

The original documents are located in Box C35, folder “Presidential Handwriting, 2/23/1976” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE

WASHINGTON

February 23, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JAMES T. LYNN

FROM: JAMES E. CONNOR *je*

SUBJECT: Purported Delays in the Naturalization of Cuban Refugees

Confirming phone call to your office this afternoon, the President reviewed your memorandum of February 13 and approved the following decisions:

A. Adjustment of status from parolee to permanent resident alien.

Option 4 - Announce that you will press for Cuban exemption either legislatively or, if possible, administratively.

B. Administrative delays encountered by those seeking citizenship.

Option 3 - Direct Attorney General to give priority attention to Miami backlog from within over-all INS program.

You are requested to proceed immediately with appropriate action to enable the President to announce the above decisions in Miami on Saturday, February 28.

cc: Dick Cheney

cc to Bob Arben 2/25/76.

THE WHITE HOUSE
WASHINGTON

DICK

FEB. 13, 1976

ATTACHED IS JIM LYNN'S MEMO
ON THE CUBAN NATURALIZATION
PROBLEM. WE HAVE NOT STAFFED
IT THROUGH THE ENTIRE BUILDING
BUT I THINK THAT THERE ARE NO
PROBLEMS WITH IT. YOU MAY WISH
TO MAKE AN INSERT IN SOME OF THE
PRESIDENT'S REMARKS IN FLORIDA.

JIM CONNELL

An enclosure or
Sent by
Miami



THE PRESIDENT HAS SEEN . . .
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

FEB 13 1976

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: JAMES T. LYNN *James T. Lynn by
Cal Coffin*
SUBJECT: Purported Delays in the Naturalization of Cuban Refugees

Background

Of the 675,000 Cubans who have sought refuge in the United States since 1959, 123,000 have become naturalized citizens. A majority of the refugees have not applied for U.S. citizenship, but those who do apply encounter both legal and administrative delays.

Currently, there are about 71,000 Cuban refugees (35,000 in the Miami area) technically eligible for permanent resident alien status who must wait their turn under the immigration quota system. About 15,000 to 25,000 Cubans are granted permanent resident status each year. Delays in this stage of the process are of a legal nature, i.e., only 120,000 immigrant visas may be issued for the Western Hemisphere each year, and Cubans are subject to the same quota limitations as immigrants from other nations.

Within the Miami area there are 9,000 immigrants who have been accorded permanent resident status and have applied to be accepted as naturalized citizens. About 80 percent of these are Cubans. The average waiting period from the time of application to administration of the oath is between nine and ten months--three times as long as the process took during the 1960's. Processing time is entirely dependent upon the number of naturalization examiners and support staff available to do the work. If the present waiting period of nine to ten months is considered onerous, then the Immigration and Naturalization Service's Miami Office must be supplemented with additional staff.

Discussion

The influx of refugees from Cuba has declined appreciably, and only about 2,400 entered the United States during 1975. One could argue that time will resolve the Cuban refugee problem, since both the number of immigrants accorded permanent resident alien status and the number naturalized by the courts is considerably greater than the number of new refugees currently entering the country.

However, if the Administration wishes to address the Cuban refugee problem and expedite the naturalization process, the two sets of issues should be considered separately:

A. Adjustment of status from parolee to permanent resident alien. As stated previously, there are 71,000 Cuban refugees who are technically eligible to be considered for permanent resident alien status. The administrative procedures are not complicated but individual applicants are limited by the immigration quota system. There are four options:

1. Press vigorously for Senate consideration of H.R. 10323, the Administration's omnibus immigration bill. Section 10 of the bill would exempt from the quota system Cuban refugees who are in the United States at the time the bill is enacted. About 71,000 refugees -- 35,000 in the Miami area -- would be eligible for a status adjustment almost immediately.

H.R. 10323 has not found a sponsor in the Senate, and the bill contains several provisions which are likely to be quite controversial. Thus, passage of the bill could be delayed with a consequent delay in the adjustment of Cuban refugee status.

2. Extract section 10 from H.R. 10323 and have it introduced separately. In so far as the exemption of Cuban refugees from the immigration quota is not likely to engender much controversy, the abbreviated bill might pass fairly easily.
3. Exempt Cuban refugees from the quota system by administrative action. The Justice Department, Office of Legal Counsel, advises orally that you have this authority, and -- indeed -- that the existing administrative restrictions may be without legal foundation.

4. Indicate that either through legislation or administrative action, the Administration will press for exemption of Cuban refugees from the Western Hemisphere quota. A firm decision on splitting off section 10 from the omnibus bill or taking unilateral administrative action would best await (a) Congressional receptivity to such action, (b) assessment of the effect on the chances (which appear dim) of enactment of the omnibus bill, (c) a written legal opinion on your authority, and (d) careful consideration of the side effects (e.g., removal of Cuba from the quota system would increase the quotas of other Western Hemisphere nations).

Recommendation

OMB and White House Counsel's office recommend that you choose Option 4. Further work needs to be done to determine the best way to implement the Cuban exemption. OMB estimates that such work could be done within four weeks.

Decision

1. Press enactment of H.R. 10323
2. Press separate enactment of section 10 of H.R. 10323
3. Exempt Cubans by administrative action
4. Announce that you will press for Cuban exemption either legislatively or, if possible, administratively. (OMB and White House Counsel recommendation.) 

B. Administrative delays encountered by those seeking citizenship. The third step in the immigration process, and one that can only be undertaken by those who have acquired status as permanent resident aliens, is to apply for naturalization. The majority of the Cuban refugees have not and may never take this step, but any relief from the constraints of the quota system will almost immediately increase the numbers of applicants for naturalization.

The Miami office of the INS received 16,500 applications for naturalization in 1975 or about 1,400 each month -- a rate which has remained relatively stable for the last three years. There have been nine naturalization examiners in the Miami office, and because the workload intake is greater than the output (16,500 applications compared to 10,800 completed cases), the backlog has grown to 9,000 pending cases. INS plans to add three new examiners and additional paralegal support staff to the Miami office in 1976. All other factors equal, this will enable the office to process about 14,000 naturalization cases a year, and the backlog would continue to grow.

The situation in Miami is not unique, and work factors and backlogs are about the same throughout the country. The only thing that distinguishes Miami is the heavy concentration of Cuban refugees. If you decide to deal separately with the Cuban problem in the Southeast, three options might be considered:

1. Instruct INS to move ten experienced naturalization examiners to Miami from elsewhere in the country. With the staff increase currently planned this would enable the office to eliminate the backlog within nine months and reduce the waiting time to 30-60 days.

This approach has a significant disadvantage in that processing backlogs in other INS offices would increase in direct proportion to the decreases in Miami. There is no apparent slack in this part of the INS system.

2. Authorize INS to expand its naturalization staff by ten, and stipulate that these positions be assigned to the Miami office.

This would appear to have the same effect in reducing the backlog as option one, but in fact it probably would not. While INS believes its naturalization staff is not large enough for the work that must be done, there are currently thirty vacancies in a nation-wide authorization of 171 naturalization examiners. For a number of reasons INS does not expect to be able to change high turnover rates in the short run; thus, there seems to be little purpose in expanding the authorized staff level.

3. Without specifying the detailed ways and means for action, direct the Attorney General to place a high priority on the Miami backlog. This would allow the Department maximum flexibility, within the total Immigration and Naturalization Service resources, to undertake a special one-year effort to reduce the backlog.

Recommendation

If you decide to deal separately with the Miami problem, OMB recommends option 3. The major drawback to this approach is that other areas of the country and other nationality groups could resent this special treatment for Miami.

Decision

1. Instruct INS to transfer 10 examiners to Miami
2. Authorize increase in INS personnel ceiling by 10
3. Direct Attorney General to give priority attention to Miami backlog from within overall INS program (OMB recommends if special treatment for Miami is warranted) 