

00607

100607
000163

REPORT TO THE CONGRESS



BY THE COMPTROLLER GENERAL
OF THE UNITED STATES



LM100607

Immigration--Need To Reassess U.S. Policy

Departments of Justice and State

U.S. immigration problems as discussed in this summary of six prior GAO reports are severe. This summary deals with matters ranging from an inability to control large scale illegal entry to an inequity in the existing immigration law which unfairly allows illegal entrants to later obtain immigration benefits while bona fide immigrants are denied early admission.

The seriousness of our immigration problems dictates a need for early correction. Hopefully this report will provide some impetus in that direction.

GGD-75-101

OCT. 19, 1976



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-125051

To the President of the Senate and the
Speaker of the House of Representatives

This report summarizes the problems the Government has in administering and enforcing immigration laws and highlights the need for reassessing U.S. immigration policy.

Since May 1973, we have issued several reports containing administrative and legislative recommendations to the Congress and to agency officials. (See app. IV.) These reports primarily emphasize the need for action to curb the adverse social and economic impact of illegal immigration and discuss problems that, in large part, still exist. For example:

- Many more aliens than can be apprehended are illegally entering the country.
- Many nonimmigrants, such as foreign students, are here illegally; that is, they are violating their conditions of entry, such as being employed and not departing when required.
- Current immigration law is unfair--people in this country illegally can later derive immigration benefits while bona fide immigrants are denied early admission.
- Laws designed to insure that legal aliens do not become public charges or adversely affect the domestic labor force have been ineffective.
- Professional smugglers, illicit documents, and schemes to obtain legal resident status are undermining U.S. immigration efforts.

--Aliens entering illegally with the assistance of smugglers have on occasion received inhumane treatment (leading to death in some cases) from their "benefactors."

The Congress and the administration have recognized the seriousness of this situation and have initiated actions to solve the problems.

--Numerous bills, many encompassing our legislative recommendations, have been introduced in the Congress to deal with various aspects of the problems. As of August 25, 1976, none had been enacted. (See app. XI.)

--In 1975 the President established the Domestic Council Committee on Illegal Aliens to identify solutions to U.S. immigration problems.

--The Immigration and Naturalization Service and the Department of State have implemented some of our recommendations and have made some improvements in their programs. Also, the Service has begun a major effort to assess the number of aliens and their impact on our Nation.

These proposals and actions will only partially answer the problems. Finding adequate solutions to the U.S. immigration situation is difficult because of numerous and complex factors which have contributed to the immigration problems. The problems have grown rapidly because of:

--The poor economy in certain countries, which is usually the driving force behind many foreigners striving, by whatever means possible, to enter the United States.

--The need for additional personnel and resources to enforce immigration laws.

--The need for legislation to curb immigration problems. No major changes have been made to the immigration laws since 1965, even though most people agreed then that additional legislation would soon be needed.

- The need for improved administration and enforcement of U.S. immigration laws, including better interagency and State and local government cooperation.
- Political and other constraints which have been based on humanitarian considerations for the alien and the role of the immigrant in our Nation's development.
- The absence of adequate information for the Congress to use in assessing the extent of the problems and their social and economic implications.

In commenting on our report, the Department of State cited various social, political, economic, demographic, and international situations which complement the above factors and should be considered when examining U.S. immigration policy. (See app. XIV.)

The seriousness of U.S. immigration problems dictates a need for early corrective measures. The complex factors contributing to the problems, the numerous adverse social and economic effects of these problems, and the wide range of proposed solutions illustrate the need for a comprehensive and coordinated effort to evaluate the current laws and their administration and enforcement. The work of the Domestic Council Committee and the Service could be important in obtaining and evaluating information needed to assess the immigration problems.

U.S. immigration problems may be alleviated somewhat by changes to the current laws; however, to adequately cope with all the problems and to effectively regulate future immigration, we recommend that the Congress work with the administration to totally reassess U.S. immigration policy.

The Departments of Justice and State and the President's Domestic Council Committee on Illegal Aliens agree that our immigration policy needs to be reassessed. Their comments on this report included the following:

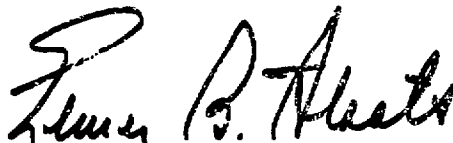
- The report brings fairly well into focus the seriousness of the illegal alien problem and lack of resources to enforce immigration laws. (See app. XIII.)
- The report perceptively analyzes the existing U.S. immigration situation and the underlying causes of it. (See app. XIV.)

--It is consistent with the current work and tentative findings of the Domestic Council Committee on Illegal Aliens. While legislative improvements, greater interagency cooperation, and increasing resources can help improve our Nation's ability to cope with illegal immigration, a more comprehensive solution to this problem requires that our U.S. immigration policy be totally reassessed. (See app. XV.)

The Congress and the administration need to act together to give U.S. immigration policy the attention it demands. To assist committees and Members of Congress and the administration in considering immigration policy and legislation, appendixes I through XII provide information on immigration legislation, the alien population, and our observations on the various factors contributing to the problems based on a series of our reports.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of the report are being sent to the Director, Office of Management and Budget, the Attorney General, and the Secretaries of State and Labor.


James P. Altschuler
Comptroller General
of the United States

C o n t e n t s

		<u>Page</u>
APPENDIX		
I	INFORMATION ON IMMIGRATION LEGISLATION AND ALIEN POPULATION AND OUR OBSERVATIONS ON THE PROBLEMS AND FACTORS CONTRIBUTING TO THE PROBLEMS	1
	Immigration legislation	1
	Alien population	2
	Observations on U.S. immigration problems	3
	Number and adverse impact of illegal aliens	4
	Nonimmigrants in illegal status	5
	Alien violators of immigration laws become legal residents	5
	Public charge	7
	Labor certification	8
	Smugglers and illicit documents	8
	Factors contributing to the problems	9
II	A SYNOPSIS OF MAJOR IMMIGRATION LEGISLATION (1798 to 1952)	12
III	DIFFERENCES IN THE IMMIGRATION AND NATIONALITY ACT RELATING TO IMMIGRATION FROM THE EASTERN AND THE WESTERN HEMISPHERES	18
IV	OUR REPORTS ON THE IMMIGRATION PROBLEM	20
V	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE CONGRESS--MORE NEEDS TO BE DONE TO REDUCE THE NUMBER AND ADVERSE IMPACT OF ILLEGAL ALIENS IN THE UNITED STATES, JULY 31, 1973	21
VI	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE SUBCOMMITTEE ON LEGAL AND MONETARY AFFAIRS, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES--NEED FOR IMPROVEMENTS IN MANAGEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE, AUGUST 14, 1973	25

APPENDIX

Page

VII	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE CONGRESS--BETTER CONTROLS NEEDED TO PREVENT FOREIGN STUDENTS FROM VIOLATING THE CONDITIONS OF THEIR ENTRY AND STAY WHILE IN THE UNITED STATES, FEBRUARY 4, 1975	28
VIII	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE CONGRESS--NEED TO REDUCE PUBLIC EXPENDITURES FOR NEWLY ARRIVED IMMIGRANTS AND CORRECT INEQUITY IN CURRENT IMMIGRATION LAW, JULY 15, 1975	33
IX	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES--ADMINISTRATION OF THE ALIEN LABOR CERTIFICATION PROGRAM SHOULD BE STRENGTHENED, MAY 16, 1975	37
X	DIGEST OF THE COMPTROLLER GENERAL'S REPORT TO THE CONGRESS--SMUGGLERS, ILLICIT DOCUMENTS, AND SCHEMES ARE UNDERMINING U.S. CONTROLS OVER IMMIGRATION, AUGUST 30, 1976	43
XI	SOME OF THE LEGISLATION DEALING WITH IMMIGRATION INTRODUCED IN THE 94TH CONGRESS	47
XII	IMMIGRATION BY COUNTRY, 1820 to 1975	64
XIII	LETTER OF SEPTEMBER 30, 1976, FROM THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, DEPARTMENT OF JUSTICE	65
XIV	LETTER OF SEPTEMBER 17, 1976, FROM THE DEPUTY ASSISTANT SECRETARY FOR BUDGET AND FINANCE, DEPARTMENT OF STATE	67
XV	LETTER OF AUGUST 19, 1976, FROM THE EXECUTIVE DIRECTOR, DOMESTIC COUNCIL COMMITTEE ON ILLEGAL ALIENS	70

ABBREVIATIONS

GAO General Accounting Office

INS Immigration and Naturalization Service

INFORMATION ON IMMIGRATION LEGISLATION AND
ALIEN POPULATION AND OUR OBSERVATIONS ON THE
PROBLEMS AND FACTORS CONTRIBUTING TO THE PROBLEMS
IMMIGRATION LEGISLATION

The Immigration and Nationality Act of 1952, 66 Stat. 163 (8 U.S.C. 1101 et seq.) prescribes the conditions for admitting aliens to our country and allowing them to stay. The act is administered and enforced by the Attorney General and the Secretary of State, while operational responsibilities rest with the Immigration and Naturalization Service (INS) and the Visa Office, Bureau of Security and Consular Affairs, Department of State.

Although some changes have been made to it, the act is still the basic U.S. immigration law. It was the product of the most extensive congressional immigration study in U.S. history and brought together for the first time all our Nation's laws on immigration and naturalization. (See app. II for immigration laws from 1798 to 1952.)

A major change to the immigration laws occurred in 1965 when the Congress, following recommendations by Presidents Kennedy and Johnson, passed the act of October 3, 1965 (79 Stat. 911).

The 1965 act eliminated any racial or ethnic admission standards and established reunification of families and skills as the foremost considerations for admission. The spouse, and unmarried children (under 21) of citizens and parents of citizens (over 21), qualify for admission without regard to any numerical limitation. For the first time, the law set a yearly limitation of 120,000 immigrants from the Western Hemisphere. (See app. III.)

Immigrants from other parts of the world are limited to 170,000 each year, with the following order of preference:

- Unmarried sons or daughters (over 21) of citizens.
- The spouses and unmarried sons and daughters of aliens lawfully admitted permanently.
- Professionals and persons of exceptional ability in the sciences and arts who could greatly benefit the United States.

- Married sons and daughters of citizens.
- Brothers and sisters of citizens.
- Skilled and unskilled persons capable of filling labor shortages.
- Refugees.
- Other qualified immigrants.

Also, no more than 20,000 immigrants from any single foreign state may be admitted in any 1 year.

Because certain immigrants are not counted as part of the quotas, actual immigration usually exceeds the 290,000 limitation. For example, in fiscal year 1975, over 386,000 immigrants were admitted.

The 1965 act also changed the standards for the immigration of laborers. Instead of requiring action by the Secretary of Labor to exclude immigrants with unnecessary occupations, the act requires an affirmative finding by the Secretary

"that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such labor and (B) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed,"

before an alien worker may be admitted. This system (known as the labor certification program) was to insure that cheap immigrant labor would not compete with U.S. labor, especially in periods of high unemployment.

Since 1965 no major legislative changes have been made, even though most people agreed that additional legislation would soon be needed.

ALIEN POPULATION

Aliens can be classified into three broad groups: immigrants, those who seek permanent residence; nonimmigrants, those who enter for temporary periods for such purposes as business, pleasure, schooling, or work; and illegal aliens, those entering surreptitiously, using illicit documents or

visas, or making false claims to citizenship. A legal alien may become an illegal alien when he or she violates a condition of entry, such as exceeding the temporary period of stay or taking employment.

INS statistics show that in recent years many more aliens have entered the country surreptitiously than have entered legally and stayed illegally. For example, of the approximately 767,000 illegal aliens apprehended in fiscal year 1975, 668,000 entered surreptitiously, 55,000 entered as visitors and later stayed illegally, and 44,000 violated other immigration laws. Additionally, a study done for INS indicated that at least 500,000 entrants successfully eluded detection at the southwest border ports and international airports during fiscal year 1975.

Most illegal aliens apprehended are Mexican--about 89 percent. The illegal entry of Mexicans increased after 1965 when the U.S. Government did not renew an agreement with the Mexican Government, which had been in effect for 22 years, allowing Mexicans to seek farm jobs in the country legally (Bracero program). Criticism from the unions that the farmers were hiring cheap Mexican labor instead of Americans influenced the termination of the Bracero program.

Because ending the program made it difficult for Mexicans to enter this country to seek work, many entered illegally. The number of illegal Mexican aliens apprehended increased from about 29,700 in fiscal year 1960 to over 680,000 in fiscal year 1975.

Aliens from other countries, especially Canada and other Western Hemisphere countries, also contribute to the illegal alien problem.

OBSERVATIONS ON U.S. IMMIGRATION PROBLEMS

Today the Congress, the administration, and the Departments of Justice and State are becoming more concerned over U.S. immigration problems. Also, a 1976 Gallup poll done for INS showed that 74 percent of the people surveyed thought the illegal alien problem serious.

Over the past few years our reviews have identified several immigration problems that, in large part, still exist. Other problems identified do not necessarily apply today, because our recommendations were implemented and other program changes were made by INS and the Department of State.

Number and adverse impact of illegal aliens

In a July 31, 1973, report, "More Needs to be Done to Reduce the Number and Adverse Impact of Illegal Aliens in the United States" (see app. V), we said:

"INS does not have the problem under control. The increasing number of illegal aliens entering the country has reached severe proportions and far exceeds INS's ability to cope with the problem.

"* * * This large number and the consequent strain on its resources have caused INS to establish operating practices which have diluted the deterrent effect of its enforcement efforts."

In that report and in an August 14, 1973, report, "Need for Improvements in Management Activities of the Immigration and Naturalization Service" (see app. VI), we recommended ways to improve activities for enforcing the immigration laws and regulations.

Since then, INS has increased its resources and improved its practices. However, the number of foreigners entering the United States has continued unabated. As discussed on page 10, these aliens are having an adverse social and economic effect on the United States.

In the July 1973 report we mentioned pending legislation which contained a provision to deter employers from hiring illegal aliens by making it unlawful to knowingly employ them. The bill (H.R. 982) was passed by the House in May 1973 but not enacted. This provision is contained in bills now pending in the Congress (such as H.R. 8713 and S. 3074). Since this legislation, if enacted and enforced, would remove a major economic incentive which attracts illegal aliens, we recommended that the Senate favorably consider those aspects of the bill which made hiring illegal aliens unlawful.

Although the new provision has strong support, it is contested because

- some employers do not believe they should be required to enforce such a law and
- some groups are concerned that it will be used by employers to discriminate against naturalized citizens and legal resident aliens.

Nonimmigrants in illegal status

In our August 30, 1976, report, "Smugglers, Illicit Documents, and Schemes Are Undermining U.S. Controls Over Immigration" (see app. X), we stated that many aliens who enter as nonimmigrants illegally stay or obtain employment. Although the total nonimmigrants in illegal status is unknown, they contribute greatly to this country's illegal alien population. While appearing before the Subcommittee on Immigration, Citizenship, and International Law, House Committee on the Judiciary, the INS Commissioner stated:

"* * * Our records fail to account for the departure of 10 percent of the more than 6 million foreign visitors each year. Allowing for imperfections in the system, we believe that 5 percent are actually overstays who have remained here to work and live. That amounts to 300,000 per year * * *."

This problem was also discussed in our February 4, 1975, report, "Better Controls Needed to Prevent Foreign Students From Violating the Conditions of Their Entry and Stay While in the United States" (see app. VII). We discussed the problems of the Departments of Justice and State in administering the program for admitting foreign students. INS records showed that the United States had at least 222,000 foreign students as of December 1974; about 42 percent were here illegally.

Alien violators of immigration laws become legal residents

Immigration laws and regulations reward some aliens violating immigration laws by allowing them greater opportunity to become legal residents. These aliens gain the qualifications necessary to become legal residents during illegal stays in the United States or while violating immigration laws during nonimmigrant residence. Their legal status may then later serve as the basis for other aliens to enter our country.

Current immigration law is unfair--people in this country illegally can later derive immigration benefits while bona fide immigrants are denied early admission. Because of the quotas on immigrants, some applicants must wait more than 2 years to gain admission.

The significance of nonimmigrants violating their status and becoming legal residents was shown in our February 1975 report. About 22 percent of nonimmigrant aliens who legally adjusted their status to permanent residents in fiscal year 1974 were students. Many had obtained the grounds for permanent residency while violating their nonimmigrant status.

The matter of illegal aliens qualifying for immigration visas was discussed in our July 15, 1975, report, "Need to Reduce Public Expenditures for Newly Arrived Immigrants and Correct Inequity in Current Immigration Law" (see app. VIII). Aliens illegally in the United States were qualifying for visas by one or more of the following actions:

- Marrying U.S. citizens (this allows immigration without regard to numerical ceilings and labor certification requirements).
- Marrying permanent-resident aliens (this exempts applicants from labor certification requirements).
- Giving birth to children in the United States (this exempts Western Hemisphere applicants from labor certification requirements).
- Obtaining work experience and job offers (this helps applicants overcome public charge exclusion provisions of the law).

Consular officers in Mexico estimated that, in 75 to 90 percent of their immigrant-applicant cases, the adult aliens in the family lived illegally in the United States.

In our August 1976 report, we further discussed these problems. Adjustment of status inadvertently serves as an incentive for some aliens to violate conditions of temporary stays in the United States because they can successfully avoid certain immigration restrictions and become legal residents without leaving the country. Also, aliens were entering into sham marriages to become legal residents.

The above reports contain certain legislative recommendations to alleviate the situation, such as exempting a citizen child's parents from the labor certification requirement only when the child became 21 years old and prohibiting nonimmigrants from becoming legal residents, if grounds for legal residency were acquired while they were here illegally.

Public charge

The July 1975 report noted that large expenditures of tax moneys--Federal and State--have been used to support immigrants and their families within 5 years after entry. For example, our analysis of 195 randomly selected immigrant welfare cases in Los Angeles County showed that 86 (44 percent) applied for assistance within 5 years after entering the United States. More than half of these applied within 2 years. Newly arrived immigrants and their families were receiving about \$19.6 million annually in welfare payments in Los Angeles County.

In some cases an unavoidable event (accident, illness) occurred after entry, which caused a need for public assistance; but this was true in only 10 percent of the welfare cases examined.

We could not obtain a reasonably accurate figure of the funds involved in public assistance payments to newly arrived immigrants; States simply do not accumulate such data. However, from information obtained from various locations, we believe the funds are large.

The act provides that no one be admitted as an immigrant who is likely to become a public charge and that those who, within 5 years of entry, become public charges from causes shown to have arisen before entry be deported. An applicant likely to need public assistance can be denied admission. However, an immigrant--although wholly supported by public assistance--is considered deportable only if legally liable to repay the supporting State or local authority. Thus, most forms of public assistance are not applicable for deportation purposes.

Although sponsors may file affidavits of support on behalf of aliens, taxpayers still have to support many newly arrived immigrants, because various courts have judged the affidavits to be only moral obligations.

We made recommendations to the Congress and the Departments of Justice and State to help correct the above problems. (See app. VIII.) The departments have taken actions to implement our recommendations, and provisions of bills now pending in the Congress (such as S. 3074) encompass our recommendation pertaining to redefining public charge for deportation purposes, which would help alleviate the situation.

Labor certification

To protect the domestic labor force from alien worker competition, the Immigration and Nationality Act provided that the Secretary of Labor bar issuance of an immigration visa to an alien seeking permanent employment, when such employment would adversely affect the American labor market.

Under this provision, alien workers are prevented from entering the United States permanently unless the Secretary certifies that not enough domestic workers are willing, able, qualified, and available to work at the place and at the time the alien applies for the visa or that entry would not adversely affect wages and working conditions.

Our May 16, 1975, report, "Administration of the Alien Labor Certification Program Should be Strengthened" (see app. IX), concluded that the program had little effect. A large number of aliens entering this country--many of whom may enter the labor force--are not required to obtain a certification.

Also, some aliens fail to work in the occupations for which their certificates were obtained, others begin working in this country before certification, and some change jobs and occupations. As a result, some aliens are allowed to compete with American labor contrary to the intent of the act.

We suggested certain changes to the act for consideration by the Congress. If enacted, these changes would require labor certifications for more aliens temporarily entering the country as nonimmigrants.

Smugglers and illicit documents

Many aliens employ professional smugglers or use illicit documents to enter and/or remain illegally in the United States. The "profession" of smuggling aliens is growing in size and complexity. It is lucrative for many persons, often members of large organized rings. Even when caught, less than half are prosecuted; most on misdemeanor charges.

An alien's chances of successfully entering the United States and reaching a desired location are increased tremendously by professional smugglers. INS has identified smuggling rings which solicit clients in other countries and deep

in the interior of Mexico. These aliens generally do not have the knowledge and experience necessary to illegally enter and travel in the United States. The smuggler may provide illicit documents, credit terms, and job placement services.

Aliens pay dearly to smugglers, both monetarily and physically. Many have been subjected to inhuman treatment and even death. A group of 24 aliens apprehended in Los Angeles had been held in a large truck for 2 days without food or water.

Illegal aliens gain entry to and/or remain in the United States posing as citizens or legal resident aliens by using illicit documents. These are easy to get and difficult to discover. The Federal Advisory Committee on False Identification estimated that false identification crimes by illegal aliens cost about \$3.6 billion each year.

In addition to smuggling and illicit documents, INS has also recognized sham marriages as one of the most serious schemes encountered. Sham marriages are arranged for fees so that aliens can become legal residents.

We discussed these increasing problems and INS efforts to reduce them in our August 1976 report. (See app. X.) Several problems restrict INS control over smugglers, illicit documents, and schemes; and, accordingly, we made legislative and administrative recommendations to strengthen INS, such as enacting legislation to:

- Permit INS to deport legal resident aliens, based on criminal convictions for smuggling offenses.
- Give INS discretionary authority to seize vehicles used in smuggling.

FACTORS CONTRIBUTING TO THE PROBLEMS

Various and complex factors have contributed to immigration problems and have made finding solutions to the U.S. immigration situation difficult. The problems have grown rapidly because of:

- The poor economy in certain countries which is usually the driving force behind many foreigners striving, by whatever means possible, to enter the United States.

- The need for additional personnel and resources to enforce immigration laws.
- The need for legislation to curb immigration problems. No major changes have been made to the immigration laws since 1965, even though most people agreed then that additional legislation would soon be needed.
- The need for INS to more effectively administer and enforce the immigration laws. INS stated in some of our prior reports that it could not improve certain areas due to lack of resources.
- The need for the Department of State to improve its management in issuing visas.
- The need for better interagency and State and local government coordination.
- Political and other constraints which have been based on humanitarian considerations for the alien and the role of the immigrant in our Nation's development.
- The absence of adequate information for the Congress to use in assessing the extent of the problems and their social and economic implications.

Although the magnitude and social and economic effects of immigration in our country have not been fully measured, the situation is serious. For example,

- Estimates on illegal aliens in the United States range up to 12 million.
- INS estimated in 1976 that over 3.6 million illegal aliens were employed.
- An independent study done for INS in 1975 indicated that illegal aliens cost taxpayers \$13 billion or more annually (public assistance programs, increased medical and educational costs, etc.).
- States say their medical, welfare, educational, and other related costs are soaring as a result of illegal aliens. States have passed or introduced laws, such as prohibiting the employment of illegal aliens, in an attempt to reduce such costs.

The unknown status and complexity of immigration problems has created much controversy. Some say illegal immigration is a serious national problem adversely affecting the U.S. social and economic well-being; others say the extent of the problem is vastly overstated. However, most agree that something needs to be done. Views on what should be done range from granting amnesty to illegal aliens to strengthening the enforcement of immigration laws.

Consider the jobs illegal aliens take. The dichotomy of views is especially apparent. One faction claims illegal aliens are taking good, high-paying jobs at a time when our citizens and resident aliens are unemployed. Another faction asserts that illegal aliens are taking menial, low-paying jobs that Americans will not take and, therefore, excluding them would be detrimental to the country.

Views of the various interested factions should be weighed when considering any new or revised immigration programs. But, revision must come swiftly, for the fact remains that U.S. immigration laws are consistently violated. The violators run a relatively small risk of punishment and often benefit from their illegal actions to the detriment of potential immigrants who attempt to comply with the law.

A SYNOPSIS OF MAJOR IMMIGRATION LEGISLATION(1798 TO 1952)

This Nation was founded by immigrants: law-abiding citizens seeking individual freedom -- a better life, adventurers, refugees from religious persecution, refugees from debtors' prisons, transported criminals, slaves, and indentured servants. Soon after the Government of the United States of America was established, the first attempt was made to restrict immigration into our Nation. The Alien Act of 1798, among other things, permitted the aliens to be deported if found by the President to be dangerous to the peace and safety of the United States.

The next ban on immigration was more in keeping with our country's stated ideals: the act of March 2, 1807, banned the importation of Negroes for purposes of slavery, effective January 1, 1808. The date was the earliest, under article I, section 9, of the Constitution, that the Congress could ban the importation of slaves.

For nearly 70 years, no further Federal controls on immigration were enacted; instead, the several States enacted immigration laws of their choosing. Those years, however, saw a vast influx of immigrants:

- Pick and shovel laborers who built the Erie Canal and the railroads.
- Refugees from the potato famine that ravaged Ireland and parts of Europe.
- Peasants from Scandinavia and northern Europe who came to homestead the farmlands of the Midwest that the Federal Government had granted to the railroads to stimulate road building.

Also in those years came the "yellow peril"--Oriental contract laborers, many of them transported without their consent, brought to California to build the Central Pacific Railroad eastward toward the "wedding of the rails" that took place in Promontory, Utah, in 1869, when the Central Pacific and the Union Pacific joined to form the first trans-continental railroad. The Orientals were different. They looked different, they dressed differently, their customs were different, they even spoke in what seemed not just a different language but a strange tongue. And worst of all, they worked for what was almost nothing in a time of rising

unemployment and economic distress. The Nation of immigrants feared inundation by the yellow peril.

Our Nation feared the immigration of criminals from many countries. The Congress passed the first permanent, qualitative restrictions on immigration on March 3, 1875, which prevented convicts and prostitutes being admitted to the United States. Shortly afterward came the Chinese Exclusion Act of May 6, 1882, excluding Chinese laborers. This law was preceded by a landmark Supreme Court decision, *Henderson vs. Mayor of New York*, 92 U.S. 259 (1876), which declared that the Constitution relegated the whole subject of immigration to the Congress and that State immigration laws were unconstitutional. This decision removed most controls provided by State laws on immigration and left the future of immigration to the Congress.

Regulation was not long in coming. The Chinese Exclusion Act suspended for 10 years the immigration of all Chinese laborers and barred Chinese people from citizenship. The suspension was extended by later laws, and no Chinese people were eligible for immigration until a small quota was established by the act of December 17, 1943.

The act of August 3, 1882, prohibited convicts, lunatics, idiots, and persons unable to support themselves from being admitted. The act levied a duty of 50 cents for each immigrant and authorized the Secretary of the Treasury to contract with the States for locally administering immigration. Before the *Henderson* decision, local administration had been carried out under the authority of State laws.

As the West opened up to settlement and our Nation became industrialized. American laborers found themselves competing for jobs with cheap foreign labor--immigrants brought here under labor contracts to help keep wages down. The Congress met this problem with the Contract Labor Laws: the act of February 26, 1885, and the act of February 23, 1887, which made importing aliens under labor contracts illegal.

The Congress continued to expand the classes of "undesirables" banned from the United States. In addition to idiots, the insane, paupers, or persons likely to become public charges, the act of March 3, 1891, banned persons suffering from loathsome or dangerous contagious diseases, persons convicted of felonies or of misdemeanors involving moral turpitude, and polygamists. Perhaps more important,

this act also established the position of superintendent of immigration, to establish total Federal control over immigration.

The act of March 3, 1903, excluded

- epileptics,
- persons having been insane in the previous 5 years or having had two or more attacks of insanity,
- professional beggars,
- anarchists,
- those advocating the overthrow of government by force or violence,
- those believing in the assassination of public officials,
- prostitutes and procurers,
- persons having been deported within 1 year, and
- immigrants under labor contracts.

This act also raised the "head tax" on immigrants to \$2; prescribed certain details of the immigration process; and permitted actors, artists, lecturers, members of learned professions, personal servants, and certain skilled laborers to enter the United States. The act of February 20, 1907, prohibited imbeciles, feeble minded persons, persons, certified to be so mentally or physically defective as to affect their ability to earn a living, those with tuberculosis, those believing in polygamy, and unaccompanied children under 16 from entering. This act raised the duty to \$4. In 1917 the Congress added to the excluded categories those persons of constitutional psychopathic inferiority; those having had one attack of insanity; men, as well as women, entering for immoral purposes; vagrants; stowaways; alcoholics; and persons from the "Asiatic Barred Zone," an area that included most of Asia.

Until the outbreak of World War I, immigration to the United States remained high. In these years, however, the pattern of immigration shifted from Ireland and northern Europe to southern and eastern Europe. Over two-thirds of the immigrants in these years came from Russia, Italy, and

Austria-Hungary, a situation that contributed to American ambivalence about immigration: the Statue of Liberty lifted her lamp to beckon the northern Europeans and descendants of Anglo-Saxons similar to the original colonists and their descendants; but, as in the case of Asiatics, restrictions were urged against immigrants from southern Europe who assimilated into the general population less readily.

Because of the changed pattern of immigration and the anti-immigration feelings in the country, because of the increase in immigrants, and perhaps because the country seemed to be filling up, after World War I the Congress looked at the problems of immigration more attentively. By 1921, the Congress had determined a major change in immigration policy--in addition to the restrictions on the kinds of people who could immigrate, the numbers of persons who could immigrate were restricted. Under the Quota Law of 1921, aliens of any nationality permitted to enter each year was limited to 3 percent of the foreign-born people of that nationality living in the United States in 1910. Certain professionals and domestic servants, although counted in the quotas, could be admitted if their national quotas were filled. Preferences were given to relatives of citizens, to those who had applied for citizenship, and to aliens who had served in the United States Armed Forces. Also, aliens who had lived in the Western Hemisphere for 1 year preceding their immigration were permitted to enter regardless of quotas.

The quota system, which slowed immigration to approximately 350,000 persons each year, was revised in 1924. The Immigration Act of 1924 limited the national quotas to 2 percent of the foreign-born people of that nationality living in the United States in 1890, to insure that most immigrants would be from northern and western Europe. After 1927, immigration was to be limited to 150,000 persons annually, with national quotas based upon the national origin of U.S. citizens in 1920. All immigrants were required to have visas issued by United States consulates abroad and to be eligible for citizenship. The quota system was aimed at preserving the ethnic composition of the United States by assuring that immigrants would have similar cultural and political backgrounds. It was not successful. Such persons failed to apply for admission to this country in the years before World War II. Quotas went unfilled and most aliens entering were seasonal agricultural workers from Mexico.

The consequences of American military forces serving worldwide during the 1940s and the consequences of the war

itself brought changes in the immigration laws. Some provisions of the 1924 act were waived in 1942 to permit alien spouses and children of service personnel to enter. A quota for Chinese people was established in 1943, the quota for persons from the Philippines was increased in 1946, and alien fiances and fiancées of service personnel were admitted as nonresidents who would become permanent residents after marrying U.S. citizens. The Displaced Persons Act of 1948, amended in 1950, permitted more than 400,000 refugees to enter in 3-1/2 years.

All laws governing immigration were brought within one statute by the act of June 27, 1952. Most existing immigration policies were continued, although some major changes were made. The new law continued to exclude undesirable aliens for most of the reasons included in previous laws, but some categories were redefined and several new classes of aliens were excluded, including narcotics law violators. Contract labor provisions were replaced by a new section authorizing the Secretary of Labor to exclude aliens if enough laborers with similar skills were available where the aliens wanted to work and if employing such aliens would adversely affect the wages and working conditions of existing workers. This law also eliminated all racial exclusion provisions.

The new quota provision, very like the national origins quota system created under the Immigration Act of 1924, allowed each nationality a quota of 0.6 percent of the people of that nationality in the United States in 1920, with a minimum quota of 100. Of the approximately 154,000 immigrants allowed under this law, 65,000 could come from Great Britain, 25,000 from Germany, 17,000 from Ireland, between 1,000 and 6,500 from each of 12 other countries, and less than 1,000 from each of the remaining areas. Western Hemisphere peoples could still immigrate without regard to a quota.

The law established preferences within quotas for immigrants determined to be urgently needed and prospectively beneficial to the economy, cultural interests, or welfare of the United States; for parents of citizens; for children and spouses of lawfully admitted aliens; and for siblings and children of citizens. The law also defined 18 general classes of deportable aliens and specified the procedures for deportation, entry, and other aspects of immigration.

Again, the primary objective of the national origin quota system was to maintain the ethnic balance of the American population as it existed in 1920. However, the Congress found that the system had failed to meet its

APPENDIX II

APPENDIX II

objective. The Nations with the highest quotas did not fully use them. The system was found wanting in the late 1950s when entry was sought for refugees from Iron Curtain countries that experienced unsuccessful anti-Communist uprisings.

DIFFERENCES IN THE IMMIGRATION AND NATIONALITY ACT
RELATING TO IMMIGRATION FROM THE EASTERN
AND WESTERN HEMISPHERES (note a)

Eastern Hemisphere

Western Hemisphere

- | | |
|--|---|
| <p>1. Numerical limitations: 170,000 per annum; not more than 20,000 per foreign state.</p> | <p>1. Numerical limitations: 120,000 per annum limitation became effective July 1, 1968; no foreign state limitation. (This limitation is imposed by the 1965 Act, not by the Immigration and Nationality Act.)</p> |
| <p>2. As a selective mechanism to enable distribution of the numbers to the immigrants desired, a system of seven preference classes exists: Four (1, 2, 4, and 5) based on relationship to U.S. citizens or resident aliens, two (3 and 6) based on need for labor, and one (7) for refugees.</p> | <p>2. No provision has been made for a preference system.</p> |
| <p>3. Applicability of section 212 (a)(14) is explicitly restricted to applicants within the 3d, 6th, and nonpreference categories, thus exempting sons and daughters (married or unmarried) and brothers and sisters of U.S. citizens.</p> | <p>3. Section 212(a)(14) expressly applies to all applicants from the Western Hemisphere other than parents, spouses, or children of U.S. citizens and resident aliens.</p> |
| <p>4. Adjustment of status in the United States from nonimmigrant to that of a permanent resident may be obtained.</p> | <p>4. Adjustment of status in the United States from non-immigrant to that of a permanent resident is not permitted, although the Act of November 2, 1966, permits the adjustment of Cuban refugees.</p> |

APPENDIX III

APPENDIX III

5. Parents of resident aliens (not being entitled to a preference) are subject to section 212(a)(14).

5. Parents of resident aliens are exempt from the provisions of section 212(a)(14).

6. Immigrants may not enter from contiguous territory without first residing therein for 2 years unless they have arrived there on a transportation line which has an appropriate contract with the Attorney General for this purpose.

6. No prohibition on entry from contiguous territory.

a/Report of the Visa Office, 1973, Bureau of Security and Consular Affairs, Department of State.

OUR REPORTS ON THE IMMIGRATION PROBLEM

	<u>Date</u>
Comptroller General's Report to the Congress, "A Single Agency Needed to Manage Port-of-Entry Inspections--Particularly at U.S. Airports," B-114898.	5/30/73
Comptroller General's Report to the Congress, "More Needs to be Done to Reduce the Number and Adverse Impact of Illegal Aliens in the United States," B-125051.	7/31/73
Comptroller General's Report to the Subcommittee on Legal and Monetary Affairs, Committee on Government Operations, House of Representatives, "Need for Improvements in Management Activities of the Immigration and Naturalization Service," B-125051.	8/14/73
Comptroller General's Report to the Congress, "Better Controls Needed to Prevent Foreign Stu- dents from Violating the Conditions of Their Entry and Stay While in the United States," GGD-75-9.	2/ 4/75
Comptroller General's Report to the Congress, "Premium Pay for Federal Inspectors at U.S. Ports-of-Entry," GGD-74-91.	2/14/75
Comptroller General's Report to the Committee on the Judiciary, House of Representatives, "Administration of the Alien Labor Certifica- tion Program Should Be Strengthened," MWD-75-2.	5/16/75
Comptroller General's Report to the Congress, "Need to Reduce Public Expenditures for Newly Arrived Immigrants and Correct Inequity in Current Immigration Law," GGD-75-107.	7/15/75
Report to the Attorney General, "Aliens are Illegally Entering the U.S. Mainland Through Puerto Rico and the U.S. Virgin Islands," GGD-76-5.	9/ 8/75
Comptroller General's Report to the Congress, "Smugglers, Illicit Documents, and Schemes Are Undermining U.S. Controls Over Immigration," GGD-76-83.	8/30/76

DIGEST FROM JULY 31, 1973, REPORT

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

MORE NEEDS TO BE DONE TO REDUCE THE
NUMBER AND ADVERSE IMPACT OF
ILLEGAL ALIENS IN THE UNITED STATES
Immigration and Naturalization
Service
Department of Justice B-125051

D I G E S TWHY THE REVIEW WAS MADE

At the request of the Chairman, Special Studies Subcommittee (presently Chairman, Legal and Monetary Affairs Subcommittee), House Committee on Government Operations, and Congressman John W. Wydler, GAO examined the problems of the Immigration and Naturalization Service (INS) in preventing entry of, locating, apprehending, and expelling illegal aliens--those deportable under the Immigration and Nationality Act.

This report deals with the illegal alien problem, its impact on INS enforcement operations, and the coordination of INS activities with those of other Government agencies to help relieve some of the burdens caused by illegal aliens.

FINDINGS AND CONCLUSIONS

INS does not have the problem under control. The increasing number of illegal aliens entering the country has reached severe proportions and far exceeds INS's ability to cope with the problem.

The number of illegal aliens located by INS has increased from about

200,000 in fiscal year 1968 to over 500,000 in fiscal year 1972. (See p. 5.) This large number and the consequent strain on its resources have caused INS to establish operating practices which have diluted the deterrent effect of its enforcement efforts.

These practices include granting most illegal aliens voluntary departure in lieu of deporting or prosecuting them and discontinuing many special searches which had successfully located many of them.

Illegal aliens have a strong incentive to enter the United States in search of employment. Although INS apprehends many, a large portion--at least 31 percent of the 369,495 apprehended by the Border Patrol in 1972--are repeaters. Some aliens enter illegally as many as 10 times. (See p. 10.)

Many employers continue to hire illegal aliens even after (1) repeated INS visits, which result in numerous apprehensions, and (2) other INS efforts to dissuade these employers from hiring such aliens. (See p. 12.)

INS has little difficulty apprehending illegal aliens; however, INS could apprehend more illegal

aliens if it had more detention funds and space, investigators, border patrolmen, transportation funds, and time. (See p. 14.)

The New York and Los Angeles INS district offices had a backlog of about 38,000 cases in which INS had not verified the departure of apprehended illegal aliens who had been allowed to depart on their own recognizance. GAO's analysis of 200 cases showed INS had not attempted to locate many of these aliens for several months. (See p. 17.)

In fiscal years 1971 and 1972 INS located about 900,000 illegal aliens. During that period, 23,347, or less than 3 percent, were prosecuted and 33,905, or about 4 percent, were deported. (See p. 18.)

A large percentage of commercial smugglers of aliens are being prosecuted. However, penalties levied on these smugglers are light considering the monetary gains from smuggling aliens into the United States. (See p. 23.)

Inadequate enforcement of immigration laws contributes to the rise in illegal entries. An effective enforcement program hinges on (1) eliminating the economic incentives attracting illegal aliens and (2) increasing the resources for apprehending and processing illegal aliens. (See p. 29.)

INS does not have the capacity to locate and expel all illegal aliens in the country and should emphasize those operations that minimize

their adverse impact on the economy. Other Government agencies must cooperate to achieve this goal.

Cooperation between INS and the Internal Revenue Service, local welfare agencies, and State employment agencies has been unsystematic, or sporadic, and has had little effect. Most Government agencies either do not feel obligated to cooperate with INS or question the benefits of such cooperation.

Three areas where improved cooperation among Government agencies is needed concern illegal aliens who

--do not pay Federal income taxes on income earned in the United States,

--are on welfare, and

--hold jobs that could be filled by citizens or lawful resident aliens.

Recent Social Security Act amendments (1) provide that information on welfare applicants or recipients may be disclosed to law enforcement officials and (2) restrict eligibility under welfare programs to citizens or aliens residing lawfully in the United States.

On August 3, 1972, a bill was introduced in the House of Representatives which included a provision to restrain employers from hiring illegal aliens by making it unlawful to knowingly employ such an alien.

The Congress adjourned before taking final action on this bill. The bill was reintroduced in January 1973 as House bill 982, and the House passed it in May 1973.

This legislation, if enacted and enforced, would remove a major economic incentive which attracts illegal aliens.

RECOMMENDATIONS

GAO recommends that:

- The Attorney General and the Secretary of the Treasury agree on the goals and duties of each agency in their efforts to collect taxes from departing aliens and revise their operating instructions to include (1) criteria under which INS will refer aliens to the Internal Revenue Service for tax determinations, (2) a system for making such referrals, and (3) followup procedures to monitor and measure the system's effectiveness. (See p. 39.)
- The Attorney General and the Secretary of Health, Education, and Welfare develop guidelines for Federal and local welfare agencies to provide information to INS for identifying illegal aliens applying for or receiving welfare assistance. (See p. 45.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice said INS had done an effective job operating in the midst of the constraints on its resources. The Department, however, agreed with GAO's conclusions that

- there is little difficulty in locating illegal aliens,

- the number of illegal aliens located is constrained by the available resources,
- inadequate enforcement is contributing to the rise in illegal entries into the United States, and
- an improved and more systematic information exchange between INS and various Government agencies would be beneficial.

The Department also agreed with GAO recommendations and said that an improved more systematic exchange of information between INS and the various agencies would be beneficial. (See app. II.)

The Internal Revenue Service agreed with GAO's recommendations. Discussions between INS and the Internal Revenue Service have been reopened and a revised program for collecting taxes from departing illegal aliens is being considered.

The Internal Revenue Service is confident that implementation of a revised program incorporating GAO suggestions will increase tax collections and remove some of the incentive for aliens to enter illegally. (See app. III.)

The Department of Health, Education, and Welfare (see app. V) agreed on the need for welfare agencies to provide information to INS on illegal aliens applying for or receiving welfare payments. The Department said policies and procedures are presently contemplated that would accomplish the intent of the GAO recommendation.

The Department of Labor referred to the lack of a Federal law to prohibit employers from hiring illegal aliens. It said that, since

jobs lure aliens and employers hire them because they will accept wages below prevailing rates and perform menial and low status jobs, the Employment Service can do little in a cooperative arrangement. Labor also said curtailment of its resources prohibited it from even contemplating cooperation. (See app. IV.)

MATTERS FOR CONSIDERATION BY
THE CONGRESS

GAO recommends that the Senate give favorable consideration to aspects of House bill 982 which make it unlawful to hire illegal aliens.

GAO note: Page references in this appendix refer to another report; they do not agree with page numbers in this report.

DIGEST FROM AUGUST 14, 1973, REPORTCOMPTROLLER GENERAL'S REPORT

NEED FOR IMPROVEMENTS IN MANAGEMENT
ACTIVITIES OF THE IMMIGRATION AND
NATURALIZATION SERVICE
Department of Justice B-125051

D I G E S TWHY THE REVIEW WAS MADE

At the request of Chairman William J. Randall, Special Studies Subcommittee (now Chairman, Legal and Monetary Affairs Subcommittee), House Committee on Government Operations, and Congressman John W. Wyder, GAO examined operations of the Immigration and Naturalization Service (INS).

Basic facts

INS maintains records on the arrival and departure of more than 5 million visitors each year. An unknown number of visits are made by holders of border crossing cards, and INS estimates that about 1.7 million Mexican border crossing cards are outstanding.

INS estimates that a million aliens are in the United States illegally. The number of illegal aliens it has apprehended increased from about 200,000 to 500,000 from fiscal years 1968 through 1972.

FINDINGS AND CONCLUSIONS

GAO found that improvements were needed in the

- record system used in identifying nonimmigrants who overstay their permitted time,
- controls over Mexican border crossing cards,

--procedures and practices for obtaining fingerprint searches on illegal aliens,

--procedures for requesting illegal Mexican aliens to pay their own transportation costs within the INS Southwest Region, and

--procedures used in the alien address reporting program.

Record system

Due to inaccuracies in the record system used in identifying nonimmigrant aliens who overstay, INS field offices must follow up many cases involving aliens who have already left the country or had their status adjusted.

Although INS recently started using a computer to process documents in this record system, it needs to establish a plan of action which, when implemented, will increase the system's effectiveness in providing accurate data for following up overstay cases. (See p. 10.)

Mexican border crossing cards

INS officials in the Southwest Region said many Mexican aliens use the border crossing cards to enter the country and, after violating the terms regulating their entry, mail the cards to their homes in Mexico to prevent confiscation. If apprehended by INS in an illegal status and granted voluntary departure the

aliens are able to use the same cards to reenter.

The existence of about 1.7 million Mexican border crossing cards with no expiration dates and limited controls to confiscate cards from known abusers of the border crossing privilege make it easier for would-be illegal aliens to enter the United States. (See p. 15.)

Fingerprint searches

INS policies and procedures for requesting identification of apprehended illegal aliens through fingerprint searches by the Federal Bureau of Investigation need to be clarified to eliminate useless searches. Some searches are made for aliens who have left the country or been released from INS custody before results of searches are received. Local INS officials said many fingerprint searches were of doubtful value. (See p. 19.)

Transporting illegal aliens

INS has made substantial progress in reducing costs of transporting illegal aliens within the Southwest Region. During this review GAO suggested that INS request aliens to pay their transportation costs on INS-owned buses. INS adopted the suggestion in November 1972 and had collected \$287,000 in fares through May 1973. Such collections could total about \$800,000 a year. (See p. 21.)

Alien address reporting program

Under the address reporting program, aliens must report their address to INS each year. The Government's costs of this program could be reduced by about \$333,000 a year by requiring aliens to pay the postage on address reports.

Changes in the design of the address report forms could further reduce the Government's cost by about \$10,000 a year by making it possible to reuse excess forms from year to year.

GAO found INS makes limited use of the alien address reports, and GAO's limited tests indicate that only about 25 percent of the aliens change their addresses each year.

RECOMMENDATIONS AND SUGGESTIONS

GAO recommends that the Attorney General have INS:

- Establish a plan to increase its record system's effectiveness in providing accurate data for follow-up on aliens who overstay their permitted time. (See p. 11.)
- Study the feasibility of periodically reissuing Mexican border crossing cards, explore alternatives to periodically reissuing the cards, and initiate a system for more effective monitoring of Mexican aliens allowed to extend their visits. (See p. 16.)
- Examine its procedures for requesting fingerprint searches on illegal aliens to eliminate searches which serve no useful purpose. (See p. 20.)
- Revise the alien address report forms to allow use of excess forms from year to year, and evaluate the management benefits of yearly filings of address reports. (See p. 24.)

During its review, GAO suggested that INS

- request aliens to pay their transportation costs on INS-owned

buses which could result in considerable savings to the Government (see p. 21), and

--require aliens to pay the postage on alien address reports. (See p. 23.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

GAO discussed its findings with INS on May 30, 1973, and INS agreed with the conclusions and recommendations.

INS officials said they did not believe alien address reports should be eliminated, but they planned to determine how to better use the reports.

INS agreed to GAO's suggestions and has taken action to request aliens to pay their transportation costs on INS-owned buses and to require aliens to pay postage costs on the annual alien address reports. Estimated annual savings from these actions could be about \$1.1 million.

GAO note: Page references in this appendix refer to another report; they do not agree with page numbers in this report.

DIGEST FROM FEBRUARY 4, 1975, REPORT

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

BETTER CONTROLS NEEDED TO PREVENT
FOREIGN STUDENTS FROM VIOLATING THE
CONDITIONS OF THEIR ENTRY AND STAY
WHILE IN THE UNITED STATES
Department of Justice
Department of State

D I G E S TWHY THE REVIEW WAS MADE

This is the third in a series of reports on the Immigration and Naturalization Service and the alien problem.

GAO made this review to determine the extent to which foreign students are contributing to the problem. GAO reviewed the system for admitting students and the controls designed to insure that students are complying with conditions of entry.

FINDINGS AND CONCLUSIONS

Under the Immigration and Nationality Act, two classifications of nonimmigrant aliens are temporarily admitted to study in the United States. One is an exchange student or visitor who participates in a program designated by the Secretary of State.

The other, the subject of this report, commonly classified as a foreign student, is admitted to pursue a full course of study at a Service-approved school. Foreign students are generally not allowed to work full time while in the United States.

American consulates have issued about 362,000 foreign student visas since the beginning of fiscal year 1969. The Service also grants foreign student status to certain aliens visit-

ing the United States for business or pleasure. According to Service records, there were at least 222,000 foreign students in the United States as of December 1974 and about 42 percent were in illegal status.

Violators of student status

Approved schools must report to the Service those students who fail to register, terminate attendance, carry less than a full course of study, or attend classes less than required.

School reports on file in the Service's New York and Los Angeles district offices and other records showed that many foreign students do not enroll in school, complete their studies, or depart from the United States. The Service rarely investigates the school reports because of manpower limitations and the low priority it gives the problem of student violators. Even with low-key investigation efforts, the Service locates over 5,000 student violators annually. (See ch. 2.)

About 22 percent of nonimmigrant aliens who legally adjusted their status to permanent residents in fiscal year 1974 were in student status. Many of these students obtained the grounds for permanent resident status while in violation of their nonimmigrant status. (See p. 14.)

Foreign student status has become a method for many aliens to gain entry into the United States for acquiring, on a preferential basis, permanent resident status under other provisions of the Immigration and Nationality Act. The inequity of this practice could be eliminated or at least discouraged by imposing a mandatory waiting period before allowing foreign students to acquire immigrant status if grounds for such status were acquired while in an illegal status.

According to the Department of Justice, administrative problems could result if a student is required to depart for a mandatory waiting period and such a policy could possibly be in conflict with the history of the Immigration and Nationality Act as it pertains to foreign exchange students.

The Department of State said a mandatory waiting period might be viewed as punitive and could create adverse public opinion in cases involving the direct interests of American citizens.

The Department of Justice also said that, although the Congress has enacted legislation in the past making certain nonimmigrants, such as exchange aliens, ineligible to acquire permanent resident status except under special circumstances, the Congress has not enacted such legislation for nonimmigrant students.

GAO does not believe that a mandatory waiting period conflicts with the act as it pertains to exchange aliens because it does not advocate penalizing bona fide nonimmigrant students from obtaining immigrant status. The waiting period would pertain only to those students who

acquire the grounds for immigrant status while in violation of their nonimmigrant status.

Foreign students and other nonimmigrants should not be permitted to violate the immigration system and derive benefits from their illegal acts while bona fide immigrants and nonimmigrants are denied early admission or are otherwise disadvan-

Schools admitting foreign students

Service-approved schools were issuing certificates of eligibility to aliens without thoroughly assessing their qualifications and were not meeting their reporting responsibilities.

Federal regulations require that schools report to the Service those students who do not carry full courses of study. However, because there is no established definition of a full course of study, each school normally defines its own full-course requirement. Students can, therefore, attend vocational schools taking only one or two subjects for extended periods.

The Service proposed an amendment to the Federal regulations which would have defined a full course of study for vocational schools as generally constituting 25 hours of school attendance each week; however, the Service abandoned this effort because of objections by interested schools and associations.

Some school officials were not certain about their responsibilities for certifying requests by students for school transfers, extensions of stay, and permission to accept employment.

Although the procedures provide for the Service to review, from time to time, approved schools to determine whether they continue to meet the eligibility requirements and whether they are complying with their reporting responsibilities, the Service seldom does so. Such reviews are needed to

- identify schools which fail to meet their responsibilities and
- enable the Service to know when to withdraw its approval to admit foreign students.

Screening applicants
for student status

At the time of GAO's review, Department of State and Service procedures for screening each student applicant relied heavily on

- a determination by the admitting school that the alien was scholastically qualified and had the needed English language proficiency and
- affidavits of support or other statements from sponsors that they would provide for the alien's financial needs.

The Immigration and Nationality Act does not prohibit an alien from seeking to learn a skill which has limited application in his country but requires only that the student depart from the United States upon completing his studies. Because it is anticipated that most students will return to their country of origin, inquiry should be made concerning the opportunity to use the desired training in that country as an aid in determining whether the student intends to depart from the United States.

After GAO's review at seven American consulate offices, the Department of State revised its procedures for screening student applicants. The Service has also revised its procedures. (See pp. 38 and 39.)

The Department and the Service, to have a sufficient basis for evaluating the effectiveness of their student-screening procedures and practices, need to further develop an information system which includes data on students who fail to register at school, fail to complete their studies, or violate the conditions of their entry and stay.

Adjudication of certain
student applications

The Service, in approving student requests for school transfers, extensions of stay, and permission to accept employment, does not adequately consider

- available data on the student's declared educational objectives,
- his progress in achieving these objectives, and
- criteria in the regulations and instructions.

When students transfer to other schools, the Service does not re-evaluate their financial capability. The Service also does not make compliance reviews of the approved applications to insure that the criteria are followed. As a result many students are allowed to remain in the United States without seriously pursuing their declared educational goals or are allowed to work without adequate justification.

RECOMMENDATIONS

The Attorney General and Secretary of State should

- require that inquiry be made concerning the opportunity to use the training desired by the alien in his home country as an aid in determining the alien's intentions to depart from the United States and
- further develop an information system using reports from schools and Service apprehension statistics to help evaluate the effectiveness of procedures and practices for granting student status.

GAO also recommends that the Attorney General instruct the Service to

- institute a mandatory program and specific guidelines for making systematic onsite school compliance reviews covering revalidation of the school approvals and the schools' compliance with Federal regulations;
- renew its efforts to satisfactorily define a full course of study in vocational schools by consulting with the Office of Education and interested trade schools and their associations;
- clarify the schools' responsibilities for certifying a student's request for school transfer, extension of stay, and employment;
- interview all applicants for student status to help determine their financial capability and their intentions to pursue full courses of study and return to their countries;

- require that an applicant for student status establish his English language proficiency;
- provide its adjudicators with additional criteria for determining whether a student's request for school transfer, extension of stay, or employment should be approved;
- require that a student reestablish his financial capability to pursue a full course of study when he transfers schools and educational costs increase significantly;
- establish a program for reviewing adjudications to determine that they are made in accordance with the operating instructions; and
- develop a files system that will permit Service adjudicators to readily research a student's immigration records.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice said that, with minor exceptions, it agreed with the report and its recommendations. The Department said the Service will

- publish a Notice of Proposed Rule Making defining a "full course of study,"
- clarify school responsibilities,
- provide additional criteria to its adjudicators, and
- establish a program for reviewing adjudications.

The Department believes that the recommendation suggesting that inquiry be made concerning opportunity to

use the training desired by the alien in his home country as an aid in determining the alien's intentions to depart from the United States is impractical and would result in needless delays in the adjudication process. Such an inquiry, however, could be made by the Service when aliens are interviewed for change to student status and should not cause a delay unless the alien does not have an acceptable answer. The Department of State said it is contemplating revising its instructions to its consular officers to implement the recommendation.

The Department of State agreed that an information retrieval system designed to present hard statistics on violators of student status by country of origin could provide a useful basis for evaluating the effectiveness of the present screening procedures and perhaps for formulating more efficient selection criteria.

According to the Department of Justice, criticism of the Service's present practices of not creating file records for each student case, not interviewing applicants for student status, not performing onsite inves-

tigation of approved schools, and not following up on school reports points out the effects of an acute shortage of officers and clerks.

The Department of Justice said it was not intending to sidestep the issues in the report and, as additional manpower becomes available or priorities change, the Service will make every effort to attack more aggressively the problems highlighted in the report. Although the Service may be unable to implement all of GAO's recommendations because of manpower constraints, the severity of foreign student status and school violations dictates that the Service take more corrective action, even if only on a limited basis.

MATTERS FOR CONSIDERATION
BY THE CONGRESS

If the Congress wishes to eliminate the preferential treatment involving prospective immigrants from the same country, the Congress should impose a mandatory waiting period for foreign students before allowing them to acquire immigrant status if grounds for such status were acquired while in an illegal status.

GAO note: Page numbers in this appendix refer to another report; they do not agree with the page numbers in this report.

DIGEST FROM July 15, 1975, REPORT

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

NEED TO REDUCE PUBLIC EXPENDITURES
FOR NEWLY ARRIVED IMMIGRANTS AND
CORRECT INEQUITY IN CURRENT
IMMIGRATION LAW
Department of Justice
Department of State

D I G E S T

GAO found that the Departments of State and Justice, and the Congress, must act to reduce the likelihood of newly arrived immigrants receiving public assistance.

Large expenditures of tax moneys--Federal and State--have been made to support immigrants and their families within 5 years after entry.

In some cases an unavoidable event (accident, illness) occurred after the entry, which caused a need for public assistance; but this was true in only 10 percent of the welfare cases GAO examined.

GAO could not obtain a reasonably accurate figure of the amount of funds involved in public assistance payments to newly arrived immigrants; States simply do not accumulate such data. However, GAO believes the funds are substantial.

Information from locations visited by GAO in California, Massachusetts, and New York and information solicited from other locations supported that newly arrived immigrants are receiving public assistance.

For example, GAO's analysis of 195 randomly selected immigrant welfare cases in Los Angeles County showed that 86 (44 percent) applied for assistance within 5 years after U.S. entry. More than half of these applied within 2 years. GAO estimates that newly arrived immigrants and their families were receiving \$19.6 million annually in welfare payments in Los Angeles County. (See pp. 11 and 12.)

The Immigration and Nationality Act provides that no one be admitted as an immigrant who is likely to become a public charge.

An applicant is excludable from admission if likely to need public assistance.

The act provides for deporting those who, within 5 years of entry, become public charges from causes shown to have arisen before entry. (See p. 3.) For deportation purposes, an immigrant--although wholly supported by public assistance--is considered deportable only if he is legally liable to repay the supporting State or local authority. Thus, most forms of public assistance are not applicable for deportation purposes.

Sponsors' affidavits of support do not protect taxpayers from having to support many newly arrived immigrants, because various courts have judged the affidavits to be only moral obligations.

The Departments of Justice and State generally concurred with GAO's recommendations aimed at improving the screening of immigrant visa applicants and remedying certain postentry problems and said they have taken or will be taking action to implement the recommendations. (See pp. 31 to 32 and 41 to 42.)

If the Congress wishes to reduce the likelihood of newly arrived immigrants receiving public assistance, the Congress should amend the Immigration and Nationality Act to:

- Define "public charge" as public expenditures directly supporting immigrants unable to earn an adequate living, irrespective of whether the immigrants are legally liable to repay the public support. Or, alternatively, establish immigrant entry as being conditional upon the immigrant demonstrating self-sufficiency in the United States for a specified time before permanent-resident status is granted. The Congress, in considering the above, should clarify whether partial support for the general welfare of low-income persons should be defined within the meaning of public charge.
- Make the affidavit of support a legally enforceable financial obligation.
(See pp. 42 and 43.)

The Congress should also act to correct an inequity in the current immigration law.

Immigration visa applicants generally are subject to numerical ceilings for the Eastern and Western Hemispheres. In January 1975 Western Hemisphere aliens had to wait 2 years for a visa. Immediate relatives (spouses and children of U.S. citizens

and parents of U.S. citizens over the age of 21) are not subject to the ceilings and visas are considered immediately available.

Aliens illegally in the U.S. are qualifying for a visa by one or more of the following actions:

- Marrying a U.S. citizen (this allows immigration without regard to numerical ceilings and labor certification requirements).
- Marrying a permanent-resident alien (this exempts applicants from labor certification requirements).
- Giving birth to a child in the U.S. (this exempts Western Hemisphere applicants from labor certification requirements).
- Obtaining work experience and a job offer (this helps the applicant overcome public charge exclusion provisions of the law). (See p. 44.)

Consular officers in Mexico estimated that in 75 to 90 percent of their immigrant applicant cases, the adult aliens in the family have illegally resided in the United States.

There is an inequity created when people who are in this country illegally can subsequently derive benefits from their illegal acts while bona fide immigrants are denied early admission.

GAO believes the incentive for establishing a relative relationship--while in the United States illegally--could be reduced (1) if a citizen child's parents were exempted from the labor certification requirement only when the child became 21 years old and (2) by imposing a waiting period before granting immigrant status, if such status was established while an illegal alien.

If the Congress wishes to eliminate the preferential treatment accorded to aliens who acquire qualifications for entitlement to immigrant status while in violation of immigration laws, then the Congress should enact legislation to:

- Impose a mandatory waiting period before allowing such aliens to immigrate, if the

basis for such status was acquired while the alien was in violation of immigration laws.

--Remove the labor certification exemptions now accorded by the act to Western Hemisphere immigrants who are parents of a child, under the age of 21, born in the United States. (See p. 51.)

GAO note: Page numbers in this appendix refer to another report; they do not agree with the page numbers in this report.

The labor certification program's success is best measured by determining whether and to what extent immigrant workers have adversely affected the domestic labor force. GAO encountered difficulties in assessing the program because the three Federal departments dealing with immigrating aliens did not maintain adequate and comparable data. (See p. 12.)

Judging from data that GAO was able to evaluate, it appears that the program has had little effect because a large number of aliens entering this country--many of whom may enter the labor force--are not required to obtain a certification. (See p. 12.)

Aliens entering the country

State Department records show that about 3.1 million aliens (2.7 million nonimmigrants and 378,000 immigrants) were granted visas to enter the country in fiscal year 1973. INS records show that about 5.6 million aliens (5.2 million nonimmigrants and 400,000 immigrants) entered in fiscal year 1973. INS reports more admissions because its nonimmigrant admissions include aliens permitted to use their visas more than once.

Only about 50,000 of the aliens (13,000 immigrants and 37,000 nonimmigrants) entering the country in fiscal year 1973 were required by the act or by INS regulations to have a labor certification. (See p. 13.)

INS records show that about 370,000 immigrants entered the country in fiscal year 1971 and about 400,000 entered in fiscal year 1973. Immigrants requiring a labor certification decreased from about 19,000 in

fiscal year 1971 to about 13,000 in fiscal year 1973. (See app. III.)

GAO's analysis of available records showed the possibility that some immigrants for whom certification was not required were competing or will be competing in the domestic labor market. (See p. 14.)

In fiscal year 1973 about 5.2 million nonimmigrants were admitted for a temporary stay. About 4.4 million of these nonimmigrants entered as tourists or transients en route to another country. The remaining 800,000 included visitors for business, students, temporary workers, and foreign diplomats.

Under INS regulations only one category of nonimmigrants--temporary workers who have a specific job offer from an employer to perform temporary services or labor for which qualified domestic workers are not available--is subject to certification by Labor. Of the 800,000 nonimmigrants who entered the country during fiscal year 1973, only about 37,000 were temporary workers who received certifications from Labor. (See p. 15.) GAO also noted that some nonimmigrants, such as students, and persons of distinguished merit and ability can work legally and are not required to obtain certification from Labor. (See p. 16.)

Nonimmigrant temporary workers obtaining permanent employment

Employers desiring to employ aliens of distinguished merit and ability as temporary workers can file petitions with INS for admission of such workers without obtaining a labor certification. Some of these aliens who entered the country as nonimmigrant temporary workers with-

The labor certification program's success is best measured by determining whether and to what extent immigrant workers have adversely affected the domestic labor force. GAO encountered difficulties in assessing the program because the three Federal departments dealing with immigrating aliens did not maintain adequate and comparable data. (See p. 12.)

Judging from data that GAO was able to evaluate, it appears that the program has had little effect because a large number of aliens entering this country--many of whom may enter the labor force--are not required to obtain a certification. (See p. 12.)

Aliens entering the country

State Department records show that about 3.1 million aliens (2.7 million nonimmigrants and 378,000 immigrants) were granted visas to enter the country in fiscal year 1973. INS records show that about 5.6 million aliens (5.2 million nonimmigrants and 400,000 immigrants) entered in fiscal year 1973. INS reports more admissions because its nonimmigrant admissions include aliens permitted to use their visas more than once.

Only about 50,000 of the aliens (13,000 immigrants and 37,000 nonimmigrants) entering the country in fiscal year 1973 were required by the act or by INS regulations to have a labor certification. (See p. 13.)

INS records show that about 370,000 immigrants entered the country in fiscal year 1971 and about 400,000 entered in fiscal year 1973. Immigrants requiring a labor certification decreased from about 19,000 in

fiscal year 1971 to about 13,000 in fiscal year 1973. (See app. III.)

GAO's analysis of available records showed the possibility that some immigrants for whom certification was not required were competing or will be competing in the domestic labor market. (See p. 14.)

In fiscal year 1973 about 5.2 million nonimmigrants were admitted for a temporary stay. About 4.4 million of these nonimmigrants entered as tourists or transients en route to another country. The remaining 800,000 included visitors for business, students, temporary workers, and foreign diplomats.

Under INS regulations only one category of nonimmigrants--temporary workers who have a specific job offer from an employer to perform temporary services or labor for which qualified domestic workers are not available--is subject to certification by Labor. Of the 800,000 nonimmigrants who entered the country during fiscal year 1973, only about 37,000 were temporary workers who received certifications from Labor. (See p. 15.) GAO also noted that some nonimmigrants, such as students, and persons of distinguished merit and ability can work legally and are not required to obtain certification from Labor. (See p. 16.)

Nonimmigrant temporary workers obtaining permanent employment

Employers desiring to employ aliens of distinguished merit and ability as temporary workers can file petitions with INS for admission of such workers without obtaining a labor certification. Some of these aliens who entered the country as nonimmigrant temporary workers with-

out labor certifications obtained permanent employment and were subsequently found by IIS to be eligible for permanent resident status under the law.

INS records show that the number of nonimmigrants admitted into the United States as temporary workers under the distinguished merit and ability category increased from 8,941 in fiscal year 1969 to 15,670 in fiscal year 1973. (See p. 18.)

Aliens entering the United States have an impact on the domestic labor force

In the first 5 fiscal years (1965-69) after passage of the 1965 amendments to the act, the national unemployment rate averaged 4 percent. The national unemployment rate from 1970 to 1973 averaged 5.2 percent.

The total labor force increased during fiscal year 1973 by about 2.2 million persons. During the same year about 400,000 immigrants were admitted to this country. According to an official in Labor's Bureau of Labor Statistics, about 260,000 of these immigrants were expected to enter the labor force--which would represent about one-eighth of the labor force growth in 1973. (See p. 20.)

Need to improve controls over alien workers

Some aliens fail to work in the occupation for which their certification was obtained, others begin working in this country before certification, and some change jobs and occupations. As a result, some aliens are allowed to compete with American labor contrary to the intent of the act. For example:

--Of the 442 selected certification cases examined, 101 cases involved aliens working in this country before filing a certification application and 59 of these working aliens had visas forbidding them to work while in the United States. (See p. 31.)

--Labor regulations provide that certifications which are approved on the basis of employer-offered jobs only apply to the certified position. However, in several cases aliens had not reported to their certified positions as required. (See p. 32.)

In the 92 cases in which immigrants had reported to their certified job positions, 41 immigrants had left their jobs within a year. (See p. 33.)

A 1973 study, entitled "Immigrants and the American Labor Market," financed by Labor disclosed that a large percentage of the 2,701 immigrants studied who reported to their certified job positions left the job within a short time or changed occupations. (See p. 34.)

Need to document reasons for granting or refusing a certification

Labor's regional offices and State and local employment service offices were not adequately documenting the bases for the decisions under which aliens were granted or refused labor certifications. Consequently, for 147 of the 442 cases reviewed, GA[^] could not determine from Labor and employment service records, with reasonable certainty, the basis for the certification dispositions. (See p. 35.)

A study of the labor certification program completed in 1973 by the

Administrative Conference of the United States also disclosed a lack of documentation for the bases of certifications and recommended that Labor develop standards to improve the quality and degree of specificity of the record upon which certification is granted or denied. (See p. 39.)

Need to revise procedures to require determinations that domestic worker is willing to take job sought by alien

Investigations made by most selected employment service offices on the sufficiency of domestic workers to perform jobs sought by aliens included determining the ability, qualifications, and availability of domestic workers but generally ignored whether they were willing to actually accept the employment in question.

From its review of the 442 selected case files, GAO found determinations of worker availability were made primarily on the basis of information in employment service office files relating to active applicants for employment assistance.

Employment service offices generally made no attempt to determine the willingness of the listed workers to accept the jobs sought by the aliens. As a result, some employers who were denied a labor certification for the aliens they requested could not find domestic workers willing to accept their job offers. (See p. 40.)

Need for improved monitoring

Monitoring of the labor certification program at the four Labor regional offices and employment service offices visited was not done in most cases, and when it was done

it was usually inadequate. Although considerable potential for improving effectiveness of the program exists in a self-appraisal system established for employment service offices, offices visited generally were not making such evaluations. (See p. 45.)

RECOMMENDATIONS

GAO recommends that the Secretary of Labor direct the Assistant Secretary for Manpower to take the necessary action to

- strengthen established policies and procedures requiring Labor regional and employment service offices to (1) consider the willingness of domestic workers to accept the jobs when considering the availability of workers to perform jobs being requested by aliens and (2) adequately document their bases for making each certification determination and
- insure that appropriate and adequate monitoring is performed at all levels of operation of the program as required by Labor policies and procedures. (See p. 49.)

GAO also recommends that the Attorney General direct the Commissioner, INS, to

- have district offices take appropriate action against aliens denied a labor certification by Labor and residing and employed in this country and
- establish procedures requiring employers to notify INS district offices that aliens who receive certification from Labor report to the certified job. (See p. 50.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

Labor said that in general action was being taken or was planned to implement GAO's recommendations. Labor stated that it had been extremely difficult to deal objectively with the consideration of willingness of domestic workers. However, Labor, in response to a recommendation on this subject by the Administrative Conference Study, issued revised guidelines which it expects to improve the basis for decisions rendered by its regional offices--including the consideration of willingness.

GAO was informed in January 1975 by a Manpower Administration official that additional revisions were underway to further emphasize the need to document the willingness factor in making certification determinations.

Justice said that both GAO recommendations had merit, however, both would require a significant increase in INS personnel to be effectively implemented. Justice said it had requested an amendment to its fiscal year 1975 budget request which would furnish badly needed personnel to enhance its enforcement capability. GAO was informed in February 1975 that INS had received some of the additional personnel it requested and that INS had received approval to request an additional 750 enforcement personnel for fiscal year 1976.

Labor and Justice agree that there is a need for the Congress to consider strengthening the certification program to improve its effectiveness. They commented on their own and other proposals to revise and improve the labor certification

program. The Department of State believes that GAO's findings point out the possibilities which exist under the act that many immigrants entering the United States without a certification are competing in the American labor market.

GAO recognizes there are various ways to revise the program and believes that how the program should be revised is a matter for the Congress to decide. (See apps. VI, VII, and VIII.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

Whether American labor needs additional protection from alien workers is a matter for the Congress to decide. If the Congress decides this added protection is needed, it should consider amending the Immigration and Nationality Act to require:

- That a labor certification be granted as a prerequisite for admission of aliens who seek admission as (1) special immigrants defined in section 101(a)(2)(A) (Western Hemisphere aliens) other than parents, spouses, and children of U.S. citizens and (2) preference immigrants described in section 203(a)(1) through (6) and nonpreference immigrants described in section 203(a)(8) (Eastern Hemisphere aliens).
- That aliens, including those of distinguished merit and ability, seeking to enter as temporary workers be subject to a labor certification review by Labor.
- That other aliens, such as students, temporarily living in the

APPENDIX IX

APPENDIX IX

United States who can secure permission from INS to work be subject to a labor certification. (See p. 27.)

If enacted the changes would remove the labor certification exemptions now accorded by the act to Western Hemisphere aliens who are parents, spouses, and unmarried minor children of aliens lawfully admitted to the United States as permanent residents. They would also remove the labor certification exemptions now accorded by the act

to Eastern Hemisphere aliens entering the country through family relationships under the first, second, fourth, and fifth preferences. These changes would tend to lessen the emphasis placed on family relationships by the 1965 amendments to the act.

The changes, if enacted, would also have the effect of requiring labor certifications for a greater number of aliens entering the country as nonimmigrants on a temporary basis, such as aliens entering as temporary workers and students who can secure permission from INS to work.

GAO note: Page references in this appendix refer to another report; they do not agree with page numbers in this report.

DIGEST FROM AUGUST 30, 1976, REPORT

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

SMUGGLERS, ILLICIT DOCUMENTS,
AND SCHEMES ARE UNDERMINING U.S.
CONTROLS OVER IMMIGRATION
Departments of Justice and State

D I G E S T

Two prominent proposals to solve U.S. immigration problems are (1) legislation to prohibit employment of illegal aliens and (2) issuance of a new alien identification card. This report deals with immigration problems which will increase, even if such legislation is passed and the new card issued.

U.S. controls over immigration are being undermined by numerous aliens who employ professional smugglers or use illicit documents to enter and/or remain illegally in this country. Many engage in schemes to obtain legal resident status. (See ch. 4.) These activities are expected to increase seriously as it becomes more difficult to enter and/or remain illegally in the United States. (See p. 1.)

The Congress should establish deterrents (1) to curb professional smuggling of aliens, including legal resident aliens who are involved and (2) to prevent aliens in the United States on temporary stays (nonimmigrants) who violate conditions of their entry from obtaining legal resident status by enacting legislation to:

- Permit deportation of legal resident aliens based on criminal convictions for smuggling offenses. (See pp. 23 and 28.)
- Give the Immigration and Naturalization Service discretionary authority to seize vehicles used in smuggling aliens. (See pp. 22 and 28.)
- Prohibit the adjustment of nonimmigrants to legal resident status if grounds for such status were acquired while nonimmigrants were in an illegal status. (See pp. 44 and 53.)

The Department of Justice agreed with these recommendations.

SMUGGLING

Professional smuggling of aliens is growing in size and complexity. It is a lucrative criminal activity for many persons, often members of large organized rings. Less than half of the smugglers caught were prosecuted; the majority on a misdemeanor charge.

The Service's antismuggling efforts have had some good results, including immobilizing several large rings; however, problems exist which limit its effectiveness. (See p. 27.) The Attorney General should direct the Service to:

- Use established procedures to identify multijurisdictional smugglers quickly.
- Classify known smugglers by the size of their operation and put into place a system for evaluating the progress being made in immobilizing smuggling rings.
- Determine if additional manpower should be assigned to antismuggling units.
- Study the informant program to assess and improve its effectiveness in identifying and apprehending smugglers.
- Begin efforts to obtain suitable surveillance vehicles.
- Seek assistance from U.S. Embassy officials in obtaining cooperation from Mexican officials.

ILLICIT DOCUMENTS

Illegal aliens gain entry to and/or remain in the United States posing as citizens or legal resident aliens by using illicit documents. These are obtained easily and are difficult to discover. False identification crimes by illegal aliens are

estimated by the Federal Advisory Committee on False Identification to cost \$3.6 billion each year. (See p. 35.)

The Service's work to cut down the use of these documents may have a limited result. (See p. 42.) Accordingly, the Attorney General should direct the Service to:

- Increase personnel attendance at illicit document seminars.
- Determine if it is practical to periodically reissue or revalidate previously issued alien registration documents to help prevent illicit use of genuine documents.
- Establish an index of alien registration documents lost or stolen to tighten controls over the reissuance of those documents.
- Develop a system to provide quick verification of an alien's status for employers.
- Expand investigative efforts, such as investigating sellers and makers of illicit documents.
- Seek more cooperation from State and local agencies issuing birth certificates by increasing its scope of agreements with them and extending such agreements to all other appropriate birth certificate-issuing agencies.

SCHEMES TO OBTAIN
LEGAL RESIDENT STATUS

Nonimmigrants violate conditions of their temporary entry. Aliens also enter into sham marriages or take advantage of weak investor exemption regulations to become legal residents.

Proposed changes by the Service and the Department of State to investor exemption regulations, if put into effect, would be

a big step toward assuring only bona fide investors will be admitted. (See p. 50.)

The Service recognizes sham marriages as one of the most serious schemes encountered. To maximize Service resources, and to achieve a better and more consistent nationwide detection effort, the Attorney General should direct the Service to:

- Determine statistically those characteristics of marriages indicative of fraud. (See pp. 48 and 52.)
- Provide the Department of State with more information on the Service's actions to determine the validity of marriage relationships. (See pp. 49 and 52.)

AGENCY COMMENTS AND GAO EVALUATION

The Department of Justice concurred with GAO's legislative recommendations and agreed with the desirability of implementing GAO's other recommendations, but observed that its ability to do so was affected by the Service's limited resources. GAO recognizes the constraints imposed by resource limitations. It believes, however, that more can be done with existing resources, and its recommendations are presented with this in mind. (For details see pp. 22, 28, 43, and 52.)

GAO note: Page numbers in this appendix refer to another report; they do not agree with the page numbers in this report.

SOME OF THE LEGISLATION DEALING WITH IMMIGRATIONINTRODUCED IN THE 94TH CONGRESS

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
1/14/75	Representative Broomfield	H.R. 136	A bill to amend the Immigration and Nationality Act to eliminate the procedures for voluntary departure with respect to certain aliens illegally in the United States and to increase the penalties for the illegal entry of aliens.
1/14/75	Representative Broomfield	H.R. 137	A bill to amend the Immigration and Nationality Act to require the Attorney General to employ additional personnel to patrol the borders of the United States.
1/14/75	Representative Abzug	H.R. 173	A bill to make additional immigrant visas available for immigrants from certain foreign countries.
1/14/75	Representative Annunzio	H.R. 190	A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States.
1/14/75	Representative Bingham	H.R. 220	A bill for the relief of certain residents of Northern Ireland.
1/14/75	Representative Bingham	H.R. 223	A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation.
1/14/75	Representative Bingham	H.R. 224	A bill to amend the Immigration and Nationality Act, to make it unlawful to knowingly hire an

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
1/14/75	Representative Biaggi	H.R. 257	alien not lawfully admitted into the United States. A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, aliens who are in the United States illegally.
1/14/75	Representative Delaney	H.R. 325	A bill to make any alien who becomes a public charge within 24 months of arrival in the United States subject to deportation.
1/14/75	Representative Fish	H.R. 412	A bill to amend the Immigration and Nationality Act to provide for the immigration of children of individuals suffering from Hansen's disease.
1/14/75	Representative Murphy	H.R. 699	A bill to provide for the redistribution of unused quota numbers.
1/14/75	Representative Rodino	H.R. 981	A bill to amend the Immigration and Nationality Act to establish uniform preferences in the issuance of immigrant visas without regard to the country or hemisphere of the alien's birth.
1/14/75	Representatives Rodino and Eilberg	H.R. 982	A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, any alien who has not been lawfully admitted to the United States for permanent residence and to provide for disclosing illegal

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
1/14/75	Representative Roybal	H.R. 1014	A bill to amend the Immigration and Nationality Act to increase immigration from Western Hemisphere nations.
1/14/75	Representative Roybal	H.R. 1015	A bill to provide that certain aliens illegally in the United States may have their status adjusted to that of permanent residents.
1/14/75	Representative Bob Wilson	H.R. 1163	A bill to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to illegally transport into the United States certain aliens.
1/15/75	Senator Inouye	S. 124	A bill to amend the Public Health Services Act to provide for financial grants to States, to insure that they deliver high-quality health services to persons recently immigrated to the United States.
1/16/75	Representative Anderson	H.R. 1512	A bill for the relief of certain natives of the Philippines who served in the United States Armed Forces during World War II.
1/23/75	Representative Brown	H.R. 1787	A bill to permit any non-immigrant foreign student to be employed, with the approval of the school attended by such student, during any regularly scheduled school vacation or any school term during which the student is not enrolled.

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
1/23/75	Representative Danielson	H.R. 1819	A bill to authorize naturalization for alien servicemen who have to leave the Armed Forces of the United States within 3 years after enlistment because of any disability.
1/23/75	Representative Fulton	H.R. 1848	A bill to grant an alien child adopted by an unmarried U.S. citizen the same immigrant status as an alien child adopted by married U.S. citizens.
1/23/75	Representative Fulton	H.R. 1849	A bill to amend the Immigration and Nationality Act to facilitate entry of the alien parent of a minor U.S. citizen, if the other parent is a U.S. citizen, into the United States.
1/23/75	Representative Matsunaga	H.R. 1905	A bill to amend section 212(b) of the Immigration and Nationality Act to exempt from the literacy requirement of section 212(a)(25) certain additional relatives of United States citizens and permanent resident aliens.
1/23/75	Representative Matsunaga	H.R. 1906	A bill to amend section 312 of the Immigration and Nationality Act with respect to certain tests for naturalization.
1/27/75	Representative Sisk	H.R. 2159	A bill to provide for the reimbursement of medical treatment facilities for emergency medical treatment given to aliens unlawfully in the United States.

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
1/29/75	Representative Biaggi	H.R. 2292	A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, aliens in the United States illegally.
1/29/75	Representative McFall	H.R. 2328	A bill to amend the Immigration and Nationality Act to classify as "special immigrants" alien veterans who served honorably in the United States Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States.
2/ 3/75	Representative Badillo	H.R. 2574	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally and to provide that certain aliens illegally in the United States legally become permanent residents.
2/ 3/75	Representative Koch	H.R. 2595	A bill to amend the Immigration and Nationality Act to waive exclusion and deportation for the possession of marijuana.
2/ 4/75	Representative Won Pat	H.R. 2771	A bill to waive the visa requirements for aliens visiting Guam for not more than 15 days.
2/ 5/ 75	Senator Kennedy	S. 561	A bill to adjust the status of certain aliens under the Immigration and Nationality Act.

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
2/10/75	Representative Badillo	H.R. 3092	A bill to provide that certain aliens illegally in the United States legally become permanent residents.
2/20/75	Representative Biaggi	H.R. 3396	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.
2/24/75	Representative Sisk	H.R. 3609	A bill to amend the Public Health Service Act to provide financial assistance to medical facilities for treatment of certain aliens.
2/25/75	Representative White	H.R. 3739	A bill (1) to amend the Immigration and Nationality Act to provide for issuing nonimmigrant visas to certain aliens entering the United States as temporary or seasonal workers under specific contracts of employment and fair employment conditions and (2) to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining a U.S. immigrant.
2/27/75	Representative Rodino	H.R. 3883	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, any alien not lawfully admitted to the United States for permanent residence and to provide for disclosing illegal aliens receiving assistance under the Social Security Act.

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
3/ 4/75	Representative Ketchum	H.R. 4186	A bill to amend the Immigration and Nationality Act to eliminate the procedure for voluntary departure with respect to certain aliens illegally in the United States, to increase the penalties for aliens who enter illegally, and to require the Attorney General to employ additional personnel to patrol the U.S land borders.
3/ 4/75	Representative Roybal	H.R. 4245	A bill to amend section 242(b) of the Immigration and Nationality Act to require special deportation proceedings in connection with voluntary departure of any alien who is a native of a country contiguous to the United States.
3/ 5/75	Representative Frenzel	H.R. 4304	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, any alien not lawfully admitted to the United States for permanent residence and to provide for disclosing illegal aliens receiving assistance under the Social Security Act.
3/ 5/75	Representative Sisk	H.R. 4336	A bill to amend the Immigration and Nationality Act to permit more than two alien children to be adopted.
3/11/75	Representative Roybal	H.R. 4645	A bill to provide that certain aliens illegally in the United States become permanent residents.

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
3/11/75	Representative Fascell	H.R. 4616	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, any alien not lawfully admitted to the United States and to provide for disclosing illegal aliens receiving assistance under the Social Security Act.
3/12/75	Representative Danielson	H.R. 4753	A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States.
3/12/75	Representative Sisk	H.R. 4807	A bill to amend the Public Health Service Act to provide financial assistance to medical facilities that treat certain aliens.
3/13/75	Representative Bevill	H.R. 4889	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.
3/18/75	Representative McKinney	H.R. 5144	A bill to decrease to 16 the minimum age at which a person may file on his own behalf a naturalization petition.
3/20/75	Representative Frenzel	H.R. 5290	A bill to amend the Immigration and Nationality Act to allow more than two alien children to be adopted.
3/21/75	Representative Biaggi	H.R. 5339	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
3/24/75	Representative Ryan	H.R. 5389	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally, to require disclosing illegal aliens receiving assistance under the Social Security Act, and to establish local boards to preclude alien employment except during labor shortages.
4/ 7/75	Senator Packwood	S. 1367	A bill to amend the Immigration and Nationality Act to eliminate the requirements of legal custody and residence and physical presence in the United States for children adopted by U.S. citizens.
4/14/75	Representative Broomfield	H.R. 5912	A bill to amend the Immigration and Nationality Act to make obtaining and collecting unemployment, welfare, or other federally provided benefits by an alien a deportable offense.
4/15/75	Representative Biaggi	H.R. 5987	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.
5/ 5/75	Senator Mondale	S. 1634	A bill to amend the Immigration and Nationality Act to permit adoption of more than two children.
5/ 6/75	Representative Rodino	H.R. 6732	A bill to amend the Immigration and Nationality Act to penalize certain

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
			persons who employ, or who refer for employment, any alien not lawfully admitted to the United States and to provide for disclosing illegal aliens receiving assistance under the Social Security Act.
5/ 7/75	Representative Wolff	H.R. 6811	A bill to authorize the emergency issuance of 2,000 special immigrant visas to nationals of Ireland.
5/13/75	Representative Schroeder	H.R. 6923	A bill to permit holders of visas for pleasure to obtain two extensions of temporary stay for periods of not more than 6 months, and to authorize the collection of an application fee to defray the cost of processing such application.
5/19/75	Representative Talcott	H.R. 7103	A bill to establish criminal penalties for any U.S. citizen who marries an illegal alien for the sole purpose of establishing immediate relative status for that alien.
5/19/75	Representative Talcott	H.R. 7104	A bill to provide for reimbursing medical treatment facilities for emergency medical treatment given to aliens unlawfully in the United States.
5/19/75	Representative Talcott	H.R. 7105	A bill to prohibit any alien who has been illegally employed in the U.S. from obtaining permanent residence status.
5/19/75	Representative Talcott	H.R. 7106	A bill to increase the size of the United States Border Patrol of the Immigration and Naturalization Service.

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
5/19/75	Representative Talcott	H.R. 7107	A bill to increase the penalty for smuggling aliens into the United States.
5/20/75	Senator Thurmond	S. 1778	A bill to impose a 1-year moratorium on the admission of aliens to the United States for permanent residence under the Immigration and Nationality Act.
5/20/75	Senator Thurmond	S. 1779	A bill to reduce by 20 percent the aliens who may lawfully enter the United States for permanent residence under the provisions of the Immigration and Nationality Act.
5/21/75	Representative Talcott	H.R. 7211	A bill to amend the Social Security Act to provide for issuing new employee identification cards to replace the social security cards presently in use, with such new cards being issued only to citizens and to aliens legally entitled to work in the United States, and to prohibit the employment within the United States of any individual not holding such a card.
5/22/75	Representative Biaggi	H.R. 7408	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.
5/22/75	Representative Biaggi	H.R. 7409	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
6/12/75	Senator Packwood	S. 1928	who refer for employment, aliens in the United States illegally. A bill to prohibit employing aliens in the United States unlawfully or lawfully, if not entitled to employment.
6/13/75	Representative Holtzman	H.R. 7893	A bill to restore citizenship to persons who renounced or otherwise lost American nationality because of opposition to American military action in Indochina.
6/18/75	Representative Biaggi	H.R. 7999	A bill to amend the Immigration and Nationality Act to penalize certain persons who employ, or who refer for employment, aliens in the United States illegally.
6/19/75	Representative Murphy	H.R. 8059	A bill to amend the Immigration and Nationality Act to facilitate the entry of visitors into the United States during its Bicentennial anniversary.
6/25/75	Representative Badillo	H.R. 8194	A bill to provide for a record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1970.
6/25/75	Representative Badillo	H.R. 8195	A bill to amend the Immigration and Nationality Act to remove the distinction between Eastern and Western Hemisphere immigrants.
7/17/75	Representative Rodino	H.R. 8713	A bill to amend the Immigration and Nationality Act to make it unlawful to knowingly hire aliens

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
7/17/75	Representative Wylie	H.R. 8716	A bill to amend the Food Stamp Act of 1964 for the purpose of prohibiting any alien who has been lawfully admitted into the United States for permanent residence from participating in the food stamp program.
7/21/75	Representative Wilson	H.R. 8788	A bill to make any alien who becomes a public charge within 24 months of arrival in the United States subject to deportation.
9/10/75	Senator Scott	S. 2313	A bill to authorize the changing of the status of refugees from Indochina from that of a parolee to that of a permanent resident alien.
9/10/75	Senator Scott	S. 2314	A bill to authorize the use of appropriated funds to pay the compensation of Vietnamese refugees who may be employed by the United States.
10/9/75	Representative Rosenthal	H.R. 10182	A bill to establish an independent agency, to be known as the Visa and Naturalization Administration, in order to improve the efficiency and economy of the operations of the Federal

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
10/20/75	Senator Buckley	S. 2531	Government with respect to immigration. A bill to amend the Immigration and Nationality Act to require proof of U.S. citizenship or lawful residence as a condition for receiving assistance supported by appropriated funds.
10/22/75	Representatives Hutchinson and Fish	H.R. 10323	A bill to amend the Immigration and Nationality Act; this is the Administration Bill.
10/28/75	Representative Holtzman	H.R. 10403	A bill to amend the Immigration and Nationality Act to provide that the age of a child shall be determined as of the date a petition for preference status or immediate relative status is filed by or in behalf of such child, or if no such petition is filed, as of the date an application for an immigrant visa is made by or in behalf of such child.
11/11/75	Representative Burton	H.R. 10671	A bill to amend the Immigration and Nationality Act to permit more persons to immigrate from colonies of foreign states.
12/17/75	Senator Stone	S. 2803	A bill to amend the Immigration and Nationality Act to provide for the refusal of nonimmigrant visas in certain instances.
12/17/75	Senator Dole	S. 2805	A bill to permit any person otherwise eligible to become a naturalized citizen during calendar year 1977 to become a naturalized citizen during calendar year 1976.

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
12/18/75	Representative Eilberg	H.R. 11261	A bill to establish procedures for the granting of permanent residence to certain nonimmigrant aliens in the Virgin Islands of the United States.
12/19/75	Representative Holtzman	H.R. 11300	A bill to amend the Immigration and Nationality Act to exclude from admission into and to deport from the United States all aliens who persecuted others on the basis of religion, race, or national origin under the direction of the Nazi government of Germany.
1/28/76	Representative Eilberg	H.R. 11557	A bill to establish a Select Commission on Territorial Immigration Policy.
3/ 4/76	Senator Eastland	S. 3074	A bill to amend the Immigration and Nationality Act to make the preference categories presently applicable only to the Eastern Hemisphere applicable to the Western Hemisphere as well; to make it unlawful knowingly to employ aliens who enter the United States illegally or who, having entered lawfully as nonimmigrants violate status by taking employment; and to provide for deporting any aliens who have, within 5 years after entry, become public charges from causes not affirmatively shown to have arisen after entry, regardless of whether

APPENDIX XI

APPENDIX XI

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
3/16/76	Senator Taft	S. 3148	Such persons are legally liable to repay any public support received or whether any demand has been made for repayment. A bill for the relief of refugees fleeing Lebanon because of religious persecution.
4/ 1/76	Representative Rinaldo	H.R. 12976	A bill to amend the Immigration and Nationality Act to authorize certain courts which have naturalization jurisdiction to retain up to \$20,000 of the fees collected in naturalization proceedings held in such courts in any fiscal year.
4/ 2/76	Representative Michel	H.R. 12997	A bill to provide that the Attorney General shall extend for a period of 6 months the visa of any alien of Lebanon whose visa would expire during such period.
4/12/76	Representative Fenwick	H.R. 13175	A bill to permit the enlistment of Vietnamese and Cambodian refugees into the Armed Forces of the United States under certain circumstances.
4/12/76	Representative Fenwick	H.R. 13176	A bill to authorize the changing of the status of refugees from Indochina from that of a parolee to that of a permanent resident alien.
5/ 3/76	Representative Simon	H.R. 13514	A bill to grant aliens of Vietnam, Cambodia, or Laos, who are presently in the United States on student visas,

<u>Date</u>	<u>Sponsor</u>	<u>Bill No.</u>	<u>Main purpose</u>
6/ 1/76	Representative Ottinger	H.R. 14127 A	status as permanent residents of the United States. bill to grant certain nationals of Chile and the spouses, children, and parents of such nationals status as permanent residents of the United States.
6/ 3/76	Representative Biaggi	H.R. 14154 A	bill to grant certain nationals of Italy and the spouses, children, and parents of such nationals status as permanent residents of the United States.
6/10/76	Representative Scheuer	H.R. 14308 A	bill to grant immigrant visas to certain nationals of Italy who were victims of the earthquakes which occurred on or about May 6, 1976, in the Friuli region of Italy.
6/15/76	Representative Eilberg	H.R. 14386 A	bill to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees.
6/30/76	Representative Broomfield	H.R. 14614 A	bill to amend the Immigration and Nationality Act to provide for the deportation of any alien who receives welfare benefits as a result of causes not affirmatively shown to have arisen after entry.

IMMIGRATION BY COUNTRY, 1820 TO 1975 ^{1/}

Countries	Total 6 years 1820-1875
All countries	7,098,919
Europe	35,961,083
Albania ^{11/}	2,438
Austria ^{2/ 3/}	4,312,252
Hungary ^{2/ 3/}	200,575
Bulgaria ^{10/}	67,464
Czechoslovakia ^{11/}	135,995
Denmark	362,833
Estonia ^{11/}	1,111
Finland ^{11/}	32,626
France	742,442
Germany ^{2/ 3/}	6,954,160
Great Britain: England	3,136,572
Scotland	817,018
Wales	94,709
Not specified ^{3/}	803,507
Greece	629,349
Ireland	4,720,427
Italy	5,269,992
Latvia ^{11/}	7,505
Lithuania ^{11/}	3,782
Luxembourg ^{15/}	2,769
Netherlands	356,282
Norway ^{4/}	855,337
Poland ^{3/}	502,458
Portugal	411,136
Romania ^{12/}	165,747
Spain	275,334
Sweden ^{4/}	1,269,969
Switzerland	346,668
U.S.S.R. ^{5/ 6/}	3,354,026
Yugoslavia ^{10/}	106,108
Other Europe	4,472
Asia ^{16/}	2,274,872
China ^{17/}	487,803
India	107,444
Japan ^{7/}	391,389
Turkey	182,324
Other Asia	905,910
America	6,347,015
Canada and Newfoundland ^{8/}	4,048,329
Mexico ^{9/}	1,911,451
West Indies	1,608,027
Central America	262,533
South America	607,356
Other America ^{11/}	109,619
Africa	104,421
Australia and New Zealand	110,540
Pacific Islands (U.S. adm.) ^{14/}	23,984
Not specified ^{14/}	276,304

^{1/} Since July 1, 1868, the date is for fiscal years ending June 30. Prior to fiscal year 1869, the periods covered are as follows: from 1820-1831 and 1843-1849, the years ended on September 30--1843 covers 9 months; and from 1832-1842 and 1850-1867, the years ended on December 31--1832 and 1850 cover 15 months. For 1868, the period ended on June 30 and covers 6 months.

^{2/} Data for Austria-Hungary was not reported until 1861. Austria and Hungary have been recorded separately since 1905. From 1938-1945, Austria is included in Germany.

^{3/} Great Britain not specified. From 1901-1951, included in other Europe.

^{4/} From 1820-1868, the figures for Norway and Sweden are combined.

^{5/} Poland recorded as a separate country from 1820-1868 and since 1920. From 1899-1919, Poland is included with Austria-Hungary, Germany, and Russia.

^{6/} From 1931-1963, the U.S.S.R. is broken down into European U.S.S.R. and Asian U.S.S.R. Since 1964 total U.S.S.R. has been reported in Europe.

^{7/} No record of immigration from Japan until 1861.

^{8/} Prior to 1920, Canada and Newfoundland are recorded as British North America. From 1820-1898, the figures include all British North American possessions.

^{9/} No record of immigration from Mexico from 1868-1893.

^{10/} Bulgaria, Serbia, and Montenegro were first reported in 1899. Bulgaria has been reported separately since 1920; also in 1920, a separate enumeration was made for the Kingdoms of Serbia, Croatia, and Slovenia. Since 1922, the Serbs, Croat, and Slovene Kingdom has been recorded as Yugoslavia.

^{11/} Countries added to the list since the beginning of World War I are included with the countries to which they belonged. Figures available since 1920 for Czechoslovakia and Finland and, since 1924, for Albania, Estonia, Latvia, and Lithuania.

^{12/} No record of immigration from Romania until 1880.

^{13/} Included with countries not specified to 1925.

^{14/} The figure 33,523 in column headed 1901-1910 includes 32,897 persons returning in 1906 to their homes in the United States.

^{15/} Figures for Luxembourg are available since 1925.

^{16/} Beginning with the year 1952, Asia includes the Philippines. From 1934-1951, the Philippines are included in the Pacific Islands. Prior to 1934, the Philippines are recorded in separate tables as insular travel.

^{17/} Beginning with the year 1957, China includes Taiwan.

^{1/} 1975 Annual Report, Immigration and Naturalization Service, Department of Justice



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

SEP 30 1976

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Immigration - Need to Reassess U. S. Policy."

We are in general accord with the report and with the points raised in the draft of the Comptroller General's letter to the Congress. The report brings fairly well into focus the seriousness of the illegal alien problem and mentions throughout the report the Immigration and Naturalization Service's (INS) lack of manpower and resources to enforce immigration laws. The lack of manpower accounts for some of GAO's findings. We are trying to find solutions to overcome the problems GAO cites. GAO's report will be helpful to us and to the Congress in evaluating the factors which have contributed to the nation's immigration problems.

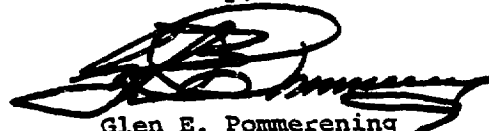
[See GAO note.]



[See GAO note.]

We appreciate the opportunity given to us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen E. Pommerening", written over a horizontal line.

Glen E. Pommerening
Assistant Attorney General
for Administration

GAO note: Additional comments were considered in preparing our final report but are not reported here.



DEPARTMENT OF STATE

Washington, D.C. 20520

September 16, 1976

Mr. J. K. Fasick
Director
International Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fasick:

I am replying to your letter of August 4, 1976, which forwarded copies of the draft report: "Immigration - Need To Reassess U.S. Policy."

The enclosed comments were prepared by the Administrator, Bureau of Security and Consular Affairs.

We appreciate having had the opportunity to review and comment on the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,

A handwritten signature in cursive script that reads "D. L. Williamson".

Daniel L. Williamson
Deputy Assistant Secretary
for Budget and Finance

Enclosure: As stated

GAO DRAFT REPORT: "IMMIGRATION - NEED TO REASSESS U.S. POLICY"

The Department will limit itself to commenting upon the basic report, which appears at pages 1 through 4, since comments have previously been made, as appropriate, on the prior reports described in Appendix IV through X.

The Department believes that the report makes a perceptive analysis of the existing situation respecting immigration to the United States and the underlying causes thereof. In addition, the Department agrees that this matter is a very serious one requiring urgent attention by the Executive and Legislative branches of the Federal Government.

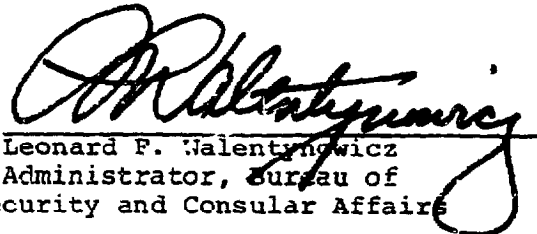
The Department concurs with the view expressed in the report that legislation to establish a penalty on the employer who knowingly hires an illegal alien is a necessary step toward resolving the problems this country now faces in the field of immigration. It is also believed that legislation to apply to the Western Hemisphere the immigration system now applicable only to the Eastern Hemisphere is a necessary step in this direction. Moreover, the Department is entirely in agreement with the statement that such legislation represents only a partial solution and strongly endorses the Report's conclusion that "...a total reassessment of U.S. immigration policy is essential to adequately cope with all the problems and to effectively regulate future immigration."

It is now almost thirty years since the last systematic study of United States immigration policy and procedures was conducted. Since that time, momentous changes have occurred not only in the United States but also in the world generally. Domestically, the social, political, economic and demographic situation of the United States has changed radically. Internationally, the situation of the United States has also changed very significantly. Equally as important, vast changes have occurred in other areas of the world. The international movement of people for both temporary and permanent purposes both legally and illegally, has become a major international issue and, with the continuing rapid and largely uncontrolled growth in the world's population, will become an increasingly critical one. Economic disparities between the industrialized world and the developing nations, as well as the vagaries of the location of natural resources, create very strong motivations for temporary or permanent migration for employment purposes. In addition, major increases in standards of living in the industrialized world and even in certain other countries of the world create vast

new potentials for international tourism. Political upheavals also create other large-scale movements.

Because of these factors, it is vitally necessary that the United States undertake as soon as possible a major, careful and thoughtful examination of our immigration policy in order to develop a policy which will serve the national interest for the future and which will be capable of implementation in a manner consistent with our traditions. In carrying out this effort, we must be prepared to create new mechanisms for the control of the movement of people and to modify old ones, as necessary. Also, we must make provision for the collection of data and its analysis, on a continuing basis, both so that the policy we formulate is sound and rationally-based and also so that, as conditions change and the world situation evolves, our successors will have available to them a basis for future consideration of changes which the passage of time might render necessary.

Finally, in considering what policy will best serve the national interest, it is essential that account be taken not only of the domestic implications, but also of the international implications as well. The United States has been for many years, and continues to be, one of the world's major countries of immigration. In many countries, the United States is looked upon as the ultimate destination by those whose situation impels them to resettle elsewhere. Many countries of the world which suffer from over-population and uncontrolled population growth have come, consciously or subconsciously, to rely upon emigration of a temporary or a permanent character as an escape valve which relieves the intense economic and social pressures resulting from excess population. Thus, decisions by the United States, given our position as one of the world's major countries of immigration can have profound effects upon such countries. For this reason, the United States should consider, as a part of our study of immigration policy, ways to make the channeling and control of the world-wide movement of people a matter of international cooperation.



Leonard F. Walentyngwicz
Administrator, Bureau of
Security and Consular Affairs



OFFICE OF
POLICY AND PLANNING

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

August 19, 1976

Mr. Daniel F. Stanton
Associate Director
General Document Division
U.S. General Accounting Office
Washington, D. C. 20548

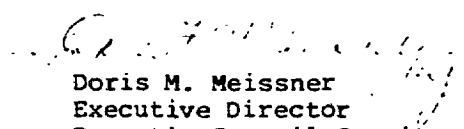
Dear Mr. Stanton:

This is in response to your request for comments on the draft report entitled "Immigration -- Need to Reassess U.S. Policy."

We have reviewed the draft report and find that it is consistent with the current work and tentative findings of the Domestic Council Committee on Illegal Aliens. More important, it highlights the general conclusion that our own effort is arriving at, also. While legislative improvements, greater interagency cooperation and resource augmentation can be helpful for improving this nation's ability to cope with the problem of illegal immigration, a more comprehensive solution to this problem requires that our U.S. immigration policy be totally reassessed. This is an important recommendation and the necessary steps must be taken by both the Congress and the Executive Branch to bring about such a reassessment in the near future.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please contact me.

Sincerely,


Doris M. Meissner
Executive Director
Domestic Council Committee
on Illegal Aliens

