## The original documents are located in Box 23, folder "Justice - Immigration and Naturalization (2)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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#### THE WHITE HOUSE

WASHINGTON

January 13, 1977

MEMORANDUM FOR:

DICK CHENEY

FROM:

ED SCHMULTS

You may wish to advise the President that the Attorney General has exercised his authority to admit to the United States persons outside of the immigration laws and is announcing today that the Soviet refugees in Italy are being admitted to this country. As you know, this was done in accordance with the President's previous instructions.



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#### THE WHITE HOUSE

WASHINGTON

February 23, 1976

#### ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CONNOR

THROUGH:

PHIL BUCHEN

FROM:

BOBBIE GREENE KILBERG

Per your request of February 11, I have checked into the status of Martina Navratilova, the Czechoslovakian tennis star who defected to the United States last summer. Ms. Navratilova has been granted asylum and has received a permanent resident alien status from the Immigration and Naturalization Service. This is the status that is normally accorded to political refugees. Under permanent resident status, Ms. Navratilova must wait 5 years before she is eligible for naturalization (granting of citizenship).\*/However, this residency requirement may be shortened to 3 years if she marries a U.S. citizen and lives with him for 3 years, 18 months of which time she must be "present in person" in the United States.

The President has no authority to grant Ms. Navratilova immediate citizenship, as she asserted to news interviewers. It is, however, possible for a private bill to be introduced in Congress which could reduce or eliminate the five-year residency requirement and thus make her eligible for naturalization at the time of the bill's passage. We could pursue this avenue if you desire, but it should be kept in mind that at the time of her defection the press reported Ms. Navratilova as stating that her primary interest in living in the U.S. stemmed from the amount of money she could earn without the prohibitive Czechoslovakian taxes and regulations and the fun she could have in California. This seems to be a far cry from the traditional case of political oppression.

<sup>\*/</sup> This is the stat utory procedure unless specific provision has been made in legislation for a certain category of refugees, such as the Hungarians and Cubans.

Under 5-year residency requirement, an individual may not be absent from the U.S. for more than 30 months of that 5-year period.

#### THE WHITE HOUSE

WASHINGTON

February 11, 1976

#### ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JIM CONNOR

The attached newspaper clipping was returned in the President's outbox with the following notation:

"What is this?"

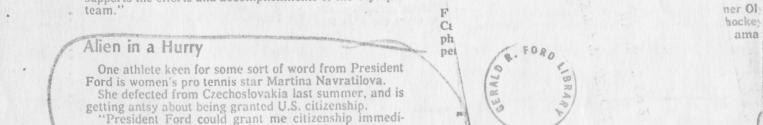
Please follow-up with appropriate action.

cc: Dick Cheney

#### Attachment:

Clipping entitled "Alien in a Hurry" from WASHINGTON STAR 2/10/76.





THE WHITE HOUSE WASHINGTON

February 27, 1976

Indice Original

#### ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

BOBBIE GREENE KILBERG

THROUGH:

PHIL BUCHEN

FROM:

->

JAMES E. CONNOR JEE.

The President reviewed your memorandum of February 23 concerning the status of Martina Navratilova, the Czechoslovakian tennis star and made the following notation:

"Anyone in Congress who would introduce?"

Please follow-up with appropriate action.

cc: Dick Cheney



State

#### Friday 3/5/76

9:50 Otto Gilbert called from New York. He is the President of Pen-Well Corporation. Wanted to talk with Mr. Buchen about an immigration problem.

(212) 254-8112

Home:

(212) 896-2538

He employs 20-25 people. Came from Hungary during the Hungarian revolution. Naturalized in 1962. Because he had such a difficult name, he changed it to Gilbert in 1972. There was a typographical error when the papers were drawn up and, although he was born in April, they had put down November.

Mr. Gilbert was married in Budapest in February of this year (2/21) and he went to the U.S. Consultate to get a visa for his wife. They said his papers were forged. He spoke to the Ambassador and he said Mr. Glbert was not entitled to bring his wife in.

He came down day before yesterday (?) and went to the State Department and spoke to Thomas Gerth (Eastern Europe desk) and he said they would try to do a rapid action. He went to Cong. Addabo and they called Gerth.

He said he should have had an automatic exit visa for his wife -- but they are telling him he forged his papers.

I asked H. P. Goldfield to call him back, which he has done.

H. P. advised that he called Bob Dalton at the State Dept. 632-2107 (in charge of handling security and consular affairs). He has cabled the Hungarian Consulate and will try to find out whatever information is needed. (((H. P. said Mr. Gilbert sounds sincere and he will try to help him.)))

H. P. called Mr. Gilbert to let him know that they expect an answer back next week and will be in touch.



Immig + Destron

THE WHITE HOUSE
WASHINGTON
June 1, 1976

MEMORANDUM FOR:

BOBBIE KILBERG

FROM:

EVA DAUGHTREY

Attached is a rough translation of the letter which Mrs. Buchen received from J. Emilia Segovia.

She would like to have a letter prepared for her signature acknowledging the letter and suggesting what possibilities there might be for Ms. Segovia to come to the United States for work. She would like to state that she herself is living in an apartment and in no position to give her employment. (Also would like to mention that she does not speak Spanish and that the letter had to go through an interpreter)



THE WHITE HOUSE

September 15, 1976

MEMORANDUM FOR: JIM CONNOR

THROUGH: PHIL BUCHEN

FROM: BOBBIE GREENE KILBERG

Attached is a memorandum to the President from the Attorney General requesting a \$67 million increase in the Justice Department's combined FY'77 and FY'78 budgets for additional efforts on the part of the Immigration and Naturalization Service to prevent the entry of illegal aliens into the United States. The Attorney General's office reports that the additional funding is necessary to fully implement the INS' prevention program which presently has coverage lapses due to resource limitations (e.g., not enough personnel to patrol entire border or to provide 24-hour coverage).

The INS request would necessitate a supplemental appropriation request to Congress for FY'77. It also would necessitate an alteration in Justice's FY'78 budget submission to OMB which does not presently include the additional funding.

I am sending you the Attorney General's letter for appropriate handling in accordance with your normal staffing procedures. Please note that the Attorney General has sent a copy of his letter to Jim Lynn.

Attachment

cc: Jim Lynn





# Office of the Attorney General Washington, A. C. 20530

September 13, 1976

The President
The White House
Washington, D. C.

Dear Mr. President:

The unauthorized movement of aliens across our border with Mexico and their fraudulent entry through our international airports has reached unprecedented proportions. As a result, although the law contemplates immigration which is limited and regulated, actual immigration bears little relationship to the program prescribed by statute.

The Immigration and Naturalization Service estimates that there are now six to eight million illegal aliens in the United States; even those who dispute this figure agree the illegal alien population is significant and growing. Many of these illegal aliens compete for jobs with American citizens and authorized entrants. They also require added public services and benefits. Yet their secret status makes them vulnerable to exploitation.

The American public is becoming increasingly concerned about the illegal alien problem. While there is much debate on many issues relating to illegal aliens, there is substantial agreement that preventing their entry is the most effective and socially acceptable approach for dealing with the problems they pose. Indeed, this is one of the principal conclusions of the forthcoming report to the Cabinet Committee on Illegal Aliens.

The Immigration and Naturalization Service has, to the extent possible, been pursuing a prevention strategy. In recent years the Immigration and Naturalization Service has received a generous share of the Department of Justice budget and has devoted much of its increased resources to preventing unauthorized entry. These resources, however, have not been adequate to permit the potential of this approach to be realized.

The Immigration and Naturalization Service has developed a prevention program which, at a relatively modest cost, would significantly enhance the effectiveness of its prevention policy.

Commissioner Chapman is confident that with more sophisticated technology and a minor increase in personnel, costing a total of sixty-seven million dollars over Fiscal Years 1977 and 1978, the Immigration and Naturalization Service can substantially end fraudulent entry through our land ports and airports, significantly increase apprehension of those entering between ports along our Mexican border, and have a major impact on smuggling operations directed from within the United States.

In view of the dimensions of the current problem, I request that the proposed program be initiated in Fiscal Year 1977. With your approval, we will provide the necessary supplemental appropriation material to the Office of Management and Budget.

We appreciate your consideration of this important program.

Respectfully,

Luca Litle.
Edward H. Levi
Attorney General



#### THE WHITE HOUSE

WASHINGTON

September 15, 1976

MEMORANDUM FOR: PHIL BUCHEN

FROM:

BOBBIE KILBERG

Attached is a memorandum to the President from the Attorney General requesting a \$67 million increase in the Justice Department's combined FY'77 and FY'78 budgets for additional efforts on the part of the Immigration and Naturalization Service to prevent the entry of illegal aliens into the United States. Mark Wolf, Special Assistant to the Attorney General, says that the additional funding is necessary to fully implement the INS' prevention program which presently has coverage lapses due to resource limitations (e.g., not enough personnel to patrol entire border or to provide 24-hour coverage).

The INS request would necessitate a supplemental appropriation request to Congress for FY'77. also would necessitate an alteration in Justice's FY'78 budget submission to OMB which does not presently include the additional funding.

Attached is a memorandum from you to Jim Connor asking him to handle the letter in the normal and appropriate manner.

Attachment



### Office of the Attorney General Washington, A. C. 20530 October 21, 1976

Surprofile?

Bother?

Mes.

The Honorable Peter Rodino Chairman House Judiciary Committee Washington, D. C.

Dear Mr. Rodino:

Thank you for your letter of October 14, 1976 indicating that the Committee on the Judiciary of the House of Representatives does not object to the parole of up to 200 Chilean detainees in Chile and Chilean, Uruguayan, and Bolivian refugees in Argentina and their families, as described in Commissioner Chapman's letters to you of September 29, and October 8, 1976.

Having the benefit of this consultation and the advice of the Senate Judiciary Committee, I intend to authorize the proposed parole program. As Commissioner Chapman has stated, all provisions of Section 212 of the Immigration and Nationality Act except 212(a)(14), (15) and (20) will be applicable to candidates for parole and the standard security checks will be conducted. With regard to caring for the parolees, the Department of State advises us that it will again obtain assurances from the voluntary agencies involved that those admitted will not become public charges and the costs of resettlement will not be borne, in whole or in part, by the Federal government.

We will, of course, be pleased to keep you advised of the progress of this program and furnish a final report, including the identity of the parolees, when the program is complete. You have requested that this report include the employment or other activity of each family member and a statement as to any public assistance which may have been provided to them. The Immigration and Naturalization Service does not now monitor the activities of parolees, or other immigrants, in the United States and a significant change in its policies and practices would be required to generate the requested information. The proposed



parolees are subject to virtually all of the exclusions applicable to other applicants for admission and are sponsored by voluntary agencies. In addition, their individual eligibility for admission will be decided by Commissioner Chapman personally. Accordingly, I do not believe it is necessary or appropriate to direct the Immigration and Naturalization Service to treat the parolees different than all others admitted to the United States by monitoring their activities. I trust you understand.

As you know, I very much value your advice and help.

Sincerely,

Edward H. Levi Attorney General



Justice (cong James Cleveland)

#### MISS LINDA GUAY

Background: Jim Cleveland has written to the White House asking whether there is any Presidential action that can be taken to keep a Miss Linda Guay of Manchester, N. H. from being deported. Miss Guay has apparently been the subject of numerous press stories in New Hampshire expressing concern that she may face deportation.

Apparently, Miss Guay (now 26) came to this country as a minor in 1967 when her mother, a Canadian citizen, married an American. Through inadvertence her mother failed to apply for the permanent visa for which all four of her children then qualified. The mother has since been able to obtain permanent visas for her other minor children, but not for Linda who is now working to help support her family. INS initiated deportation proceedings only in order to allow her to take the necessary administrative remedies to stay in this country. Instead of utilizing these administrative procedures, her attorney elected only to seek a private relief bill which is now pending in Congress. The private relief bill also has the effect of staying the proceedings, and she's in no danger of being deported.

Q. Is there any action as President you can take to keep Miss Guay from being deported?

A. When members of my staff received an inquiry from Miss Guay and then Jim Cleveland in this regard, they found that, as President, I do not have the power to stay deportation proceedings. However, they also found that Miss Guay was not in any danger of immediate deportation. The Immigration and Naturalization Service has since been in contact with Miss Guay and has advised her that there are procedures available to allow her to apply for a permanent visa and eventually United States citizenship. The Service is now assisting her in this regard. We shall continue to monitor this situation.

There is a private relief bill pending in Congress which will accelerate this process. If the Congress passes that bill, I will sign it. In the meantime, I can assure you that Miss Guay will remain in this country, and my staff has so advised her.

THE WHITE HOUSE

WASHINGTON

November 25, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JACK MARSHOLL

Please note the attached. Is this an area that's off limits for White House staff.

Your guidance please.

Many thanks.



THE WHITE House
WASHINGTON
November 25, 1975

MR. MARSH:

A man by the name of "Henry Hunt" called (student at Lord Fairfax Community College in Middleton) and he'd like to see you sometime today re one of the College's Professors, who has been asked to leave the U.S.

--it's an immigration & naturalization problem, and I suggested the Cong. Robinson route, etc. He said that they've tried every other possible route, and decided to come to you. DO YOU WANT TO SEE HIM?

Yes		140		
(He's	calling	at	1:00)	Con

Rave him telephone me this afternoons rather than take the time of a visit.



### ITEM WITHDRAWAL SHEET WITHDRAWAL ID 01252

Collection/Series/Folder ID	:	001900268
Reason for Withdrawal	:	DR, Donor restriction
Type of Material	:	MEM, Memo(s)
Creator's Name		
Receiver's Name	:	French, Jay
Description	:	Personal matter concerning Manuel
Yellen.		
Creation Date	:	08/11/1975
Date Withdrawn		

## THE WHITE HOUSE WASHINGTON

Instee ? Immig + maturalezation

July 15, 1975

Dear Mr. Tejuja:

This is to acknowledge your letter of June 18, 1975, concerning your efforts to bring your wife to the United States.

The Commissioner of Immigration and Naturalization has informed me that the sudden fall of Vietnam resulted in field offices of the Immigration Service being deluged with various applications, visa petitions and miscellaneous forms relating to the Vietnamese crisis. All of these were in addition to the many thousands of inquiries which were suddenly directed to the various Service offices.

In order to cope with this huge volume, the Commissioner, as early as March 31, 1975 issued orders directing Service field offices to process immediate relative visa petitions in the most expeditious manner possible. By mid-April, these instructions had been expanded to include all applications, visa petitions, and miscellaneous forms filed in connection with persons in Vietnam or Cambodia. Acting accordingly, the Baltimore field office, as well as other Service offices, temporarily assigned personnel to the sole task of handling Vietnam-Cambodia related problems. Furthermore, it was necessary to detail teams of immigration officers and clerical personnel from various Service offices to Guam, Wake Island, and to refugee processing centers within the United States on very short notice. This was done, of course, out of necessity and, unfortunately, at the expense of normal service operations.



Out of fairness to the public, the Commissioner of Immigration and Naturalization has directed field offices of the Service, except in emergent situations, to process applications and petitions in the order of receipt. That official has assured me that your petition will be adjudicated as expeditiously as possible, consistent with the foregoing.

Sincerely,

Philip W. Buchen

Counsel to the President

Mr. Hotchand Kanialal Tejuja 18371 Lost Knife Circle Gaithersburg, Maryland 20760



18371 Lost Knife Circle Gaithersburg, Maryland 20760 June 18, 1975

THE THERMOMES IN THE ALL ALL SANDER

Philip W. Buchen Counsel to the President White House Washington, D.C.

Attention: Mr. Barry Roth

Dear Sir:

Subsequent to my previous correspondence with you dated June 16, 1975
I received the enclosed Notice from the Immigration and Naturalization
Service, Baltimore dated June 16, 1975. As you can readily see I have been
notified that an interview has been set up for me with an Inspector Burns
on July 8, 1975. In view of the fact that this application has been on file
for approximately 5 months, I contacted Inspector Burns by phone on this
date to request an earlier interview date. I was told that this was not
possible.

I am sincerely at a loss as to why this procedure has been drawn out over such a length of time. It should be noted that the enclosed notice is the first official paper I have received from INS regarding my petition for a visa for my wife. Is it reasonable for this additional delay of 3 weeks plus the subsequent unknown time interval before this entire situation can be resolved?

Any assistance you can render in expediting this matter will be greatly appreciated. If you need to reach me during normal working hours, my phone number at NBS is 921-3361.

Sincerely,

HOTCHAND K. TEJUJA

HKZejuja

Enclosure

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FROM: (Name and Org. Symbol)

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ROOM NO. & BLDG. PHONE NO. 28369

FORM JF-29 (Formerly Forms DS-10, AID-5-50 & IA-68)

Justice

Mr. Chairman, I welcome the opportunity to appear before this Committee to speak on the subject of Chilean refugees. My staff and I have been working hard for many months to obtain approval of a plan to parole into the United States a limited number of Chilean refugees and detainees from Chile and Peru, plus spouses and dependents. So when this hearing was suddenly called I simply tore up my schedule for today and came on up.

First let me review briefly the history of the Chilean refugee problem. There have been three distinct resettlement programs for refugees in and from Chile. The first, immediately after the September, 1973 overthrow of the Allende Government, involved the resettling of almost 3,600 non-Chilean refugees and their dependents in 41 different countries. The major participating countries were Argentina, France, Sweden, Switzerland and the Federal Republic of Germany. The West Germans took over 2,300 of these people. Nineteen were paroled into the United States.

The second program involved Chilean refugees in Peru. We estimate that up to 4,000 Chileans fled to Peru following the coup. The Peruvian Government admitted them in transit only and asked the United Nations High Commissioner to conduct a resettlement program. In 1974 over 1,500 were resettled in some 15 countries, principally Canada, New Zealand, Australia, Luxemburg, Hungary and Romania. The United States has not accepted any. There are still about 1,200 in Peru. Only last week the United Nations High Commissioner for Refugees called in Ambassadors from a number of countries represented in Peru, asking for a renewed effort to resettle these people.

The third refugee program involves detainees in Chile. Our best information indicated there are approximately 4,000 to 5,000 Chileans currently in detention in Chile. They include members of a number of political parties. Most of them have been sentenced by military, not civilian courts. Some have been held without charge for as long as 21 months. The Chilean Government acknowledges having detained over 41,000 Chileans at one time or another since the coup. Of the 36,000 released, 9,000 have been required to leave the country. In a speech last September, Chilean Chief of State Pinoched offered to release and exile detainees who could be resettled in other countries. Recently the Chilean Government broadened the criteria to include those Chileans who have been convicted of political crimes. A Chilean commission has been established to rule whether sentences can be commuted to enable deportation

of these people. Some have been released and will be resettled in Canada and in Mexico. The United States has not offered to resettle any of them.

Now let me spell out the reasons why I have been working so hard to obtain authorization to permit the resettlement of Chilean detainees and refugees, and their families, in the United States.

First and foremost, there is a humanitarian need for such action. The number we have in mind is extremely small. I might point out that about 130,000 refugees are being allowed to enter the U.S. from Vietnam and Cambodia.

Secondly, there is strong religious support in Chile for such a U.S. program. For example, both Father Poblete, adviser to Cardinal Silva of Chile, and Bishop Frenz, Lutheran leader of Chile, have repeatedly urged us to take this action. We arranged for both of them to meet with Staff Counsel for the Senate and House Committees.

Third, we have been asking the U.N. High Commissioner of Refugees to get other countries to take in Vietnamese refugees. It is inconsistent to seek cooperation from international organizations and other countries on the Vietnamese refugee problem if we refuse to lift a finger to help the Chileans. Recently the Intergovernmental Committee for European Migration expressed to our Santiago Embassy its hope for rapid authorization of the entry of Chileans into the U.S.

Fourth, our acceptance of Chileans will demonstrate that our concern for refugees extends to all persons in need, regardless of the nature and political coloration of the government from which they are fleeing. Such action will also help to improve the U.S. image in the eyes of millions of people in Chile and many other countries.

Fifth, the security risk to us is minimal. All Chileans will be carefully screened, on an individual basis. It is not proposed to bring in Communists, terrorists or economic distress cases. In the course of our consultation with Congress we have been told repeatedly that it is undesirable to bring in Communists. All I can do is say once again that we do not, repeat not, intend to bring in Communists.

Sixth, so far as I can discern, implementation of this program will in no way help the Communist Party. On the contrary, I am convinced that refusal to accept Chilean



detainees and refugees would serve Communist propaganda purposes.

Seventh, there is great domestic interest in this program. We have geen receiving daily calls from representatives of many organizations and groups including, for example, the U.S. Catholic Conference, Amnesty International, the American Friends Service Committee, the National Council of Churches, and the Latin American Studies Association. They ask why, after all these months, we do not move ahead with this program. One reason why I thought it would have been better to have this hearing open, rather than closed, was because of the intense interest of these organizations.

Now, in conclusion, let me review briefly the steps we have taken in obtaining approval for our plan. Following the Secretary's decision, last November, to request the Attorney General to exercise his parole authority on behalf of Chilean refugees and detainees, we began our consultations with Congress. Both Committees were informed of the proposal in writing on December 16 and were asked for comments. We had two meetings with the House Judiciary Committee, the latest in February. In a letter dated March 25 the Committee recognized the humanitarian considerations involved and said it did not object to a parole program for Chilean detainees on a case by case basis. We also requested consultation with the Senate Judiciary Committee. We met with Mr. Loughran of your staff earlier this year.

On April 23, Deputy Secretary Ingersoll wrote to the Attorney General urging that he utilize his authority under Section 212 (d) (5) of the Immigration and Nationality Act to parole into the United States a limited number of these people on an individual case basis.

On May 29 the Deputy Secretary met with the Attorney General and General Chapman. Mr. Levi showed us his proposed reply to our letter, assuring us that the Immigration and Naturalization Service would carefully consider for parole each individual case favorably recommended by the State Department. We have since worked out with the Immigration and Naturalization Service the procedures and guidance for our Embassies in Santiago and Lima for implementing this program. We are satisfied those plans are sound and realistic, and we are ready and eager to move ahead.

Thank you.

THE WHITE HOUSE
WASHINGTON
July 14, 1975

Justice (see Refugees)

#### MEMORANDUM FOR

The Honorable Edward H. Levi The Attorney General

Referencing your letter to me of July 11, 1975, your proposal to initiate consultation with the House and Senate Judiciary Committees with respect to your authorizing parole for a limited number of Laotians and new categories of Vietnamese and Cambodians is consistent with the President's program for refugees from Southeast Asia. This has been checked with the appropriate offices in the White House.

Thank you for your inquiry.

Philip W. Buchen
Counsel to the President





### Office of the Attorney General Washington, A. C. 20530

cy sent to

June 9, 1975

The Honorable Philip Buchen Counsel to the President The White House Washington, D. C.

Re: Parole of Chilean Refugees

Dear Mr. Buchen:

As Mark Wolf of my staff discussed with you last week, the United States has received requests from two international organizations to provide resettlement opportunities for Chilean refugees currently in Peru and detainees in Chile who will be released contingent upon their permanent departure from Chile.

Prior to approaching the Department of Justice, the Department of State discussed the possibility of parole of 400 Chilean refugees and detainees and their families with the Senate and House Judiciary Committees. The House Judiciary Committee favored consideration of the detainees on a case-bycase basis, but did not support parole of refugees in Peru. Senator Kennedy, Chairman of the Senate Judiciary Committee Subcommittee on Refugees and Escapees supported parole for both groups. Senator Eastland, Chairman of the Senate Judiciary Committee and Congressman Hutchinson, the ranking Republican on the House Judiciary Committee, appeared to oppose parole for both the refugees and detainees.

The Department of State has now requested that the Attorney General authorize parole on "an individual case-by-case basis" for up to 400 refugees and detainees and their dependents; a copy of Deputy Secretary Ingersoll's letter making this request, with attachments, is enclosed. In essence, the Department of State has requested that parole be authorized for a class of Chileans. As you know, in considering the parole of a class, the Department of Justice typically seeks policy guidance from the President and consults with the House and Senate Judiciary Committees.



Page 2 Hon. Philip Buchen June 9, 1975

In this case the Department of Justice has suggested to the Department of State that the question of parole for both Chilean refugees and detainees be handled on a case-by-case rather than class basis without any representation as to the numbers who might be admitted. The Department of State has indicated that this is acceptable and I understand that you also agreed last week that this was the proper approach.

It is now apparent, however, that despite the determination to apply standard parole policies to Chilean nationals on a case-by-case basis this matter will be widely perceived by some members of Congress and the press as a parole program for a class of refugees. This perception is reflected in the Washington Post article of June 8, 1975, a copy of which is enclosed, which states that the United Nations High Commissioner for Refugees has requested and the Department of State has approved entry of 400 Chilean families. It is also reflected in the position of the staff of the House Judiciary Committee which requested formal consultation by the Department of Justice when informed of our intention to consider Chilean refugees and detainees on a case-by-case basis.

I understand that you indicated last week that it did not appear necessary to bring this matter to the President's attention. However, in view of the likely public perception of any action as an extraordinary program for parole of a class of refugees, we wonder if it would not be better and more consistent with the position we have taken to be sure that this program of individual paroles — which may be viewed by some as parole of a class — fits with the President's program.

In view of the urgency the Department of State attaches to this matter, an early response would be most appreciated.

Sincerely,

Edward H. Levi Attorney General



## THE DEPUTY SECRETARY OF STATE WASHINGTON

April 23, 1975

#### CONFIDENTIAL

Dear Mr. Attorney General:

The Department of State has received a request from the United Nations High Commissioner for Refugees (UNHCR) to provide resettlement opportunities in the United States for Chilean refugees currently in transit status in Peru. Additionally, we have received requests from both the Intergovernmental Committee for European Migration (ICEM) and the International Committee of the Red Cross (ICRC) to provide resettlement opportunities in the United States for Chilean detainees who are to be released contingent upon their permanent departure from Chile. We request that you utilize your authority under Section 212(d)(5) of the Immigration and Nationality Act to parole into the United States a limited number of these people on an individual case basis.

We have carefully considered those requests and have decided that it is in the United States national and foreign policy interests to admit a limited number of such refugees/detainees for resettlement in the United States. The best estimates available to us indicate that there are up to some 4,000 ex-Chile refugees in Peru who must depart that country and up to 6,000 detainees in Chile who might be released contingent upon their departure for other countries. Of this, we propose to accept up to four hundred principals plus dependents for resettlement in the United States, at this time.

The Honorable
Edward H. Levi,
Attorney General.

ATTORNEY SEVERAL

#### CONFIDENTIAL.

- 2 -

Those refugees in Peru are currently living under uncertain circumstances, frequently without employment and thus forced to live off the charity of the UNHCR and voluntary agencies. As to the detainees in Chile, they face indefinite confinement under less than satisfactory conditions for what are essentially political reasons. Their only hope of reestablishing a normal life is to obtain resettlement outside Chile.

We are not proposing to accept either communists or terrorists under this program. Any refugee/detainee accepted for resettlement in the United States would have to establish eligibility under the security provisions of the Immigration and Nationality Act (INA). Additionally, support under Section 212(a)(15) of the INA would be provided by voluntary agencies. Individual cases would be referred to us for consideration — on the basis of their desire to resettle in the United States — by UNHCR, ICEM, ICRC, and national refugee committees.

In order to implement the program, we would propose sending to Peru and Chile — the latter if feasible, dependent upon the pace of the release program — an officer from our Office of Refugee and Migration Affairs to assure that the refugees/detainees are refugees bonafide. We would hope that you would be able to send an Immigration and Naturalization Service Officer at the same time in order to establish eligibility under the INA and to carry out parole. Our consular officers in Santiago and Lima would assist in obtaining the security clearances for the refugees/detainees and in preparing the necessary documentation.

CONFIDENTIAL-



#### CONFIDENTIAL

- 3 -

We have consulted with both the House Subcommittee on Immigration, Citizenship, and International Law and the Senate Subcommittee on
Immigration and Naturalization. Considerable time
has been spent in these consultations — a period
of several months — and thus it is imperative
that we act expeditiously to implement this program. The conditions under which the refugees/
detainees are living continue to deteriorate.

I am enclosing a copy of a letter from Chairman Eilberg of the House Subcommittee agreeing to a parole program and setting forth the conditions under which the program should function. The House Subcommittee has indicated support for parole of refugees physically in Chile, but declined to indicate support for those in Peru. Chairman Kennedy of the Senate Subcommittee enthusiastically supports a program of parole for both groups. Chairman Eastland in the Senate and the Honorable Edward Hutchinson, the ranking Republican on the House Judiciary Committee appear to be opposed to a parole program for those refugees in Chile or those in Peru.

We feel that in undertaking this parole program the United States will only be doing its fair share in the international effort to resettle Chilean refugees/detainees. To date, our performance has been poor. We have accepted only nineteen foreign refugees from Chile. Hundreds have been accepted by many other countries. In addition, the program will also greatly contribute to our foreign policy. It will demonstrate that United States concern for refugees extends to all persons in need, irrespective of the nature of the

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#### CONFIDENTIAL

- 4 -

government from which they are fleeing, and it will assist in reducing tensions in the area. Additionally, it will help to improve the United States image with respect to the Chilean situation.

I hope that you will give early and favorable consideration to this proposal.

Sincerely,

Robert S. Ingersoll

Enclosure:

As stated

CONFIDENTIAL



INTERNATIONAL LAW

JGSHUA E)LBENG, PA., CHAIRMAN
PAL'S, SARBANES, MO. HAMILTON FISH, JR., N.V.
PLL'JDE/H HOLTZMAN, N.V. WILLIAM S. COHEN, MAINE
CHAIRTSTOPHER J. DODD, CONN.
MARTIN A. RUSSO, ILL.

Committee on the Judiciary A.S. House of Representatives Washington, D.C. 20515

Garner J. Cline, Counsel Arthur P. Didyan, Jr., Counsel Alexander D. Cook, Astociate Counsel Frances F. Christy, Legislative Analyst

March 25, 1975

11011 203 13

ACTION is assigned to

Honorable Henry A. Kissinger Secretary. Department of State Washington, D.C. 20520

Dear Mr. Secretary:

In accordance with your request, I have consulted with the Chairman of the House Committee on the Judiciary as well as the Ranking Minority Members of both the Full Committee and the Subcommittee and I submit our views on the proposal to parole into the United States certain refugees from Chile in Peru and certain detainees in Chile.

It is the majority opinion, recognizing the humanitarian considerations and in view of the allegations of violations of human rights in Chile, that no objection would be imposed to the exercise of parole for 400 persons presently incarcerated in Chile for alleged political offenses and their spouses and dependents in Chile.

It is expected that parole will be utilized on a case-by-case basis under the following conditions:

- 1. Only natives and citizens of Chile will be considered for parole;
- Potential parolees will be inspected in Chile by officers of the Immigration and Naturalization Service;
- 3. All provisions under Section 212 of the Immigration and Nationality Act, as amended, with the exception of 212(a)(14), will be applicable;
- Voluntary agencies will provide assurances that the potential parolees will not become public charges;
- 5. All costs pertaining to the parolees will be borne by the voluntary agencies without cost to the federal government; and
- 6. The Committee will be supplied with interim status reports as well as a detailed and complete final report on the exercise of parole in this matter.



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· Honorable Henry A. Kissinger -2- March 25, 1975

I certainly appreciate the fact that you have consulted with this Committee in accordance with our understanding regarding the use of parole for groups or classes of refugees.

With kindest personal regards,

. Sincerely,

JOSHUA EILBERG Chairman

JE:cs



#### 10 Months After U.N. Request

# U.S. Lags on Chilean Refugees

By Lewis H. Diuguid Washington Post Staff Writer

gees curgently requested admission of Chilean exiles, the

as proposed by the State De- top 2,000. ans as well.

U.S. government has yet to au- But the U.S. mechanism for of the Judiciary Subcommittee thorize entry of the 400 fami-receiving refugees, a blanket on Refugees and Escapees, lies that the State Department order from the Immigration brought out that the case-by-

acceptance of the 400 families, leaders say the number would

Ten months after the U.N. partment, would influence Sen. Edward M. Kennedy high commissioner for refu- other nations to receive Chile- (D-Mass.). quizzing Immigration Service Commissioner Leonard F. Chapman in hearings approved as a similar and Naturalization Service, case handling of Chilean im-The same hurganeratic mathes not been issued In essent ...

SECRET

#### THE WHITE HOUSE

WASHINGTON

April 7, 1975

Dear Mr. Attorney General:

After reviewing the recent Ingersoll letter to you and the Memorandum of April 7 to you from L. F. Chapman, Jr., I believe the Ingersoll letter overlooks the Congressional intent concerning the use of Section 212(d)5 of the Immigration and Nationality Act and that the Chapman Memo does not fully reflect the problems.

Recently, I had occasion to ask the Office of the Commissioner of Immigration and Naturalization Service to prepare a suggested reply for me to send to a group concerning the application of that section, and I enclose a copy of that letter which went out over my signature to Dr. Joseph R. Julia. Particularly of note is the excerpt from the Report of the House Committee on the Judiciary which is contained in the enclosed letter.

I also inquired into the situation of the treatment of Hungarian refugees in 1956 and enclose a copy of President Eisenhower's Message to the Congress and the Act which was passed as a result of this Message. However, the action reported in the Eisenhower Message was taken before the 1965 amendments and before the expressions of Congressional intent contained in the House Report on the 1965 amendments.

Sincerely

Philip W. Buchen

Counsel to the President

The Honorable Edward H. Levi Attorney General Department of Justice Washington, D. C. 20530

DECLASSIFIED E.O. 12958 Sec. 3.6

MR 95-42; \$30; NSCIETT 9/23/96

By Let . NARA, Date 1/9/97

Enclosures





May 26, 1975

MEMORANDUM FOR:

Ken Lazarus

FROM:

Phil Bucher 1.W.B.

SUBJECT:

Domestic Council Committee

on Illegal Aliens

Attached is a draft of a memorandum from Jim Cannon to the President. Kindly prepare recommendations for me to send him by May 28.



#### THE WHITE HOUSE

WASHINGTON

May 23, 1975

MEMORANDUM FOR:

PHIL BUCHEN JACK MARSH

BILL SEIDMAN

JIM LYNN

FROM:

LYNN MAY Ly-G

SUBJECT:

Domestic Council Committee on Illegal Aliens

Attached is a draft memorandum listing options for the future course of the Domestic Council Committee on Illegal Aliens. Would you please review and make your recommendations by May 25, 1975. Thanks.

Attachment



# THE WHITE HOUSE WASHINGTON

DRAFT 5/23/75

MEMORANDUM FOR:

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

Domestic Council Committee on Illegal Aliens

### BACKGROUND:

On January 6, 1975, you established the Domestic Council Committee on Illegal Aliens to develop, coordinate and present policy issues that cut across agency lines to provide better programs for dealing with the national problem of illegal aliens. To date, there has been no Cabinet level meeting of the Committee and the few meetings of the Committee have been basically staff discussion groups, which have only served to demonstrate the current absence of analytical data to assess the problem.

There have been estimates of from 3 to 15 million illegal aliens in the United States today. The illegals have been designated as sources of trouble in many key areas of our society. They allegedly occupy both skilled and non-skilled jobs, which American citizens could hold. They are often cited as culprits in the rise in crime in the areas in which they are concentrated. The dramatic rise in public welfare and medical costs, particularly in border areas are also attributed to them.

Increased publicity in the last year has made the public aware of the prevalence of illegal aliens and their threat to our economic and social well-being. The initial negative reaction to the admission of Vietnamese refugees could be taken as a rough gauge of the mood against aliens, who are potential competitors for employment during a recession. Lack of accurate data on the illegals, has rendered analysis of their impact nearly impossible and has prevented an assessment of the resources necessary to meet the problem.



### **OPTIONS**

The following options are open for the Committee's future activities:

- 1. The simplest alternative would be to establish a legislative strategy for the passage of the Rodino Bill, which prohibits employment of illegal aliens, and determine a position on the Kennedy Bill which would confer legal status on illegals who have resided in the United States for more than three years. The Committee would also monitor an Immigration and Naturalization study, currently awaiting Congressional approval, which would identify the number, location and employment patterns of illegals in the United States. Using the data from this study, a series of impact studies could then be devised to examine the effort of illegal aliens in areas like jobs, schools, social welfare, etc.
  - Pro This option would permit a positive measure without incurring great additional costs or creating mandates for further action. It would furnish data necessary to establishing the parameters of the problem and for the formulation of a logical sequence of studies lending to solutions.
  - Con It is a limited approach to the problem and would not do much in the next year and a half to solve the larger accompanying economic and social impact of the pressure of illegal aliens apart from establishing sanctions against employment.
- 2. A second alternative would encompass the activities outlined above plus the immediate commencement of impact studies to examine such problems as:
  - a. How many and what type of jobs do the illegals take away and in what industries? Can these jobs be filled by Americans and is the U.S. Labor force adequate and willing to work in jobs now occupied by illegal aliens.
  - b. The area of social services including an examination of the costs of welfare and unemployment insurance, the impact and cost of health delivery, and the cost of education for illegal aliens.
  - c. The area of cultural impact such as the charactersitics of the illegal aliens age, skills, background and the willingness to do work that U.S. citizens are not willing to do.



- d: The area of foreign relations such as the study of how our policy on illegal aliens affects our foreign policy and vice versa, working closely with the Secretary of State's Committee on Illegal Aliens.
- Pro It would provide a large body of data and accelerate your Administration's efforts to deal with the problem.
- Con This proposal would take time, money and the commitment of a full time staff of agency personnel or consultants. The results of the larger study, particularly in the social services area, could produce evidence of the inordinate cost of illegal aliens on state and local governments. This could create pressures for Federal subsidies to ease the problem.
- 3. A third alternative, not exclusive from the preceding two, would be an examination of current laws covering immigration and admission of aliens for employment. The study would seek to determine whether or not liberalizing these laws would remove the influx of illegals and their impact on the economy. It could review the policies of other countries in this regard, notably Europe, and evaluate the old Federal "Bracero" employment program.
  - Pro Would provide the data for a "legalistic" solution to the problem by examining the feasibility of admitting more aliens as immigrants and legal workers.
  - Con The study could incur the opposition of organized labor to whom the "Bracero" program was an anathema.

## RECOMMENDATIONS

The Justice Department and the Department of Labor favor option 1 (over option 2). They are also favorably inclined toward a <u>low visibility</u> review of immigration laws and employment laws outlined in option 3.



May 20

## THE WHITE HOUSE

Russ --

Mr. Marsh would like you to discuss this with Phil Buchen.

Thanks.

Colled Russ St an 5/31/75

W 5 57

B. FOROLIES

Justin Jennighton.

Nat.

THE WHITE HOUSE WASHINGTON

May 14, 1975

Instice Immigration + hotevalystin

MEMORANDUM TO:

JACK MARSH

FROM:

RUSS ROURKE &

SUBJECT:

TELEPHONE CONVERSATION WITH JACK REITER (WORLD AIRWAYS)

(PH: 297-7107)

Reiter advises that World Airways has just been given notice by the District Director's Office, Immigration and Naturalization Service, San Francisco, that World Airways is being fined at a rate of \$1,000 per head (\$1,000 times 248, for each of the refugees brought back by Ed Daly's World Airways (there were three separate flights with a total of 248 illegal aliens).

Reiter has spoken with I&NS and Department of Justice officials, all of whom merely quote the "letter of the law" to him. Obviously both Reiter and Daly are aware that the "letter of the law" was violated but they contend that the spirit that prompted that violation should certainly permit the avoidance of any fine...more to the point, Daly says, "he'll go to jail before using a penny in fines". Reiter is "sure the President would not countenance this 'by the book' action by I&NS".

Naturally they seek your assistance in obtaining appropriate relief.

Called a. S. Levi 5/20/75
who well report back.

Becaused telurn call & fevi for the way for the solution of the series of the s

Justice

May 20

# THE WHITE HOUSE

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Thanks.

Colley Russ S.



Justice

# THE WHITE HOUSE

May 14, 1975

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Called a. S. Levi 5/20/75
who well report back. (2000)

Becaused telurn call offer to the word of the standing of the standing

Immyration of naturalization THE WHITE HOUSE WASHINGTON May 5, 1975

Dear Mr. Malmud:

Your Secretary (Miss Claire) requested that I send you copies of whatever Executive Orders or Presidential instructions issued by President Ford regarding the admission of Cambodians and South Vietnamese as refugees or parolees into the United States.

The parole authority is granted to the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act. The Attorney General sought the prior approval of the President for his actions but the actions taken were by the Attorney General as the statute provides.

If there is further information that you desire, I would suggest that you contact someone at the Department of Justice.

Philip W. Buchen

Counsey to the President

Mr. H. Gerald Malmud 30 Central Park South New York, New York 10019

Ken Lazarus:
Would approciate your
checking into what
SSA is doing.

The formation of the state of the state

Justice Jeseph aliens

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W. AT ST

Jon Margolis, Newsday: One hundred days into his term as the nation's second appointed Vice President, Rockefeller still doesn't really know whether the job is still the "standby equipment" he once scorned. On one level, there is no doubt that Rockefeller is playing the traditional role of the Vice President. In heading the special commission probing domestic spying by the Central Intelligence Agency, he is taking a job for which no sane President or cabinet officer would volunteer. In praising the President's abilities and defending every jot and tittle of every Ford proposal, Rockefeller is being the good little loyalist.

### Magazines

Editor and Publisher: Parade magazine's "Open Letter" proposal of a photo documentary of America in its Bicentennial year has spurred the government to form a special committee to discuss arrangements for the project.

### MISCELLANEOUS

### Western Papers

Houston Post, "At Cross Purposes." While the U.S. Immigration and Naturalization Service is pressing for more funds and stronger laws to curb the influx of illegal aliens, the Social Security Administration is making it easier for some of them to get jobs. This is not the first time one government agency's practices have undercut the work of another, but it should be stopped.

Houston Post, Washington: Sen. John G. Tower (R., Tex.) released the results of a nationwide poll Wednesdays (3/27) which he claimed shows /5 per cent of all Americans oppose the creation of a controversial new Agency for Consumer Advocacy (ACA) Consumer groups immediately challenged the validity of the poll results, saying the questions were loaded and leaned heavily on public ignorance about the proposed ACA. The poll was conducted by Opinion Receipts Corp. of Princeton, N.J. and financed by the Business Roundtable.

# THE WHITE HOUSE

March 21, 1975

Dear Professor Scheller:

Thank you very much for your letter of January 8 to the President enclosing a booklet about the rights of aliens who have entered the United States illegally. I am sorry that a response was delayed.

The President has created a committee within the Domestic Council to review this problem area and I am sure the publication which you have forwarded will be of assistance to them.

With appreciation,

Sincerely,

Philip (V. Buchen

Counsel to the President

Professor Arthur M. Scheller, Jr. College of Law
DePaul University
25 East Jackson Boulevard
Chicago, Illinois 60604



Music

## THE WHITE HOUSE

WASHINGTON

March 19, 1975

MEMORANDUM TO: DICK PARSONS

DOMESTIC COUNCIL COMMITTEE

ON ILLEGAL ALIENS

FROM:

PHILIP W. BUCHEN T.W.B.

Professor Arthur M. Scheller, Jr. has forwarded the enclosed publication concerning illegal aliens and it is forwarded to you for your information.



ellegal

THE WHITE HOUSE WASHINGTON

March 18, 1975

Justice -Immigration & naturalyation

Dear Dr. Julia:

Thank you for your letter of January 23, 1975, concerning the International Green Cross Crusade.

Section 212(d)(5) of the Immigration and Nationality Act provides that the Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States. This discretionary authority ordinarily is used in behalf of applicants at ports of entry who are technically inadmissible for reasons which may be overcome within a reasonably short period of time. It is also used in emergent situations particularly where an alien requires immediate medical treatment. It is not used to overcome the normal visa issuing procedures provided by the Act.

Exercise of the parole authority has been the subject of consideration by the House Committee on the Judiciary. In a report to accompany H.R. 981, (Report No. 93-461, 93rd Congress, 1st Session) it was stated:

The present parole authority granted the Attorney General is simultaneously ambiguous and far to broad. While the term "refugee" is not specifically mentioned in Section 212(d)(5), the Attorney General is given blanket authority in his discretion to parole "for emergent reasons or for reasons deemed stricly in the public interest any alien applying for admission to the United States." This has been broadly interpreted to include groups of refugees, with and without consultation with the Congress, and at times in contravention of the following statement of Congressional intent contained in the House Report on the 1965 amendments:



\* \* \* Inasmuch as definite provision has now been made for refugees, it is the express intent of the committee that the parole provisions of the Immigration and Nationality Act, which remain unchanged by this bill, be administered in accordance with the original intention of the drafters of that legislation. The parole provisions were designed to authorize the Attorney General to act only in emergent, individual, and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law.

While I can appreciate the high motivation of The International Green Cross Crusade, it would be inappropriate for the Attorney General to exercise the parole authority in the manner proposed by you.

The Immigration and Nationality Act provides for the conditional entry of certain refugees into the United States. However, that program is limited to political refugees from communist or communist-dominated countries in the Eastern Hemisphere and from countries in a defined area in the middle east. Legislation to expand the refugee program to the Western Hemisphere has been introduced in the Congress but failed passage to date.

It is true that Cubans have been paroled into the United States but these people are political refugees and the Congress took cognizance of their problem by enacting legislation in their behalf in the form of The Act of November 2, 1966 (P. L. 89-732, 80 Stat. 1161).

To achieve your objectives, I believe that the Congress would have to consider legislation to amend the Immigration and Nationality Act or introduce special legislation. Accordingly, I suggest that you communicate with the appropriate Judiciary Committees of the Congress to make your views known. At the same time you may



wish to make your views know with respect to the illegal aliens in this country.

Sincerely,

Philip W. Buchen

Counsel to the President

Dr. Joseph R. Julia
President
Committee for Hemispheric
War on Crusade
507 Fifth Avenue
New York, New York 10017



March 4, 1975

Justise January +

To: Jay

From: Eva

Material returned from Justice on the letter from Dr. Joseph R. Julia,



Justice Immigration + Naturalysta

want Jay 6 check into the

# THE WHITE HOUSE

2/27/75

TO:

Phil Buchen

FROM:

()

Ron Nessen

The attached was handed to me while we were in Miami. Will you please have someone in your office handle it, or forward it to the appropriate office for handling.

Attachment



Florida Bible College Hollywood, FL 33020 February 24, 1975

The Honorable Gerald Ford PRESIDENT OF THE UNITED STATES c/o The Diplomat Hotel Hollywood, FL 33020

Dear President Ford:

IT IS IN DESPERATION THAT I ADDRESS THIS PLEA TO YOU FOR YOUR CONSIDERATION.

I am a German citizen, residing in the United States since May 1, 1973, and I am presently enrolled in Florida Bible College, pursuing a course in Biblical Education. My plans are to spend my life serving the Lord Jesus Christ and my fellow man. I will graduate in December of 1975.

Against my wishes (and those of the college that I attend), the German government has issued a court order for my deportation; their plans for me are not good. My pleas for political and religious assylum have been denied, in spite of numerous letters and petitions from individuals and institutions on my behalf.

I THEREFORE REQUEST THAT THE EXECUTIVE DEPARTMENT OF THE UNITED STATES INTERVENE AND GRANT AN EXTENTION TO ME FROM DEPORTATION UNTIL FURTHER EVIDENCE IN MY FAVOR MAY BE OBTAINED.

Your immediate consideration of this matter will be greatly appreciated, and I am most willing to discuss the situation with anyone on your staff at any time.

Sincerely yours,

Helmut Fritz Bossy

Refer to file # A 20 184 962 United States Department of Justice Immigration and Naturalization Service Miami, Florida