The original documents are located in Box 1, folder "Cuban Refugees" of the Benton L. Becker Papers at the Gerald R. Ford Presidential Library.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 02618

REASON FOR WITHDRAWAL . . . . Donor restriction

TYPE OF MATERIAL . . . . . Form

CREATOR'S NAME . . . . . Pierre de Raet

DESCRIPTION . . . . . Concerning immigration case.

CREATION DATE 07/13/1973

COLLECTION/SERIES/FOLDER ID . 023800004

DATE WITHDRAWN 05/15/1991
WITHDRAWING ARCHIVIST . . . . KLG

rec. 12/24/75

THE WHITE HOUSE

WASHINGTON

December 20, 1975

Dear Mr. Casanova:

The President has asked me to respond to your letter of December 10 concerning Cuban refugees. He asked that I express his concern over the problems you raised in the Republican National Hispanic Assembly meeting on December 11. The President has requested the Commissioner of the Immigration and Naturalization Service to submit recommendations on how the backlog of Cuban applications for resident status can be more expeditiously processed.

I asked Gwen Anderson of my staff to telephone you recently to express the President's interest in finding a resolution to this problem. My office will keep after it until we find the proper course of action.

President Ford was glad to have the opportunity of meeting with you and the other representatives of the Republican National Hispanic Assembly, and he sends his warm regards.

Sincerely,

ROBERT T. HARTMANN
Counsellor to the President

Mr. Jose Manuel Casanova
Chairman
Florida Republican Hispanic Assembly
7500 Southwest 82nd Court
Miami, Florida 33143

rec 12/24/75

THE WHITE HOUSE

WASHINGTON

December 20, 1975

Dear Mr. Attorney General:

It has been brought to the President's attention that there is considerable delay in processing the applications of Cuban refugees for permanent resident alien status. Preliminary investigations indicate there is a backlog of over 70,000 applications.

Would you please review the matter and report to me your findings together with your recommendations on how the backlog of Cuban applications for resident status can be more expeditiously processed. I would appreciate receiving your recommendations by January 15.

Thank you in advance for your cooperation and personal attention to this inquiry.

Sincerely,

ROBERT T. HARTMANN
Counsellor to the President

The Honorable Edward H. Levi
Attorney General
Department of Justice
9th and Constitution Avenue, N.W.
Washington, D. C. 20530

THE WHITE HOUSE
WASHINGTON

From: Robert T. Hartmann

To: _____

Date: _____ Time _____ a.m. p.m.

Can agency do anything?
Get Pres to order it
Then results.

THE WHITE HOUSE

WASHINGTON

December 18, 1975

MEMORANDUM FOR ROBERT T. HARTMANN

FROM: GWEN ANDERSON

VIA: DOUG SMITH

SUBJECT: Cuban Refugees

At the meeting of the Republican National Hispanic Assembly with the President on Thursday, December 11, the attached letter (Tab A) to the President was presented by Mr. Casanova. The letter recommended the following two items:

1. An executive order from the President to the Immigration Department to speed up the method of processing U.S. residence applications for Cubans living in the United States with a refugee status, as well as for U.S. residents (of Cuban origin) who are seeking citizenship.

2. To promote legislation to automatically move Cuban refugees already living in the United States, to resident status with a minimum of paperwork. Also to allow their period of residence in the United States as refugees to count towards the necessary waiting period to obtain citizenship.

On Thursday afternoon, following your instructions, I forwarded a copy of the letter from Mr. Casanova to Mr. James Cannon, Director of the Domestic Council, requesting an answer to the questions posed in the letter.

I subsequently telephoned Mr. Cannon on Saturday morning to ask him the status of the request. He commented he could not understand the incredible urgency of this request. I explained that Counsellor Hartmann and the President were anxious to move quickly on this matter. He stated that he had referred the matter to Mr. Dick Parsons

on his staff. I informed Mr. Cannon we wanted the information no later than Monday and then telephoned Mr. Parsons immediately (at his home) and he said there would be a delay as he would be out of town on Monday. I suggested that he arrange for his secretary to forward the information which he anticipated receiving from the Immigration and Naturalization Service (INS). It was emphasized that the information should be available to Mr. Hartmann by close of business on Monday.

Since nothing had arrived by 5 p.m. on Monday, I telephoned Mr. Parsons' office and spoke with his secretary, Mary Donahue. She said she was formulating a memo to send to Mr. Cannon who would in turn give the information to Mr. Hartmann. At 6:30 a copy of the memo from Mr. Cannon (Tab B) arrived. The memo did not fully respond to the two requests for action on the President's behalf. The conclusion in the memo was that there was no way to accelerate the rate of naturalization of Cuban refugees unless Congress enacts additional legislation and that the INS advises that the Executive Branch cannot do anything administratively to relieve the situation.

The following morning Fernando De Baca was contacted, and I talked several times by telephone with Mary Donahue in an attempt to obtain answers to the questions that remained unanswered. These telephone conversations resulted in my memo to you of December 16 at 2:00 p.m. That memo (Tab C) provided some additional information, but concluded that the information obtained seemed vague. I recommended that we get the necessary information in writing from the INS. Later that afternoon I met Mr. Cannon in the hallway and told him that there was a portion of the letter that had not been responded to and that it would be sent back to him.

On the 17th a copy of a memo from Jim Cannon (Tab D), which was apparently intended for but not actually delivered to you, reaffirmed the general information which I had received orally. and which already had been included in my memo of December 16. However, Mr. Cannon's conclusion was that "since the limitation on visas and the required period of residence are matters of law, there is little the Executive Branch can do to help the situation."

In view of the lack of adequate explanation of the apparent problem, it is recommended that the Commissioner of Immigration and Naturalization Service be asked to submit suggestions on how the backlog of Cuban applications for residence status can be more expeditiously processed.

GERALD

Send to Cannon for action per FTN req 12-11-75

Republican National Hispanic Assembly

December 10, 1975

Hon. Gerald Ford
President of the
United States of America
The White House
Washington, D.C. 20500

Dear Mr. President:

Cuban refugees living and working in the United States, who are trying to become U.S. residents and wish to become citizens, are having waiting periods of three and four years to obtain their desired status.

Previously, even at the peak of Cuban arrival to the United States obtaining residence status, did not entail more than a few months delay. One must assume a reduced staffing and some feet dragging by the Immigration Department as responsible.

For Cubans already living, working and paying taxes in the United States, it appears to both the best interest of the United States and of Cuban-Americans that they be absorbed at an accelerated rate into the mainstream of the American system as most desirable.

We, therefore, recommend:

1. An executive order from the President to the Immigration Department to speed up the method of processing U.S. residence applications for Cubans living in the United States with a refugee status, as well as for U.S.residents (of Cuban origin) who are seeking citizenship.

2. To promote legislation to automatically move Cuban refugees already living in the United States, to resident status with a minimum of paperwork. Also to allow their period of residence in the United States as refugees to count towards the necessary waiting period to obtain citizenship.

Respectfully,

J M Casanova
Jose Manuel Casanova
Florida Chairman

Alicia L. Casanova
Florida

THE WHITE HOUSE

WASHINGTON

December 16, 1975

MEMORANDUM FOR : ROBERT T. HARTMANN

FROM : JIM CANNON

SUBJECT : Cuban Refugees

Attached is a memorandum drafted by Richard Parsons, who is out of town, which may answer the questions you had about the Cuban Refugee program.

If you need more information, please let me know.

Attachment

cc: Gwen Anderson

THE WHITE HOUSE

WASHINGTON

December 15, 1975

MEMORANDUM FOR: Mr. James Cannon

FROM: Mary Donahue (Mary D.)
Secretary to Richard Parsons

SUBJECT: Cuban Refugees Living and Working in the United States

You had an inquiry from Robert Hartmann via Gwendolyn Anderson about the Cuban refugee situation. The Immigration and Naturalization Service has supplied the following information:

Cuban refugees are included in the quota for the entire Western Hemisphere. A person must have lived in the United States for two years before he can make application for residence status. When he applies for residence status, the Department of State assigns him an immigrant number. When that number comes up on the immigrant list, he is notified that he can commence naturalization proceedings. Naturalization is a five-year process. The State Department is only now calling up immigrant numbers assigned in July of 1973.

On November 2, 1966, the Congress enacted the Cuban Adjustment Act. That bill provides a speeded-up process -- a so-called 30-months' roll-back provision -- for Cuban refugees. When a Cuban refugee's immigrant number comes up, he is notified that he can commence naturalization proceedings. If he had been a resident of the United States for, say, four years, he would automatically take advantage of the 30-months' roll-back provision. Instead of waiting five years from the date of commencement of naturalization proceedings, he would have to wait only 30 months to become a citizen. Thus the period of residence in the United States does count, so far as Cuban refugees are concerned, toward the necessary waiting period to obtain citizenship.

Unless Congress enacts additional legislation, there is no way to accelerate the rate of naturalization of Cuban refugees. I&NS advises that the Executive Branch cannot do anything administratively to relieve the situation.

THE WHITE HOUSE

WASHINGTON

December 16, 1975 2:00 p.m.

MEMORANDUM FOR ROBERT T. HARTMANN

VIA: DOUG SMITH

FROM: GWEN ANDERSON

SUBJECT: Cuban refugees

The following information has been gathered today from the Domestic Council:

1. The Domestic Council's contact at the Immigration and Naturalization Service (INS) says the President cannot issue an Executive Order to speed up the method of processing U.S. residence applications for Cubans who are seeking citizenship. Only the Congress, by enacting special legislation, could do this.

2. The Congress has already enacted the Cuban Adjustment Act which has a 30 month roll back provision permitting a Cuban refugee who wishes to become a U.S. citizen to apply 30 months of the period he has lived in the U.S. under alien status to the 5 year waiting period for citizenship which dates from the time of the processing of his application for resident status. In other words if a Cuban had been here for 2½ years and then applied for citizenship, he could take advantage of the 30 month roll back provision and would only have to wait 2½ more years from the date of acceptance of his application for resident status until the date he could attain citizenship status. Individuals from no other country enjoy that 2½ year, or 30 month, speed up process to attain citizenship.

3. The delay to which Mr. Casanova apparently refers in his letter is not this 5 year waiting period, but the indeterminate length of time an immigrant must wait from the time he makes his application for resident status until the State

Department processes that application. It is not until the application for resident status is processed and the resident status is granted that the 5 year waiting period in order to attain citizenship commences.

4. An immigrant who wishes to apply for U.S. citizenship must reside in the United States for two years before he can apply for resident status and thus begin the naturalization process.

5. Applications for resident status are processed in turn by the State Department, and in accordance with the quota limitations imposed by law. The Cuban quota is included in the quota for the western hemisphere which is limited to 120,000 individuals per year. There are presently 72,000 Cubans waiting on the immigrant list for their applications for resident status to be called up for processing. Apparently there is a specific quota number for Cuba, and the State Department processes only 19,000 applications from Cuban citizens each year. At the present time the State Department is only processing applications for resident status made in July 1973.

This information seems vague, and I cannot guarantee that it is entirely reliable. I would recommend that we get information in writing from the INS.

Received by Gwen 10:30 a.m. 12/17
But not checked by RTH

THE WHITE HOUSE

WASHINGTON

December 16, 1975

MEMORANDUM FOR: Bob Hartmann

FROM: Jim Cannon

SUBJECT: Cuban Refugees

Gwen Anderson asked me to "find out what the facts are" concerning the attached letter from Jose Manuel Casanova regarding the difficulties Cuban refugees are encountering in obtaining U. S. citizenship. They are as follows:

In order to become a U. S. citizen, an alien must complete a two-step process. First he/she must obtain a Permanent Resident Alien visa. This is usually obtained by the alien in his home country before leaving for the United States. Second, he/she must reside within the United States for at least five years as a Permanent Resident Alien from the date Permanent Resident Alien status was granted.

Because of the unique situation involving Cuba, however, the process is somewhat different for Cuban refugees. They are allowed to come to the United States without a visa, in refugee status. After they have resided within the United States for at least two years, they may then make application for a Permanent Resident Alien visa. Then they must reside within the United States as a Permanent Resident Alien for not less than two and one-half years nor more than five years before being eligible for U. S. citizenship. *

The point at which our Cuban friends are experiencing some difficulty is in obtaining a Permanent Resident Alien visa. The problem here is that the Congress has, by law, established a limitation on the number of such visas which may be granted each year to persons born in Western Hemisphere countries (which, of course, includes Cubans). The annual quota is 120,000, available

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* The normal period of required residency after Permanent Resident Alien status is granted is five years. However, in 1966, the Congress provided a break for Cuban refugees which would allow them to recoup up to 30 months of Nonpermanent Resident Alien status in order to speed up the process for obtaining citizenship.

on a first-come, first-serve basis. As I am sure you know, the number of Western Hemisphere aliens seeking to obtain Permanent Resident Alien visas each year far exceeds 120,000 and, as a consequence, a rather substantial waiting list has developed. In fact, I am advised that the waiting period between the time an alien makes application for a Permanent Resident Alien visa and the time at which such a visa can be granted is approximately two and one-half years.

Since the limitation on visas and the required period of residence are matters of law, there is little the Executive Branch can do to help the situation.

cc: Gwen Anderson ✓

TO : Benton L. Becker January 12, 1976

FROM : Louis P. Maniatis

SUBJECT: Cuban Refugees

Concerning the inquiries made as to the Cuban Refugee situation, I will attempt to set out the procedure required under the special act passed by Congress. (Act of November 2, 1966 P.L. 89-732,80 Stat 1161) Copies attached.

1. After a Cuban refugee has been paroled into the United States, and has been physically present in this country for at least two years, he may apply to the Attorney General (Immigration and Naturalization Service) for adjustment of status. The alien must make such application.

2. When such an application is made, and the Department of State has allocated a visa number to such applicant (this is a prime requisite), such alien can then be adjusted to a permanent resident alien. After such adjustment, the Attorney General (Immigration and Naturalization Service) will register a record of admission upon application. The normal waiting period of five years following adjustment of status to become naturalized is reduced, under this special act, to thirty months or two and one half years, before the alien can apply for naturalization. The act provides the method of computing this time.

3. The special Cuban act is subject to the annual numerical limitation of 120,000 of the Western Hemisphere. The present

status of immigrants from the Western Hemisphere, an indicated January 1976 Bulleting of the United States Department of State, Bureau of Security and Consular Affairs Number 97, Volume II, states that numbers allocated for ~~December~~ January issuance under the Western Hemisphere limitation were for applicants with priority dates earlier than August 15, 1973. (An almost three year waiting period).

Note: I do not know what priority is given the Cuban refugees (parolees) by the State Department in the issuance of visas. This could be inquired or looked into. (It is my understanding that State takes each visa on a first come, first served basis, thus placing complications in Cuban securing visas).

4. In my opinion no Executive Order is required, or even necessary. The Administration or mechanics of processing applications can be expedited either by the Attorney General or the Commissioner of the Immigration and Naturalization Service. This is not the problem. The stumbling block is how and with what priority the State Department allocates visas to the Cuban parolees (refugees).

5. There are two bills presently pending in the Congress, which will remove the 120,000 limitation applying to immigrants from the Western Hemisphere. H.R. 8195 removes the distinction between the Eastern and Western Hemispheres and allows a total of 300,000 for the Western Hemisphere. This bill has the endorsement of the Immigration and Naturalization. The second,

H.R. 1014 is a more complicated bill. The President could offer his support of H.R. 8195.

The President could well point out in his State of the Union Message that he is in favor of such a bill receiving favorable consideration by the Congress. The Congress, apparently because of the illegal influx of many from the Western Hemisphere, by the Act of October 3, 1965 set a limitation of 120,000. This is unrealistic for several reasons. (1) It proliferated the influx of hundreds of thousands illegal aliens, (2) It has created an atmosphere of hostility toward the United States by the several nations in the Western Hemisphere, thus adding to their "beefs" against the "Big Brother from the North," (3) This bill will, to a great extent, stop this daily illegal flow into the United States. The great majority of illegals sincerely wish to immigrate legally into this country and become part and parcel of its fiber. Instead of creating a situation where they illegally work here at substandard wages, it will raise the level and standard of living so that it will strengthen, rather than weaken, working conditions. This would also affect the high unemployment presently prevailing, because the immigrant alien would have to compete with the skill and knowledge of the native worker, who is now unemployed, because the alien is willing to accept any job at any salary.

In addition, this has the advantage that it does not confine itself merely to the Cuban situation, which could be construed as requesting preferential treatment, but to all nations in the Western Hemisphere.

received 12/24/75

OFFICE MEMORANDUM

Republican National Committee

To: Benton, **Date:** 12/22/75

From:

Subject: Its been a long time since I took contracts 101, but would you please tell me what in the help this obligates either party to? - Is it as meaningless as it sounds

Agreement for Word Processing Services

To: Bowne Time Sharing, Inc.
345 Hudson Street
New York, N. Y. 10014

Name and Address of Customer:

Republican National Committee
310 First Street S.E.
Washington, D.C.

Bowne Time Sharing, Inc. (BTS) by its acceptance hereof by signature at its offices located at 345 Hudson Street, New York, New York 10014 agrees to furnish from its Operations Center to the Customer, as available, word processing services requested by the Customer pursuant to the charges, terms and conditions of this Agreement and any Amendment hereto.

Terms, Charges and Conditions

I. Terms of Agreement

This Agreement and any Amendment hereto is effective from the date it is accepted by BTS and shall remain in full force and effect until terminated by either party at the end of any calendar month, provided that four weeks' prior written notice is received by the other party, except as otherwise provided in Paragraph VI below.

II. Availability and Charges

Scheduled availability of, and charges for, word processing services and supplies will be in accordance with the prevailing schedules for such services and supplies, which schedules are hereby incorporated into and made a part of this Agreement, subject to the terms hereof. The schedules prevailing at the time of the acceptance of this Agreement are attached hereto.

III. Additional and Replacement Services

Additional and replacement word processing services and supplies may be ordered by the Customer in writing under this Agreement at any time after its acceptance by BTS. Such additional orders will also be subject to acceptance by BTS and to the terms and conditions contained in BTS' then prevailing schedules for such services and supplies.

It is recognized that during the term of this Agreement, the Customer may order services and supplies in addition to those in the then prevailing schedules for services and supplies. Orders for such services and supplies are subject to acceptance by BTS, and charges for any such additional services and supplies shall be as mutually agreed upon by the parties.

IV. Terms of Payment

All bills will be rendered monthly and are due and payable upon receipt.

V. Customer Responsibilities

1. Compatible terminal equipment and communication devices required for use of word processing services, as specified by BTS, are to be obtained and maintained by the Customer at Customer's expense.
2. The Customer is solely responsible for the accuracy and adequacy of the data he transmits for processing and for the resultant output thereof.

3. Upon the termination of this Agreement, BTS will dispose of the Customer's information and data remaining in the system in any manner it deems appropriate unless the Customer, prior to such termination, furnishes to BTS written instructions for the disposition of such information and data at the Customer's expense.

VI. General

The terms and conditions contained herein are those currently in effect. All charges, terms and conditions are subject to change by BTS upon four weeks' written notice. The Customer may by written notice terminate this Agreement and any Amendment hereto on the effective date of such change; otherwise, the new charges and/or terms and conditions shall become effective. The terms and conditions of any Amendment hereto shall prevail notwithstanding any variance with the terms and conditions of this Agreement.

There shall be added to the charges for word processing services and supplies amounts equal to any applicable taxes, however designated, levied or based on such charges or on this Agreement or any Amendment hereto, exclusive however of taxes based on net income.

BTS will take such precautions as it deems appropriate to prevent the loss or alteration of, or improper access to, the Customer's information and data, and will use its standard programs, as described in the published User's Guide furnished to the Customer, to process the Customer's data. Customer acknowledges receipt of a copy of the User's Guide and is familiar with the contents thereof. BTS agrees to apply its standard security techniques, as described in the User's Guide furnished to the Customer, in the handling of the data transmitted and processed, and the resultant output. In the event of loss or destruction of data or files due to failures or errors in BTS' computers, operating systems or programs, or the error or negligence of BTS' personnel, BTS' obligation is limited solely to providing at no additional charge such time sharing machine services as are reasonably necessary for the Customer's use in recreating information and data files lost. In no event shall BTS be liable for consequential damages.

This Agreement is not assignable without BTS's written consent and any attempt to assign any rights, duties or obligations which may arise under this Agreement without such permission shall be void. Either party may terminate this Agreement for failure of the other to comply with any of its terms and conditions.

This Agreement shall be governed by the laws of the State of New York and constitutes the entire statement of the agreement between the Customer and BTS with respect to word processing services. The foregoing terms and conditions shall prevail notwithstanding any variances with the terms and conditions of any prior or subsequent order submitted by the Customer for word processing services.

Accepted By:

Bowne Time Sharing, Inc.

By Dale A. Bliss

President
Officer's Title

Date August 18, 1975

Customer

By Jack E. Kocher

Director, Graphic Services
Title

Date 7-29-75

Received 12/24/75

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From:

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President
Officer's Title

Date August 18, 1975

Customer

By Jack E. Kocher

Director, Graphic Services
Title

Date 7-29-75

010573FORM2003/1000

THE WHITE HOUSE
WASHINGTON

From: Robert T. Hartmann

To: _____

Date: _____ Time _____ a.m. p.m.

Can agency do anything?
Get Pres to order it
Then results.

THE WHITE HOUSE

WASHINGTON

December 18, 1975

MEMORANDUM FOR ROBERT T. HARTMANN

FROM: GWEN ANDERSON

VIA: DOUG SMITH

SUBJECT: Cuban Refugees

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In view of the lack of adequate explanation of the apparent problem, it is recommended that the Commissioner of Immigration and Naturalization Service be asked to submit suggestions on how the backlog of Cuban applications for residence status can be more expeditiously processed.

Republican
National
Hispanic
Assembly

Send to Cannon for action per RTH request 12-1-75 BA

December 10, 1975

Hon. Gerald Ford
President of the
United States of America
The White House
Washington, D.C. 20500

Dear Mr. President:

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We, therefore, recommend:

1. An executive order from the President to the Immigration Department to speed up the method of processing U.S. residence applications for Cubans living in the United States with a refugee status, as well as for U.S.residents (of Cuban origin) who are seeking citizenship.

2. To promote legislation to automatically move Cuban refugees already living in the United States, to resident status with a minimum of paperwork. Also to allow their period of residence in the United States as refugees to count towards the necessary waiting period to obtain citizenship.

Respectfully,

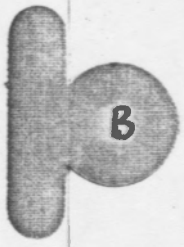
J M Casanova

Jose Manuel Casanova
Florida Chairman

Alicia L. Casanova
Florida

GERALD R. FORD

7500 S.W. 82nd COURT / MIAMI, FLORIDA 33143



THE WHITE HOUSE

WASHINGTON

December 16, 1975

MEMORANDUM FOR : ROBERT T. HARTMANN

FROM : JIM CANNON

SUBJECT : Cuban Refugees

Attached is a memorandum drafted by Richard Parsons, who is out of town, which may answer the questions you had about the Cuban Refugee program.

If you need more information, please let me know.

Attachment

cc: Gwen Anderson

THE WHITE HOUSE

WASHINGTON

December 15, 1975

MEMORANDUM FOR: Mr. James Cannon

FROM: Mary Donahue Mary D.
Secretary to Richard Parsons

SUBJECT: Cuban Refugees Living and Working in the United States

You had an inquiry from Robert Hartmann via Gwendolyn Anderson about the Cuban refugee situation. The Immigration and Naturalization Service has supplied the following information:

Cuban refugees are included in the quota for the entire Western Hemisphere. A person must have lived in the United States for two years before he can make application for residence status. When he applies for residence status, the Department of State assigns him an immigrant number. When that number comes up on the immigrant list, he is notified that he can commence naturalization proceedings. Naturalization is a five-year process. The State Department is only now calling up immigrant numbers assigned in July of 1973.

On November 2, 1966, the Congress enacted the Cuban Adjustment Act. That bill provides a speeded-up process -- a so-called 30-months' roll-back provision -- for Cuban refugees. When a Cuban refugee's immigrant number comes up, he is notified that he can commence naturalization proceedings. If he had been a resident of the United States for, say, four years, he would automatically take advantage of the 30-months' roll-back provision. Instead of waiting five years from the date of commencement of naturalization proceedings, he would have to wait only 30 months to become a citizen. Thus the period of residence in the United States does count, so far as Cuban refugees are concerned, toward the necessary waiting period to obtain citizenship.

Unless Congress enacts additional legislation, there is no way to accelerate the rate of naturalization of Cuban refugees. I&NS advises that the Executive Branch cannot do anything administratively to relieve the situation.

THE WHITE HOUSE

WASHINGTON

December 16, 1975 2:00 p.m.

MEMORANDUM FOR ROBERT T. HARTMANN

VIA: DOUG SMITH

FROM: GWEN ANDERSON

SUBJECT: Cuban refugees

The following information has been gathered today from the Domestic Council:

1. The Domestic Council's contact at the Immigration and Naturalization Service (INS) says the President cannot issue an Executive Order to speed up the method of processing U.S. residence applications for Cubans who are seeking citizenship. Only the Congress, by enacting special legislation, could do this.

2. The Congress has already enacted the Cuban Adjustment Act which has a 30 month roll back provision permitting a Cuban refugee who wishes to become a U.S. citizen to apply 30 months of the period he has lived in the U.S. under alien status to the 5 year waiting period for citizenship which dates from the time of the processing of his application for resident status. In other words if a Cuban had been here for 2½ years and then applied for citizenship, he could take advantage of the 30 month roll back provision and would only have to wait 2½ more years from the date of acceptance of his application for resident status until the date he could attain citizenship status. Individuals from no other country enjoy that 2½ year, or 30 month, speed up process to attain citizenship.

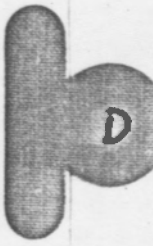
3. The delay to which Mr. Casanova apparently refers in his letter is not this 5 year waiting period, but the indeterminate length of time an immigrant must wait from the time he makes his application for resident status until the State

Department processes that application. It is not until the application for resident status is processed and the resident status is granted that the 5 year waiting period in order to attain citizenship commences.

4. An immigrant who wishes to apply for U.S. citizenship must reside in the United States for two years before he can apply for resident status and thus begin the naturalization process.

5. Applications for resident status are processed in turn by the State Department, and in accordance with the quota limitations imposed by law. The Cuban quota is included in the quota for the western hemisphere which is limited to 120,000 individuals per year. There are presently 72,000 Cubans waiting on the immigrant list for their applications for resident status to be called up for processing. Apparently there is a specific quota number for Cuba, and the State Department processes only 19,000 applications from Cuban citizens each year. At the present time the State Department is only processing applications for resident status made in July 1973.

This information seems vague, and I cannot guarantee that it is entirely reliable. I would recommend that we get information in writing from the INS.



Received by Gwen 10:30 a.m. 12/17
But not dictated by RTH

THE WHITE HOUSE

WASHINGTON

December 16, 1975

MEMORANDUM FOR: Bob Hartmann

FROM: Jim Cannon

SUBJECT: Cuban Refugees

Gwen Anderson asked me to "find out what the facts are" concerning the attached letter from Jose Manuel Casanova regarding the difficulties Cuban refugees are encountering in obtaining U. S. citizenship. They are as follows:

In order to become a U. S. citizen, an alien must complete a two-step process. First he/she must obtain a Permanent Resident Alien visa. This is usually obtained by the alien in his home country before leaving for the United States. Second, he/she must reside within the United States for at least five years as a Permanent Resident Alien from the date Permanent Resident Alien status was granted.

Because of the unique situation involving Cuba, however, the process is somewhat different for Cuban refugees. They are allowed to come to the United States without a visa, in refugee status. After they have resided within the United States for at least two years, they may then make application for a Permanent Resident Alien visa. Then they must reside within the United States as a Permanent Resident Alien for not less than two and one-half years nor more than five years before being eligible for U. S. citizenship. *

The point at which our Cuban friends are experiencing some difficulty is in obtaining a Permanent Resident Alien visa. The problem here is that the Congress has, by law, established a limitation on the number of such visas which may be granted each year to persons born in Western Hemisphere countries (which, of course, includes Cubans). The annual quota is 120,000, available

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* The normal period of required residency after Permanent Resident Alien status is granted is five years. However, in 1966, the Congress provided a break for Cuban refugees which would allow them to recoup up to 30 months of Nonpermanent Resident Alien status in order to speed up the process for obtaining citizenship.

on a first-come, first-serve basis. As I am sure you know, the number of Western Hemisphere aliens seeking to obtain Permanent Resident Alien visas each year far exceeds 120,000 and, as a consequence, a rather substantial waiting list has developed. In fact, I am advised that the waiting period between the time an alien makes application for a Permanent Resident Alien visa and the time at which such a visa can be granted is approximately two and one-half years.

Since the limitation on visas and the required period of residence are matters of law, there is little the Executive Branch can do to help the situation.

cc: Gwen Anderson ✓

rec. 12/24/75

THE WHITE HOUSE

WASHINGTON

December 20, 1975

Dear Mr. Casanova:

The President has asked me to respond to your letter of December 10 concerning Cuban refugees. He asked that I express his concern over the problems you raised in the Republican National Hispanic Assembly meeting on December 11. The President has requested the Commissioner of the Immigration and Naturalization Service to submit recommendations on how the backlog of Cuban applications for resident status can be more expeditiously processed.

I asked Gwen Anderson of my staff to telephone you recently to express the President's interest in finding a resolution to this problem. My office will keep after it until we find the proper course of action.

President Ford was glad to have the opportunity of meeting with you and the other representatives of the Republican National Hispanic Assembly, and he sends his warm regards.

Sincerely,

ROBERT T. HARTMANN
Counsellor to the President

Mr. Jose Manuel Casanova
Chairman
Florida Republican Hispanic Assembly
7500 Southwest 82nd Court
Miami, Florida 33143

rec. 12/24/75

THE WHITE HOUSE

WASHINGTON

December 20, 1975

Dear Mr. Attorney General:

It has been brought to the President's attention that there is considerable delay in processing the applications of Cuban refugees for permanent resident alien status. Preliminary investigations indicate there is a backlog of over 70,000 applications.

Would you please review the matter and report to me your findings together with your recommendations on how the backlog of Cuban applications for resident status can be more expeditiously processed. I would appreciate receiving your recommendations by January 15.

Thank you in advance for your cooperation and personal attention to this inquiry.

Sincerely,

ROBERT T. HARTMANN
Counsellor to the President

The Honorable Edward H. Levi
Attorney General
Department of Justice
9th and Constitution Avenue, N.W.
Washington, D. C. 20530

1/12/76

Dear Bertha:

Forgot to enclose copy of the Immigration and Nationality Act covering the Cuban situation.

LPM

not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified, the Secretary of State shall, if the alien was classifiable as a quota immigrant at the time of his entry, reduce by one the quota of the quota area to which the alien is chargeable under section 202 of the Immigration and Nationality Act for the fiscal year then current or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.

"(d) The number of aliens who may be granted the status of aliens lawfully admitted for permanent residence in any fiscal year, pursuant to this section, shall not exceed fifty.]

[Note 10. The Act of November 2, 1966 (P. L. 89–732, 80 Stat. 1161) authorizes adjustment of status of Cuban refugees to that of lawful permanent residents of the United States. The Act provides:

"That, notwithstanding the provisions of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959 and has been physically present in the United States for at least two years, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if the alien makes an application for such adjustment, and the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of a date thirty months prior to the filing of such an application or the date of his last arrival into the United States, whichever date is later. The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States. 8 U.S.C. 1255.

"SEC. 2. In the case of any alien described in section 1 of this Act who, prior to the effective date thereof, has been lawfully admitted into the United States for permanent residence, the Attorney General shall, upon application, record his admission for permanent residence as of the date the alien originally arrived in the United States as a nonimmigrant or as a parolee, or a date thirty months prior to the date of enactment of this Act, whichever date is later.

"SEC. 3. Section 13 of the Act entitled "An Act to amend the Immigration and Nationality Act, and for other purposes", approved October 3, 1965 (Public Law 89–236), is amended by adding at the end thereof the following new subsection: 8 U.S.C. 1255.

"(c) Nothing contained in subsection (b) of this section shall be construed to affect the validity of any application for adjustment under section 245 filed with the Attorney General prior to December 1, 1965, which would have been valid on that date; but as to all such applications the statutes or parts of statutes repealed or amended by this Act are, unless otherwise specifically provided therein, continued in force and effect."

"SEC. 4. Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and 8 U.S.C. 1101.

(b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization." See Appendix for Act of October 3, 1965 (79 Stat. 911).]

RESCISSION OF ADJUSTMENT OF STATUS

8 U.S.C. 1256.

SEC. 246. (a) If, at any time within five years after the status of a person has been adjusted under the provisions of section 244 of this Act or under section 19(c) of the Immigration Act of February 5, 1917, to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall submit to the Congress a complete and detailed statement of the facts and pertinent provisions of law in the case. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution withdrawing suspension of deportation, the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made. If, at any time within five years after the status of a person has been otherwise adjusted under the provisions of section 245 or 249 of this Act or any other provision of law to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall rescind the action taken granting an adjustment of status to such person and cancelling deportation in the case of such person if that occurred and the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made.

(b) Any person who has become a naturalized citizen of the United States upon the basis of a record of a lawful admission for permanent residence, created as a result of an adjustment of status for which such person was not in fact eligible, and which is subsequently rescinded under subsection (a) of this section, shall be subject to the provisions of section 340 of this Act as a person whose naturalization was procured by concealment of a material fact or by willful misrepresentation.

not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the Secretary of State shall, if the alien was classifiable as a quota immigrant at the time of his entry, reduce by one the quota of the quota area to which the alien is chargeable under section 202 of the Immigration and Nationality Act for the fiscal year then current or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.

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[Note 10. The Act of November 2, 1966 (P. L. 89–732, 80 Stat. 1161) authorizes adjustment of status of Cuban refugees to that of lawful permanent residents of the United States. The Act provides:

"That, notwithstanding the provisions of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959 and has been physically present in the United States for at least two years, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if the alien makes an application for such adjustment, and the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of a date thirty months prior to the filing of such an application or the date of his last arrival into the United States, whichever date is later. The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States. 8 U.S.C. 1255.

"SEC. 2. In the case of any alien described in section 1 of this Act who, prior to the effective date thereof, has been lawfully admitted into the United States for permanent residence, the Attorney General shall, upon application, record his admission for permanent residence as of the date the alien originally arrived in the United States as a nonimmigrant or as a parolee, or a date thirty months prior to the date of enactment of this Act, whichever date is later.

"SEC. 3. Section 13 of the Act entitled "An Act to amend the Immigration and Nationality Act, and for other purposes", approved October 3, 1965 (Public Law 89–236), is amended by adding at the end thereof the following new subsection: 8 U.S.C. 1255.

"(c) Nothing contained in subsection (b) of this section shall be construed to affect the validity of any application for adjustment under section 245 filed with the Attorney General prior to December 1, 1965, which would have been valid on that date; but as to all such applications the statutes or parts of statutes repealed or amended by this Act are, unless otherwise specifically provided therein, continued in force and effect."

"SEC. 4. Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and 8 U.S.C. 1101.

(b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization." See Appendix for Act of October 3, 1965 (79 Stat. 911).]

RESCISSION OF ADJUSTMENT OF STATUS

8 U.S.C. 1256.

SEC. 246. (a) If, at any time within five years after the status of a person has been adjusted under the provisions of section 244 of this Act or under section 19(c) of the Immigration Act of February 5, 1917, to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall submit to the Congress a complete and detailed statement of the facts and pertinent provisions of law in the case. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution withdrawing suspension of deportation, the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made. If, at any time within five years after the status of a person has been otherwise adjusted under the provisions of section 245 or 249 of this Act or any other provision of law to that of an alien lawfully admitted for permanent residence, it shall appear to the satisfaction of the Attorney General that the person was not in fact eligible for such adjustment of status, the Attorney General shall rescind the action taken granting an adjustment of status to such person and cancelling deportation in the case of such person if that occurred and the person shall thereupon be subject to all provisions of this Act to the same extent as if the adjustment of status had not been made.

(b) Any person who has become a naturalized citizen of the United States upon the basis of a record of a lawful admission for permanent residence, created as a result of an adjustment of status for which such person was not in fact eligible, and which is subsequently rescinded under subsection (a) of this section, shall be subject to the provisions of section 340 of this Act as a person whose naturalization was procured by concealment of a material fact or by willful misrepresentation.

TO : Benton L. Becker January 12, 1976

FROM : Louis P. Maniatis

SUBJECT: Cuban Refugees

Concerning the inquiries made as to the Cuban Refugee situation, I will attempt to set out the procedure required under the special act passed by Congress. (Act of November 2, 1966 P.L. 89-732,80 Stat 1161) Copies attached.

1. After a Cuban refugee has been paroled into the United States, and has been physically present in this country for at least two years, he may apply to the Attorney General (Immigration and Naturalization Service) for adjustment of status. The alien must make such application.

2. When such an application is made, and the Department of State has allocated a visa number to such applicant (this is a prime requisite), such alien can then be adjusted to a permanent resident alien. After such adjustment, the Attorney General (Immigration and Naturalization Service) will register a record of admission upon application. The normal waiting period of five years following adjustment of status to become naturalized is reduced, under this special act, to thirty months or two and one half years, before the alien can apply for naturalization. The act provides the method of computing this time.

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status of immigrants from the Western Hemisphere, an indicated January 1976 Bulletin of the United States Department of State, Bureau of Security and Consular Affairs Number 97, Volume II, states that numbers allocated for December issuance under the Western Hemisphere limitation were for applicants with priority dates earlier than August 15, 1973. (An almost three year waiting period).

Note: I do not know what priority is given the Cuban refugees (parolees) by the State Department in the issuance of visas. This could be inquired or looked into. (It is my understanding that State takes each visa on a first come, first served basis, thus placing complications in Cuban securing visas).

4. In my opinion no Executive Order is required, or even necessary. The Administration or mechanics of processing applications can be expedited either by the Attorney General or the Commissioner of the Immigration and Naturalization Service. This is not the problem. The stumbling block is how and with what priority the State Department allocates visas to the Cuban parolees (refugees).

5. There are two bills presently pending in the Congress, which will remove the 120,000 limitation applying to immigrants from the Western Hemisphere. H.R. 8195 removes the distinction between the Eastern and Western Hemispheres and allows a total of 300,000 for the Western Hemisphere. This bill has the endorsement of the Immigration and Naturalization. The second,

H.R. 1014 is a more complicated bill. The President could offer his support of H.R. 8195.

The President could well point out in his State of the Union Message that he is in favor of such a bill receiving favorable consideration by the Congress. The Congress, apparently because of the illegal influx of many from the Western Hemisphere, by the Act of October 3, 1965 set a limitation of 120,000. This is unrealistic for several reasons. (1) It proliferated the influx of hundreds of thousands illegal aliens, (2) It has created an atmosphere of hostility toward the United States by the several nations in the Western Hemisphere, thus adding to their "beefs" against the "Big Brother from the North," (3) This bill will, to a great extent, stop this daily illegal flow into the United States. The great majority of illegals sincerely wish to immigrate legally into this country and become part and parcel of its fiber. Instead of creating a situation where they illegally work here at substandard wages, it will raise the level and standard of living so that it will strengthen, rather than weaken, working conditions. This would also affect the high unemployment presently prevailing, because the immigrant alien would have to compete with the skill and knowledge of the native worker, who is now unemployed, because the alien is willing to accept any job at any salary.

In addition, this has the advantage that it does not confine itself merely to the Cuban situation, which could be construed as requesting preferential treatment, but to all nations in the Western Hemisphere.

94TH CONGRESS
1ST SESSION

H. R. 1014

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

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

A BILL

To amend the Immigration and Nationality Act to increase immigration from Western Hemisphere nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended by striking out subparagraph (A) and by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

(b) Section 245 of such Act (8 U.S.C. 1255) is amended by striking out subsection (c).

(c) Section 360 of such Act (8 U.S.C 1503) is

amended by adding at the end thereof the following new subsection:

"(d) The Attorney General shall issue to any person who has instituted an action under subsection (a) written authorization for such person to accept or continue employment in the United States pending judgment by the court pursuant to subsection (a)."

SEC. 2. (a) Section 211(b) of the Immigration and Nationality Act (8 U.S.C. 1181(b)) is amended by striking out "section 101(a)(27)(B)" and inserting in lieu thereof "section 101(a)(27)(A)".

(b) Section 212(a)(14) of such Act (8 U.S.C. 1182(a)(14)) is amended by striking out "to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence),".

(c) Section 241(a)(10) of such Act (8 U.S.C. 1251(a)(10)) is amended by striking out "other than an alien who is a native-born citizen of any of the countries enumerated in section 101(a)(27)(A) and an alien described in section 101(a)(27)(B)" and inserting in lieu thereof "other than an alien described in section 101(a)(27)(A)".

(d) Section 244(d) of such Act (8 U.S.C. 1254(d))

is amended by striking out "is entitled to a special immigrant classification under section 101 (a) (27) (A), or".

(e) Section 349 (a) (1) of such Act (8 U.S.C. 1481 (a) (1)) is amended by striking out "section 101 (a) (27) (E)" and inserting in lieu thereof "section 101 (a) (27) (D)".

SEC. 3. The amendments made by this Act shall take effect —— days after the date of its enactment.

TO : Benton L. Becker January 12, 1976

FROM : Louis P. Maniatis

SUBJECT: Cuban Refugees

Concerning the inquiries made as to the Cuban Refugee situation, I will attempt to set out the procedure required under the special act passed by Congress. (Act of November 2, 1966 P.L. 89-732,80 Stat 1161) Copies attached.

1. After a Cuban refugee has been paroled into the United States, and has been physically present in this country for at least two years, he may apply to the Attorney General (Immigration and Naturalization Service) for adjustment of status. The alien must make such application.

2. When such an application is made, and the Department of State has allocated a visa number to such applicant (this is a prime requisite), such alien can then be adjusted to a permanent resident alien. After such adjustment, the Attorney General (Immigration and Naturalization Service) will register a record of admission upon application. The normal waiting period of five years following adjustment of status to become naturalized is reduced, under this special act, to thirty months or two and one half years, before the alien can apply for naturalization. The act provides the method of computing this time.

3. The special Cuban act is subject to the annual numerical limitation of 120,000 of the Western Hemisphere. The present

status of immigrants from the Western Hemisphere, an indicated January 1976 Bulleting of the United States Department of State, Bureau of Security and Consular Affairs Number 97, Volume II, states that numbers allocated for December 1 issuance under the Western Hemisphere limitation were for applicants with priority dates earlier than August 15, 1973. (An almost three year waiting period).

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M E M O R A N D U M

TO: Robert T. Hartmann

FROM: Benton L. Becker

DATE: January 19, 1976

RE: CUBAN REFUGEES

By letter dated December 10, 1975, Mr. Jose Manuel Casanova, Florida Chairman, Republican National Hisponic Assembly, inquired of the President the reasons for, and exploration of possible solutions to, the inordinate delay Cuban refugees residing in the United States are subject to before obtaining resident alien status and/or United States citizenship.

By memorandum dated December 18, 1975, to you from Gwen Anderson, Ms. Anderson recounts the opinion of the White House staff regarding this matter, wherein Ms. Anderson quoted a memorandum from Mr. Connor which stated:

> "There was no way to accelerate the rate of naturalization of Cuban refugees unless Congress enacts additional legislation . . ."

At your direction, and working closely with Ms. Anderson, I undertook to explore this matter further.

Following my review of your limited office file on the subject, I concluded that, with the exception of Ms. Anderson, the White House staff members offering opinions on this subject did not fully grasp the problem propounded in the Casanova letter and, as a result of same, their responses were either too narrowly based or missed the point entirely. Accordingly, I undertook to review the existing law, to interview associates of mine employed at the Immigration and Naturalization Service (INS) and to evaluate any pending legislation on this subject.

As a result of that exercise, I have concluded that, in fact, something indeed can be done.

To focus this matter in the proper light, the following outline represents six steps that must occur before a Cuban refugee becomes a United States citizen:

1) Parolee enters the United States.

   Under the law, technically Cuban refugees are referred to as parolees. They are allowed to enter the United States without a visa.

2) The parolee must reside continuously in the United States for a period of two years, in the status of parolee.

   Review of the Casanova letter and inquiry into the further steps outlined herein leads me to conclude, irrevocably, that this two-year waiting period is not the inordinate delay complained of by Mr. Casanova.

3) After residing in the United States for two years, the parolee applies for an "adjustment of status".

When this application is made, two federal agencies interact with respect to the parolee's application. They are the Department of State and the Justice Department (INS). The State Department issues a visa and INS issues a change of status from "parolee" to "resident alien". By federal legislation, INS is limited annually in its "award" of resident alien status to Western Hemisphere aliens in the amount of 120,000 per year.

4) When State and INS have acted, the parolee becomes a "Resident Agent".

5) Assuming the time span between steps 1 and 4 has been two and a half years or more, the resident alien may immediately apply for citizenship.

   As almost all of the White House staff memos point out, this two-and-a-half-year period constitutes a legislative exception to Cuban refugees, whereas the normal waiting period for all other Western Hemisphere aliens is five years (Act of November 2, 1966, P.L. 89-732, 80 STAT 1161).

6) The resident alien becomes a citizen.

In practice, the time frame between steps 3 and 4 may take as many as ten years. It is that bottleneck to which Mr. Casanova justifiably complains.

A suggested method to alleviate this delay would be to have the President direct the Secretary of State to terminate the State Department's present practice of issuing visas to refugees on a "first-come, first-served" basis. It has been suggested that the State Department segregate from its awaiting visa file those individuals of Cuban extraction and to thereafter, on priority bases to Cubans, grant visas ahead of other Western Hemisphere refugees, all of whom,

unlike the Cubans, are immigrating from a non-Communistic State. As a practical matter, once the visa is issued by State, INS merely performs a ministerial function in granting resident alien status.

Notwithstanding the temporary expeditious treatment this would provide, the United States would still be limited in the total amount of annual visas and/or resident agent status it could grant to Western Hemisphere refugees to 120,000 annually. However, that too, can be readily resolved.

Currently pending in the Congress is H.R. 8195 (copy of the Bill attached) which, if passed into law, would remove the 120,000 limitation applying to immigrants from the Western Hemisphere. H.R. 8195 would remove the distinction between the Eastern and Western Hemispheres and allow a total of 300,000 visas and/or resident agent statuses to be granted annually to the Western Hemisphere residents. The Bill has been endorsed by the Attorney General and INS.

Proponents of the Bill maintain that its passage would significantly reduce the proliferated influx of thousands of illegal aliens into the United States. This would be accomplished, quite simply, by providing the legislative mechanism of increasing the number of available applications and, thereby, decrease the necessity of illegal immigration. The proponents further maintain that passage would alleviate

U.S. hostility felt by Western Hemisphere aliens desirous of immigrating to the U.S., but frustrated by the "closed club" policy of our immigration laws.

H.R. 8195 ~~is~~ does not restrict itself to Cuba, yet, if passed into law and if the State Department procedure outlined in this memorandum was changed, the complaint voiced by Mr. Casanova would be greatly mitigated. Preferential State Department treatment to Cuban refugees may not be fairly criticized, as a legislative precedent, for such treatment already exists (two and a half v. five years, referred to as step 5 herein).

As indicated earlier, the Administration could suggest that its new State Department visa policy is humanly motivated to encourage, where legally possible, the removal of U.S. immigration restrictions for immigrants from Communist States.

94TH CONGRESS
1ST SESSION

H. R. 8195

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1975

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

A BILL

To amend the Immigration and Nationality Act to remove the distinction between Eastern and Western Hemisphere immigrants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration Equalization Act of 1975".

SEC. 2. Section 201 (a) of the Immigration and Nationality Act is amended—

(1) by striking out in clause (i) of such subsection "45,000" and inserting in lieu thereof "75,000"; and

(2) by striking out in clause (ii) of such subsection "170,000" and inserting in lieu thereof "300,000".

I

SEC. 3. (a) Section 101 (a) (27) of the Immigration and Nationality Act is amended by striking out subparagraph (A) thereof and renumbering subparagraphs (B), (C), (D), and (E) as (A), (B), (C), and (D), respectively.

(b) Section 211 (b) of the Immigration and Nationality Act is amended by striking out "section 101 (a) (27) (B)" and inserting in lieu thereof "section 101 (a) (27) (A)".

SEC. 4. Section 212 (a) of the Immigration and Nationality Act is amended—

(1) by striking out in paragraph (14) "to special immigrants as defined in section 101 (a) (27) (A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence,"; and

(2) by striking out in paragraph (24) "section 101 (a) (27) (A) and (B)" and inserting in lieu thereof "section 101 (a) (27) (A)".

SEC. 5. Section 241 (a) (10) of the Immigration and Nationality Act is amended by striking out "(other than an alien who is a native-born citizen of any of the countries enumerated in section 101 (a) (27) (B)" and inserting in lieu thereof "(other than an alien described in section 101 (a) (27) (A)".

SEC. 6. Section 244 (d) of the Immigration and Nationality Act is amended by striking out "is entitled to a special immigrant classification under section 101 (a) (27) (A), or".

SEC. 7. Section 245 (c) of the Immigration and Nationality Act is repealed.

SEC. 8. Section 349 (a) (1) of the Immigration and Nationality Act is amended by striking out "section 101 (a) (27) (E)" and inserting in lieu thereof "section 101 (a) (27) (D)".

SEC. 9. Section 21 (e) of the Act entitled "An Act to amend the Immigration and Nationality Act, and for other purposes", approved October 3, 1965, Public Law 89–236 (79 Stat. 921), is repealed.

SEC. 10. Each special immigrant, as that term was defined in section 101 (a) (27) (A) of the Immigration and Nationality Act immediately prior to the date of enactment of this Act, who had a priority date as such an immigrant immediately prior to such date of enactment, shall be allotted a visa according to the most preferential class for which such immigrant files a visa petition and to which he is entitled under section 203 (a) of the Immigration and Nationality Act. Upon according such class to that special immigrant, the date of the filing of his visa petition shall be considered to be the priority date he had as such a special immigrant.

SEC. 11. Title I of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"IMMIGRATION STUDY

"SEC. 107. The Immigration and Nationalization Service is hereby authorized to conduct a study of perspective immigration patterns into the United States of America from other countries of the world.

"The Immigration and Nationalization Service is to report to Congress on its findings by December 31, 1976.".

M E M O R A N D U M

TO: Robert T. Hartmann

FROM: Benton L. Becker

DATE: January 19, 1976

RE: CUBAN REFUGEES

By letter dated December 10, 1975, Mr. Jose Manuel Casanova, Florida Chairman, Republican National Hisponic Assembly, inquired of the President the reasons for, and exploration of possible solutions to, the inordinate delay Cuban refugees residing in the United States are subject to before obtaining resident alien status and/or United States citizenship.

By memorandum dated December 18, 1975, to you from Gwen Anderson, Ms. Anderson recounts the opinion of the White House staff regarding this matter, wherein Ms. Anderson quoted a memorandum from Mr. Connor which stated:

> "There was no way to accelerate the rate of naturalization of Cuban refugees unless Congress enacts additional legislation . . ."

At your direction, and working closely with Ms. Anderson, I undertook to explore this matter further.

Following my review of your limited office file on the subject, I concluded that, with the exception of Ms. Anderson, the White House staff members offering opinions on this subject did not fully grasp the problem propounded in the Casanova letter and, as a result of same, their responses were either too narrowly based or missed the point entirely. Accordingly, I undertook to review the existing law, to interview associates of mine employed at the Immigration and Naturalization Service (INS) and to evaluate any pending legislation on this subject.

As a result of that exercise, I have concluded that, in fact, something indeed can be done.

To focus this matter in the proper light, the following outline represents six steps that must occur before a Cuban refugee becomes a United States citizen:

1) Parolee enters the United States.

   Under the law, technically Cuban refugees are referred to as parolees. They are allowed to enter the United States without a visa.

2) The parolee must reside continuously in the United States for a period of two years, in the status of parolee.

   Review of the Casanova letter and inquiry into the further steps outlined herein leads me to conclude, irrevocably, that this <u>two-year waiting period is not</u> the inordinate delay complained of by Mr. Casanova.

3) After residing in the United States for two years, the parolee applies for an "adjustment of status".

When this application is made, two federal agencies interact with respect to the parolee's application. They are the Department of State and the Justice Department (INS). The State Department issues a visa and INS issues a change of status from "parolee" to "resident alien". By federal legislation, INS is limited annually in its "award" of resident alien status to Western Hemisphere aliens in the amount of 120,000 per year.

4) When State and INS have acted, the parolee becomes a "Resident Agent".

5) Assuming the time span between steps 1 and 4 has been two and a half years or more, the resident alien may immediately apply for citizenship.

   As almost all of the White House staff memos point out, this two-and-a-half-year period constitutes a legislative exception to Cuban refugees, whereas the normal waiting period for all other Western Hemisphere aliens is five years (Act of November 2, 1966, P.L. 89-732, 80 STAT 1161).

6) The resident alien becomes a citizen.

In practice, the time frame between steps 3 and 4 may take as many as ten years. It is that bottleneck to which Mr. Casanova justifiably complains.

A suggested method to alleviate this delay would be to have the President direct the Secretary of State to terminate the State Department's present practice of issuing visas to refugees on a "first-come, first-served" basis. It has been suggested that the State Department segregate from its awaiting visa file those individuals of Cuban extraction and to thereafter on priority bases to Cubans grant visas ahead of other Western Hemisphere refugees, all of whom,

unlike the Cubans, are immigrating from a non-Communistic State. As a practical matter, once the visa is issued by State, INS merely performs a ministerial function in granting resident alien status.

Notwithstanding the temporary expeditious treatment this would provide, the United States would still be limited in the total amount of annual visas and/or resident agent status it could grant to Western Hemisphere refugees to 120,000 annually. However, that too, can be readily resolved.

Currently pending in the Congress is H.R. 8195 (copy of the Bill attached) which, if passed into law, would remove the 120,000 limitation applying to immigrants from the Western Hemisphere. H.R. 8195 would remove the distinction between the Eastern and Western Hemispheres and allow a total of 300,000 visas and/or resident agent statuses to be granted annually to the Western Hemisphere residents. The Bill has been endorsed by the Attorney General and INS.

Proponents of the Bill maintain that its passage would significantly reduce the proliferated influx of thousands of illegal aliens into the United States. This would be accomplished, quite simply, by providing the legislative mechanism of increasing the number of available applications and, thereby, decrease the necessity of illegal immigration. The proponents further maintain that passage would alleviate

U.S. hostility felt by Western Hemisphere aliens desirous of immigrating to the U.S., but frustrated by the "closed club" policy of our immigration laws.

H.R. 8195 is not restrict itself to Cuba, yet, if passed into law and if the State Department procedure outlined in this memorandum was changed, the complaint voiced by Mr. Casanova would be greatly mitigated. Preferential State Department treatment to Cuban refugees may not be fairly criticized, as a legislative precedent, for such treatment already exists (two and a half v. five years, referred to as step 5 herein).

As indicated earlier, the Administration could suggest that its new State Department visa policy is humanly motivated to encourage, where legally possible, the removal of U.S. immigration restrictions for immigrants from Communist States.