

TESTIMONY  
ON  
THE IMMIGRATION REFORM AND  
CONTROL ACT OF 1982  
S. 2222

BY

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BEFORE JOINT HEARINGS  
OF THE  
SENATE SUBCOMMITTEE ON IMMIGRATION  
AND REFUGEE POLICY  
AND  
HOUSE SUBCOMMITTEE ON IMMIGRATION,  
REFUGEES, AND INTERNATIONAL LAW

APRIL 1, 1982



## I. INTRODUCTION

Chairman Mazzoli, Chairman Simpson, and fellow members of the respective Subcommittees on Immigration and Refugee Policy, I am Raul Yzaguirre, President of the National Council of La Raza (NCLR). I would like to express on behalf of my organization our appreciation for having invited us here today to testify on your newly introduced legislation, S. 2222, the Immigration Reform and Control Act of 1982. The Council commends your efforts in shaping this legislation and for seeking the input of Hispanics at every step in the process.

The National Council of La Raza, as a national Hispanic civil rights organization, dedicated to the improvement of the social, economic, and political well-being of Hispanic Americans in the U.S., is deeply concerned with the need for a fair and effective immigration policy for this country. The Hispanic community in the U.S. is the single population group that will be most impacted by the policy changes contemplated here today.

At the outset let me say that there are both major strengths and major weaknesses with this bill, as well as some significant omissions which, if included in this package, would help make it a truly comprehensive policy instrument.

## II. STRENGTHS OF THE BILL

In NCLR's view, one of the major strengths of this bill is its plan for legalizing many of the undocumented people already living in this country. Specifically, the legalization plan would be implemented immediately upon effective enactment of the legislation, and would grant permanent resident status to undocumented persons in the country since 1978, and temporary resident status to those entering between 1978 and 1980. Temporary residents,

after two years of continuous residence, could then apply for the status of permanent resident.

NCLR believes this plan to be far preferable to that proposed by the Reagan Administration, which would have aliens wait for ten years in a subclass status before becoming fully adjusted residents. S. 2222 offers a great deal more incentive to undocumented aliens for coming forward and participating in the process. The problem remains, however, of what to do about the residual group of persons residing here but not eligible for benefits under legalization as designed, and therefore subject to voluntary departure or deportation. NCLR urges that a sense of the Congress be included in this legislation to oppose measures such as massive deportations of persons within this group.

NCLR also stresses the importance of making community-based and volunteer organizations partners in the implementation of the legalization program, to help the INS reach out to the undocumented population and to assist in the processing of individuals. The Immigration and Naturalization Service (INS) presently utilizes a network of VOLAGS (voluntary agencies) in administering immigration services under its Outreach Program. The new legislation should provide additional resources for this program, linking it to the legalization process, and also assure the availability of technical assistance to the community network so that the program operates effectively.

NCLR commends the Simpson-Mazzoli plan for not including a guest worker program, which is a major element of the Administration's proposals. By its exclusion, the new legislation avoids a repeat of the kind of abuse and exploitation of Mexican laborers that occurred during the Bracero Program in the 1950s and 1960s.

### III. WEAKNESSES OF THE BILL

Now to address our concerns with some portions of the bill. NCLR is very concerned about the proposed enactment of employer sanctions because of their high probability of promoting discrimination against Hispanic American citizens in the labor market simply because they "look foreign." The verification procedure outlined in the bill raises some significant questions that need to be addressed. First, who will be required to undergo the verification procedure for nationality? Will it be applied equally to everyone who seeks employment? What is the process to ensure that it is used equitably and consistently?

NCLR is especially concerned with the ambiguity of the provision directing the President to develop and implement a system to verify work eligibility. We fear the regulatory process will result in a system which inequitably burdens Hispanic Americans and other persons whose looks or language are different from that of White Americans. To guard against use of verification by employers in a discriminatory way, NCLR urges that strong anti-discrimination language and sanctions be incorporated into the legislation. Employers should not serve as "quasi-immigration officials" and this legislation should be revised to assure a fair system of employee eligibility determination which protects Hispanic citizens from job discrimination.

NCLR is also concerned that there is no mention of emphasizing the enforcement of U.S. wage and labor standard laws in S. 2222 as a means of reducing the employment of illegal aliens. In previous experience with strike forces, the Department of Labor (DOL) found that stepped-up enforcement measures pursuant to wage and hour standards had the ancillary effect of

removing aliens from the work place. This legislation should contain a sense of the Congress that increased enforcement of our labor laws is a necessary step in reducing the employment of illegal aliens.

NCLR is also concerned over the human rights issues raised by the proposal to permit summary exclusion of certain aliens entering without documents, and the lack of a consistent right to judicial review in exclusion cases, including asylum cases. For asylum cases, we applaud the bill's provision for a hearing before an administrative law judge with one administrative appeal to an independent immigration board. The system must provide for due process of law in order to be equitable.

Another NCLR concern relates to implementation. NCLR feels that some of the specific proposals contained in S. 2222 will not be entirely achievable because the plan provides no real solutions to the management problems at INS. For example, a major concern among Hispanics regarding the INS is its dual role as service provider and enforcer. Historically, INS emphasizes its role as enforcer, often neglecting its provision of critically important immigration counseling and adjudication services. Moreover, a continuing problem exists in the resolution of grievances and civil rights disputes between INS and Hispanics which we believe results from extreme insensitivity on INS' part. If the new legislation is to be fully and effectively implemented, additional resources must be provided to INS, not only to enhance enforcement but also to meet service and community relations needs. The legalization effort cannot succeed unless adequately staffed.

In NCLR's view, the most significant deficiency in this proposed legislation is the lack of any substantial mention of cooperative economic development efforts with countries from which large numbers of immigrants enter the United States. Comprehensive immigration legislation cannot be



successful without measures on the scale of the recent Caribbean Initiative. There is virtually unanimous agreement that the root causes of illegal immigration are economic in nature, and not amenable to simple enforcement or other stop-gap approaches. As long as the differences in economic opportunity on the two sides of the border remain so great, the United States cannot expect to stop the flow of immigrants fleeing poverty. This legislation should outline the development of long-range, labor-intensive economic development programs in the sending countries, thereby fostering more economic freedom and reducing the economic motivation for immigration to the U.S.

#### IV. NCLR RECOMMENDATIONS

Based upon the above outlined strengths and weaknesses, the National Council of La Raza presents the following recommendations for making the proposed legislation a more rational, effective, and comprehensive program for immigration and refugee policy reform. NCLR recommends:

- That a sense of the Congress be incorporated into this legislation which opposes the massive deportation of those undocumented aliens not eligible to participate in the legalization program as designed.
- That those individuals with temporary resident status be provided full civil and human rights and equal protection of the laws.
- That within the legalization program, a strong role for community-based and other voluntary organizations be established, to assist INS in providing outreach and counseling services and other assistance.
- That the legalization program be constructed according to the goal of reunification of families, meaning that eligible undocumented persons be permitted to petition for permanent resident status for members of their immediate family.
- That additional resources be provided to the INS to improve its effectiveness and efficiency. This recommendation applies to the enforcement function, but more importantly, to the services, information and community education function.

- That a sense of the Congress be incorporated into this legislation emphasizing the need for enforcement of wage and labor standards law and regulation as a means of reducing the employment of illegal aliens.
- That alternative employee eligibility verification procedures be developed and implemented which will apply universally, and not promote discrimination against Hispanic Americans in the labor market.
- That the legislation include specific procedures for enforcement of measures to prevent the use of verification procedures to discriminate against Hispanics or other ethnic groups in the labor market.
- That the legislation be amended to prevent summary exclusion and to provide all individuals, including undocumented immigrants and refugees, with full legal protections, including the right to judicial review.
- That this legislation be amended to include specific economic development cooperative efforts between the U.S. and sending countries to reduce the economic factors leading to illegal immigration to this country.

NCLR offers these recommendations, understanding the need for immediate action to overcome the problems associated with our current ineffective immigration and refugee policy. We recognize the need for effective measures to restrict and regulate illegal entry, but an enforcement strategy alone is at best a stop-gap approach. It is naive to think that the United States can be an island of economic prosperity in a sea of human misery. The Simpson-Mazzoli plan offers a good basis for continued development of sound and effective immigration and refugee policy, and we commend it as a strong foundation on which to build a new policy. On behalf of the National Council of La Raza, thank you for the opportunity to present this testimony.

