as expulsion, proceedings. The relief, however, is made unavailable to those who have entered illegally unless they present themselves without delay to an immigration officer and can show good cause for such illegal entry. Aliens who have persecuted others would be ineligible for this relief.

I will now present the Department's position with respect to each of the proposed changes.

The Department favors the broadening of the refugee definition and the removal of existing ideological and geographical limitations. It should be noted that the new definition would eliminate the existing "catastrophic natural calamity" ground of eligibility which has never been utilized.

The Department also favors continuation of the present system of admitting "normal flow" refugees conditionally. Although the Department had favored issuance of immigration visas to "normal flow" refugees when commenting on H.R. 14386 in the 94th Congress, it is believed on further consideration that it is desirable to continue the practice of processing refugee applications overseas by specially trained immigration officers and to retain—the 2 year waiting period following arrival as a requirement for permanent residents.

Although the establishment of numerical ceilings on immigration is unquestionably a matter for the Congress, the Department believes that the 20,000 annual increase in immigration that would result from enactment of Section 2(b) of the bill is not warranted. It is our opinion that annual legal immigration should not be increased beyond its present levels without further study of the social and economic impact of legal immigration and of the possible foreign relations consequences that may attach to revisions in the number and qualification of legal immigrants who can enter annually. The need for such further study was suggested in the Report of the Domestic Council on Illegal Aliens, December 1976. The Department therefore believes that any numerical allocation set aside for refugees in the proposed Section 207 of the Act should be deducted from the overall numerical limitation so that there is no increase in total annual immigration.

As noted above, the bill would transfer authority to admit "emergent situation" refugees to the President. Under existing law, the Attorney General exercises the parole authority under section 212(d)(5), 8 U.S.C. 1182(d)(5), in "emergent" refugee situations. As a practical matter, he acts in such situations only at the request of the Secretary of State and after consultation with the Congress. The bill specifically removes the Attorney General's authority to parole aliens as refugees.

In view of the overriding national and international implications attached to the admission of "emergent situation" refugees, the Department believes that the President is the proper person to exercise this authority. However, the parole power retained by the Attorney General should be broad enough to allow aliens to be paroled for the purpose of making determinations of claims to "refugee" status. It is also noted that the bill's language would permit the parole of aliens who meet the "refugee" definition but for the fact that they are still inside their countries. An example of a situation where this type of parole was used was the recent parole of Chilean refugees still in Chile.

The Department is opposed to the bill's numerical limitations on the admission of refugees in "emergent situations" either because of special concern to the United States or because of an appeal from an international refugee organization. In the first place, the Department does not believe that these two types of "emergent" situations require the application of separate criteria.

It is the Department's view that the humanitarian concerns present in "emergent" refugee situations should not be made subject to numerical limitation inflexibly set by statute. Although these certainly should be a concern with whether other countries have accepted a "fair share" of the refugees in any emergent situation, the failure of other countries to accept a "fair share" cannot justify this country in turning its back on those that urgently and legitimately seek refuge. Moreover, the proposed consultation with Congress prior to admission of "emergent situation" refugees would make numerical limitation unnecessary.

The Department believes that submission by the President of detailed monthly reports on each alien admitted to the United States as a refugee is both unnecessary and an undue burden on the administrative authorities. The Department would not object to a revised reporting requirement that would require the Attorney General to submit general reports on the admission of refugees on a semiannual basis.

It is the opinion of the Department that provision for Congressional disapproval of the admission of a particular group or class of refugees is unconstitutional. It amounts to retention of control by Congress over the enforcement of legislation in contravention of the principle of separation of powers and

the executive power conferred on the President under Article II, Section 1 of the Constitution, and it places in the Legislative Branch the power to repeal or suspend a duly enacted statute without giving the President an opportunity to exercise the veto power conferred by Article I, Section 7.

The Department favors the provision of the bill which would bar aliens who have engaged in persecution of others from admission to the United States.

The Department also favors the provision for retroactive adjustment of status for all "normal flow" and "emergent situation" refugees.

With regard to withholding of deportation, the Department favors making this form of relief available to aliens in exclusion as well as expulsion proceedings. As a technical matter, in order to avoid any confusion, the bill should specify that the relief is available in any proceeding conducted under section 236 or under section 242 of the Act, 8 U.S.C. 1226, 1252. The Department also favors the bar to this form of relief for aliens who have engaged in persecution.

The Department is sympathetic to the Congressional concern in wishing to limit withholding of deportation to those who are here legally or who enter illegally, but justifiably, and promptly present their claims to immigration officers. Dilatory use of section 243(h) to prolong litigation has been a serious problem for the Immigration and Naturalization Service. However, to say that an alien with a valid persecution claim will nevertheless be deported solely because he entered illegally and did not promptly advance his persecution claim would be far too harsh a result and entirely out of line with this country's humanitarian principles. It would also constitute a modification of our obligations under Article 33 of the UN Convention and Protocol Relating to the Status of Refugees of which the bill apparently intends to adhere.

In summary, the Department favors expansion of the refugee definition in accordance with that used in the UN Convention and Protocol. The Department also favors barring the admission of any alien who has engaged in persecution. The Department believes that any numerical allocation set aside for refugees in the proposed section 207 of the Act should be deducted from the overall numerical limitation so that there is no increase in total annual immigration. The present system of using parole authority to admit "emergent situation" refugees should also be retained, except that the power to exercise such authority in the case of refugees should be transferred to the President. Finally, the Department favors extending section 243(h) availability to exclusion proceedings and barring aliens who have engaged in persecution from this form of relief. However, the Department is opposed to barring an alien from receiving relief under section 243(h) solely because he entered illegally and did not promptly present his claim to the Service.

I will be glad to answer questions.

Mr. CHAPMAN. First of all, I would like to take this opportunity to commend the subcommittee for an effort to bring some order and clarity to the problem of refugees, which we've jointly struggled with over the last 2 or 3 years, and many years before that.

In the last two decades, we have had several major refugee movements to the United States, including the Cubans, the Hungarians, the Southeast Asians—principally Vietnamese. Conducted as they were in emergent situation, all were marked by some amount of difficulty.

This bill to revise the procedures for the admission of refugees appears to be a significant step to correct that, and to make future such programs more orderly yet still responsive to the needs of the refugees and in keeping with our national tradition of accepting persons from all over the world who are in difficult circumstances.

Now, rather than repeat the provisions of the bill which of course you are very familiar with, I will state the position of the Department of Justice on the major portions of it.

The Department favors the broadening of the "refugee" definition, and the removal of existing ideological and geographic limitations; and agrees with the continuation of the present system of admitting normal flow refugees on a conditional basis.

Although the establishment of numerical ceilings on immigration is unquestionably a matter for the Congress to decide, the Department believes that the 20,000 annual increase in immigration that would result from enactment of section 2(b) of the bill is not warranted. It is the opinion of the Justice Department that annual immigration should not be increased without further study of the social and economic impact, and of the possible effects on foreign relations.

In view of the overriding national and international implications involved in emergency refugee situations, the Department also believes that the President is the proper official to exercise this authority.

The bill does require as a matter of law, for the first time, that the Judiciary Committees of the House and Senate be consulted before the authority is exercised in any emergent parole situation. However, the parole power retained by the Attorney General should be broad enough to allow aliens to be paroled for the purpose of making determinations of claims to refuge status.

The Department opposes the bill's numerical limitations on the admission of refugees in emergent situations, either because of special concern to the United States, or because of an appeal from an international refugee organization.

The Department believes that the humanitarian concerns present in such situations should not be subject to numerical limits set inflexibly by statute.

Mr. EILBERG. Commissioner, just a moment. By stating this point, so we both may understand what our full concept is: We do not in any way suggest that the maximum limits would be imposed by the legislation before us. Ad hoc situations might still develop, and special legislation might be passed by the Congress.

So I just wanted to make you aware of it, and to make that statement a part of the record.

Mr. CHAPMAN. Yes, sir; I understand that.

But for any emergency involving larger numbers than allowed by the provision of the bill, legislation would be required.

The Justice Department also believes that submission by the President of detailed monthly reports on each alien admitted as a refugee is both unnecessary and an undue burden.

However, the Department would not object to a requirement that the Attorney General submit semiannual generalized reports on the admission of refugees.

The Department's opinion is that the provision of the bill, in calling for the congressional disapproval of the admission of a particular group or class of refugees, is unconstitutional in that it amounts to retention of control by Congress over the enforcement of legislation. It also places in the legislative branch the power to repeal or suspend a duly enacted statute, without giving the President an opportunity to exercise veto power.

The Department favors barring from the U.S. aliens who have engaged in persecution, and supports the provision for retroactive adjustment of status for all "normal flow" and "emergent situation" refugees.

Justice also supports making available withholding of deportation to aliens in exclusion, as well as expulsion, proceedings.

The Department is understanding of the congressional desire to limit withholding of deportation to those who are here illegally or

who entered illegally but justifiably and who promptly presented their claims to immigration officers.

However, to say that an alien with a valid persecution claim will nevertheless be deported solely because he entered illegally and did not promptly present his persecution claim, we believe would be far too harsh and entirely out of line with our nation's humanitarian principles.

Mr. Chairman, that concludes our summary statement. My staff and I, I hope, will be able to answer your questions.

Mr. EILBERG. Thank you, very much.

Isn't it inconsistent for the administration to oppose a one-house veto as it applies to refugees and simultaneously support a similar approach with regard to the President's authority to reorganize the Federal Government?

Mr. BERNSEN. Mr. Chairman, on the question of the constitutionality of the one-house veto, we took that matter up with the Office of Legal Counsel of the Justice Department, and the position expressed in our comments on the bill was formulated by the Office of Legal Counsel. That's the Department's position.

And, as you know, the Office of Legal Counsel has made a distinction in the matter of the one-house veto in connection with the reorganization—

Mr. EILBERG. What is the distinction, Mr. Bernsen?

Mr. BERNSEN. Well, the distinction—well I'm not an expert on constitutional law—

Mr. EILBERG. You just made a flat statement; it's unconstitutional. Then, when I begin to press you, you say you're not an expert. Does that mean that we should not give due weight to your earlier statements?

Mr. BERNSEN. I'm willing to express my understanding of it. I also have some printed material, if you wish to have it.

Mr. EILBERG. I would just like you to answer my question. I mean: What is the distinction?

Mr. BERNSEN. Well, the distinction seems to be that the one-house veto, in ordinary legislative situations such as the refugee bill proposes, is contrary to the Constitution in that it violates the principle of separation of powers which vests the Executive authority in the President. And also the refugee bill, through its formula, would deprive the President of his power to veto legislation.

In the reorganization bill, it seems that the position taken by the Department is that it is constitutional because we preserve the respect for the veto power, and we also maintain respect for the bicameral system. When the President, under the law, proposes a reorganization he may exercise a veto power at the very beginning by not proposing a reorganization.

He may choose to be silent under the authority to propose a reorganization. And so he exercises his veto power, shall we say, at the beginning of the process. And, if he decides to send forth a reorganization proposal, then under the statute either House of Congress within a certain period of time can veto the reorganization proposal.

In that way you preserve the bicameral principle. So that if either House votes against it, the reorganization proposal does not become effective.

Mr. EILBERG. General, I must confess that I fail to see the distinction on the explanation given, and I'm wondering if you could submit for the record an opinion that might be derived from the Office of Legal Counsel of the Justice Department. I just do not understand the distinction as explained by Mr. Bernsen.

Mr. CHAPMAN. Yes, we'll seek such an opinion from OLC, Mr. Chairman.

[The information requested is contained in the following April 1, 1977, letter to Hon. Joshua Eilberg:]

DEPARTMENT OF JUSTICE,
Washington, D.C., April 1, 1977.

Hon. JOSHUA EILBERG,
*Chairman, Subcommittee on Immigration, Citizenship and International Law,
Committee on the Judiciary, U.S. House of Representatives, Washington,
D.C.*

DEAR MR. CHAIRMAN: This is in response to your request made on March 3 during hearings on H.R. 3056, the Refugee Act of 1977, for the views of the Office of Legal Counsel. Your inquiry concerns the constitutionality of a provision in the new § 207(b) to be added to the Immigration and Nationality Act. In broad terms, § 207(b) would permit the President to admit refugees into the United States in "emergent refugee situations" where an appeal has been received from an international refugee migration organization or where the matter is of special concern to the United States. Section 207(b)(3) further provides that the President may not admit a particular group under these provisions "after either House of the Congress has adopted a resolution the substance of which disapproves the admission of such group or class of aliens into the United States under this subsection with respect to that emergent refugee situation."

In its prepared statement of March 3 (page 6) the Immigration and Naturalization Service noted the view of this Department that the provision for congressional disapproval of the admission of refugees was unconstitutional since Congress would both retain control over enforcement of the legislation in violation of the principle of separation of powers and also be able to repeal a power given to the President without giving the Executive the opportunity to exercise the right of veto conferred by Article I, § 7. At the hearing you asked for the views of our Office as to whether the Administration is inconsistent in opposing the one-house veto in § 207(b)(3) and supporting it with regard to the President's reorganization authority. We believe not.

The constitutional basis for the executive reorganization statute is described in an opinion of the Attorney General dated January 31, 1977. The opinion emphasizes at the outset that it is limited to the reorganization statute and "is to be taken in no manner as approving the constitutionality of the procedure of Congressional disapproval of executive action by resolution in other statutes." The Attorney General analyzed the reorganization act in terms of constitutional safeguards for the legislative process and concluded that under the reorganization statute the two Houses of Congress and the President possess the same relative power as under the normal Article I legislative process. This is because the President submits to Congress only plans which he approves and "rather than be forced to accommodate the demands of Congress as to the shape of the plan, he can decide to submit no plan at all." One could argue that submission of a determination to admit refugees is similar to submission of a reorganization plan. There are, however, two crucial distinctions which the Attorney General's opinion emphasizes that point up the constitutional problem in § 207(b)(3).

First, the Attorney General observed that the reorganization statute "should be carefully distinguished from the situation created by statutes which provide for subsequent resolutions disapproving presidential actions in the administration of continuing programs." The Attorney General noted that because of the urgent need for action which pervades the administration of continuing programs a congressional veto effectively compromises the President's control over his actions and frustrates his veto power. This distinction is crucial here where

the President will clearly be under pressure to take action with respect to emergent refugee situations that would not arise in the context of reorganization.

Second, the opinion recognizes that the reorganization statute does not involve congressional interference with authorized administrative discretion in an ongoing program or discretionary control by Congress in the administration of the law. By contrast, § 207(b) purports to give the President responsibility and discretion to act in difficult and complex situations that may have delicate foreign affairs ramifications. *Cf. United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936). In proceeding under the bill, the President must be able to know precisely what power he has and what commitments he may make. Despite this, § 207(b)(3) would permit post-legislative action by one House of Congress to upset whatever arrangements or negotiations are pending even though the Executive Branch may be proceeding in accord with standards set forth in the statute authorizing its actions.

Congress is thus able to exercise significant power in violation of the doctrine of separation of powers. In addition, its actions in this context are not subject to check by the Presidential veto. Congress might create statutory standards to guide Executive decision-making that would produce the result reached by post-legislative action. Those standards, however, could not be enacted without passing through the normal constitutional checks on legislative power. In sum, the constitutional vice in § 207(b)(3) is that it destroys the balance of power between the Executive and Legislative Branches by enabling Congress to dominate Executive decision-making, i.e., the execution of the laws, by a method that does not honor, even functionally, the constitutionally established checks on legislative action.

Sincerely,

JOHN M. HARMON,
Acting Assistant Attorney General,
Office of Legal Counsel.

MR. EILBERG. You oppose the numerical limitations on the admission of refugees in emergencies because in your view they should not be set "inflexibly by statute." Would you elaborate in more detail as to why maximum limitations cannot be imposed by legislation?

MR. CHAPMAN. Well of course they can be imposed.

As a legal matter, it's our opinion that it's not wise to do so, in that emergencies are inherently unpredictable and uncontrollable.

They may range in size from a few hundred, or even 100 or 200 as in the cases of the recent parole programs—200 from Argentina—all the way up to as many as 600,000 or 700,000 Cubans.

It doesn't seem to us wise to place a cap on unknown possible future situations.

MR. EILBERG. General, what do you think of the consideration of our ability to absorb the refugees? Don't you think that's a pretty important consideration?

MR. CHAPMAN. I think it's a factor, sir; and there are other factors as well. But I think the overriding factor, with respect to refugees, is our humanitarian concerns. I believe it's on the basis of our humanitarian drive that we have accepted large numbers of refugees over many decades, and that we will wish to continue to do so. I think the other factors are important, but I think that the humanitarian concern is overriding.

Of course now if we should be thinking in terms of very large numbers of refugees, say in the millions, I think we have to take a second thought, all right. But even then it's very likely—it's very possible—that the humanitarian concern would override.

MR. EILBERG. How, in your opinion, does the consultation process make numerical limitations unnecessary, particularly when we consider that the numerical limitations recommended by Congress during

the Indochina conflict became meaningless with each subsequent consultation?

Mr. CHAPMAN. Yes, sir.

The original consultation concerned 133,000, I believe the figure was. And then at a later date we consulted with respect to another 11,000. There have been similar ongoing repeated parole programs for Soviets fleeing from the Soviet Union. I think each one just has to be taken on its merits.

In an emergency, as was the case with the Vietnamese, it turned out to be impossible in the initial stages to predict with accuracy what the final outcome would be. In each case, however—as you know, Mr. Chairman—we did consult in detail with committees of both Houses of the Congress and sought advice and concurrence in the proposed program.

Mr. EILBERG. I also note, General, that most often when we did consult that you were seldom prepared—not you, but the people to whom you assigned responsibility—to give the answers to our questions. There was always further consultation, further elaboration, and hence this bill.

Mr. CHAPMAN. Well, sir, of course in an emergency it's usually difficult to nail down with any finality what the facts are.

In more orderly programs, as for example the 4,000 Soviet refugees, where there is time to determine precisely what the numbers are, then the consultation process has been very definitive.

Mr. EILBERG. The issue of the Soviet refugees demonstrates, I think, our position in the matter; that's one that came up while we were in adjournment. For all practical purposes, it was very difficult to get the members of the House and Senate together and there was no structure—no legislative structure—to adequately deal with that subject, in that all we were able to do was to communicate by telephone which was really inadequate, General, and again points out the need for the kind of legislation which has come before us this morning.

General, wouldn't a fixed outside upper limit eliminate pressures from various directions for the United States to continue accepting the refugees under any situation, until all of them have been resettled?

Mr. CHAPMAN. It would throw—if the program exceeded the statutory limit, it of course would then throw the burden on the Congress to enact legislation to accommodate the larger numbers.

It's our opinion that that is not a wise approach; that the better approach is to react to our humanitarian concerns in that situation: When the numbers are sufficient to require the establishment of a program for a group or class, we should make the decision within the administration and then consult with the two committees of the Congress.

And I would further point out that, if the numbers are large, appropriations will have to be sought—as was the case with the Vietnamese, the Cambodians, and the Laotians. And that is a process, too, that involves the entire Congress and it involves appropriation legislation.

Mr. EILBERG. General, I'm sure you'd agree that the international community should do its fair share for the refugees. Do you agree with that?

Mr. CHAPMAN. I do indeed, sir.

Mr. EILBERG. Well do you think we're doing enough, you and I, in our respective roles in convincing the international community that they ought to do more in accepting refugees?

Mr. CHAPMAN. I think they can, and they should, do more.

Mr. EILBERG. Are we doing enough, up to the present time, in trying to convince the international community to do more? Or do you think we should be moving more in that direction?

Mr. CHAPMAN. Well I think the Government, as a whole, might well increase the pressure on the UNHCR and bilaterally to urge it to accept more refugees.

I do not believe it should be set up as a precondition, however, as the bill would propose to do.

Mr. EILBERG. How do we convey the message to foreign governments that we hope, or expect that they will do their fair share, if we don't set up some instrument to let them know that we cannot be the only country that admits substantial numbers of refugees?

What mechanism do you suggest, if not this one?

Mr. CHAPMAN. Well I think the pressure has to be applied through agencies of the Department of State overseas as well as in New York.

I think that pressure is—"suggestion" is about the limit to which we can go. We can "urge," we can "plead," we can "hope," we can say it's their responsibility, but if they decline to do so in the numbers we think would be proper, I don't think that should preclude us, statutorily, from taking refugees in whose behalf that we feel obligated to act on a humanitarian basis.

Mr. EILBERG. In your opinion, have you been satisfied with information supplied by the State Department when they recommend parole for a particular group of refugees?

Have you been satisfied with the quantity and quality of information that has been provided by the State Department?

Mr. CHAPMAN. Well, sir, in general "yes," but not in all cases. On a number of occasions we've gone back to them for further information. Once or twice we've gone back two or three different times until we did have what we considered to be sufficient facts on which to base a decision.

But with the ultimate outcome we have been satisfied.

Mr. EILBERG. Have any procedures been worked out between the Departments of State and Justice concerning the type of information needed by the Attorney General in order to properly exercise his parole authority? What procedures are there? Have there been procedures worked out?

Mr. CHAPMAN. Practical procedures—a practice has been worked out, yes. I don't think it's committed into any formal document, but it involves a recommendation originating with the State Department that describes the class, the type of emergency, the numbers, and the kinds of people, and the limitations if any that are suggested.

Based on that, the Attorney General has in past practice—has made a decision; we too make a recommendation in this regard, and clear it with the White House, to determine that the proposal is within the President's program, following which consultation is sought with the Congress. That's an outline of the procedure that's been followed, and it seems to me it's been a good one.

Mr. EILBERG. Has that outline of the procedures been put in writing or correspondence in any way?

Mr. CHAPMAN. No, sir; I believe I have testified to it on previous occasions but I don't think—I'm quite sure that it's not enshrined in any formal administration document. It's well understood.

Mr. EILBERG. It's entirely conceivable that with a new administration that a new practice might develop. Is that not correct?

Mr. CHAPMAN. Oh, it's certainly possible, but it is such a logical one that I should think it would be followed.

Mr. EILBERG. General, as you know, I have requested the Department of Justice on several occasions for criteria and guidelines governing the exercise of parole. Can you tell me why they have not been issued?

Will they be issued, whether or not we approve legislation such as H.R. 3056?

Mr. CHAPMAN. Mr. Chairman, we made several attempts to come up with guidelines. We were unsuccessful in doing so primarily because each situation is different, and the guidelines are different. We were unable to come down on guidelines that we thought would be universally applicable in any possible future situation.

And, second, we were unable to get complete concurrence within the Executive—all the interested agencies—on what we did come up with. So that we finally ended up by drafting some proposed legislation.

That, however, was laid aside when the chairman's bill of last year was received for comment. So we took the approach of making our comments on your proposal.

Mr. EILBERG. General, our proposal, of course, is not cast in concrete; and if you have laying around anywhere those proposed guidelines that you've gone to the trouble of drawing up, we would be more than delighted to look at them because they might have something very worthwhile in them that we have not included in our bill.

Mr. CHAPMAN. Our guidelines, sir, vary with each of the recent situations, as you know.

For example, for the Vietnamese, among the guidelines were the three categories of "close relatives," "high government officials," and "former employees of the U.S. Government or Government contractors in the country."

Those particular guidelines were inappropriate in Chile. They're inappropriate, for instance, for the Soviet refugees. Other guidelines are needed there.

So that we certainly can furnish the guidelines that were used in each of these several situations, but they're not universal.

Mr. EILBERG. I take it from what you said before that any guidelines that deal with the number that might be admitted should not be established.

Is that a correct and fair statement of your position?

Mr. CHAPMAN. I believe that there should not be a legislative cap on the number of emergency refugees; and that for each situation, the proposed guideline should be submitted as part of the consultation process as we did in fact do in the recent situation.

Mr. EILBERG. General, at last week's hearing I listed a number of factors that have significance when initiating parole programs. Based on your experience, would you please describe the significance of each

of the following of these factors in initiating exercise of parole. And can you tell us in your judgment what priority should be attached to each?

I have six items. It's going to be very difficult for you to remember all of them. I'll be very happy to repeat them, as necessary.

What do you think of the priority of these separate factors: (1) U.S. relationship with asylum countries; (2) pressures exerted by the asylum country; (3) pressures exerted by the UNHCR; (4) pressures exerted by the voluntary agencies; (5) foreign policy considerations; and (6) domestic considerations such as the unemployment rate and domestic conditions in general.

And I might say, in listing these, that this in no way indicates any preconception by the subcommittee as to which is the most important.

Mr. CHAPMAN. Well, sir, I think each of those is a significant factor. I believe omitted, however, is the most important factor of all—and that's our national tradition of humanitarian concern.

It seems to me that it's on that basis and from that point of our national drive and tradition that we have admitted most of the refugees over the past 20 years.

I think the factors you've listed there have to be taken into consideration all right, but I believe that the one I've just mentioned is the overriding one.

With respect to priority between these six factors, I would say number six would be the highest priority among these six—subordinating it, however, to the humanitarian concern I've just expressed.

The—I think I would say the other five—I might want to modify this for the record, sir—but I would say the other five are ranked more or less equal as to significance; but all of them far below the domestic considerations, and it in turn below the humanitarian concerns.

Mr. EILBERG. General, isn't it inconsistent for the administration to oppose any increase in immigration levels over the 290,000 without further study, and at the same time suggest that we have no numerical limitations on the admission of refugees in emergency situations?

Mr. CHAPMAN. Annual immigration, of course, is an orderly flow prescribed by the statute. I do think, as the previous witness suggested, that the time has come to do an indepth study of normal immigration.

In an emergency situation, however, as I've just said I think the humanitarian concerns will usually override.

Mr. EILBERG. General, on the one hand you say that there should be a cap or ceiling; on the other hand, you say that there should not be a cap or ceiling.

It seems to me that that is an inconsistent position.

Mr. CHAPMAN. In the first situation, we do have the normal flow, which is determined after considerable study—or should be determined.

For the second situation, we have an emergency. So I think the situation is entirely different; but there should be a cap on the normal flow—the annual, year-in and year-out, 400,000, about, normal immigration, including those that do not fall within the “numerical” ceilings. Emergencies are unpredictable.

Mr. EILBERG. I think we've covered this, but it's important that we state it:

Do you have any specific recommendations or suggestions to improve the existing procedures for handling emergent refugee situations?

Can anything be done, administratively or legislatively, to "institutionalize or systematize" the procedures for handling the emergent refugee situations? Or should we continue to follow an ad hoc approach to the subject?

Mr. CHAPMAN. Oh, I think it would be useful to commit to a formal document the procedures that we've described within the administration, and then through the legislation that you propose, Mr. Chairman, together with the modifications we've suggested, to enshrine the procedure in a statute. I think it would be very useful.

Mr. EILBERG. But there are no further recommendations or suggestions at this time that you can think of?

Mr. CHAPMAN. No, sir, not with respect to the legislation.

Mr. EILBERG. The administration now supports the idea of retaining authority for refugee processing within INS, and for continuing to require a 2-year waiting period before adjustment to permanent residence for refugees.

Can you explain the pros and cons that were considered during the interagency discussions on this issue? And can you elaborate on the purpose which is served by retaining the 2-year waiting period?

Mr. CHAPMAN. Yes. I believe there are two questions there, sir. The first has to do with the administration of the program:

After considerably more mature deliberation and discussion, we just came to the conclusion that the best place to place the responsibility would be on the experienced immigration officers; and that's what it amounts to.

We've had considerable experience in this field, as you well know, Mr. Chairman, with the Vietnamese, with the Chileans, with our overseas officers who have been making the determinations on the conditional entrants for many years.

We have a body of highly experienced professional officers, and we think that we are the best capable of administering such a program. And that's the basic reason that we came down on the side that you know in this regard.

Now with respect to the 2-year waiting period, that seems to us proper as a testing and proving-out period. It has been traditionally and historically used with respect to previous refugee programs. During that period we collect documents; make inquiries; build a case; observe their conduct while here in the United States; and then, at the end of the 2-year period, we'll be able to make a reasoned judgment on the merits of each case.

Now in practically all cases, however, that judgment has been affirmative. But it does give us the opportunity of a testing, proving-out period.

Mr. EILBERG. INS currently has only a small number of refugee processing offices abroad to which refugees can apply for admission to the United States. Under the proposed expansion of the definition of "refugee" contained in our bill, H.R. 3056, it is evident that the geographical distribution of eligible refugees will change dramatically.

How does INS intend to respond to this practical problem, and where will INS consider establishing additional refugee processing offices?

Mr. CHAPMAN. We think we have to do three things, sir: first, increase the staffing in our existing offices to enable the Rome office to handle Africa as well as Europe and the Middle East. There are sub-offices, of course, in Athens, Sicily, Frankfurt—and increase the staffing in our Hong Kong office for the same purpose.

We think we'd have to establish one or two new offices in Latin America, in locations that are obtained with approval, of course, by the State Department, for the purpose of handling the conditional entrants that may emerge in Latin America, under the terms of the bill—the new definition of the refugee, and removal of the ideological restriction.

Second, we would need additional funds for travel and expenses. Third, I think we would have to establish in our central office a control office of 2 or 3 people for the purpose of administering worldwide the allocation of 20,000 each year.

In our report on the bill, sir, we have included a statement of the additional personnel and dollars we think would be required for these three purposes.

Mr. EILBERG. This subcommittee has criticized, in its recent report on Haitian emigration, the procedures followed by INS in adjudicating asylum and 243(h) claims.

Does the Department intend to revise any of its procedures to conform with the recommendations made by the subcommittee in its report? And if so, when?

Mr. CHAPMAN. I'll ask Mr. Bernsen.

Mr. BERNSEN. The Immigration Service is planning to have a form filled out by persons when they land on our shores and claim asylum. We're also planning to run a hearing with a full verbatim record on the claim for asylum. We plan to have the alien notified that he can have an attorney present to present witnesses, and cross-examine any Government witnesses, or challenge Government information, and so forth; and the determination will be made on a verbatim record that will be transcribed.

Mr. EILBERG. And when do you expect that these procedures might be instituted, Mr. Bernsen?

Mr. BERNSEN. I think it's in the works now, or should be very shortly. I think that's about the best time picture I can give you.

In fact, we think Miami may already be doing it.

Mr. EILBERG. In your opinion, General, should legislation be enacted specifically describing the procedures for administrative and judicial review of such claims? In what ways—either administratively or legislatively—can we prevent dilatory tactics with regard to asylum and 243(h) claims?

Mr. CHAPMAN. Could we answer that for the record, Mr. Chairman? I think we'd better give that one some thought, because it's a very important question. The "dilatory tactics" are rife, and not only in asylum claims but in many other kinds of petitions and claims.

And some solution, I believe, has to be found to reduce the time which ensues from the dilatory tactics.

Mr. EILBERG. What about the other part of the question? Should legislation be enacted specifically describing the procedures for administrative and judicial review of such claims?

Mr. BERNSEN. Mr. Chairman, your bill has a provision that that would make section 243(h) available to persons landing on our shores who seek asylum; and we support that idea. And, once we have such a provision in the law, that would give the alien the right to a hearing on that question, and of course the right to an administrative appeal and judicial review.

Mr. EILBERG. In a memorandum from General Chapman to the Office of Legislative Affairs, dated November 4, 1976, appears a comment from the Immigration and Naturalization Service: "Experience has demonstrated that the asylum in 243(h) procedures have been abused. Consideration should be given to developing procedures to preclude such dilatory tactics." And a comment is added there: "The Service is aware of instances of abuse, and we are working jointly with the Department of State to preclude such tactics."

I wonder if you would care to comment on that, General; or, Mr. Bernsen?

Mr. CHAPMAN. May we answer that one for the record, Mr. Chairman?

Mr. EILBERG. Yes.

Mr. CHAPMAN. I don't think we have the particular expert here on that subject.

[Subsequent to the hearing, the following information was supplied:]

Some delays are inherent in the processing of asylum requests by aliens in the United States. Extreme care is exercised to ensure that full and complete consideration is given such requests.

The Service is planning to institute a procedure whereby an alien landing on our shores and seeking parole as an asylee is accorded an interview by an immigration officer with full opportunity to be represented by counsel and to present evidence in support of the claim. After the interview, the immigration officer makes a recommendation in the matter to the District Director who enters the final decision on the application. The District Director can approve a valid claim, or deny the request in frivolous claims. With the latter group, the District Director forwards a copy of the denied application to the Department of State and that agency can comment on the finding during the thirty-day period immediately following the decision. During the thirty-day period, the alien is not required to depart.

The Service has taken steps to amend its regulations to provide that when an application is denied for the reason that it is clearly lacking in substance, the written denial will identify the feature or features of the application which make it insubstantial. It is believed that this will help to reduce the number of judicial reviews sought in these cases.

In cases involving aliens who have entered the United States as opposed to those seeking parole a time of application for admission, an application for asylum is reviewed by an immigration officer and a decision entered by the District Director, as described above. In the event of denial, the applicant may renew his application before an Immigration Judge in a deportation hearing. Immigration Judges explore the eligibility of defendants for various forms of administrative relief available under the Immigration and Nationality Act, including withholding of deportation under section 243(h).

In the past, certain aliens who have been ordered deported have not initiated asylum claims until the last moment before boarding a flight to leave the United States. We have had experience in this regard in cases involving natives of China who are residents of Hong Kong and can return to Hong Kong without fear of persecution. The Service has taken steps to overcome this problem by obtaining a letter from the Department of State to the effect that it does not desire to be consulted in this type of case. A copy of the Department of State letter is attached.

The Service believes that administrative measures can be taken to overcome dilatory tactics that have developed in the asylum procedure thereby obviating

the need for legislation. As experience is gained, we believe that additional effective administrative measures can be developed to discourage such tactics.

DEPARTMENT OF STATE,
Washington, D.C., November 9, 1976.

Mr. JAMES F. GREENE,
Deputy Commissioner, Immigration and Naturalization Service,
Washington, D.C.

DEAR MR. GREENE: Thank you for your letter of October 22, 1976, with which you enclosed a copy of your proposed amendment to 8 CFR 108.2, and in which you call particular attention to the paragraph concerning citizens of the People's Republic of China who have fled to Hong Kong. You requested our comments and/or suggested changes in the proposed amendment. We have no suggested changes and the language as submitted is acceptable to the Department of State.

We understand that you are concerned over the problems raised by last minute requests for asylum from aliens who could have applied earlier for a hearing under Section 243(h) of the Immigration and Nationality Act, with particular reference to the specific problems of citizens of the People's Republic of China who have fled to Hong Kong and have resided there for a substantial period of time. There is no likelihood that these aliens will be persecuted within the meaning of the Convention Relating to the Status of Refugees if they are deported to Hong Kong nor have we any specific reason to believe that any of such persons will be returned by that government to countries where they will face such persecution. Our policy is to deny such requests for asylum provided: (a) they are deported to Hong Kong and not the People's Republic of China and (b) that the Colony will accept them.

We agree that such last minute requests concerning the return of Chinese to Hong Kong as described above can be handled by the Immigration and Naturalization Service without consultation with the Department through our office. We understand that during the deportation hearings all such aliens will have available to them the various benefits of the Immigration and Nationality Act, including withholding of deportation under Section 243(h) and the application of the Convention Relating to the Status of Refugees whenever appropriate in their cases. If there are any questions concerning individual asylum requests in such cases or if a case appears to be politically sensitive, we are prepared to provide you with an advisory opinion by telephone or in writing on an urgent basis.

I hope the increased flexibility provided your office as outlined above regarding Chinese from Hong Kong will be helpful to you.

Sincerely,

JAMES L. CARLIN,
Deputy Coordinator for
Humanitarian Affairs.

Mr. EILBERG. Can you elaborate why the Department objects to the provision of the bill requiring illegal aliens to report promptly to INS officials upon arrival in the United States in order to be eligible to process a claim for administrative relief based on possible persecution if a person fled from persecution in his native country and has a legitimate claim for relief? Why is it unreasonable to require him to process that claim promptly upon arrival in an asylum country?

Mr. BERNSEN. Mr. Chairman, it was our feeling that the alien might not be aware of what he has to do when he comes into the country, and he might fail to report to Immigration. He might not make his presence known to us for maybe some months, or maybe, a year later; and we were concerned that to turn him down only because he didn't "report promptly," might be just a little too harsh a result.

Mr. EILBERG. General, on page 4 of your statement you object to any increase in immigration levels unless there are further studies of the socioeconomic impact of legal immigration and of the foreign policy consequences associated with any changes in the numerical ceilings.

You also cite the Domestic Council study which calls for a study and evaluation of our immigration policy. Do you believe that INS itself

has any role to play in conducting studies of this nature? Should that be done by the White House? Or by an appendage of the White House, such as the Domestic Council Committee? Or should this be done by the Congress?

Mr. CHAPMAN. Certainly INS has a role to play. I think we've got suitable expertise. In fact, we could make a major contribution to such a study.

Second, I think it's quite clear that the decisionmaking responsibility in these regards is in the Congress and must result from a congressional statute.

I think it would be very useful, however, for the administration—with its many resources in all fields—to put together a study and recommendations. It should be an indepth study, which would doubtless take some time to consider the many facets—some of which you mentioned, Mr. Chairman.

I would think, however, that even given that as a starting point, the Congress will nevertheless wish to dig deeply into all those many facets in order to arrive at a decision.

Mr. EILBERG. Do you agree with the decision of the State Department that we certainly should go ahead with the legislation before us, even before the results of any such study are made?

Mr. CHAPMAN. The legislation with respect to refugees? Yes, sir. I believe that legislation is needed and should proceed in the modified form we've recommended.

Mr. EILBERG. General, what percentage, if any, of INS funds allocated to research and planning has been expended on impact studies of the nature of the proposed studies that we've been talking about?

Mr. CHAPMAN. Our efforts so far have been confined to two or three contacts with consultation firms on small portions of the illegal-alien problem, and with one major contract which is now working to attempt to attain a count census of the illegal alien population in the 12 most populous States—which represent 60 percent of our population: and their characteristics and some of their impacts.

Mr. EILBERG. Now that's on the illegal population.

Mr. CHAPMAN. That's illegal.

Mr. EILBERG. What about legal? Is any money being spent for the socioeconomic impact of legal immigration?

Mr. CHAPMAN. No, sir. What I've described is within the limit of our minor, amateurish attempts at conceptual-type studies. We haven't gotten very far with it, yet.

Mr. EILBERG. General, that concludes our questions, and we appreciate very much having you and your associates here this morning.

We welcome you, Mr. Crosland, and we hope we have many pleasant years together, and I know we will get the cooperation we've received in the past.

With this, the subcommittee will adjourn.

[Whereupon, at 12:10 p.m., the hearing was adjourned, subject to the call of the Chair.]

ADMISSION OF REFUGEES INTO THE UNITED STATES

FRIDAY, APRIL 22, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:40 a.m. in room 2226 of the Rayburn House Office Building, Hon. Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Holtzman, and Harris.

Also present: Garner J. Cline and Arthur P. Endres, Jr., counsel; Peter Regis, legislative assistant; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The subcommittee will come to order. Mr. McCarthy, will you come forward please with your associates.

This is our third and last hearing to consider legislation which we have proposed to establish uniform procedures for admitting refugees to the United States.

Following this hearing we will proceed quickly into a markup of H.R. 3056, and the first markup session is scheduled for next Tuesday, April 26.

We have previously received testimony from State and Justice officials on my proposal, and today we will receive additional testimony from the American Council for Voluntary Agencies representing most of the private voluntary agencies involved in the resettlement of refugees and from a representative of Zero Population Growth.

I am the first to recognize that we must preserve some degree of administrative flexibility in admitting refugees to this country, but at the same time Congress cannot shirk its responsibility to legislate orderly, consistent, and uniform procedures governing their admission.

Certainly, we must approach this task with compassion, but at the same time we must be reasonable. We must proceed with humanity and at the same time we must recognize today's realities.

In my judgment, existing approaches by our Government to refugee problems around the world are fragmented and disjointed and on many occasions the Attorney General and certain members of this committee are forced to make decisions on admitting groups of refugees—without adequate information—without a thorough appreciation of the ramifications of these decisions and without a full understanding of the respective responsibilities of the Federal Government, the State and local governments, and the voluntary agencies for the care and resettlement of these refugees after their arrival.

In order to correct this problem, there must be a greater degree of coordination between those who recommend or authorize the admission of refugees, and those who provide financial assistance to facilitate their reception and resettlement.

My proposed bill does not answer all of these issues, it is certainly not the last word, but I believe it represents a major step forward in achieving uniformity of decisionmaking and consistency with regard to the future admission of refugees to this country.

Our first witness this morning is Mr. John E. McCarthy. And, Mr. McCarthy, we would appreciate it if you would submit your statement for the record and summarize it.

**TESTIMONY OF JOHN E. MCCARTHY, CHAIRMAN, COMMITTEE ON
MIGRATION AND REFUGEE AFFAIRS, AMERICAN COUNCIL OF
VOLUNTARY AGENCIES FOR FOREIGN SERVICE, ACCOMPANIED
BY MAURICE A. ROBERTS, AMERICAN COUNCIL FOR NATIONALI-
TIES SERVICE, BARBARA A. WILLIAMS, CHURCH WORLD SERV-
ICE, WILLIAM MALES, HIAS, JEAN McDANIELS, INTERNATIONAL
RESCUE COMMITTEE AND THERON VAN SCOTER, AMERICAN
COUNCIL STAFF**

Mr. McCARTHY. I have with me today Maury Roberts of the American Council for Nationalities Service, Barbara A. Williams of Church World Service, Bill Males of HIAS, whom we all know, Jean McDaniels of the International Rescue Committee and Mr. Van Scoter of the American Council of Voluntary Agencies Staff.

I am going to summarize.

We have a number of pages here.

Mr. EILBERG. Without objection we will place your statement in the record. [See p. 133.]

Mr. McCARTHY. We are, as you know, the resettlement arm of the voluntary agencies. We don't select refugees, but we do provide resettlement opportunities for refugees in the United States.

The voluntary agencies have provided this resettlement with jobs and housing over the past 25 years for over 2 million people. We are in this field serving people without regard to race, religion, or political opinion.

We, as was stated in the testimony of the Department of State before our committee, represent the American citizen component in this area of general concern. We are definitely, therefore, concerned with any type of refugee legislation, particularly that proposed by this committee.

We, of course, endorse the broadening of the definition of refugee, keeping in line with our U.S. protocol and our commitments to the international scene. However, we have some reservations, reservations that are eliminating some of the discretionary power now in the hands of the administrative agencies of our Government.

The movement of refugees is many times of an urgent nature. To go into extended discussion on any type of refugee movement may be necessary, but we are concerned with the human element. The fact remains that we don't know tomorrow how many refugees we will

have to admit to the United States or how many will be admitted to the international scene.

Refugee situations appear out of the night, but it seems to be always with us.

I know we were all praying at the end of World War II there would be no such thing as any more refugees. However, at the present time we have in the world 17 million, 16 million refugees, displaced peoples.

We well recognize this is an international responsibility. Our Nation has assumed the leadership in the past, and we hope it will maintain the leadership in the future.

With particular reference to this legislation, we would recommend the expansion of our refugee admissions from 20,000 to 30,000 and these admissions would be outside the quota.

This is fine, but the number 20,000, as I said before, is just about what we are doing today.

We know there are many more refugees than that. We know in Europe alone with the exodus of people from, say, the Soviet Union, which is all a part of our foreign policy of the United States, that these numbers will be totally inadequate for the service we have to do.

One of the things that concerns us deeply and we are experiencing it in Southeast Asia is the requirement that a person wait 2 years before a person can get permanent residence here.

We have within our rolls, thousands of exmilitary personnel trained by our Government at Government expense, professional people so trained, and none of these people can get into their chosen fields—military, medical, aircraft industry—due to the fact that they don't have this permanent residence.

We are hoping and praying in an overview this matter of the wait of 2 years could be carefully looked at.

We know from our own experience—we have been in this business a long time—that few, if any people, have been returned to their country of departure and, although it is in the law, it is something that is hanging in the side like an appendix with little known use, as far as we are concerned.

The idea of waiting to admit refugees or parole refugees on the basis of what the international community is to do or should do, is certainly a change in our traditional approach toward the refugee problem.

We, in the past, have exercised the position of leadership. We believe that this leadership issue is something that should be maintained.

All surveys we have made have shown that the refugees, as we know, are the new blood, have contributed much of the strength of our nation.

How a person becomes a refugee is something I never know. I could not myself in any stretch of my imagination give up my home, give up my job because of political pressure, because of religious oppression and leave the United States and go somewhere else. These are wonderful people. They are great people.

In relation to the numbers which gives us great concern, we have all been to the refugee camps. We have seen the refugees in Rome, in Athens, Vienna.

Here are refugees who are theoretically admissible to the United States and the idea of them having to remain for months, as they did in

Rome—for years they ran in some refugee camps while waiting a parole authorization—serves no purpose.

We feel that our entire refugee program should be based on immediate needs and to make it formalized, to formalize a refugee program is so difficult. I agree with you it seems to be operating from hand to mouth many times, but the fact remains even in your budget allocation you get to the office of refugee migration affairs in the Department of State, and the emergency fund, because no one is going—no one happened during the calendar year.

We are hoping and praying that in some way we can have within any legislation, administrative discretion.

We know right now, I would assume, under this legislation, that if a refugee showed up in an area where the Immigration Service is not operating overseas or showed up at our borders there would be no statutory way to have this refugee paroled into the United States, which is the operation at the present time.

In other words, some provisions of this bill are excellent, but others we believe are overly restricted.

Now, any discussion we have here today is not—we are relating to a piece of legislation, not to any committee or any staff.

This committee has shown humanitarian concerns, has shown a knowledge of the problem. They have responded when the problems have arisen, but we are putting into legislation something that may be enforced or carried out by a chairman when you are gone, Mr. Eilberg.

Are we going to have in your chair and on this committee the compassion we have now? Could somebody take legislation of this nature that is on the books and develop a restrictive attitude? This is what concerns us.

We are concerned about our Nation, and I guess we are concerned about the world.

We are concerned about all refugees without regard to race, religion, but I would hope and pray that we could maintain some liberality or administration discretion in our laws.

It is so important in this field.

Thank you, Mr. Chairman.

Mr. EILBERG. Thank you, Mr. McCarthy. It is a pleasure to have you here once again, and it is not quite clear to me whether you are for the bill or against the bill, but I think we would like to get your views, and they are enumerated in more detail in your prepared statement.

You would increase the number of normal flow refugee admissions from 20,000 to 30,000. We now, of course, know 20,000 is somewhat in excess of the present limit which is a little over 16,000 within the hemispheric quotas.

Why do you pick the figure 30,000, and why would you place them outside the present hemispheric quotas.

Mr. MCCARTHY. It is within the definition of the law. The fact we know in the European flow that we are going to get, I would say nearly 18,000, 16,000 in Europe alone, in the next calendar year. I would turn to Mr. Males on that. He is much more aware of the situation in Europe, the flow factors.

Mr. MALES. All I can say with the new definition of refugee in the proposed legislation—it is a fine definition, we all agree, and it is long

needed—now that you have removed any ideological restrictions or any territorial restrictions, there is bound to be from South America, from Africa, from Europe, a greater number of people who will meet your definition.

Right now, the definition restricts it to those who come from Communist countries or the areas of the Middle East, but with this restriction off, there is bound to be a larger demand, we all were hoping anyhow that in order to meet the increased demand that—that doesn't necessarily mean that you have to use up to 30,000, but at least we will have that flexibility instead of having to go the parole route whenever there becomes an excess of refugees, rather than through the normal flow of immigration. And we feel that probably 30,000, though, ought to be a reasonable limit to set on the normal flow.

I am not talking about emergency legislation.

Mr. EILBERG. Why do you want this figure on top of the hemispheric limitations?

Mr. MALES. We always felt that people admitted as refugees should be admitted above the numerical limitations. We have also suggested that these people should not be admitted under the conditional section 203 (a), but rather as permanent residents.

Mr. EILBERG. We will come to that in a few minutes.

Mr. MALES. We feel that now with the situation in various parts of the world, there will be an increased demand for the normal flow of refugees, in view of the definition imposed here.

Mr. EILBERG. Since you raise it, we may as well review the 2-year waiting period.

Certainly, you are aware that there is legislative history and precedent on this issue. You probably know it better than I do and have more experience with it, but as I understand it, that 2-year waiting period is related to the fact that refugees frequently from entirely different ways of life suddenly, with very little planning, come to our society and this represents a time for a period of adjustment.

Some people want to return home or go elsewhere. As I understand it, that has been the legislative approach to the granting of permanent residence to refugees.

Now, what is your reaction?

Mr. MALES. Well, first of all, in our experience I don't know of any—from our particular caseload of any refugee that said he wanted to go back—maybe two or three at the most might not be able to adjust in the United States and has expressed a desire to go home, but I think the experience of all the voluntary agencies is that these people come here, they want to stay here. They want jobs. They want to become adjusted to the American way of life, and they all do want to stay here now.

I don't understand why there seems to be——

Mr. EILBERG. Certainly you understand that many of the Indochinese that are here now are unhappy.

Mr. MALES. They are unhappy for other reasons. They can't get jobs and I'm not so sure you will find a great number of the Indochinese wanting to go back to Cambodia, Laos, or Vietnam at this particular time.

Mr. McCARTHY. As you know, we have settled about 80,000 of these refugees. I have talked to our officers. We find a desire for family re-

uniting and being terribly upset in being separated but the desire for reuniting is certainly not a desire to return to Vietnam. We have had very few—I mean I can't—four or five of these. The only return factor I have seen in this entire refugee picture has been in the Hungarian program when we were clearing out the end of the camp in Camp Kilmer. We had three situations of single men who couldn't get placed, who didn't want to be placed, and they were flown back to Austria. This is the only movement in the entire 2 million movement that we can envision. The movement of the 1,500 that went back to Guam and then to Vietnam, I know of one family who is back in Thailand now.

There is definitely one family that went back. We have constantly people leaving Vietnam, which is certainly an indication that all is not well in the new government, the new nation, but as far as returning, we have not had any—I want to check with Church World Services. Have you had a record of returnees.

Ms. WILLIAMS. Only in the very early days we had some who indicated a desire to return but it has been many, many months since we have an indication of that. Under previous programs and ongoing programs maybe once a year we will have somebody who desires to return, but it's so seldom.

Mr. EILBERG. Mr. McCarthy, if refugees were admitted immediately as permanent residents, would that somehow discourage or inhibit them from changing their minds if they wish to return to their native country?

Mr. MCCARTHY. I think any people here as permanent residents can return.

Mr. MALES. I don't think it makes any difference if they come as permanent residents with regard to their willingness to return. If they are permanent residents and they want to return, they can return. If they are conditional entrants, they can do the same thing. It's not the status in which they arrive which causes their return. Mostly it's family they left behind, because other members of the family can't get out. If they are permanent residents, of course, they can return. There is nothing to prohibit a conditional entrant from leaving the United States.

Mr. EILBERG. Don't you think this has legislative precedent, as the law provides for the 2 years prior to granting them permanent resident alien status?

Mr. MALES. I don't think so. In previous refugee programs, prior to 1965, when the conditional entry concept was introduced, these refugees all came in as permanent residents. Starting in 1948, from the DP camps, in Germany, all the way up to the 1965 act, they all came in as permanent residents and I don't think it changed anything.

As a matter of fact, it helped in their adjustment because they were permanent residents. You know this green card to these people is the most wonderful piece of paper they can get. To them it's some kind of a diploma, that they have been accepted in the United States. As conditional entrants, they feel they are here conditionally. They are never very happy about the situation.

Mr. EILBERG. What about the processing question?

Mr. MALES. These people are processed overseas. They are inspected by the Immigration Service overseas.

Mr. EILBERG. But you don't like that, I understand.

Mr. MALES. I would like it if they would make it a little faster. What I am concerned about is the delays but they are given thorough screening overseas. They are security cleared overseas and I don't know any person at the end of 2 years who was told, "We made a mistake in bringing you here." The 2-year period seems to be a meaningless period. I don't know—I think it crept into the law sometime way, way back during the Refugee Relief Act as a concept that we should have 2 years to deport these people, but I don't see the necessity of it now because these people are really screened overseas.

Mr. EILBERG. Mr. Harris, do you have any questions?

Mr. HARRIS. I will wait my turn, Mr. Chairman.

Mr. EILBERG. What efforts are the voluntary agencies making in order to get other countries to accept and resettle refugees?

Mr. McCARTHY. I can't agree with you more. I met with my French associates. France, as you know, is now taking 1,000 Southeast Asians a month. Their requirements are very liberal. I think language is the critique. The word I have here, on cost factor they work with the voluntary agencies. Let us take for example a family of four.

A resettlement grant of \$600 each, 6 times 12 months, that was \$7,200 of American funds.

The fact remains on the Portuguese situation—but Venezuela has taken about 100,000 of them. On the Chilean situation we have taken hundreds; other nations have taken thousands. I can't agree with you more on the need to internationalize this program. We can't settle all the refugees here. I couldn't agree more, but we are working with international components. We just put \$50,000 in the Philippines to resettle Vietnamese. This is church money. We are working desperately to take care of these people wherever they are.

Mr. EILBERG. Well, certainly in the recent Indochinese situation, the United States got the bulk of the refugees and it appears to me that the United States seems to be usually the only country which is in the forefront when a refugee situation arises. Why is that?

Mr. McCARTHY. I can get the figures for you. I don't have them now, but in relation to population the Government of France has taken far more Southeast Asian refugees in relation to population than the United States. This is just one question in there. I think we were pretty well caught as far as the Southeast Asian refugees in the initial area. I think we had a little bit of responsibility in the area. We made commitments in that area and we voluntary agencies have nothing to say until the refugees are in the docks and in the camps. We were called up at that time to help the Government with pretty well a foreign policy emergency situation. We responded and I think responded fantastically. We hear people question the value of the voluntary agencies. I can tell you personally, Mr. Chairman, in a period of 60 hours we had established throughout the United States 179 offices including Guam, Alaska, and Hawaii.

These were turned over to the Government without cost to process these people. I don't know how long it would take the Government —

Mr. EILBERG. You're wandering all over the lot. I am asking, Why is the United States big brother and why aren't other countries doing more?

Mr. McCARTHY. I think we have a leadership position in the world.

I think we are a nation that expresses concern for our fellow man and exercises that concern as we are doing right now with Russian refugees and with other countries.

We have a leadership position, and one of the things of a leadership position is to show what should be done, not relating to what others will do and we will follow.

Mr. EILBERG. Mr. McCarthy, do you have an opinion as to our capacity to absorb refugees?

Mr. McCARTHY. May I quote from a statement from the Department of Labor?

Mr. EILBERG. Certainly.

Mr. McCARTHY. This is a statement from a presentation made by Mr. Herbert Bienstock, Department of Labor, to the Regional Commission of Statistics in New York City on December 2, 1976.

The present birth rates and the projection of future birth rates indicate that the scene will change considerably in the next few years. The table on page 14¹ presents declining birth rates. In 1985 there will be a shortage of young people, while the demand for skilled people and persons in white-collar employment will be increasing. It is possible, in view of this, we may have to stimulate immigration by 1985 to keep the economy functioning.

That is the Department of Labor's statement and I am answering your question, How much can we absorb?

I think we are absorbing tremendous talent and training. I don't know how much. No one can answer that question.

Mr. EILBERG. We will have to have that statement, if we may for the record.

[The summary of Mr. Bienstock's submission, which was prepared by the American Immigration and Citizenship Conference and referred to by Mr. McCarthy follows:]

AMERICAN IMMIGRATION AND CITIZENSHIP CONFERENCE

(By Mr. Herbert Bienstock)

Title of the Seminar: "E Pluribus Unum: One Nation Out of Many."

The topic of the session at which Mr. Bienstock made his presentation was: "Newcomers in the American Economy, Threat or Asset?"

The attached data booklet was the basis of the presentation of Mr. Herbert Bienstock. The major points of his presentation and their relationship to the data in the booklet are as follows:

1. The major point of Mr. Bienstock's presentation was that Newcomers, including the Puerto Ricans who are citizens, are migrating to those areas of the nation, particularly the northeast, from which the jobs are departing.

2. He called attention to the shift in the source of immigrants as a result of the 1965 immigration legislation. Note: Charts and Table on page 1. There is a sharp increase in immigrants from Asia. They constituted 1.5 percent of all immigrants in 1950; 34 percent in 1975. There has also been a sharp increase in immigration from Central and Latin America. Excluding Canada, Newfoundland, and Mexico, Latin America supplied 6.2 percent of the immigrants in 1950, 24.1 percent in 1970. Mr. Bienstock noted that since 1970 there has been a substantial reversal in movements of Puerto Ricans. Large numbers have been returning to the Island.

3. Internal migration data on page 2 indicates a large movement of American citizens, black and white, from the northeast and north central regions to the south and west. They are obviously following the jobs. Meanwhile, Newcomers concentrate in the northeast.

¹ Not printed here.

4. The map and chart on page 4 provide data indicating that immigrants are coming to the northeast but employment is shifting to other parts of the nation, particularly the south. For example: although 25 percent of the jobs in the United States are in the northeast, 44 percent of the employed immigrants are in the northeast.

5. Tables and charts on page 6 indicate that while employment is dropping in New York State and dropping drastically in New York City, the Newcomers are concentrated there. Of all foreign born in 1970 in the United States, 21.9 percent were in New York State and 14.9 percent in New York City. This has serious implications for anyone counselling immigrants either before they come or after they arrive. For example, of immigrants arriving in the United States in 1975, 22.3 percent remained in New York State and 19 percent remained in New York City.

6. Other tables and charts on page 7 indicate that Newcomers are coming to the central cities where the unemployment rates are highest.

7. Apart from professional and technical employees where the percentage of immigrants is higher than the total population in that category, a smaller percentage of immigrants are in white collar occupations where job opportunities are increasing. This is particularly true of Puerto Ricans (Note: Puerto Ricans are American citizens, not immigrants. During the discussion the issue was raised whether the large percentage of immigrants in the professions was having an unfavorable impact on American citizens who are professional. Response was that immigrants probably have those professional tasks which American professionals generally avoid.

8. The present birth rates and the projection of future birth rates indicate that the scene will change considerably in the next few years. The table on page 14 presents declining birth rates. In 1985 there will be a shortage of young people, while the demand for skilled people and persons in white collar employment will be increasing. It is possible, in view of this, we may have to stimulate immigration by 1985 to keep the economy functioning. However, it will be important that the immigrants be prepared to move into white collar employment, and that they move to those sections of the nation where the jobs are available.

some facts related to

**NEWCOMERS
IN THE UNITED STATES**

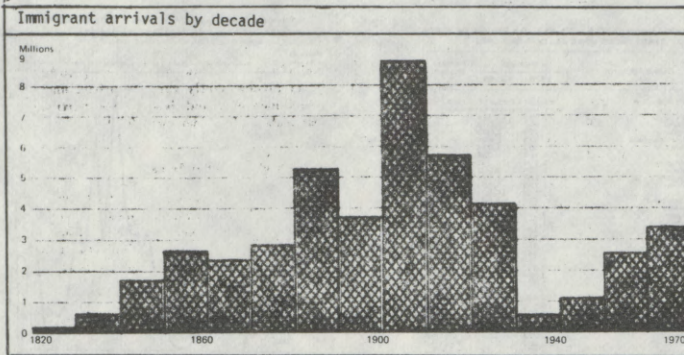
Presented by:

Herbert Bienstock
Regional Commissioner of Labor Statistics

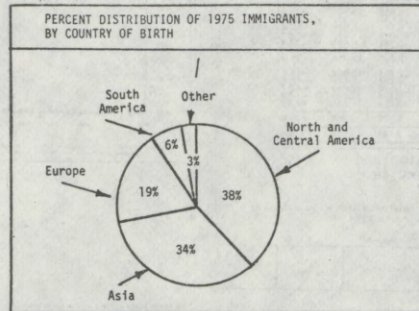
At the:

American Immigration and Citizenship
Conference
New York, New York
December 2, 1976

U.S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS
1515 BROADWAY
NEW YORK, NEW YORK 10036



Source: Immigration and Naturalization Service.



Source: Immigration and Naturalization Service.

Immigrants as a Percent of Total Immigration, by Nativity,¹ Selected Years, 1820-1973

Year	Total Immigrants ¹	Europe					Asia					America					Total Immigrants
		Total Europe	North- western Europe	Central Europe	Eastern Europe	Southern Europe	Total Asia	Turkey in Asia	China	Japan	Other Asia	Total America	Canada and New Zealand	Mexico	Other America	Total Africa	
1820	8,885	81.7	77.5	11.6	0.3	2.4					4.5	2.5			2.1		
1830	23,723	30.9	22.3	5.5		2					8.8	3.8			4.8		
1840	84,095	55.3	58.7	25.3		2					4.5	2.5			1.8		
1850	260,040	53.8	51.7	21.3		2					4.3	2.5			1.8		
1860	153,640	51.0	55.0	35.5		2					4.1	2.9			1.0		
1870	287,208	54.9	51.8	31.7	2	1.1	4.1		8.6		11.0	10.4			1		
1880	457,257	78.3	69.3	22.8		1.1			1.8		22.2	21.8			1		
1890	655,202	97.9	62.5	35.1	0.0	12.9	0.0	0.2	2.9		0.2					0.2	
1900	1,041,570	86.7	15.0	29.7	20.4	23.8	2.3	1.5	9	2.8	5.2					8	
1910	1,041,570	88.9	15.4	27.8	20.4	24.3	2.3	1.5	2	8	1.6					1	
1920	484,001	67.8	20.0	2.7	1.3	38.3	4.1	1.2	0	2.2	27.8	26.9	12.2	4.7	2	1	
1930	241,700	61.0	29.2	15.6	0.0	11.2	1.9		7	8	36.5	27.9	5.8	4.2	2	1	
1940	70,750	71.5	22.6	36.5	0.0	10.2	2.7		9	1	25.2	13.7	3.3	6.3	3	1	
1950	240,187	75.9	14.1	39.0	0.0	6.5	1.5		5	1.0	17.7	6.8	2.7	6.2	3	1	
1960	378,826	26.4	6.7	6.2	1	18.6	24.4	4	1.7	1.8	21.0	68.8	7.3	12.0	26.1	1.9	
1970-1976 year total	65,317,864	77.3	29.6	26.9	7.2	14.6	4.4	8	1.0	1.8	17.3	6.7	5.8	4.7	2	1	

¹ By country of last permanent residence for 1970 and thereafter.² Annual data at 10-year intervals. For 1820-47 excludes returning citizens.

IMMIGRANTS ADMITTED BY COUNTRY OR BIRTH YEARS ENDED JUNE 30, 1975 AND 1965

Country of birth	Number 1975	Number 1965	Percent change
All countries	386,194	296,697	+30.2
Europe	73,995	113,424	-34.8
Austria	102	180	-43.3
Belgium	329	1,005	-67.1
Czechoslovakia	151	1,894	-92.1
Denmark	351	1,884	-81.3
France	1,364	4,039	-66.2
Germany	5,154	24,045	-78.5
Greece	9,984	3,007	+232.5
Hungary	382	1,574	-75.5
Ireland	1,285	5,453	-76.5
Netherlands	11,552	10,821	+6.8
Italy	816	3,085	-73.5
Norway	387	2,256	-82.9
Poland	3,941	8,465	-53.4
Portugal	1,645	2,005	-18.0
Romania	1,161	1,654	-29.8
Spain	2,848	3,000	-5.1
Sweden	482	2,411	-80.0
Switzerland	1,386	1,884	-26.5
U.S.S.R.	5,118	1,853	+176.2
United Kingdom	10,807	27,158	-60.2
Yugoslavia	3,524	2,818	+25.1
Other Europe	1,028	2,438	-57.8
Asia	132,469	20,683	+540.5
China and Taiwan	18,536	4,057	+356.9
Hong Kong	4,961	712	+596.9
India	15,773	582	+2610.1
Iran	2,337	1,884	-18.8
Japan	274	2,180	-87.4
Korea	28,362	2,165	+1210.0
Pakistan	2,751	1,857	+48.5
Philippines	31,751	3,320	+844.4
Thailand	1,711	1,114	+53.6
Vietnam	3,039	226	+1244.2
Other Asia	16,669	5,426	+207.2
North America	146,668	126,729	+15.7
Canada	7,358	38,327	-80.9
Mexico	67,205	37,969	+76.9
West Indies	67,430	37,583	+79.4
Cuba	25,185	18,760	+34.8
Dominican Republic	14,552	9,004	+61.6
Haiti	5,145	1,609	+219.8
Jamaica	11,076	1,837	+500.9
Trinidad and Tobago	5,982	489	+1133.4
Other West Indies	5,506	2,568	+115.0
Other North America	9,725	12,850	-24.5
South America	22,984	30,962	-25.8
Argentina	2,227	6,124	-63.6
Brazil	1,070	2,869	-62.7
Colombia	6,424	10,885	-40.9
Other South America	13,253	11,084	+19.6
Africa	6,729	3,383	+98.9
Oceania	3,347	1,512	+121.4

Source: Immigration and
Naturalization Service.

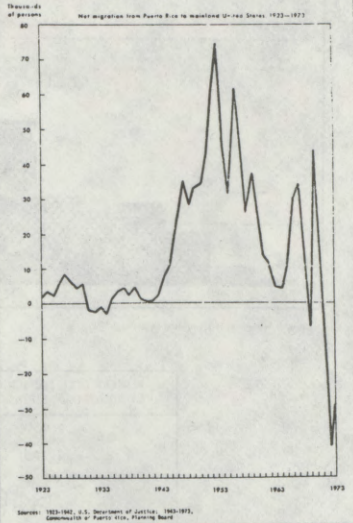
Interregional migration of the population 4 years old and over,
March 1970 to March 1974

(numbers in thousands)

Migration status and race	South	Northeast	North Central	West
Negro				
Immigrants	276	68	56	172
Outmigrants	24	143	199	39
Net migration	35	-55	-103	123
White				
Immigrants	1,055	930	1,622	1,513
Outmigrants	1,041	1,799	2,284	1,466
Net migration	1,014	-369	-262	447

SOURCE: Bureau of the Census

Although there have been wide variations in net migration figures, the 1970's brought the first sizable net reverse migration to Puerto Rico



Percent distribution of the population by region, 1940, 1950, 1960, 1970 and 1974

Area and race	1940	1950	1960	1970	1974
Negro					
United States (millions)...	12.9	19.0	18.9	22.6	21.5
Percent, total.....	100	100	100	100	100
South.....	77	88	89	83	83
North.....	22	28	31	39	39
Northwest.....	11	13	18	19	18
West.....	1	4	6	6	9
White					
United States (millions)...	118.3	134.9	158.8	177.7	181.3
Percent, total.....	100	100	100	100	100
South.....	27	27	27	26	26
North.....	62	59	58	54	53
Northwest.....	29	28	28	28	24
West.....	11	14	18	18	18

1/ Data exclude Alaska and Hawaii.

SOURCE: U.S. Department of Commerce, Bureau of the Census.

DEPORTABLE ALIENS LOCATED, BY SELECTED NATIONALITIES
YEARS ENDED JUNE 30, 1975 AND 1974

Nationality	Number		Per- cent change
	1975	1974	
Mexican.....	680,392	709,959	-4.2
Cuban.....	416	1,110	-63.2
Canadian.....	9,048	9,702	-1.4
Dominican.....	3,233	3,601	-10.2
Ireland/Ireland.....	2,048	3,512	-41.7
Other Western Hemisphere.....	21,270	24,705	-13.5
Chinese.....	4,254	4,504	-5.4
Philippine.....	3,164	2,904	+9.0
Greek.....	1,450	1,619	-10.7
Russian.....	1,941	1,570	+23.6
United Kingdom.....	2,664	2,334	+14.1
All others.....	22,819	18,345	+24.4
Total aliens located.....	766,600	788,145	-2.7

Source: Immigration and Naturalization Service.

In February 1975, the Commissioner of the Immigration and Naturalization Service advised the House Subcommittee on Immigration that: "We really don't know how many illegal aliens there are in the country. The estimates range from 4 million to 12 million; the actual number is probably somewhere in between," perhaps about 8 million or so. 1/

Irrespective of the precise number of illegal aliens in the United States, there is a general consensus among informed sources concerning certain relevant characteristics:

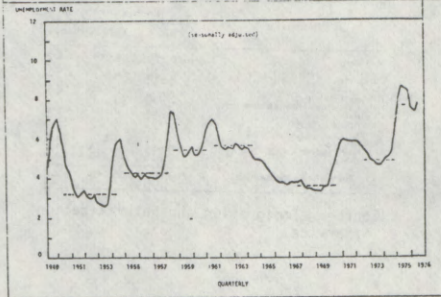
1. Such persons mainly enter the United States, or stay here illegally, to improve their economic status. A very large portion are younger adults and are either working or seeking work.
2. Occupationally, such workers are heavily concentrated in the less desirable unskilled or semiskilled jobs, typically in menial service occupations, in farm labor or casual nonfarm labor and in low wage manufacturing industries.
3. Geographically, the largest concentration of such workers consists of Mexicans in the Southwest border area. However, substantial numbers, including many West Indies immigrants, are apparently located in eastern seaboard cities, e.g., New York City, Washington, D.C., and Miami, as well as in certain mid-western industrial cities, such as Chicago.

From the standpoint of our statistical analysis of occupational labor supply, it is reasonable to assume that most such illegal residents are not included in the official census enumerations, or if counted, are not likely to accurately report their country of origin.

1/ Statement by Leonard F. Chapman, Jr., Commissioner, Immigration and Naturalization Service, before the House Subcommittee on Immigration, Citizenship, and International Law, February 4, 1975.

Source: The Labor Supply for Lower Level Occupations, U.S. Department of Labor, Employment and Training Administration.

UNITED STATES UNEMPLOYMENT IN POST WORLD WAR II RECESSIONS



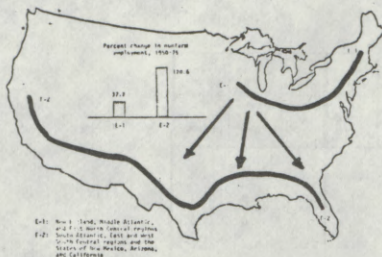
UNEMPLOYMENT RATES BY RACE, AGE, AND SEX, UNITED STATES THIRD QUARTER, 1976

White males, 20 years and over	4.9
White females, 20 years and over	7.3
TOTAL, AGES 16 AND OVER	7.6
Black males, 20 years and over	10.1
Black females, 20 years and over	12.7
White youth, ages 16-19	15.6
Black youth, ages 16-19	37.3

UNEMPLOYMENT RATE IN MAJOR AREAS, AUGUST 1976

Area	Percent
San Francisco-Oakland, Cal. -----	11.0
Detroit, Mich. -----	10.1
New York, N.Y. -----	9.7
Los Angeles-Long Beach, Cal. -----	9.0
Seattle-Everett, Wash. -----	8.5
Newark, N.J. -----	8.3
Philadelphia, Pa.-N.J. -----	8.2
UNITED STATES -----	7.6
Boston, Mass. -----	7.4
Nassau-Suffolk -----	7.4
Chicago, Ill. -----	7.0
Pittsburgh, Pa. -----	6.9
Anaheim-Santa Ana-Garden Grove, Cal. -----	6.7
Baltimore, Md. -----	6.6
St. Louis, Mo.-Ill. -----	6.5
Houston, Tex. -----	5.7
Cleveland, Ohio -----	5.6
Minneapolis-St. Paul, Minn. -----	5.4
Washington, D.C.-Md.-Va. -----	5.3
Dallas, Texas -----	4.7

Note: All area unemployment rates are preliminary.

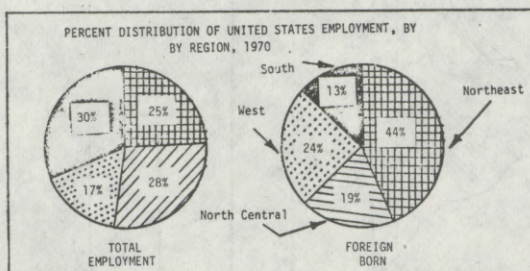


Changes in payroll employment by region, June 1975-June 1976

Region	Total employment June 1976	Change, June 1975-June 1976	
		Number	Percent
Northeast -----	18,739.9	7.2	-
North Central ---	21,629.3	418.2	2.0
South -----	23,349.5	521.9	2.3
West -----	14,216.9	351.0	2.5

NONFARM EMPLOYMENT BY REGION, 1975 AND CHANGE, 1950-1975

Region	Employment (in thousands)		Percent change, 1950-1975
	1975	Change 1950-1975	
UNITED STATES	76,985	31,763	70.2
West	13,749.9	8,143.6	145.3
South	23,449.0	12,305.4	110.4
North Central	21,100.5	7,122.0	50.9
Northeast	18,574.5	4,355.9	30.6



Source: Bureau of the Census.

RESIDENCE OF IMMIGRANTS AND THE GENERAL POPULATION IN CITIES AND URBAN AND RURAL AREAS,¹ 1950-70

[Percent]

Year and category	Immigrants	General population
1950		
Cities	54.3	29.4
Urban areas	26.7	34.6
Rural areas	19.0	36.0
1960		
Cities	54.3	28.5
Urban areas	37.0	41.4
Rural areas	8.6	30.1
1970		
Cities	57.5	27.7
Urban areas	36.1	45.8
Rural areas	6.3	26.5

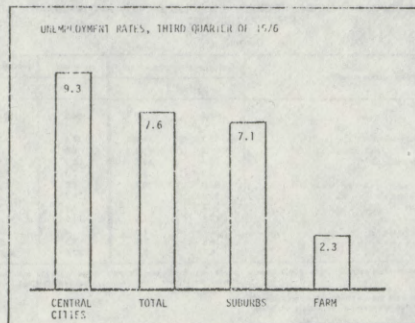
¹ Cities have populations of over 100,000, urban areas 25,000 to 100,000, and rural areas under 2,500. Reports for those years, table 12b. Data for general population from Statistical Abstract of the United States, 1972, table 17.

SOURCES: Data for place of intended residence reported by the 1950, 1960, and 1970 cohorts of immigrants, *INS Annual*

Employment status of the population in metropolitan and nonmetropolitan areas by sex, age, and race

(Numbers in thousands)

Employment status	Metropolitan areas						Nonmetropolitan areas					
	Total		Central cities		Suburbs		Total		Farm		Nonfarm	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
Total	103,428	105,153	45,055	45,254	58,373	59,899	48,212	49,071	3,139	4,802	45,073	44,269
Civilian noninstitutional population	64,477	66,429	27,393	27,466	37,084	38,763	29,110	29,855	3,277	3,113	25,833	26,742
Percent of population	62.7	63.2	60.8	61.1	64.2	64.7	60.4	60.8	63.8	64.8	60.0	60.4
Employed	59,258	61,127	24,741	25,103	34,497	36,024	26,921	27,847	3,184	3,040	23,737	24,807
Unemployed	5,450	5,302	2,633	2,582	2,887	2,740	2,189	2,007	93	73	2,096	1,934
Unemployment rate	8.7	8.0	9.6	9.3	8.0	7.1	7.5	6.7	2.8	2.3	8.1	7.2
Not in labor force	36,351	38,724	17,662	17,589	20,889	21,135	19,102	19,217	1,862	1,689	17,240	17,529



Occupational distribution of the employed,
age 18 and over, United States, 1970

(numbers in thousands)		
Occupation	Total population	Foreign born
Total employed.....	76,553.6	4,039.8
Percent of total	100.0	100.0
Professional, technical and kindred.....	14.8	15.5
Nonfarm managers and administrators.....	8.3	7.8
Sales workers.....	7.1	6.6
Clerical workers.....	18.0	14.0
Craftsmen and kindred.....	13.0	14.1
Operatives, except transport.....	13.7	18.3
Transport operatives.....	3.9	1.9
Nonfarm laborers.....	4.5	4.0
Service workers, except private household.....	11.3	13.7
Private household workers.....	1.5	1.9
Farm workers.....	3.1	2.3

Source: Bureau of the Census.

OCCUPATION OF IMMIGRANTS* AND THE GENERAL POPULATION, 1910-70
(Percent)

Occupation group	1910		1930		1950		1960		1970	
	Immigrants	Population	Immigrants	Population	Immigrants	Population	Immigrants	Population	Immigrants	Population
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Professional and technical workers	1.2	4.7	6.3	6.8	16.2	8.6	17.9	11.2	29.4	14.2
Managers, proprietors, and officials	1.9	6.4	3.4	7.4	5.1	8.8	4.3	10.6	3.7	10.5
Clerical and sales workers	1.2	10.0	10.6	13.2	13.3	19.3	19.9	21.3	10.5	23.5
Craftsmen and operators	15.6	26.2	23.9	28.6	31.8	34.4	27.8	30.7	29.7	30.5
Laborers	27.7	12.0	13.3	11.0	4.5	6.6	10.5	5.9	9.0	5.1
Household workers	12.4	3.0	21.4	4.1	7.0	2.5	6.7	12.4	6.7	11.3
Other service workers	3.1	4.0	3.0	3.7	4.0	7.8	7.2	2.1	1.9	1.9
Farmers	1.3	16.5	6.2	12.4	13.9	7.3	2.3	8.1	2.4	3.9
Farm laborers	37.0	14.4	10.1	8.8	13.2	4.4	3.2	1.1	1.7	3.9

* Based on stated occupations on the applications.

NOTE: Sums of percentages may not equal 100.0 because of rounding.

SOURCES: Immigrant data, 1910-50, *Historical Statistics of the United States*, Series C-115, 132, 160 and 170, 1953.Annual Reports, table 104; data on general population, 1910-60, *Historical Statistics*, Series D-75, 121, 1960 and 1970, *Statistical Abstract of the United States*, 1972, table 306.OCCUPATION GROUP OF THE GENERAL POPULATION, 1970, AND IMMIGRANTS AT
REGISTRATION, 1972

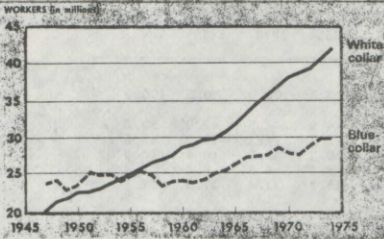
Occupation group	[Percent]			
	Immigrants		population	
	men		women	
Total	100.0	100.0	100.0	100.0
Professional and technical workers	19.2	14.0	17.6	14.5
Farmers	2	3.4	0.0	3
Managers, proprietors, and officials	3.4	14.2	2.1	4.3
Salesworkers	2.2	5.6	2.3	7.0
Craftsmen and foremen	22.0	20.1	2.8	1.1
Operatives	16.5	19.6	24.7	14.5
Household service workers	2	.1	4.1	5.1
Other service workers	12.6	6.6	14.9	16.3
Farm laborers	2.7	1.9	.6	1.5
Laborers	14.3	7.3	7.3	5
Clerical workers	6.8	7.1	23.6	34.5

NOTE: Sums of percentages may not equal 100.0 because of rounding.

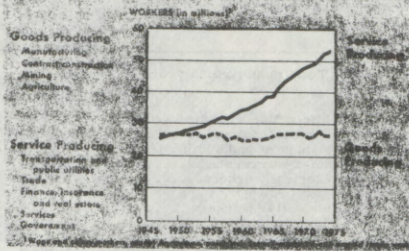
SOURCES: Data for both groups are for labor force participants (or those with stated occupations) only; data on immi-

grants are from TransCentury Survey, 1973, and on the general population, from *Employment and Earnings*, vol. 18, No. 7, table A-17.

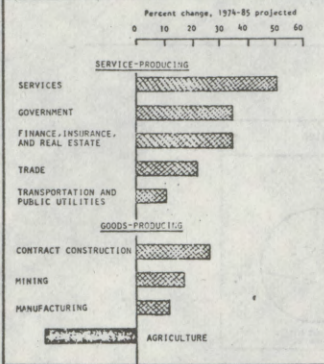
Employment Has Shifted Toward White-Collar Occupations



Industries Providing Services Offer More Jobs Than Those Providing Goods



THROUGH THE MID-1990'S, EMPLOYMENT GROWTH WILL VARY, BY INDUSTRY



INDUSTRIES DIFFER IN THE KINDS OF WORKERS THEY EMPLOY ...

Industry	Percent distribution of employment, 1974	
	WHITE-COLLAR	BLUE-COLLAR
FINANCE, INSURANCE, AND REAL ESTATE	91.7	8.3
SERVICES *	64.1	35.9
TRADE	60.5	39.5
TRANSPORTATION AND PUBLIC UTILITIES	40.0	60.0
MANUFACTURING	29.7	70.3
MINING	29.4	70.6
CONTRACT CONSTRUCTION	21.3	78.7

* Excludes private household workers.

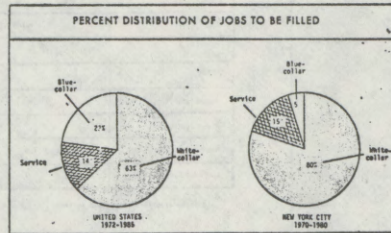
CLERICAL, PROFESSIONAL AND TECHNICAL OCCUPATIONS WILL GROW FASTEST...

EMPLOYMENT (millions)		Occupational group and percent change, 1974-1985
1974	Projected 1985	
85.9	103.4	TOTAL 20.1
15.0	20.1	Clerical workers 33.8
32.3	36.0	Professional and technical workers 29.4
11.4	14.6	Service workers 28.0
8.9	10.9	Managers and administrators 21.6
11.5	13.8	Craft and kindred workers 19.9
5.4	6.3	Salesworkers 15.7
13.9	15.2	Operatives 9.0
4.4	4.8	Nonfarm laborers 8.8
3.0	1.9	Farm workers - 35.0

Occupational distribution of the employed, 1950-75 and September 1975

Occupational group	1975 level (thousands)	Percent of total				
		1960	1965	1970	1975	September 1976*
Total employed 16 years and over.....	84,783	100.0	100.0	100.0	100.0	100.0
White collar workers	42,227	43.4	44.8	48.3	49.8	50.2
Professional and technical ...	12,748	11.4	12.5	14.2	15.0	15.5
Managers and administrators.	8,891	10.7	10.3	10.5	10.5	10.9
Sales workers	5,460	6.4	6.5	6.2	6.4	6.4
Clerical workers.....	15,128	14.8	15.7	17.4	17.8	17.5
Blue collar workers	27,962	36.6	36.0	35.3	33.0	32.7
Craftsmen and kindred.....	10,972	13.0	13.0	12.9	12.9	12.9
Operatives	12,856	15.2	15.8	17.7	15.2	14.9
Nonfarm laborers.....	4,134	5.4	5.2	4.7	4.9	4.9
Service workers.....	11,657	12.2	12.6	12.4	13.7	13.9
Farm workers	2,936	7.9	5.7	4.0	3.5	3.2

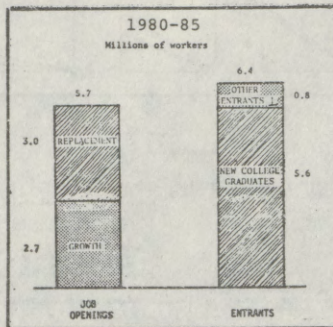
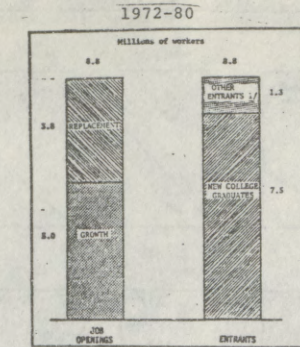
*Seasonally adjusted.

Projected Employment Growth by Major Occupational Group, 1974-85
(In thousands)

Occupational Group	1974 Employment	Projected 1985 Employment	Percent Change	Openings		
				Total	Growth	Replacements
Total	86,936	103,400	20.3	57,600	17,400	40,200
White-collar workers	41,739	53,200	27.5	34,300	11,500	22,800
Professional and technical workers	12,238	16,000	29.4	9,400	3,800	5,700
Managers and administrators	8,941	10,900	21.8	5,200	1,900	3,200
Salesworkers	5,417	6,300	15.7	3,400	900	2,600
Clerical workers	15,043	20,100	33.8	16,300	5,100	11,300
Blue-collar workers	29,776	33,700	13.2	12,500	3,900	8,900
Craft and kindred workers	11,477	13,800	19.9	5,100	2,300	2,800
Operatives ¹	13,919	15,200	9.0	6,000	1,300	4,600
Nonfarm laborers	4,380	4,800	8.8	1,400	400	1,100
Service workers	11,373	14,600	28.0	11,000	3,200	7,800
Farm workers	3,048	1,900	-39.0	-200	-1,200	1,000

¹ Includes the 1970 Census classification: operatives, except transport and transport equipment operatives.
Note: Data may not add to totals because of rounding.

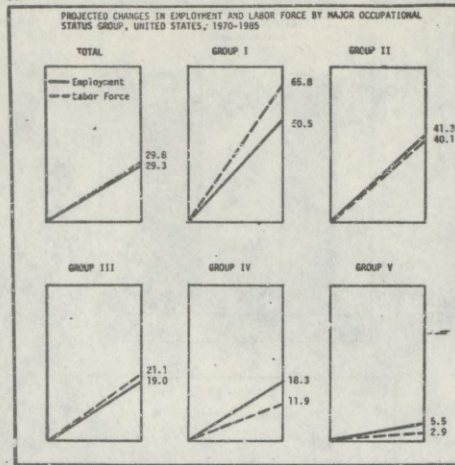
PROJECTED JOB OPENINGS
FOR COLLEGE GRADUATES
AND PROJECTED ENTRANTS



1/ Includes reentrants, delayed entrants, immigrants, and military separations.

College graduates as a percent of all workers in selected occupational groups, United States, March 1962, March 1970 and March 1975

Occupation	Total employed (numbers in thousands)			College graduates as a percent of all workers		
	1962	1970	1975	1962	1970	1975
Total, all workers 18 years and over.....	63,939	75,654	82,902	11.5	13.2	16.8
Professionals, technical and kindred workers.....	8,162	11,203	12,976	57.5	59.8	63.8
Managers and administrators except farm.....	7,557	8,259	8,768	15.7	20.1	28.6
Salesworkers.....	3,894	4,455	5,262	11.7	11.8	17.2
Clerical and kindred workers.....	9,950	13,416	14,924	5.8	4.7	7.6
All other workers.....	34,386	36,321	40,972	1.3	1.3	2.7



Occupational Status Group

GROUP I - Professional, Technical, Related Workers, Total

Engineers
Medical Personnel
Teachers, Enrolling College
All Other

GROUP II

Managers, Officials, Proprietors,*
Including Farm
Clerical and Related Workers, Total
Secretaries, Clerks, Typists
All Other Clerical Workers
Sales Workers
Policemen, Firemen, etc. 1/

GROUP III

Craftsmen, Foremen, and Kindred Workers:
Foremen, N.E.C.
Mechanics and Optic Craftsmen
Carpenters
Electricians, Electricians, etc. 2/
Craftsmen, N.E.C.
Barbers, Bartenders, Misc. Services 3/
Operators, Printers, Petroleum and Related Industries

GROUP IV

Owners and Farm Managers, Total
Construction Workers, Plasterers,
Roofers, etc.
Transport Operators
Operators, Durable Goods Mfg.:
Metal Working Industries
All Other Durables
Operators, Non Durable Goods Mfg.:
Food and Tobacco
Textile, Apparel, Leather

GROUP V (continued)

Operators, Non-manufacturing
Mining, N.E.C.
All Other Non-manufacturing, Including
Not Specified Operators

Service Occupations:

Guards, Bailiffs, etc. 2/
Waiters, Waitresses
Hospital Attendants, Practical Nurses,
Midwives

Laborers, Metal Working Industries**GROUP V**

Farm Laborers and Foremen, Total
Paid Workers
Unpaid Workers

Laborers, Excluding Farm and Mine:

Durables, Excluding Metals
Non Durable Goods Industries:
Food and Tobacco Mfg.
Textile, Apparel, Leather Mfg.
Other Non Durable Mfg.
Non-manufacturing:
Construction
All Other Non Mfg. (including
not specified)

Personal Services:

Cooks
Janitors and Servants
Other Cleaning and Building Services 4/
Private Household Workers
Laundry and Dry Cleaning Ops.

1/ The relative concentration index is the ratio of the percent of nonwhites in a specified occupation to the percent of nonwhites in all occupations.

2/ Includes policemen (firemen) partially and essentially clerical and bailiffs.

3/ Includes bricklayers; electricians; plumbers; excavating, grading and machinery operators, etc. structural metal craftsmen.

4/ Includes barbers; bartenders; barmaids and lodging housekeepers; also, personal attendants, waiters, waitresses and chauffeurs.

5/ Includes guards and watchmen, crossing watchmen and bridge tenders.

6/ Includes porters, elevator operators, cleaners and charwomen.

Comparison of Projected Percentage Changes in Labor Force and
Employment by Major Occupational Status Group, 1970-85

	Experienced civilian labor force			Employment 1/			Difference (E-L)*		
	1970-85	1970-80	1980-85	1970-85	1970-80	1980-85	1970-85	1970-80	1980-85
TOTAL	29.8	21.8	6.6	29.3	21.0	6.1	0.5	0.8	0.5
Group I	65.8	41.4	17.2	50.5	35.0	11.6	15.3	6.4	5.6
Group II	40.1	28.9	8.7	41.3	32.3	7.0	-1.2	-3.4	1.7
Group III	21.1	16.2	4.2	19.0	13.0	5.4	2.1	3.2	-1.2
Group IV	11.9	11.2	0.7	18.3	14.3	4.1	-6.4	-3.1	-3.4
Group V	2.9	5.9	-2.8	5.5	7.0	-1.3	-2.6	-1.1	-1.5

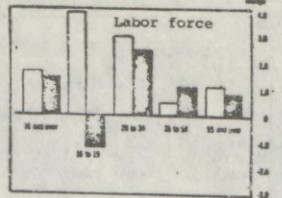
1/ Adapted from unpublished BLS projections of detailed occupation by industry,
compatible with December 1973 BLS labor force and employment projections.

Comparison of Projected Percentage Changes in Labor Force and
Employment: 1970-85, by Census One-Digit Occupation Groups

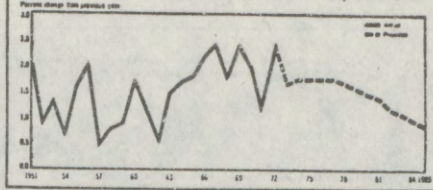
Census Occupation Group	Percent changes, 1970-85								
	Experienced civilian labor force			Employment 1/			Differences		
	(1) 1970-85	(2) 1970-80	(3) 1980-85	(4) 1970-85	(5) 1970-80	(6) 1980-85	(1-4)	(2-5)	(3-6)
EXPERIENCED CIVILIAN LABOR FORCE	29.8	21.8	6.6	29.6	23.3	5.9	0.2	-2.5	0.7
Professional, technical, and kindred	65.8	41.4	17.2	53.3	35.3	13.3	12.5	6.1	3.9
Nonfarm managers	47.5	30.2	13.2	27.4	22.5	4.0	20.1	7.7	9.2
Clerical workers	45.5	32.5	9.8	33.3	29.2	3.2	12.2	3.3	6.6
Sales workers	27.2	23.2	3.2	44.0	30.8	10.1	-16.8	-7.6	-6.9
Craft workers, foremen, and kindred	23.6	17.5	5.2	30.2	22.2	6.6	-6.6	-4.7	-1.4
Operatives (including transport)	18.3	15.8	2.2	13.8	11.6	2.0	4.5	4.2	0.2
Nonfarm laborers	7.4	10.3	-2.6	6.0	6.0	0.0	1.4	4.3	-2.6
Service workers	17.1	14.9	1.9	33.1	26.2	5.5	-16.0	-11.3	-3.6
Farmworkers, total	-19.3	-12.1	-8.2	-41.9	-27.3	-20.0	22.6	15.2	11.8

1/ 1970 employment data by occupation group based on unpublished BLS estimates
adjusted for comparability with published estimates since January 1971, based
on revised occupational classification and enumeration procedures.

AVERAGE ANNUAL RATES
OF CHANGE IN THE UNITED
STATES LABOR FORCE,
1960-72 AND 1972-85



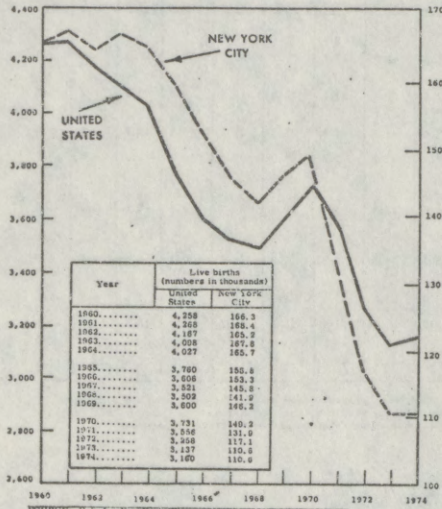
Year-to-year change in total labor force, 1951-1985



LIVE BIRTHS

1960-1974

(NUMBERS IN THOUSANDS)



SOURCE: Data for New York City are from the New York City Department of Health. United States data for 1965-74 are from the Department of Health, Education and Welfare. United States data prior to 1965 are from the Bureau of the Census.

Mr. EILBERG. Do you believe there is a limit?

Mr. McCARTHY. I think we can't absorb the world. I think we are absorbing—I think we are facing terrible demographic problems throughout the world of people.

Mr. EILBERG. Are you concerned about the relationship between the number of refugees that come in and the enormous unemployment problem that we are experiencing at this time?

Mr. McCARTHY. The strange thing in the United States is—and we have it in England, we have it in Australia—we can have such a thing as fairly high unemployment with a very viable job market and that exists in the United States at the present time. We have unemployment, and our employment record among the Vietnamese is very spotty, I will agree, but in a nationwide survey of the people we have settled it has been indicative of the fact that we have jobs for these people. In Baker, Oreg., zero unemployment. Tucson, Ariz., 50 percent of the national average.

Other places like Detroit, Mich., it is high.

Mr. EILBERG. But you have not mentioned that the bulk of those people are underemployed. I have read the statistics, too.

Mr. McCARTHY. The question is on unemployment. We do find that we can get jobs. We do find that these refugees have an upward mobility.

Mr. EILBERG. So, you would say, it is not necessary to put any limit at all on the refugees?

Mr. McCARTHY. Oh, no. I said we should take our fair share of the refugee situation around the world.

Mr. EILBERG. How do you develop the concept of our fair share?

Mr. McCARTHY. It relates to what is a fair share of the 80,000 entirely. I think the present input of something like 400 a month, that is 12 times that. We can certainly well absorb that. I know that the absorption of our people from Soviet Russia, although large, is being well absorbed.

You ask me in total numbers. I couldn't give you a total number.

Mr. MALES. I couldn't give a total number. It would depend upon the situation in the United States at any particular time.

This year we may be only able to absorb 20,000 to 30,000.

Two years from now maybe more, maybe less. I think it ought to depend upon the situation because Congress will be the one to determine and they should determine that on the basis of what the country can absorb.

Mr. EILBERG. On a yearly basis? Are you making a proposal namely, that we should determine what our capacity is for a given year, and Congress should determine that and then that would be the limit?

Mr. MALES. No. There should be a normal flow of refugees because that is a continuation population but when an emergency situation arises at that time the President with Congress can determine how many of these emergency refugees can be absorbed, depending upon conditions in the United States at that time.

Mr. EILBERG. Mr. Harris?

Mr. HARRIS. Thank you, Mr. Chairman.

This is the first time I have had the pleasure of hearing you testify regarding to this particular legislation, and, I would like to express my personal admiration for the work that you have done and are doing.

I know something of the frustrations involved. I have had the experience of administering a foreign training program for 3 years, so I share your understanding of those very personal frustrations that occur when one assists people, who may be from a different cultural background and might be going through very difficult personal adjustments.

I have been trying to figure out what the difference is between a permanent resident and a conditional resident. What is the difference?

Mr. MALES. If I can answer that, under the present law refugees come here under what is known as a conditional entry visa and have to wait 2 years before they are granted permanent resident status. An immigrant comes in here as a permanent resident. At the port of entry he is handed his green card and he has been admitted for permanent residence. A conditional entry is admitted—well the word says “conditionally”.

I don't know of any instance where a conditional immigrant has been deported.

Mr. HARRIS. I want to know what the difference is between a person who entered conditionally and a person who entered for permanent residence.

Mr. MALES. A permanent entrant has a green card upon admission. He has access to all sorts of things that a conditional entrant does not have access to. Jobs mainly.

Anyone that does not have a green card is sometimes considered an illegal alien and employers are reluctant to give these people jobs or positions because they feel these people are here temporarily or not legally entitled to work. There are many States——

Mr. ELBERG. Will the gentleman yield?

I wonder if you would reflect for just a moment. I think you are confusing refugees with conditional entrants. It seems to me that conditional entrants have the same rights as permanent entrants.

Mr. HARRIS. I am trying to establish the point that a person who entered legally into the United States, irrespective of whether that entry was conditional or whether it was permanent, has the same basic legal rights. Is that correct or not correct?

Mr. MALES. That is correct. Except that he is somehow or other discriminated against in the job market and certain other benefits.

Mr. HARRIS. That is because of the way he is perceived and not because——

Mr. McCARTHY. Not quite. A person without a green alien registration card cannot enlist in the armed services.

Persons without a green card are considered out-of-the State residents in the State of California. They have to pay out-of-State tuition. To get in the medical profession in the State of Virginia, you must have filed for a declaration of intention, which is a preamble to citizenship. Without a green card you cannot file for this.

There are restrictions of this nature. You cannot without a green card, you can't petition for your relatives, your sons and children or your spouses. These are the things. It doesn't give them—their rights to stay here are protected, yes; but the rights set in other legislation is reacted negatively without that green card.

Mr. HARRIS. Very good. I am glad to have that on the record. In other words, although the constitutional protections, the basic legal

protections, are no different, because of other statutory provisions at the State and local level conditional entrants are discriminated against; and because of the way they are perceived they are discriminated against. It is hard for me to identify a purpose in calling some "conditional" and others "permanent."

In other words, if the conditional entrant is in a probationary period type if, for example, you could say that refugees going around throwing cigarette butts on the sidewalk could be shipped out of the country without going through due process then I could see a purpose. It would expedite getting rid of him or her, but this is not the case. Apparently, even though we call refugee conditional entrants, they have all the rights of staying here that a permanent entrant has.

Mr. McCARTHY. That is correct. There is an innate fear in talking to our Vietnamese here, they feel without that permanent residence somehow they could be sent back in any negotiations made with Vietnam. We know that is not the case.

Second of all, in Paris at the present time if a Vietnamese refugee in France wants to have a relative join him or try to get out of Vietnam he has to attend lectures at the Embassy of Vietnam in Paris and with the hope that something will happen.

If we recognize Vietnam, I would feel sure that these people would be very concerned if they haven't got permanent residence.

Mr. HARRIS. May I refer your attention to section 207(a) (3) (B). Basically, this provision says the Attorney General may not admit or adjust the status of an alien if he determines, based upon an examination or inquiry conducted under this subsection, that the alien's primary motivation for seeking admission is improvement of his economic condition.

The purpose of this language is to distinguish between individuals who are fleeing persecution and those who are just seeking better job opportunities.

Do you have objections to this language or is it appropriate?

Mr. MALES. All I can say it is very hard to make a determination as to why a person fled. There may be economic factors but this may not be the essential reason why a man fled. He may have fled from a Communist country and there may be some elements to the fact that in the Communist country he has no economic opportunities or no chance to get any higher in his present position. I think it would be very difficult to make a determination what the motivation was of the person who is fleeing.

Mr. McCARTHY. If you are asking the other side of the question, we believe if it is purely economic, then the person should stay in line and get a visa, like the rest.

The only question we have, could this be a tool when they say to a so-called refugee, "Now, look, you fled because you can get a better job in the United States" or the person would say, "I left because I can get a better job in the United States," he may have religious persecution and he comes up with something like that, that would that knock him out of the box.

In analyzing these cases, we run into all kinds of human elements. The basic thing is that people who want to improve their economic life, their economic rights, they should get a visa.

Mr. HARRIS. Do you think the bill is better with that provision in or out?

Mr. MALES. I think it would be better with it out and let the—whoever is going to make a determination, decide what the purpose of his flight was.

Mr. McCARTHY. We are doing that at the present time under the administrative procedures of refugees.

Mr. HARRIS. I would point out to you that the language leaves it up to the person making the determination. The provision simply sets this down as one of the factors to be determined.

Mr. MALES. It is the same as when they raise the issue of firm resettlement, whether a person has been firmly resettled, if he comes out and claims to be a refugee.

Mr. HARRIS. Do you feel that in order for a person to enter under this act, he should be a refugee in the sense that he is fleeing political or some type of persecution—

Mr. MALES. Correct.

Mr. HARRIS [continuing]. As distinguished from a person who simply wants a better job, since the person in the latter case should come through the regular immigration procedures and not refugee procedures, is that correct?

Mr. McCARTHY. Yes. We are reluctant to get things carved in stone, as they may be used as a whipping tool with persons not as humanitarian as persons on this committee.

Mr. HARRIS. You oppose a ceiling of refugees that can be admitted in an emergency situation. Why?

Mr. MALES. I think, as we indicated before, we don't know the nature of the emergency and I think Congress can control this. I don't think that Congress should have its hands tied to a fixed number, assuming there is a situation where you want to let in 25,000 refugees.

It may serve of our foreign policy to admit more refugees.

Mr. HARRIS. If we remove the ceiling from the law and, counsel, correct me if I am wrong, there would be administrative discretion to allow any number to enter unless Congress took an affirmative action to stop it, is that correct?

Mr. CLINE. That is correct.

Mr. MALES. As I say, it is still within the control of Congress.

Mr. HARRIS. But it would require an action to set a ceiling or a limitation by Congress.

It would not be a question of just a veto provision.

Mr. MALES. That is correct.

Mr. HARRIS. Thank you, Mr. Chairman.

Mr. EILBERG. In connection with this legislation, isn't it true we can still have larger numbers through special legislation as an answer to the same problem?

Mr. MALES. Unfortunately, in an emergency situation, special legislation takes a long time to get through.

How long did it take to get the DP act through?

It took an awful long time.

Mr. FILBERG. It took us less than 2 weeks to get the Indochina refugee bill through.

Mr. MALES. That was an appropriation bill, not an admission bill.

Mr. CLINE. It was an authorization bill.

Mr. MALES. An authorization bill. I am sorry.

Mr. EILBERG. I would address myself to Mr. McCarthy since he is the chairman, but anyone may answer.

It's my impression that all you agree to really in connection with our bill is you like the definition. [Laughter.]

Now, we like the definition, too, but we have struggled repeatedly with these emergency situations and have had great difficulty in the consultative process. Most often, the State Department initiates a parole recommendation and it then goes to the Justice Department. They then meet with the leadership of both the House and Senate committees dealing with immigration and it's extremely difficult to do that in an intelligent and reasonable way. Are you for a continuation of that process?

Mr. McCARTHY. I am not being facetious, believe me, on this, but I think we are much more intelligent, much more talented to handle a communication program in a communication way without putting forth legislation to handle the communication difficulties. As I gather, it's a communication problem more than anything else, I think, from our own experience being on the outside, it's my feeling under your guidance and your leadership and your pressure, I might add, that this communication structure has improved vastly.

It may not be satisfactory, and that's something outside of our jurisdiction. What we are definitely concerned with is the delays that are inherent many times when it gets into the field of legislation.

Mr. EILBERG. If I may respond, in virtually every situation in which I have been involved concerning the parole of groups of refugees, it appears that executive branch officials have had no experience with this subject at all before.

Now, what we have been asking for from the Justice Department and from the Immigration Service, and from you, the last couple of years are procedural criteria and some guidelines so we know there are some things we have to do when an emergency situation arises.

We have been totally unsuccessful in getting any guidelines so that we would know what steps we must go through before we can come to a conclusion.

Mr. McCARTHY. We look at this from a different perspective, sir. We are basically—we are not in the foreign policy game and the idea of who is a refugee and who it should be—that's one side. We are concerned with the humanitarian aspects. We are providing resettlement opportunities and we are anxious for expeditious action to be taken.

We are always concerned when things enter the legislative sphere that will have problems. I think as a prime example, on the extended boat cases, from Southeast Asia. There was some, unfortunately, some little delay along the line. We were under contract with the Government at that time to get \$500 a head for the resettlement of these refugees. By the time the approval or authorization came through, it was the end of the fiscal year and in our own particular case the money was allocated in relation to the name and number of the refugee.

By the time the approval came through, there was no chance to move the name. Some of these refugees decided, others moved on, so we had to take 200 refugees, our own organization, from Southeast

Asia, and we carried them in the exact same way as other refugees but this would be 400,000 provided for the refugees, which went back to the Federal Treasury.

I know the other voluntary agencies had the same experience. What was your case, Miss Williams?

Ms. WILLIAMS. A much smaller number, but we, too, had after July 1 refugees which did not fit into the picture.

Mr. EILBERG. Mr. McCarthy, we would be very interested in knowing whether the voluntary agencies have made studies of prior refugee programs, evaluating these programs in terms of social, demographic, political, and economic impact upon the United States.

Mr. MCCARTHY. I don't think any studies of that nature have been made. I think one study was made of a certain one of the Jewish groups coming in under the DP program. I have one or two of those studies on hand for you.

Mr. MALES. Those programs were made many, many years ago and were made by individual Jewish family services about the absorption and the adjustment of these people in a particular community.

Mr. EILBERG. It seems to me, and I have great interest in your work and respect for it, but it seems to me there is a gap there. It seems to me when you're finished with a program you ought to evaluate it not only for your own sake but for the sake of Congress and for the refugees themselves. Why don't you evaluate these previous programs?

Mr. MCCARTHY. We are evaluating this program in every community of the United States, unemployment, what's spent, what's needed, the type of people. We are also doing this at your request on the matter of Chilean movement. We are going into great detail—a questionnaire has been sent to all the—this Chilean program is being gone into with great detail.

Mr. EILBERG. We're asking you to do this for all programs.

Mr. MCCARTHY. I personally will have that material for you within a period of months.

Mr. EILBERG. Miss Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

One of the matters that has concerned me greatly about the admission of refugees and persons who seek asylum is the fact that there really are no specific procedures that would assure that due process is granted when such persons are questioned in order determined whether or not they meet the present statutory standards. This committee issued a staff report which suggested that there were no guidelines that would assure that persons who do not speak English were questioned in a language they could understand, so an accurate determination could be made of their status. They were not advised that they had the right to consult counsel.

I wonder if you have any concern that as part of a bill dealing with the problem of refugees we ought to try to insure that due process will be granted by spelling out—but not in an overly detailed manner—the kinds of procedures that should be used.

Mr. MCCARTHY. I can't agree with you more. In Europe, our voluntary agencies that are close to the people, we have an advocacy approach to it. A classic story—a Haitian story, and this is a fact of life, pictures and the whole works—this person—it was under Papa Doc's regime, if you make a mistake in saying a person is not a refugee and

he is forced by some means or another to return, it's almost like there is no guard against what if you're wrong.

This person was sent back to Haiti. He was determined not to be a refugee. There was a picture of him being shot, put up against a post, a priest and the whole routine. You're treading on very dangerous ground when you're examining these people because if you're wrong and the person is forced to return you have got a terrible problem.

Mr. MALES. I have had some experience with political asylum cases in New York City and they mainly involved people, Russian Jews who come here as visitors or Poles or from Communist countries. The difficulty is there is nothing in the statute which provides for political asylum. The district director in each Immigration district makes a determination. They do consult ORM to find out in the case where there is a denial. They would ask ORM for an opinion. ORM does not give a decision, merely an opinion, but I think there should be something in the statute to make a request for political asylum, statutory and spelling out specific guidelines rather than leave it up to the individual discretion of each individual district director to make a determination.

Mr. McCARTHY. You can realize how bad this is. On the Chilean cases where the Department of State has said in cases that this person is a refugee, theoretically meets all the requirements, it goes to Immigration and they turn it down or may turn it down.

They have turned some of them down. We don't have the standards here which are so necessary.

Ms. HOLTZMAN. The reason I raise this is because when Congress creates a statutory scheme and does not really specify how that scheme is to be implemented it can be thwarted by the executive branch. I am concerned because although I think the definition in this bill is an excellent one and even though it states what person will be a refugee if he or she has a well-founded fear of persecution, we don't specify how that well-founded fear is to be ascertained, or whether a person has a right to be questioned about the presence or absence of that well-founded fear in his or her own language. Don't you agree that the method by which a determination as to whether or not someone is a refugee is made should be spelled out in some detail?

Mr. McCARTHY. I can't agree with you more. The fact remains that we know in many cases it would seem that the administrative agencies of our Government used a blanket approach. These people are all eligible or these people are not, rather than looking at each individual case.

Ms. HOLTZMAN. And questioning in a more careful manner might in some cases result in the admission of persons who might not otherwise be admitted, and in some cases it might result in the exclusion of some persons who might have been admitted.

Mr. McCARTHY. I can't agree with you more.

Ms. HOLTZMAN. Mr. Chairman, I have no further questions at this time.

Mr. EILBERG. At 11 o'clock the House goes under the 5-minute rule, so I would ask you to keep your answers as brief as possible.

In regard to refugees in the United States, we are concerned about how they adapt to U.S. life. Do they locate jobs commensurate with their educational backgrounds and experience?

Do they overcome language barriers quickly? Are they happy here? Do the voluntary agencies develop this data in any systematic fashion?

Mr. McCARTHY. Under the new process of resettling refugees, as developed by all of us, we don't resettle refugees to individuals. We settle them to communities, to parishes, to schools, to churches. That resettlement is effective and efficient, because we have 1,600 people looking for a job, 1,600 people looking for a house, 1,600 people carrying for a person. This is the most effective way of resettling refugees.

Mr. EILBERG. You said you have no studies or data.

Mr. McCARTHY. I have studies of every diocese in the United States. We will have it for the Chilean program also. It will be in your hands within the next 2 or 3 weeks, as far as we are concerned, complete analysis of jobs, their skills, what jobs they have. The whole machinery.

Mr. EILBERG. Under present circumstances, what types of assurances do the voluntary agencies give to the Immigration Service? Do you have an obligation to provide care and maintenance, employment opportunities, housing, language training?

Mr. McCARTHY. The form, as I understand, is a very simple form, saying for 2 years we will provide jobs and housing. Every refugee who arrives in the United States under this sponsorship of the U.S. Catholic Conference has a prearranged diocesan sponsor and a commitment they will secure employment for him. We are dealing with human beings and we have all kinds of human problems.

I have a refugee who won't cut his hair. Every employer he goes to rejects him, we are still taking care of him. We do get refugees of 65 years of age, 70 years of age. There is where your job factor is very subjective.

Mr. EILBERG. Is this a moral obligation or a legal one?

Mr. McCARTHY. They are moral obligations. We assume there a commitment we are going to live up to.

Mr. EILBERG. Shouldn't this be a legal obligation?

Mr. McCARTHY. In dealing with the fact we are an instrument of foreign policy in the majority of these cases, it is totally church-supported, but under the regular European program, we don't get any dollars for support in the United States at the present time.

I know there was a recent provision in the appropriations bill to provide \$3 million. How that is going to work out, I don't know.

One prime example, I may give you, sir. A Mideast case, wife, husband and five children, all minors. We sponsored them, made all the agreements. In going through Lebanon, the husband was killed. They kept on going. We received a wife with four or five children, the oldest, the age of 11. These are commitments we need the support of the existing structure to move along.

Mr. EILBERG. Do you have any proposal to make to us. As I interpret your general position, you are pretty satisfied with the way the system is working now.

Correct me, if that impression is wrong. If you are not satisfied with it, what approach would you suggest?

Mr. McCARTHY. We are in a general way, speaking only of my own system—

Mr. EILBERG. You are, or are not?

Mr. McCARTHY. We are satisfied with the way the system is working at the present time. We have not had the conversation that we should have had, I realize with your committee.

We have had these conversations, but we maintain almost a weekly conversation between ourselves, at least a monthly conversation with the administrative agencies of our Government on these problems. We are not at opposite ends of the pole. We are looking at this together. No one is more humanitarian than yourself and the other members of this committee, but the fact is that we don't seem many times to be able to transmit information along the line the way it should be.

We are ready to serve, we serve all, we serve largely with our own funds, church funds. We are an instrument of foreign policy, and we want to and are most anxious to work with every committee of Congress, work with all the administrative agencies in our humanitarian cause.

Mr. EILBERG. I am not aware of any barrier that I or anyone else on the committee or subcommittee staff has set up refusing to hear or read any statement you have presented us.

We have not had weekly meetings with you. But at the same time I cannot sit here and accept the statement that we do not have communication. We listen to any proposal you have to make.

Referring to the displaced persons, I am a little confused by your reference to displaced persons in your statement. You describe them as refugees in their own country. How do you reconcile this statement with your expressed approval of our definition of refugees as stated in the bill?

Mr. McCARTHY. Your definition is a step forward. We do have a situation in moving the Chileans now out of Chile. I think they are refugees in their own country. I don't believe the farce we are going through in the movement of Russian refugees should continue. Documentation for another country, going through the entire procedure of being struck in a terrible camp for months. These people are refugees, our Russian refugees are refugees in their own country, and we should find some means of having them admitted.

They are displaced in their own country.

Mr. EILBERG. Have you ever made that statement to the Russian Government?

You are making a statement with which I completely agree, but why don't we communicate it?

Mr. McCARTHY. Our Bishops are meeting in the beginning of May and one of the pronouncements they are going to make is this entire matter of Soviet Russia, of prevention of people moving. This is going to be a vital major statement of the Catholic Church on May 3, in Chicago this year.

Humanitarian affairs: The question of the movement of people.

Mr. EILBERG. This week the Russian Government has stated they are highly irritated with the handling of this issue. I hope you have better luck than I did.

Mr. McCARTHY. Believe me, Mr. Chairman, we applaud you.

It is your force and action that annoys many people, but gets results and in turn we are here, I would say, as pleaders on the other side.

Mr. MALES. If I may say something—

Mr. EILBERG. Go ahead.

Mr. MALES. If I may add something.

Jim Cline may remember when we first discussed this Russian movement we had proposed that the American counsel be given the authority to prepare these people into the United States. There was a whole slew of Government people there. Somehow we couldn't work out that arrangement. If we could work this out where the American Counsel could put a stamp on their passport and allow them to proceed directly to the United States without going through a third country, this would save money for everybody, for the American Government, care and maintenance in Rome, all the rest of it.

Mr. McCARTHY. The answer to your initial question, what are refugees in their own countries? I think Bill has answered it very well. Portugal at the present time, I realize it is different, but Portugal has dumped on its shores a compatible number, as if we had 20 million people dumped into the United States—this is an international problem, but refugees in their own country. They are born in Angola. They don't know Portugal. Many of them have been there. They are dumped in there. We have refugees in their own country.

Mr. EILBERG. We are running out of time. I want to ask one more question. I am concerned with the problems of the refugees once they get here, and you state that many States require an alien registration card. They must be permanent residents and so forth.

Do you have any statistics on that?

Mr. McCARTHY. I can get those for you, sir.

California is one for education. I don't know about Maryland. I can get that for you.

No problem at all, sir. [See material prepared by HEW in the appendix at p. 147.]

Mr. EILBERG. We would like to know how the parole status has hampered full employment of people in the United States.

Mr. McCARTHY. I will get them.

Mr. EILBERG. You say these statistics are available, not just your opinions?

Mr. McCARTHY. These are the people working with these people. We don't really trace the refugees.

We are working with these refugees throughout the Nation in our 79 offices.

Ms. HOLTZMAN. I gather from your testimony that you are opposed to the limitation on the parole of refugees in emergency situations. If a limitation had to be placed on the number of parolees, what number would be most agreeable to you?

Mr. MALES. I don't know if you speak about the normal flow of refugees, that is one thing.

If you are talking about the emergency situation—

Ms. HOLTZMAN. The emergency situation.

Mr. MALES. We have said there should be no limitation, fixed limitation on emergency situations.

This should be left to the discretion of the President and Congress to determine that at any given point in history what the Nation can

absorb, whether we want 10,000, 25,000, or 30,000, but it should not be fixed into law, a top limit, because we may want at some time to bring more in, because it may suit the foreign policy of the United States and Congress would actually have a control to decide that.

Mr. McCARTHY. It is our feeling that this number ceiling serves really no purpose except to provide for difficulties in an emergency situation.

Mr. EILBERG. Thank you very much for your contribution. Regardless of the fuss and fury of the session, we look forward to your continuing participation.

Mr. McCARTHY. And we will provide the material you requested, Mr. Chairman.

Mr. EILBERG. Thank you.

Mr. McCARTHY. God bless you and protect you.

[The prepared statement of Mr. McCarthy follows:]

STATEMENT OF JOHN E. MCCARTHY, CHAIRMAN OF THE COMMITTEE ON MIGRATION AND REFUGEE AFFAIRS OF THE AMERICAN COUNCIL OF VOLUNTARY AGENCIES FOR FOREIGN SERVICE

Mr. CHAIRMAN: I am John E. McCarthy, Chairman of the Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service. I also serve as Director of Migration and Refugee Services of the United States Catholic Conference, which is a member agency of the Committee. The other voluntary agencies who are members of this American Council and engage in humanitarian endeavors on behalf of migrants and refugees are:

- American Council for Nationalities Service
- American Fund for Czechoslovak Refugees.
- Church World Service
- HIAS
- International Rescue Committee
- Lutheran Immigration and Refugee Service
- Migration and Refugee Services, United States Catholic Conference
- Tolstoy Foundation

This statement regarding proposed legislation is submitted on behalf of the Committee whose agencies are vitally concerned with migrants, refugees, escapees, expellees, and displaced persons from all parts of the world. This statement is further endorsed by other members of ACVA's Committee on Migration and Refugee Affairs who are listed in the attached document.

In the past twenty-five years nearly 2 million refugees have come to the United States, most of them with the assistance and sponsorship of the voluntary agencies which have a wide network of constituents throughout the country. The agencies' resettlement programs are linked to local churches, synagogues, social service agencies and other organizations, reflecting the person-to-person concern of Catholic, Protestant, Jewish, and nonsectarian agencies, a major segment of our citizenry.

Mr. Chairman, the agencies welcome the opportunity to appear before you and your distinguished Committee to express our views on the proposed legislation.

The agencies have long stressed the need to give statutory basis to the humanitarian asylum policy for the United States. The flow of persecutees, escapees and expellees from countries of Eastern Europe, Asia, the Far and Near East, Africa and Latin American continues in this our unfortunately most unsettled world.

Voluntary agencies have urged consistently that the statutory definition of refugee at least reflect the United Nations 1951 Convention related to the status of refugees and the 1967 Protocol, to which the United States is a signatory. We note with great satisfaction that HR 3056 incorporates this general language, and we commend you, Mr. Chairman, on this forward step. In addition we would call the Committee's attention to the needs of the displaced who may be in fact refugees in their country of residence or nationality.

The proposed Sec. 207(a) would authorize the admission of 20,000 persons in any fiscal year who meet the new definition of refugee, of whom not more than 5,000 who were inspected and admitted or paroled into the United States would be able to adjust their status. This figure represents a slight increase in the numbers now allowed by law for refugees.

Because of the expanded definition of refugee in the bill, we would recommend an expansion of 20,000 to a minimum of 30,000 admissions. The demand for admission under existing numbers is very heavy and may very well have to be increased with the expanded definition in the bill. It is our hope and prayer that world wide conditions will be such as to require the use of only few, if any, refugee numbers in future years. However, to require an eligible refugee, who meets all of our nation's standards for admission, to remain in an overseas refugee camp for months or even years due to the lack of parole authorization serves no purpose but, in fact, seems some sort of punishment for the individual's exercise of his God-given right to freedom.

We would also recommend that persons admitted under the normal flow of refugees be admitted as permanent residents rather than as conditional entrants. We see no useful purpose in having them wait two years before they achieve permanent resident status. This is an antiquated provision of law, and we have found from experience that it serves no purpose in the long run. The delay is furthermore a disadvantage to many refugees, denying them the opportunity to make full use of their training and experience.

Many refugees, even though they are permitted to work, have been unable to find employment in their chosen fields or professions because employers demand an alien registration card in the fear that they might be employing illegal aliens.

Many states have laws requiring the alien to be in possession of an AR card and in some instances a declaration of intention to become a citizen, to obtain a work license.

Since the INS is backlogged, it may be as much as a year after the two-year period before the refugee is actually issued his alien registration card. It would also mean a considerable saving of time and manpower to the INS by eliminating the second processing of these refugees at the end of their two-year period if they were issued green cards immediately upon arrival.

This is particularly evident in the matter of the refugees from South East Asia. We have thousands of trained persons, many times taught at U.S. government expense who are qualified for aircraft, military or professional fields but cannot pursue their calling due to the lack of permanent residence.

This non-permanent status which limits full employment is costing and will cost both the United States Government and the voluntary agency assisting the refugee the unnecessary expenditure of tremendous sums of money.

Section 207(a)(2) permits the adjustment of status of up to 5,000 aliens whose refugees status has been established after arrival in the United States. Here, also, we can see no useful purpose as mentioned above in having a refugee wait two years before he can file an application for permanent residence. For the most part, during the two-year period of waiting, he would be prevented from securing employment, since he would not have permission to work. We believe that once it is determined that an alien meets the definition of refugee, he should be allowed to file an application for permanent residence immediately. In addition, such refugees should be permitted to adjust regardless of the manner of their entry.

With regard to Section 207(b)(1) requiring a determination that other countries will accept for settlement their fair share of refugees, we feel that the U.S. Government should not base its actions on what some other country or countries might do. We feel that if there is a need to resettle refugees, we should not wait to see what other countries do but rather maintain our tradition of humanitarian leadership in admissions and thus set an example for other countries to follow.

With regard to both Sections 207(b)(2) and (b)(1) we do not believe that a numerical limitation should be placed on the admission of refugees in emergency situations. Each refugee situation is different and should be decided by the President, in consultation with Congress, to determine the number to be admitted in any particular emergency situation. We would then have a flexible system which could adjust to the magnitude and nature of the emergency. We cannot urge too strongly that the consultation process be carried out most expeditiously.

Section 207(b) (3), in effect, gives authority to either House of the Congress to prohibit the President from exercising the authority contained in subsections (b) (1) and (b) (2). Aside from possible Constitutional questions which may be raised, a number of other factors need to be considered. This prohibition or discontinuance of a refugee movement would surely adversely affect our relations with other participating resettlement countries—either immediately or in future emergency situations. Consideration should also be given as to the effect such a move would have on the refugees themselves when the door to a haven in the United States is shut in their faces.

Certainly, through the exercise of the consultation process, problems such as these can be avoided entirely. We, therefore, recommend that subsection (b) (3) be deleted entirely.

Again, for the reasons stated above, we do not feel a refugee should be required to wait two years for adjustment; if any wait is required, it should be a maximum of six months.

We support the provisions in Section 3 of the bill which provides for the exclusion of persons who have engaged in the persecution of individuals on account of the individual's race, religion, nationality, membership in a particular group, or political opinion.

We are quite concerned with regard to Section 4 of the bill which would bar the parole of any refugee who meets the definition as contained in this bill. We believe that there are individual situations which would require the use of parole, such as refugees who might flee a nearby country of residence by boat and come to the United States to seek asylum here. There should be sufficient flexibility to allow the Attorney General to parole such persons into the United States. There might also be situations where an individual abroad, who is a refugee, would find himself in an emergency situation which requires his quick and speedy removal from an area where there would be no time or opportunity for normal refugee processing. We believe, therefore, that there should be some flexibility to allow the use of parole in such situations. Under the proposed legislation denying the Attorney General discretionary authority, no action could be taken to facilitate the admission of any refugee who might appear at our land borders.

Furthermore, if the numerical limitations under subsections (b) (1) and (b) (2) are imposed, and parole authority under Section 212(d) (5) is unavailable to refugees, the only recourse for continued entry, in excess of those limitations, would be legislations enacted into law. Should the Legislative and Executive branches bind themselves so tightly in emergency situations? We think not.

We are also concerned about the amendment of Section 243(h) of the Act. The proposed amendment would authorize the Attorney General to withhold deportation to any country where such alien's life or freedom would be threatened.

We believe that Section (h) (1) should authorize the Attorney to withhold deportation of any alien who meets the definition of refugee, including those in exclusion proceedings.

We are also concerned about the fact that this provision should not apply to aliens who entered the United States in violation of this Act unless they present themselves without delay to an Immigration Officer and can show good cause for such illegal entry. If any alien can show, with due process accorded, that even though he entered illegally, he is in fact a refugee, he should be so treated. It would not be consistent with our traditional concern for the rights of refugees to forcibly return such a person to his country of origin.

Mr. Chairman, we are pleased with the efforts to produce a new definition of refugee. We believe, in view of the expanded definition of refugee, that the normal flow of refugees should be increased from 20,000 to a minimum of 30,000 annually. Persons admitted as refugees, under the normal flow, should be issued immigrant-visas, not conditional entries. We further believe that there should be no fixed number of refugees who should be admitted under emergency situations but that the President in consultation with Congress should fix the amount in emergency situations; that persons in the United States who meet the definition of refugee should not be required to wait two years in order to file an application for permanent resident status; that the Attorney General should still retain parole authority to parole refugees in certain cases; and that the Attorney General be authorized to withhold deportation of any person who meets the definition of refugee regardless of the manner of entry.

As you will note, Mr. Chairman, we feel that some provisions of the bill are excellent, while other sections concern us greatly and therein we have serious reservations. It is our feeling that if H.R. 3056 as now prepared were enacted into law, it would be overly restrictive and inconsistent with the basic humanitarian tenets of our nation, and it could be considered a backward step in our universal endeavor for a world of concern and compassion.

This statement has also been approved by the membership of our Committee on Migration and Refugee Affairs, a listing of which is attached to this statement.

American Council for Judaism Philanthropic Fund.

American Council for Nationalities Service.

American Friends Service Committee.

American Fund for Czechoslovak Refugees.

American Jewish Joint Distribution Committee.

American ORT Federation.

Assemblies of God Foreign Service Committee.

Baptist World Alliance.

Catholic Relief Services—U.S. Catholic Conference.

Church World Service.

Community Development Foundation.

Hadassah.

HIAS.

International Rescue Committee.

Lutheran Immigration and Refugee Service.

Migration and Refugee Services—USCC.

Tolstoy Foundation.

United Lithuanian Relief Fund of America.

The YMCA.

Mr. EILBERG. Our next witness is Miss Melanie J. Wirken, immigration project director, Zero Population Growth, Inc.

We welcome you back once again, Miss Wirken. If you wish to place your statement in the record and summarize it—and recognize that we do go into the 5-minute rule shortly after 11 o'clock and we have that time constraint.

TESTIMONY OF MELANIE J. WIRKEN, IMMIGRATION PROJECT DIRECTOR, ZERO POPULATION GROWTH, INC.

Ms. WIRKEN. Thank you, Mr. Chairman and members of the subcommittee. Thank you for this opportunity to discuss with you Zero Population Growth's views on H.R. 3056, the Refugee Act of 1977.

Let me begin by stating that we do not consider the refugee admission process as being within our primary area of expertise, nor do we have the benefit of years of experience in dealing with refugee problems that the witnesses who preceded us have. But we do believe, having studied the strengths and weaknesses of present U.S. immigration policy, that we represent some popularly held beliefs on the refugee issue which should be considered during the committee's deliberations on H.R. 3056.

Although we support the chairman's desire to establish precise and definitive procedures for the admission of refugees into the United States, we oppose the subcommittee's attempt to single out this portion of U.S. immigration policy for reform without addressing the many other deficiencies in the immigration law. Rather than holding separate sets of hearings on sanctions for employers who hire illegal aliens, the possible need for and conditions under which illegal aliens currently in the country will be able to legalize their status, the distribution and abuse of nonimmigrant visas, and the admission of refu-

gees, we encourage the commencement of a comprehensive review of U.S. immigration policy by this subcommittee.

The domestic problems currently caused by our present immigration policy and by the lack of its enforcement are so great, as this committee has previously documented, as to warrant nothing short of a complete review and reform of the immigration law. Attacking the individual pieces of the law separately will only insure that the special interest groups involved will lobby in behalf of their particular constituencies, leaving the country with a fragmented immigration policy that addresses the needs of certain segments of the American society but not the needs of the society as a whole.

We cannot continue to justify our present immigration policy on the grounds that we have "a tradition of being a nation of immigrants" or "providing refuge to the persecuted or other lands." Our current immigration policy does not resemble the immigration statutes passed in the late 1800's and early 1900's. In fact, with each successive change in the immigration law, the U.S. immigration policy has tended to become more restrictive and more tailored to the needs of the country.

When the law has been expanded it has often occurred because of a misapplication of the law rather than by congressional intent.

ZPG believes that it is time for the United States to follow in Canada's footsteps and reevaluate our immigration policy in terms of the needs of the country. It is time we look at the very premises that our immigration policy is now based on and determine if they are relevant as we end the 20th century and embark on the 21st. As a nation, do we want to continue to emphasize the reunification of families? And does our "traditional" definition of family fit the family structure of the 1980's?

Are our labor needs being met by our domestic labor force or do we need to import foreign labor? Does the importation of foreign labor improve the U.S. economy or does it displace American workers who would be attracted to the jobs aliens take if those jobs were restructured?

How fast do we want to grow and in what direction? By natural increase or by immigration?

Will an expanding population mean an improved lifestyle for all or will it mean having fewer resources to share with more people? Are we prepared to make the trade-off of caring for more people with everyone having less?

Do we want to continue to train the future leaders of the lesser developed countries? And if so, do we have a responsibility to see that they return to their homelands to put their training into practice?

Are we going to foster increased tourism to the United States, paying no attention to whether the tourists remain in the United States or return to their native countries?

This is just a partial listing of the questions that we must discuss as a nation before developing an immigration policy that embodies the various answers to these questions.

ZPG specifically opposes the 20,000 annual increase in immigration that would result from the enactment of section 2(b) of this bill. It is our opinion that annual legal immigration should not be increased

beyond the present levels until a comprehensive review of U.S. immigration policy is undertaken with input from the American public. Before changing the overall numerical limitation, we believe that it is important to determine the optimum rate of immigration to the United States and that domestic considerations should be paramount in reaching that determination. We concur with the Department of Justice testimony on S. 3056 that any numerical allocation set aside for refugees in the proposed section 207 of the act should be deducted from the overall numerical limitation so that there is no increase in total annual immigration.

Proponents of a more open immigration policy may think our stand harsh or inhumane. But to the contrary, we share their concern for the less privileged of the world and for wanting to take care of all the peoples of the Earth. Our disagreement is not over the ultimate goal that we both want to achieve but rather over the means for attaining that goal.

The United States is currently the leading exporter of food and grains in the world today. Our farmers are not only feeding the current U.S. population of 217 million, but we are also feeding countless more millions around the world. As our population continues to grow and our cities expand, vast acres of rich farmland are plowed under and cemented over to accommodate our growth. In the past we have relied on increasing yield per acre as the total number of acres has diminished but increasing the yield per acre also has its costs.

Increased productivity requires increased use of fertilizer which in turn is dependent on the diminishing supplies of oil for which we must pay ever-escalating prices. What is the value of our present logic if by continuing to increase our population we are reducing our capability for caring for those outside of our borders? Rather than responding only to the symptoms of the world's ailments by bringing a minute fraction of the world's poor and oppressed to the country, we should be addressing the larger causes of their poverty and oppression through our foreign policy and foreign assistance programs.

We also question the value of transferring the authority to allow refugees to come to the United States in "emergent" situations from the Attorney General to the President. While we support increasing congressional input, we think that it should go much beyond having either the President or the Attorney General consult with the House and Senate Judiciary Committees.

Believing that Congress should be ultimately responsible for the development and implementation of immigration policy, we recommend that the House and Senate be required to approve the admission of refugees in emergent situations each time the President and/or the Attorney General believes there is a need for such an admission. We do not favor the negation of the President's authority by either body of Congress after the decision has been made by the President and action is underway to admit a particular group of refugees.

We appreciate the leadership that this subcommittee has demonstrated on the various components of the immigration issue but hope that you will not let the foot-dragging of others deter you from making a full-scale investigation of U.S. immigration policy.

Thank you.

Mr. EILBERG. Ms. Wirken, I thank you for your statement and personally I agree generally with what you are saying, but, as a practical matter, we have to take things in steps. It has been my desire or plan after we get some experience with the Western Hemisphere Preference bill, which is now law, to move to a revision of the entire immigration code.

In fact one of my questions to you is specifically how can we best do that?

Do we do that through the Congress itself, through a select commission composed of the executive and the legislative branch officials, or Presidential commissions. How would you recommend we do that, in order to accomplish the task referred to in your statement?

Ms. WIRKEN. I think the most effective review would be one that encompasses the major parties in this discussion.

I don't think it would be appropriate for Congress or the executive branch to do it by themselves. I think a special commission by both the executive and congressional would be most effective with substantial input from the American public.

Mr. EILBERG. And has your organization done anything like what you have been talking about, that is studying immigration policy with the idea of coming up with a suggestion and an overall plan?

Ms. WIRKEN. Yes. We are in the process of doing that now.

Mr. EILBERG. And you will let us have the fruits of that whenever it is available?

Ms. WIRKEN. Definitely.

Mr. EILBERG. Would you comment on the statement by Mr. McCarthy that by 1985 we will have a shortage of young people and we will have to stimulate immigration in order to keep the economy going.

Ms. WIRKEN. I think that is one of those kinds of statements that will find advocates on both sides and probably evidence on both sides that will prove we will or will not have a shortage of manpower.

I think there is a lot of misconception in the American public and in the American media about what will be the consequences of slowing our rate of population growth and I will be glad to show you the projections that we have done if the United States continues to grow with our present low birth rate and what the age categories will be and we have also run projections with continued legal immigration at 400,000 and with the illegal immigration component.

Mr. EILBERG. Do your studies contradict Mr. McCarthy's conclusion?

Ms. WIRKEN. Most definitely.

Mr. EILBERG. Would you supply that for the record?

Ms. WIRKEN. We would be glad to.

[The information referred to follows:]

ZERO POPULATION GROWTH,
Washington, D.C., May 10, 1977.

HON. JOSHUA EILBERG,
Chairman, Judiciary Subcommittee on Immigration, Citizenship, and International Law, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EILBERG: Zero Population Growth, Inc. would like to take this opportunity to respond more fully to a question you raised regarding the impact of declining birth rates on the labor market during our testimony on

H.R. 3056, the Refugee Act of 1977. More specifically, you asked us to comment on a statement by Mr. John McCarthy, chairman of the Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service. In his statement, Mr. McCarthy quoted a Mr. Herbert Bienstock of the U.S. Department of Labor as saying that declining birth rates would require the importation of foreign workers by 1985. ZPG does not share this assessment and would like to explain our opposition to it.

First of all, the United States currently has an unemployment rate of 7.0 percent with some 6,737,000 million Americans out of work. The unemployment problem has been exacerbated in recent years with the entry of approximately 2 million workers into the labor market annually as a result of the rise in the birth rate following World War II. In other words, because those post war babies are now entering the labor market we are faced with a labor force that exceeds the number of jobs available indicating that we have been unable to create jobs fast enough to keep pace with our population growth.

The fact that the U.S. birth rate has gradually fallen since 1961 will be beneficial to solving our unemployment problems by more closely bringing into line the number of workers with the available number of jobs.

Because of a decline in the total fertility rate, the enclosed table shows there will be 2.9 million fewer 15 to 19 year olds in 1985 than there will be in 1980. And the age group will further decline by 1.3 million persons between 1985 and 1990 for the same reason. The decrease will be reversed, however, between 1990 and 1995 with the 15-19-year-old age group increasing by 1.0 million persons assuming a continuation of our current 1.8 total fertility rate.

Should the total fertility rate rise to a level of 2.1 births per woman, there would be identical decreases in the 15-19-year-old age group between 1980 and 1990 with the increase of 2.3 million 15-19-year olds between 1990 and 1995.

We do not view these temporary decreases as being disruptive to our labor market or to our economy since they will be occurring gradually over the next twenty years and in age categories where we are presently experiencing a large amount of unemployment.

It is unlikely that the current total fertility rate of 1.8 births per woman will fall any lower. In fact, many demographers believe that women are only delaying having their children rather than reducing the size of their family. If so, the total fertility rate will rise again causing an increase in the number of workers who will be entering the labor force 18 to 20 years later.

Sincerely,

MELANIE J. WIRKEN
Immigration Project Director.

PROJECTIONS OF U.S. POPULATION AGED 15 TO 19 AND AGED 20 TO 24 FOR SELECTED YEARS

Age and year	Projections ¹	
	Series A (fertility=2.1) ²	Series B (fertility=1.8) ³
Total population:		
1980.....	224, 298, 000	222, 966, 000
1985.....	236, 795, 000	232, 526, 000
1990.....	248, 136, 000	240, 999, 000
1995.....	257, 630, 000	247, 746, 000
Population, aged 15 to 19:		
1980.....	20, 539, 000	20, 539, 000
1985.....	17, 594, 000	17, 594, 000
1990.....	16, 249, 000	16, 249, 000
1995.....	18, 596, 000	17, 282, 000
Population, aged 20 to 24:		
1980.....	21, 166, 000	21, 166, 000
1985.....	20, 682, 000	20, 682, 000
1990.....	17, 744, 000	17, 744, 000
1995.....	16, 409, 000	16, 409, 000

¹ Projections begin on July 1, 1975. All projections assume 400,000 legal immigrants per year.

² Series A assumes an increase in the total fertility rate (TFR) to 2.1 children per woman by 1980.

³ Series B assumes a continuation of the current TFR of 1.8 children per woman.

Source: ZPG population projections.

Mr. EILBERG. In your statement, you indicate that our current immigration policy should not be continued to be justified on the basis of our past humanitarian traditions, but, instead, should be tailored to our current needs. Do you feel we should entirely ignore our prior humanitarian record on the subjects of immigration and refugees and do you disagree with the finding made several years ago by the President's Commission on Population and the American Future that "Our humanitarian responsibilities to the international community require consideration of matters beyond national demographic questions"?

Ms. WIRKEN. We are not criticizing our past tradition or saying we should do away with it at this time, but there are other ways of expressing our humanitarian concern for persons from the world without opening our borders and trying to assimilate them into our country.

In addition to admitting refugees, we should be reappraising what we are doing as a country to encourage other countries to accept their responsibility for these people.

Mr. EILBERG. Would you comment on the position taken by the majority of the members of the President's Population Commission to the effect that present levels of immigration should be maintained because of our humanitarian obligations and because of the contributions which immigrants have made to our society?

Ms. WIRKEN. First of all, I think that was an area of the Presidential Commission that was looked at, as well as what would be the economic impact of having a stabilized population in this country.

I don't think we would want to endorse any specific immigration quota until there is a comprehensive review.

How fast do we want to grow? I think it makes a big difference who you talk to. If you talk to the people of California and tell them you are going to send these new refugees to California, they might be uncomfortable with the idea in view of their present water shortage. They are reexamining how many people they can care for in the State of California.

We have to take that same kind of look at the whole country.

Mr. EILBERG. What, in your opinion, should be the primary basis of refugee policy: foreign policy considerations, domestic considerations, humanitarian considerations?

Ms. WIRKEN. I think the first should be domestic considerations, and then, when we decide, yes, we want to let "X" number in, then that "X" number should first be for humanitarian and family reasons.

Mr. EILBERG. Do you have any questions, Ms. Holtzman?

Ms. HOLTZMAN. No, I wish to make a statement that I believe it is very superficial to say that immigration threatens the economic well-being of this country. I think the facts will show quite the contrary. In fact, our immigration policy has not been just a magnanimous, generous effort from which the United States has nothing to gain but the tradition of immigration has brought populations of innovative, responsible, highly motivated people to this country who have contributed enormously to the country's economic growth and well being. Immigration contributes new thinking, fresh ideas, and innovative people. Therefore, while I agree with you that present immigration policies ought to be rethought and certainly our immigration laws

rewritten in English so that everybody can understand them, I do think the premise that you suggested here is profoundly fallacious.

Ms. WIRKEN. I would like to respond by saying we are not attacking immigration. We are looking at growth as it occurs in the country and what will be the consequences of that growth.

We look at both numbers of people, we look at consumption patterns.

Ms. HOLTZMAN. I understand.

But numbers do not tell the entire story. There is also the quality of people and the fact that the country grows, develops and expands in positive ways by the addition of immigrants. Our whole history has proved that.

Ms. WIRKEN. We support President Carter and his energy policy and believe that despite the qualities of this growth, each of those people utilizes a certain percentage of our services, which are becoming more scarce and irreplaceable.

Mr. EILBERG. We thank you Ms. Wirken.

[The prepared statement of Ms. Wirken follows:]

STATEMENT OF MELANIE J. WIRKEN, IMMIGRATION PROJECT DIRECTOR, ZERO POPULATION GROWTH, INC.

Mr. Chairman and members of the subcommittee, thank you for this opportunity to discuss with you Zero Population Growth's views on H.R. 3056, the Refugee Act of 1977.

Let me begin by stating that we do not consider the refugee admission process as being within our primary area of expertise, nor do we have the benefit of years of experience in dealing with refugee problems that the witnesses who preceded us have. But we do believe, having studied the strengths and weaknesses of present U.S. immigration policy, that we represent some popularly held beliefs on the refugee issue which should be considered during the Committee's deliberations on H.R. 3056.

Although we support the Chairman's desire to establish precise and definitive procedures for the admission of refugees into the United States from any country in the world, we oppose the Subcommittee's attempt to single out this portion of U.S. immigration policy for reform without addressing the many other deficiencies in the immigration law. Rather than holding separate sets of hearings on sanctions for employers who hire illegal aliens, the possible need for and conditions under which illegal aliens currently in the country will be able to legalize their status, the distribution and abuse of non-immigrant visas, and the admission of refugees, we encourage the commencement of a comprehensive review of U.S. immigration policy by this Subcommittee.

The domestic problems currently caused by our present immigration policy and by the lack of its enforcement are so great, as this Committee has previously documented, as to warrant nothing short of a complete review and reform of the immigration law. Attacking the individual pieces of the immigration law separately will only insure that the special interest groups involved will lobby in behalf of their particular constituencies, leaving the country with a fragmented immigration policy that addresses the needs of certain segments of the American society but not the needs of the society as a whole.

We cannot continue to justify our present immigration policy on the grounds that we have a tradition of "being a nation of immigrants" or "providing refuge to the persecuted of other lands". Our current immigration policy does not resemble the immigration statutes passed in the late 1800's and early 1900's. In fact with each successive change in the immigration law, the U.S. immigration policy has tended to become more restrictive and more tailored to the needs of the country at that time.

When the law has been expanded it has often occurred because of a misapplication of the law rather than by Congressional intent.

Zero Population Growth believes that it is time for the United States to follow in Canada's footsteps and re-evaluate our immigration policy in terms of

the needs of the country. It is time we look at the very premises that our immigration policy is now based on and determine if they are relevant as we end the 20th century and embark on the 21st. As a nation do we want to continue to emphasize the reunification of families? And does our "traditional" definition of family fit the family structure of the 1980's?

Are our labor needs being met by our domestic labor force or do we need to import foreign labor? Does the importation of foreign labor improve the U.S. economy or does it displace American workers who would be attracted to the jobs aliens take if those jobs were restructured?

How fast do we want to grow and in what direction? By natural increase or by immigration?

Will an expanding population mean an improved lifestyle for all or will it mean having fewer resources to share with more people? Are we prepared to make the tradeoff of caring for more people with everyone having less?

Do we want to continue to train the future leaders of the lesser developed countries? And if so, do we have a responsibility to see that they return to their homelands to put their training into practice?

Are we going to foster increased tourism to the United States, paying no attention to whether the tourists remain in the United States or return to their native countries?

This is just a partial listing of the questions that we must discuss as a nation before developing an immigration policy that embodies the various answers to these questions.

ZPG, Inc. specifically opposes the 20,000 annual increase in immigration that would result from the enactment of Section 2(b) of the bill. It is our opinion that annual legal immigration should not be increased beyond its present levels until a comprehensive review of U.S. immigration policy is undertaken with input from the American public. Before changing the overall numerical limitation, we believe that it is important to determine the optimum rate of immigration to the United States and that domestic considerations should be paramount in reaching that determination. We concur with the Department of Justice testimony on S. 3056 that any numerical allocation set aside for refugees in the proposed Section 207 of the Act should be deducted from the overall numerical limitation so that there is no increase in total annual immigration.

Proponents of a more open immigration policy may think our stand harsh or inhumane. But to the contrary, we share their concern for the less privileged of the world and for wanting to take care of all the peoples of the earth. Our disagreement is not over the ultimate goal that we both want to achieve but rather over the means for attaining that goal.

The United States is currently the leading exporter of food and grains in the world today. Our farmers are not only feeding the current U.S. population of nearly 217 million people but we are also feeding countless more millions around the world. As our population continues to grow and our cities expand, vast acres of rich farmland are plowed under and cemented over to accommodate our growth. In the past we have relied on increasing the yield per acre as the total number of acres has diminished but increasing the yield per acre also has its costs. Increased productivity requires increased use of fertilizer which in turn is dependent on the diminishing supplies of oil for which we must pay ever-escalating prices. What is the value of our present logic if by continuing to increase our population we are reducing our capability for caring for those outside of our borders? Rather than responding only to the symptoms of the world's ailments by bringing a minute fraction of the world's poor and oppressed to the country, we should be addressing the larger causes of their poverty and oppression through our foreign policy and foreign assistance programs.

We also question the value of transferring the authority to allow refugees to come to the United States in "emergent" situations from the Attorney General to the President. While we support increasing Congressional input, we think that it should go much beyond having either the President or the Attorney General consult with the House and Senate Judiciary Committees. Believing that Congress should be ultimately responsible for the development and implementation of immigration policy, we recommend that the House and Senate be required to approve the admission of refugees in "emergent" situations each time the President and/or the Attorney General believes there is a need for such an admission. We do not favor the negation of the President's authority by either body of Congress after the decision has been made by the President and action is underway to admit a particular group of refugees.

We appreciate the leadership that this Subcommittee has demonstrated on the various components of the immigration issue but hope that you will not let the foot-dragging of others deter you from making a full scale investigation of U.S. immigration policy.

Thank you for your attention.

Mr. EILBERG. The subcommittee is adjourned.

We have to go to the floor and vote.

[Whereupon, at 11 :05 a.m., the hearing was adjourned.]

APPENDIX

U.S. COMMITTEE FOR REFUGEES,
Washington, D.C., April 27, 1977.

Hon. JOSHUA EILBERG,
Chairman, Judiciary Subcommittee on Immigration, U.S. House of Representatives, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: The United States Committee for Refugees takes great pleasure in availing itself of the opportunity to comment on the proposed legislation now pending before your committee amending the Immigration and Nationality Act with respect to the admission of refugees.

The United States Committee for Refugees (USCR) is a private non-profit organization established in 1958 to promote humanitarian concern for refugees and protection of their basic human rights. It is in this context the USCR would like to comment on HR 3056, cited as the Refugee Act of 1977.

First of all, we would like to commend the Subcommittee for holding hearings on the admission of refugees, an important part of our national heritage. Since 1945, the U.S. has welcomed some 1.8 million refugees to its shores and has contributed over \$3 billion dollars for world refugee aid. Our past commitment to protecting the rights of refugees has been exemplary. As former U.N. Secretary General Dag Hammarskjold once said, "The refugee problem will be with us I am afraid forever, unless the world turns more peaceful. We must anticipate continued needs and for that reason we must count on continued assistance." Certainly the U.S. must continue to respond to refugee needs worldwide, while also strengthening international refugee organizations.

The 1977 USCR World Refugee Survey Report, printed in part in the Extension of Remarks, of the Congressional Record, March 8, 1977, documents refugees fleeing war, persecution and social unrest in all parts of the globe. In this context the U.S. Committee for Refugees strongly supports the provision of H.R. 3056 to broaden the definition of a refugee to include "any person who is outside his country of nationality because of a well-founded fear of persecution." This change would bring the refugee definition in current U.S. immigration law in accordance with the U.N. Protocol Relating to the Status of Refugees, ratified by the U.S. in 1968. We commend the Chairman of this subcommittee for his leadership in proposing this long overdue change in U.S. immigration policy and thus ending a source of international embarrassment to our country.

There are a number of provisions in this bill, however, with which the USCR is greatly concerned. The USCR has serious reservations regarding seven specific issues outlined in H.R. 3056:

1. The proposed bill would authorize the Attorney General to admit up to 20,000 refugees per year. No more than 5,000 of the admissions would be used for the adjustment of status of aliens already in the U.S. However, the broadening of the definition of a refugee is bound to increase the number of applications and we have been informed by agencies dealing with refugee cases that the number of admissions under the "normal flow" provision should be at least 30,000 per year. While broadening the definition of a refugee, H.R. 3056 does not take into account the anticipated caseload increase this new definition will generate.

2. H.R. 3056 makes no provision granting the "normal flow" refugees status as permanent residents. Although this has been a reform of our immigration procedure long sought by civic and religious agencies, the proposed bill continues to grant these refugees status as conditional entrants to the U.S. This procedure serves no useful purpose, tends somewhat to contravene the notion of refugee and has occasionally impeded employment opportunities for those who have been granted such status. Granting of permanent residence status will expedite the process of assimilation into U.S. society and allow these refugees to avail themselves of the so-called green cards (alien registration cards) which are necessary certificates qualifying the refugee for employment in this country. The two-year waiting period now stipulated in the proposed bill is an unproductive—

indeed potentially a counterproductive—feature which ought to be dropped from this legislation.

3. Similarly section 207(a) (2) of this bill allows for those aliens, whose number may not exceed 5,000, determined to be refugees subsequent to their U.S. entry—with their permanent residence status also granted after a two-year waiting period. This procedure imposes an unnecessary and unfair burden on people whom we have determined deserve and qualify for refuge in our country.

4. Section 207(b) (1) relates U.S. acceptance of refugees to the response of other nations. The U.S. Committee for Refugees strongly opposes this provision. Had this provision been enacted into law thirty years ago it would have greatly restricted the flow of 1.8 million refugees who have come to the U.S. seeking and receiving asylum. Ideally every nation of the world should do its fair share for refugees—but the U.S. cannot and must not shrink from its responsibility simply because other nations disabuse themselves of theirs.

5. Section 207(b) (2) would impose numerical limitations for the first time on the admission of refugees in “emergent situations.” Such a restriction ignores the fact that no two refugee situations are alike and that any U.S. refugee policy—to be efficacious—must first be flexible. This provision would have severely limited the ability of the U.S. to respond to Hungarian refugees in 1956, Cubans throughout the 1960s, and the Indochinese influx of 130,000 refugees in 1975.

In addition the establishment of different limitations for emergency refugee situations of special interest to the United States (20,000) and other refugee emergencies (the lesser of 5,000 or 15 percent of the total number of refugees to be resettled) is unnecessary and inequitable. The main purpose of broadening the definition of a refugee in section 101.42 of the bill is to universalize our response to refugee situations. A distinction of those refugee groups of special interest to the U.S. from other groups stands in sharp contrast to this stated purpose. We believe that the bill’s provision for a consultative process between the President and the Congress in emergency situations would maintain sufficient control over refugee admissions while allowing a certain degree of flexibility.

6. The USCR has grave doubts concerning Section 207(b) (3) of this bill. This section would allow either House of Congress to prevent the President from exercising the parole authority which is granted to him in subsections (b) (1) and (b) (2). Congress could, theoretically, undo what a President has already begun. The difficulty is that the U.S. could end up with no cogent policy of humanitarian response to “emergent” refugee situations. What would have been the consequences if Congress had decided to interrupt the flow of Vietnamese refugees to this country in 1975, for example?

Subsection (b) (3) is not a necessary piece of legislation and has the potential for harming U.S. policy and endangering human lives. A fair and frequent consultative process between the President and the Congress has always worked in the past with respect to emergent refugee situations and ultimately is the best of available mechanisms for ensuring a swift and generous humanitarian U.S. response. We urge the deletion of subsection (b) (3) in its entirety.

7. Section 4 of this proposed bill also gives us cause for concern. The USCR fully supports the withholding of deportation of any alien to a country where his life or freedom would be threatened. Yet the bill limits this provision to those who enter legally or who enter illegally but promptly present their claims to immigration officers and justify their illegal entry. To deport an alien solely because he did not promptly present his claim for refugee status is unduly strict and inconsistent with this country’s obligations under article 33 of the U.N. Protocol Relating to the Status of Refugees which states that “no Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontier of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.”

The proposed bill also specifically removes the Attorney General’s authority to parole aliens as refugees. We feel that the Attorney General should retain the power to parole aliens into the country for the purpose of determining claims of refugee status. This would permit the U.S. to assist refugees in extreme danger where the situation is too critical for normal processing. In the absence of such a provision, the numerical and precedural restrictions in emergency situations and the removal of Attorney General’s parole authority would require special legislation to deal with persons in immediate danger seeking refugee status.

CONCLUSION

The United States Committee for Refugees is concerned that many of the provisions of H.R. 3056, if enacted into law, will only complicate procedures for refugee entrance into the U.S. and cloud our record of past generosity in this field. We are pleased that the bill broadens the definition of a refugee in accordance with international standards, but we are chagrined to note that the bill makes no provision for anticipating the caseload enlargement such a change will surely engender. The curtailing of the Attorney General's parole authority seems unjustified to us, given the enormous benefits for which this authority has been used over the past three decades. Finally, we would like to state that refugee problems, caused as they are by political, racial and social turmoil, are inherently fluid and volatile by nature. H.R. 3056 lacks the kind of flexibility of approach that a viable U.S. policy must have to respond swiftly, efficiently and humanely.

Yours sincerely,

GERALD E. CONNOLLY, *Executive Director.*

LICENSING AND EMPLOYMENT RESTRICTIONS ON REFUGEES¹

Arkansas: permanent resident alien status required for real estate broker, bartender, barber, electrician, construction contractor and for admission to School of Nursing, University of Arkansas. State and City civil service jobs, except those directly relating to helping refugees are closed to refugees.

California: has no laws prohibiting a person from being employed or taking a licensing exam because of legal immigration status. There are some 40 licensing and examining boards but none seem to require citizenship or resident alien status nor do State civil service jobs.

Colorado: permanent resident alien status required for license for plumber, public accountant, barber, cosmetician, engineer, registered nurse and licensed practical nurse. Some banks require it for some positions.

Florida: citizenship or declaration of intent (notarized statement accepted) required for the following: architect, cosmetologist, dental hygienist, forester, insurance agent, limited surety agent or professional bail bondsman, masseur or masseuse, optician, optometrist, pest control operator, pharmacist, psychologist, real estate broker or salesman, sanitarian, certified shorthand reporter, public school teacher, veterinarian, water or domestic waste water facility operator.

Georgia: citizenship or declaration of intent required for: certified public accountant, auctioneer, mortician, licensed practical nurse, pharmacist, policeman, optician, optometrist, security guard, psychologist, veterinarian.

Illinois: no restrictions on licensing or taking examination for professional employment.

Indiana: no known restrictions; CETA slots closed to refugees because some counties consider refugees as non-residents.

Louisiana: permanent resident alien status required for real estate broker, bartender, barber, electrician, construction contractor, State and City civil service positions, except those directly related to assisting refugees, are closed to refugees.

Maine: permanent resident status required for: policeman, barber, for fishing and hunting licenses.

Massachusetts: permanent resident status required by unions for electricians, plumbers, barbers. State requires it for dentists, sanitary engineers and all State and City civil service jobs.

Michigan: no residence or status restrictions for professional licensing or for taking professional examinations.

Minnesota: no residence or status restrictions for professional licensing or for taking professional examinations.

Montana: resident alien status required at least for mortician.

New Mexico: permanent resident alien status required for real estate broker, bartender, barbers, electrician, construction contractor. State and City civil service jobs, except those directly relating to refugees, are closed to refugees.

¹ Based on information obtained by HEW Regional Offices from State government sources. States omitted were not able to provide the information immediately.

New York: no citizenship or permanent resident alien requirements. State and City civil service employees need citizenship but waiver or declaration of intent is accepted.

Ohio: dentists and dental hygienists need U.S. or Canadian professional training. U.S. citizenship required for embalmers and funeral directors. Physicians must have two years residency in U.S. to obtain license. Psychologists and pharmacists need U.S. citizenship or declaration of intent. Chiropractors and real estate agents must have U.S. citizenship to take licensing exam. Refugees not accepted for CETA slots because considered non-residents.

Oklahoma: permanent resident alien status needed for real estate broker, bartender, barber, electrician, construction contractor. State and City civil service jobs, except those directly relating to helping refugees, are closed to refugees.

Pennsylvania: citizenship or declaration of intent required for: accountant, architect, barber, embalmer, engineer, registered nurse, licensed practical nurse, pharmacist, physician, podiatrist, veterinarian, teacher (except if teach foreign language).

Rhode Island: no requirements to be resident alien; simply required to pass exam in each case.

South Carolina: citizenship or declaration of intent required for licensed practical nurse, policeman, security guard, public school teacher.

South Dakota: permanent resident alien status required for license as plumber, public accountant, barber, cosmetician, engineer, registered nurse, licensed practical nurse, mortician.

Texas: permanent resident alien status required for real estate broker, bartender, barber, electrician, construction contractor. State and City civil service jobs, except those relating directly to helping refugees, are closed to refugees.

Washington: requires citizenship or declaration of intent for architect, dentist, dental hygienist, notary, any job requiring firearms, barber.

Wisconsin: refugees excluded from certified public accountant, dentists, dental hygienist, licensed practical nurse, registered nurse, physician, armed security guard, policeman.



