



Department of Justice

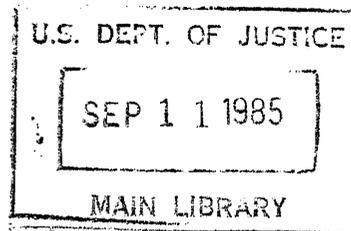
STATEMENT

OF

EDWIN MEESE III
ATTORNEY GENERAL

BEFORE

THE



COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

THE IMMIGRATION CONTROL AND LEGALIZATION AMENDMENTS ACT

ON

SEPTEMBER 9, 1985

Chairman Rodino, Chairman Mazzoli and Members of the Subcommittee,

I welcome this, my first opportunity to appear before you and comment on the immigration reform legislation which you have so ably promoted over the past four years.

I begin my testimony by emphasizing that both President Reagan and I have been strongly committed to comprehensive immigration reform.

It may be useful to underscore that commitment by reviewing the history of the Administration's participation in the immigration reform effort. As you know, during the prior Administration, the Select Committee on Immigration and Refugee Policy was established to conduct a comprehensive study on the current state of immigration law and to make recommendations on those changes which appeared to command the necessary support for enactment. This blue ribbon commission, on which Chairman Rodino and Representative Fish so ably served, conducted a two-year study, including twelve regional hearings, and, in March 1981, issued its report. Commission Chairman, Notre Dame President Theodore Hesburgh summarized those recommendations very effectively when he stated that our purpose is to "close the back door -- illegal immigration -- while we open the front door -- legal immigration -- slightly more." Consistent with this theme, the

essential recommendations were enactment of employer sanctions, a legalization program, and enhanced enforcement at the borders.

Upon receipt of the Select Commission's report, the Administration immediately set up its own Cabinet-level task force to review the recommendations and make the appropriate legislative proposals. In October, 1981, the Administration's bill was submitted to Congress containing as its core elements employer sanctions and a legalization program. Extensive hearings were conducted by this Subcommittee and that of Senator Simpson on the Administration's proposal and later on successor legislation, the popularly referred-to Simpson/Mazzoli bill.

The remarkable record of Congressional consideration of immigration reform legislation is also worth reviewing. In August, 1982, the Senate passed the Simpson/Mazzoli legislation by the overwhelming, bi-partisan margin of 80-19. The House succeeded in bringing the legislation to the floor in the post election "lame duck" session but was unable to reach a final vote. In the 98th Congress the legislation was re-introduced in the House and Senate and the case for enactment restated through comprehensive hearings. In May, 1983, Senate passage was again achieved overwhelmingly, 76-18. The House also passed its version of the legislation, albeit by a less comfortable margin of 216-211, in June 1984. Unfortunately, the House-Senate conference committee was unable to reach final agreement, despite the yeoman

efforts of you, Mr. Chairman, as well as Chairman Rodino and members of this Subcommittee.

Therefore, it cannot be argued that this is an issue which has received inadequate consideration by the Administration or the Congress or that all points of view have not been heard. The Administration continues to support passage of fair and balanced reform, and President Reagan has stated his commitment to that goal on numerous occasions during the past four and one-half years.

The problems the legislation seeks to address have not diminished and the status quo continues to be unacceptable. In fiscal year 1983, again, the Immigration and Naturalization Service (INS) apprehended more than one million illegal aliens, primarily along our southern border. That record breaking figure was exceeded in the most recent fiscal year and can be compared to annual apprehensions of 80,000 in the mid-sixties.

As my predecessor, William French Smith, put it succinctly, we must regain control of our borders. Indeed, regaining control of our borders is an essential goal of any true immigration reform. We cannot fairly speak of ourselves as a sovereign nation if we cannot responsibly decide who may cross our borders.

Accordingly, deterrents to illegal immigration must be part of any legislative package. Already with the able assistance of this committee the President sought and obtained for FY 1985 substantial increases in immigration enforcement resources at the border. We will support an increase in resources to implement this bill and to have effective interior and border enforcement.

Yet regaining control of our borders is not the only principal that must govern responsible immigration policy. The immigrant has always been an American resource greater and more fruitful than any other our vast nation has bestowed. We must not deprive ourselves of the real bounty of legal immigration.

In short, Mr. Chairman, we can truly preserve the best of our heritage as a nation of immigrants only by a reasoned policy, executed by effective control of our borders, that makes equitable decisions concerning who should be admitted to permanent American residence and eventual American citizenship.

Employer Sanctions

Concerning legislation, let me begin by saying that the Administration stands by the commitments we have made in the past to specific legislative reforms of the immigration laws. Much illegal immigration is caused by the easy entry of illegal

immigrants into jobs that are very attractive when compared to employment opportunities in their homelands. Through a provision making it illegal knowingly to hire aliens who lack authorization to work in the United States, this problem can be addressed effectively. Employer sanctions are a credible and effective tool in dealing with such illegal immigration. As long as the American job market remains open to them, illegal aliens will continue to risk illegal entry, smuggling, fraudulent visas, and the possibility of apprehension and deportation. We continue to support effective methods to require employers to share the responsibility to help solve this problem.

Legalization

The Administration has previously supported, and will continue to support, the legalization of some present undocumented or illegal aliens as part of comprehensive immigration reform. We must recognize the fact that some people, having entered this country illegally a substantial number of years ago, have set down roots here and become productive members of American society. We have to deal realistically with people whose longstanding presence here has demonstrated an abiding commitment to this country as productive and law-abiding residents. At the same time, we must guard against a legalization program that would attract additional illegal aliens to this country.

When the Administration originally proposed a legalization program in 1981, it was designed to be fair to U.S. citizens, legal residents and would-be immigrants who have waited patiently to come here legally. Certainly entry into the United States cannot be equitable if those willing to sneak in illegally under cover of night can enter with impunity, while others, following the procedure of our laws, are rewarded only with years of delay.

The provisions of H.R. 3080 would grant temporary resident status to illegal aliens residing here continuously since January 1, 1982, with adjustment to permanent resident status possible after one year. A separate provision would grant immediate permanent resident status to Cuban and Haitian nationals who arrived in the U.S. prior to January 1, 1982.

We believe these provisions are unfair to those persons who have respected the legal immigration system. They would serve to attract even more illegal migrants in the belief that they would somehow secure legal status now or in the future. We believe that at a maximum the legalization provisions should not cover illegal aliens who had not entered by January 1, 1980, with the exception of certain Cuban and Haitian nationals entering in 1981.

We endorse the approach of a shared federal-state-local responsibility for state and local costs associated with a legalization program. The Administration supports the capped entitlement program contained in S.1200 which is designed to assist state and local governments with certain transitional social welfare expenditures associated with the legalization program. We would have to oppose reimbursement to state and local governments of costs associated with imprisonment by state and local governments of illegal aliens; we believe this should remain a state and local responsibility in keeping with their jurisdiction over and enforcement of their own laws. We would also be unable to support reimbursement to state and local governments of the costs of educational benefits to former illegal aliens; this too should remain a state and local responsibility.

Temporary Agricultural Workers

It is acknowledged that some of the labor needs of the farm sector of our economy have been filled for many years by a sizable number of illegal aliens, who did not enter under temporary worker provisions. As we prohibit the employment of illegal aliens, it is important that we also provide a legal mechanism for agricultural employers to hire temporary foreign workers when they are unable to find American workers.

The Administration supports statutory authorization of a distinct H-2 temporary agricultural worker program. This program may be particularly important for agriculture during the transition period from dependence on illegal alien labor to reliance on a legal work force. Over the past several years, the Departments of Justice, Labor, and Agriculture have been reviewing both the existing H-2 program and proposed statutory modifications. We seek a balanced program that would ensure an adequate source of labor, but would not exploit employees or provide an added incentive to hire foreign rather than resident workers. The program should also protect the rights and welfare of all workers.

Members of this Subcommittee have sought diligently to work with your Senate colleagues to craft suitable language to describe such a program for temporary foreign agricultural workers. The Administration realizes that there will be continued discussions of the specifics in this sensitive area, and we look forward to working with the Subcommittee on this matter.

We also urge that an extra effort be made by representatives of growers and labor, in conjunction with the Administration and the Congress, to develop an acceptable and workable agricultural temporary worker program. This can be accomplished if all parties proceed in good faith and recognize the broader national need for reform.

Conclusion

We appreciate the cooperation and responsiveness of this Subcommittee to the suggestions the Administration has made in previous years concerning the workability of certain provisions of the reform legislation. I commend this Subcommittee and your counterpart in the Senate for your thorough review of the immigration reform issues over the past four years. I will leave to INS Commissioner Alan Nelson specific comment on this bill.

The Administration remains strongly convinced that the national interest will be served by prompt enactment of immigration reform legislation. In the bi-partisan tradition that must guide the consideration of this subject, we must provide a legislative reform that will improve the administration of our immigration laws.