

RHODE ISLAND STATE ADVISORY COMMITTEE

to the

UNITED STATES COMMISSION ON CIVIL RIGHTS

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Community Forum on "Civil  
Rights Issues in the  
implementation of Legalization  
and Employer-Sanctions Programs"  
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Meeting heard before the Rhode Island State  
Advisory Committee to the United States Commission on  
Civil Rights at the State House, Room 35, Providence,  
Rhode Island on Thursday, July 16, 1987.

COMMITTEE MEMBERS PRESENT

ALSO PRESENT

Mr. David H. Sholes, Chairman  
Mr. Lester E. Hilton  
Ms. Sarah Murphy  
Ms. Olga Escobar  
Ms. Malvene J. Brice  
Ms. Dorothy D. Zimmering

Dr. Ki-Taek Chun,  
Deputy Director of  
Eastern Regional Division

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UNITED STATES COMMISSION ON CIVIL RIGHTS

THURSDAY, JULY 16, 1987

1                   MR. SHOLES: Could I have everyone's attention,  
2  
3                   please. We will commence the community forum of the  
4  
5                   Rhode Island State Advisory Committee to the U. S. Civil  
6  
7                   Rights Commission at this time. I think that members of  
8  
9                   the Commission have already signed in, so there will be  
10                  no need to take a roll call vote. There's a quorum  
11                  present. At this point, I'd like to explain what the  
12                  purpose and the role of the State Advisory Commission to  
13                  the U. S. Civil Rights Commission is.

14                 The U. S. Commission on Civil Rights, created under  
15                 the Civil Rights Act of 1957, is an independent  
16                 bipartisan fact-finding agency with a primary mission to  
17                 protect and to promote the civil rights afforded to the  
18                 people under the Constitution and by act of Congress.  
19                 Among its duties is to investigate complaints of civil  
20                 rights violations and to appraise the laws and policies  
21                 of the Federal Government with respect to Federal laws  
22                 relating to anti-discrimination. The Commission is  
23                 mandated to submit its recommendations to Congress and  
24                 to the President.

1 State Advisory Committees were established in each  
2 state to advise the Commission on matters relating to  
3 discrimination, or denials of equal protection of the  
4 laws because of race, color, religion, sex, national  
5 origin, age, handicap, or in the administration of  
6 justice.

7 The State Advisory Committees are the eyes and ears  
8 of the Commission and are designed to bring to the  
9 attention of the Commission the civil rights issues  
10 facing each state. The SACS explore issues of common  
11 concern and make findings and recommendations on how  
12 best to rectify existing or potential problems. Among  
13 its many functions is to conduct community forums.

14 In November 1986, Congress passed landmark  
15 legislation to address the growing concern of  
16 undocumented aliens living in the United States and of  
17 their exploitation by unscrupulous employers. For the  
18 first time, the Congress has mandated a national Amnesty  
19 Program for the millions of illegal aliens residing in  
20 the United States. This Amnesty Program operates for a  
21 period of one year. During this period, the INS, in  
22 facing its biggest challenge in its 95-year existence,  
23 will implement the program with the assistance of  
24 designated community groups. The Immigration and

1 Naturalization Service will also enforce the Act's  
2 stringent provisions to prohibit employers from hiring  
3 undocumented workers.

4 The Reform Act attacks the problem three ways:  
5 (1) It's the legalization of certain undocumented  
6 aliens. (2) There is employer sanctions for hiring  
7 undocumented workers; and (3) to strengthen border  
8 patrols. The purpose is to make the United States less  
9 attractive to those who enter the country without  
10 authorization by eliminating the opportunity to seek  
11 employment.

12 The purpose of this community forum is two fold:  
13 (1) hopefully, to educate interested members of our  
14 society on the Immigration Reform Act; and (2) to  
15 examine the civil rights issues which have arisen or  
16 which might arise in implementing the legalization of  
17 the undocumented aliens and the employer sanctions  
18 program in Rhode Island as a cross-section of community  
19 representatives perceive them and then to advise the  
20 U. S. Civil Rights Commission of the findings.

21 I'd just like to explain the format of the forum.  
22 We have a number of speakers who will make  
23 presentations. Each presentation will be for a period  
24 of approximately 20 minutes. During that 20-minute

1 period, there should be some questions and answers.  
2 Members of the Committee may ask questions of the  
3 presenter. At the conclusion of the formal presentation  
4 or if there's anyone in the audience who would like to  
5 make a presentation, he or she will be invited to do so.  
6 At the conclusion of all presentations, the Members of  
7 the Committee will then discuss the findings and may  
8 make recommendations at that time or may postpone their  
9 findings and recommendations to a later meeting. We  
10 hope to adjourn this meeting approximately 3:00 or 3:15,  
11 at which time the Rhode Island SAC will conduct its  
12 business meeting.

13 Those people that will be speaking today will be  
14 Steven Brown, who will be speaking for Lucas Guttentag,  
15 director of the Immigration and Aliens' Rights Task  
16 Force at the ACLU.

17 Renee Tucker will be speaking on drugs and the  
18 Joslin Community Development Corporation and will be  
19 speaking on the perspectives of the applicants for the  
20 legalization program.

21 Gerard Noel, Jr., of Catholic Social Services will  
22 be speaking on the perspectives of the processing  
23 agencies. Those are the qualified designated entities.

24 David Borts, practicing attorney, and Roberto

1 Gonzales, a practicing attorney, will be speaking on the  
2 perspectives of the practicing attorneys in the area of  
3 immigration law.

4 Patricia Smith, the director of the Personnel  
5 Executives Club of the Providence Chamber of Commerce,  
6 will be speaking on the perspectives of the employers.

7 Patricia Martinez hopefully will be here to speak  
8 on the perspective of the third party monitoring  
9 agencies. If not, she will be represented by Mr. Steven  
10 Brown.

11 And Mr. William Granger of the Immigration and  
12 Naturalization Service will be speaking on the  
13 perspectives of the Immigration and Naturalization  
14 Service, and he will be the last speaker.

15 We will ask the members or the presenters to make  
16 their presentation at the table directly in front.  
17 Those members who wish to speak, Members of the  
18 Committee who wish to speak, please use your microphone;  
19 there's a switch on it, and turn it on when you wish to  
20 speak. Otherwise, the television will not pick up the  
21 voice transmission.

22 Before we ask for our first speaker, I'd like to  
23 make a little statement about the Immigration Reform and  
24 Control Act of 1986, in order to set the background and

1           tone for this meeting. The Immigration Reform and  
2           Control Act of 1986 which was signed into law by  
3           President Reagan on November 6, 1986 represents the most  
4           significant and sweeping revision in our country's  
5           immigration policy since 1952. It is the first time in  
6           our history that a national Amnesty Program for  
7           undocumented aliens has been enacted.

8           The Act is a milestone in confronting the three  
9           major issues associated with the recent immigration to  
10          this country. The first is the perplexing problem of  
11          the plight of the undocumented alien who is living in  
12          fear on the fringes of society. The second is the  
13          uncontrolled influx of undocumented aliens into the  
14          country. The third is the exploitation of undocumented  
15          workers by unscrupulous employers.

16          At the time the President signed the legislation,  
17          President Reagan said that, "The objective of the new  
18          law is only to establish a reasonable fair, orderly, and  
19          secure system of immigration into this country and not  
20          to discriminate in any way against particular nations or  
21          peoples."

22          The government was first confronted with the  
23          problem of undocumented aliens entering and working in  
24          this country in the early 70's. Employment was the



1 attraction of undocumented aliens to our shores. No  
2 precise figures on the size of the undocumented alien  
3 populations are available. The INS has estimated the  
4 population in 1965 to be about 110,000. It has grown to  
5 an estimated current population of two million and could  
6 be as high as four million. The bulk of this population  
7 is centered in five states, California, Texas, Illinois,  
8 New York and Florida. A significant number reside in  
9 our state.

10 The basic intent of the Act is to curtail the flood  
11 of immigration into the United States by making it  
12 illegal for employers to hire undocumented aliens. With  
13 the elimination of the principal attraction of illegal  
14 entry, to wit, the lure of employment, the flow of  
15 undocumented aliens should be considerably reduced.

16 The Act grants amnesty to undocumented aliens who  
17 can prove that they have lived in this country prior to  
18 January 1, 1982 and establishes, for the first time in  
19 our history, comprehensive civil and criminal sanctions  
20 against an employer who knowingly hires an undocumented  
21 alien.

22 The Act establishes a procedure for granting  
23 temporary resident status to aliens who can prove that  
24 they have resided in this country prior to January 1,

1 1982 and have continuously resided herein since then.  
2 After a period of about 18 months, the alien's status  
3 would be adjusted to permanent status if the alien can  
4 demonstrate a minimal understanding of English and  
5 knowledge of U. S. history and government.

6 Employers are prohibited from knowingly recruiting  
7 and hiring undocumented aliens for work. Employers,  
8 recruiters and employment agencies are required to ask  
9 for and examine specific documentation to be supplied by  
10 the prospective employee. The document will be an  
11 employee's passport, that's a U. S. passport, or both  
12 his Social Security card or a U. S. Birth certificate  
13 and another form of identification such as an alien  
14 identification card, a driver's license, or some other  
15 state identification card.

16 The employee will have to certify under oath that  
17 he or she is a citizen of this country, a resident  
18 alien, or is otherwise legally authorized to work in the  
19 United States. The employer will be required to provide  
20 and to retain the forms for examination by the INS.

21 If an employer fails to follow the requirement of  
22 the Act, severe financial criminal and civil sanctions  
23 will be imposed.

24 The Act, some commentators believe, contains

1           ambiguities. Thus, it is not beyond the pale of reason  
2           to comprehend that situations could develop during  
3           interviews of employment or arising from the course of  
4           employment which might lead to charges of  
5           discrimination. The law is fraught with the  
6           potentiality of abuse, both from the perspective of the  
7           employer and the employee.

8           To prevent the occurrence of potential abuses in  
9           the workplace, the Act contains anti-discrimination  
10          measures. Discrimination based on citizenship or  
11          national origin is prohibited if the person alleging  
12          discrimination is a U. S. citizen, a permanent resident  
13          alien, a refugee, a newly legalized alien who has filed  
14          a notice of intent to become an individual or who has  
15          been granted asylum. The purpose, of course, is to  
16          ensure that citizens and documented aliens who may be  
17          foreign looking or foreign do not become victims of  
18          employment discrimination. There was concern that some  
19          employers would simply refuse to hire or would fire  
20          aliens or citizens who do not speak English or speak  
21          with a foreign accent in order to avoid possible  
22          penalties.

23          For those who feel the sting of discrimination in  
24          the workplace, potent legal measures are available.

1 Congress will monitor the actions of employers to  
2 determine if there is discrimination in the workplace.

3 A Special Counsel in the Department of Justice will  
4 be appointed to enforce the Act's anti-discrimination  
5 provisions. The Special Counsel will investigate and  
6 prosecute complaints from any individual who claims to  
7 have been discriminated against on the basis of national  
8 origin or citizenship status.

9 The purpose of this forum is to determine what  
10 problems the affected segments of society have  
11 encountered in the implementation, administration, and  
12 enforcement of this far-reaching Act. Various  
13 viewpoints will be presented. Our task will be to  
14 listen and to attempt to assess the issues raised in  
15 this forum for presentation to the U. S. Civil Rights  
16 Commission.

17 With that, I'd like to call on our first presenter,  
18 Mr. Steven Brown, who will be speaking on the  
19 anti-discrimination provisions of the Immigration Reform  
20 and Control Act of 1986. Mr. Brown.

21 MR. BROWN: Thank you very much. I understand that  
22 all of the Commissioners have received two items which  
23 were prepared by the ACLU, one which is a pamphlet which  
24 the ACLU is widely distributing across the country,

1       which attempts to explain, in simple terms, exactly what  
2       the Act does and what provisions there are for  
3       preventing discrimination. The second item, which is  
4       much more detailed and I think extremely useful, is an  
5       analysis that Lucas Guttentag, who is the Director of  
6       the National ACLU's Immigration and Alien's Rights  
7       projects prepared, that goes into depth as to exactly  
8       what the anti-discrimination provisions of the  
9       Immigration Reform and Control Act do.

10             In the short period of time I have, I certainly do  
11       not want to rehash the various provisions of the Act and  
12       its anti-discrimination provisions. I do just want to  
13       give a very brief background of the importance of these  
14       provisions and then address a couple major issues that  
15       are remaining in terms of the enforcement of the  
16       anti-discrimination provisions.

17             First, I think it's extremely crucial to keep in  
18       mind just why the anti-discrimination provisions were  
19       added to the Immigration Reform Law. The purpose -- the  
20       initial aspects of the law dealt with sanctions against  
21       employers who hired illegal aliens, and some sort of  
22       limited legalization program. The third aspect to the  
23       anti-discrimination provisions were added on because  
24       Congress felt it was absolutely essential to strengthen

1 and tighten anti-discrimination provisions because the  
2 implementation of the new sanction provisions would have  
3 adverse impact on many minorities in this country.

4 As a result, the anti-discrimination provisions did  
5 two basic things in terms of expanding coverage of  
6 current anti-discrimination laws. First, it prohibited  
7 -- it prohibits discrimination on the basis of national  
8 origin against any employer who has more than three  
9 employees. Title 7, the other Federal law which deals  
10 with discrimination in employment, only covers employers  
11 with 15 or more employees, in terms of discriminating on  
12 the basis of national origin; and so this new law helped  
13 close a gaping loophole, so that now almost every  
14 employer is barred under Federal law from discriminating  
15 on the basis of national origin.

16 The second thing it did was it also explicitly said  
17 that a person could not be discriminated against on the  
18 basis of citizenship or intending citizenship, so as to  
19 provide some assistance to those individuals who would  
20 be eligible under the new legislation programs and to  
21 insure that they were not discriminated against as they  
22 went through this new legislation process.

23 I think it's very easy to understand why members of  
24 Congress felt that these anti-discrimination provisions

1 were so essential. You now had a new law that puts  
2 potentially serious sanctions on an employer for hiring  
3 an illegal alien. Many employers have certain ideas as  
4 to who illegal aliens are, what they look like; and for  
5 some of them, at least, it would be very easy to simply  
6 turn away any person who talked differently, looked  
7 differently, or otherwise felt to them to be somebody  
8 who might be an illegal alien; and, of course, the  
9 effect of that would be to encourage mass discrimination  
10 against particular minority groups such as Hispanics in  
11 the country.

12 Keeping that purpose in mind, the important need  
13 for preventing discrimination as a result of this new  
14 law, there are a couple of major issues that still  
15 remain. One, and which will only be answered ultimately  
16 in the courts, is what is the legal standard of proof  
17 that an individual who claims that he or she was  
18 discriminated against must meet?

19 The President, upon signing the Act, expressed his  
20 view that only intentional discrimination was barred  
21 under the new law. Other members of Congress, the ACLU,  
22 and many civil rights groups who are actively involved  
23 in implementation of the law feel very differently; and  
24 it's our opinion that the law was not only meant to get

1 out intentional discrimination but also practices of  
2 employers that have a disproportionate, adverse impact  
3 on minority employees. So far, the only court case that  
4 I'm aware of dealing with this issue is a court case out  
5 of Texas from a couple of months ago; and there the  
6 Court agreed -- it seemed to agree that it was not just  
7 intentional discrimination that was barred under the  
8 anti-discrimination provisions.

9 Now, this is extremely important because it,  
10 generally, as you might expect, is very difficult to  
11 prove that somebody intended to discriminate against you  
12 on the basis of your national origin. It is somewhat  
13 easier to show that the employer has certain practices  
14 that have the effect of discriminating against people on  
15 the basis of national origin, which, if you are  
16 concerned about eradicating discrimination in the  
17 workplace, is what must be the legal standard.

18 Otherwise, you really are not going to get at many sorts  
19 of activities that, while neutral on their face, would  
20 have adverse impact on the people this was supposed to  
21 protect.

22 A good example would be requirements of English  
23 fluency. Many jobs would not require that; but by  
24 having it as an employer requirement, you would



1 obviously have an effect of eliminating many Hispanics  
2 and other minorities from the work force; and it's our  
3 position that this anti-discrimination provision was  
4 meant to get at those practices, not just the employer  
5 who does not hire somebody because they are, in fact,  
6 Hispanic.

7 The second major issue is a time-bound one, but  
8 it's probably the most serious one and the most  
9 disturbing one, from the ACLU's point of view; and that  
10 is the lack of almost any action that the Department of  
11 Justice has taken to implement the anti-discrimination  
12 provisions of the law. At least as of last week, the  
13 Office of Special Counsel did not have a formal  
14 complaint form for people to use in filing complaints  
15 with the office; nor did they have the form necessary  
16 for currently illegal aliens who are intending to become  
17 citizens to fill out in order to file a discrimination  
18 complaint as well. The Immigration Law talks about this  
19 form, a form declaring one's intent to become a citizen;  
20 and without it, the otherwise illegal alien is not  
21 eligible for the protections of the anti-discrimination  
22 law; but again, this form had not even been prepared by  
23 the Office of Special Counsel as of the past week.

24 In addition, the final regulations as to

1 administering and implementing the law have not been  
2 issued by the Department of Justice. Draft regulations  
3 were issued a few months ago about the way, in those  
4 draft regulations, the Department takes the position  
5 that, as President Reagan did, that only intentional  
6 discrimination is covered by the Act, and those are the  
7 only complaints that they would pursue under the Act.  
8 But anyhow, the final regulations have not been issued;  
9 and what this has done has essentially turned the whole  
10 process backwards.

11 When Congress enacted the Immigration Control and  
12 Reform Act, it first and foremost did the  
13 anti-discrimination provisions by having them take  
14 effect immediately. Right after that law was signed, it  
15 was illegal in the workplace for employers to  
16 discriminate on the basis of national origin or  
17 intending citizenship status.

18 The other provisions, the sanction provisions, were  
19 not going to take effect immediately. There was a  
20 six-month education period, which has been somewhat  
21 extended now, for employers to learn what exactly they  
22 needed to do. Now, the reason that the Congress had one  
23 law begin immediately and the other later was fairly  
24 significant. It was to insure that there would be in

1 effect a vigorous enforcement mechanism for any  
2 discrimination that might occur while employers were  
3 implementing the new sanction provisions; but what we  
4 have now is just the opposite. The employer sanction  
5 provisions are being implemented by employers across  
6 this country, and yet, we still do not have in place any  
7 real formal Office of Special Counsel mechanism for  
8 investigating complaints, much less any type of vigorous  
9 enforcement or words about vigorous enforcement from  
10 that office, to insure that discrimination is not going  
11 to occur; and it seems to me that that is the most  
12 disturbing aspect of the way that this new law is being  
13 implemented.

14 There is no doubt in my mind that a lot of  
15 discrimination has been occurring and will be occurring;  
16 but the lack of any mechanisms, any formal mechanisms,  
17 and the delay in getting any formal mechanisms in place  
18 really sends the wrong message to employers. I think  
19 lots, most employers, are well aware that there are  
20 these sanction provisions and are aware of the potential  
21 penalties they face if they hire an illegal alien.  
22 However, I do not think that they are as aware of what  
23 is just as serious and just as important; and that is  
24 the other side of the coin, which is that it is illegal

1 for them to in any way discriminate on the basis of  
2 national origin or intending citizenship status; and the  
3 failure of this to occur is really shameful when you  
4 consider the population we're dealing with. Generally,  
5 we are talking about people who will not be aware of  
6 their rights, much less aware of all the specifics of  
7 the new anti-discrimination law. And to the extent that  
8 some of them are aliens, they probably will not have the  
9 access to this information that they need; and unless  
10 the Office of Special Counsel starts taking the job  
11 seriously, I think we're going to see that this  
12 anti-discrimination provision in the law is really not  
13 going to be taken seriously by employers.

14 With that, I'll stop. I don't know if you want me  
15 to, while I'm here, also talk about the other part of  
16 the program that I'm scheduled to speak on or whether I  
17 should come back later for that.

18 MR. SHOLES: You can come back for that later. But  
19 are there any questions of Mr. Brown?

20 MS. MURPHY: Steven, I'd like to know, in reading  
21 the material, it is unclear to me exactly how long a  
22 period of time exists under the present law for  
23 employers -- oh, I'm sorry -- how long a period of time  
24 is there under the present law for employers to

1 experience the possibility of sanction beyond the  
2 warnings? As I read it, it's like one year. In other  
3 words, I saw a phrase in there that we have the  
4 education period under which time an employer may not be  
5 penalized. The mike is not on? How's that? All right.  
6 No? Put it on again? Okay. I'm not clear as to  
7 exactly how long a period of time is available under  
8 this law during which an employer will be penalized in  
9 terms of fines or whatever. It's not clear to me.  
10 Could you just like go over those regulations like one  
11 more time, or am I asking you --

12 MR. BROWN: Well, I think Mr. Granger would be able  
13 to speak to it in more detail, but in terms of -- an  
14 employer will -- I mean this is a law. Once the  
15 education period is completed, employers are subject to  
16 the sanctions at anytime, unless and until Congress  
17 repeals the sanction provisions, so I mean it's -- I  
18 mean after one year or after two years, the sanctions  
19 provision will still be in effect unless Congress  
20 decides to repeal it. There are going to be -- there's  
21 going to be a reporting mechanism from the GAO, as I  
22 understand it, to review how the law has worked; and I  
23 believe after three years, a recommendation will be  
24 offered from that office as to whether the sanctions

1 provision should remain in effect. At that point,  
2 Congress will have the option of eliminating those  
3 provisions; but again, until Congress acts, those  
4 provisions will be there.

5 MS. MURPHY: Thank you.

6 MR. SHOLES: I have one question. Perhaps you can  
7 just explain this. Discrimination based upon national  
8 origin and citizenship is already prohibited under other  
9 civil rights laws. Perhaps you can explain the  
10 difference of why this law -- what's the difference  
11 between this law and other laws on that  
12 anti-discrimination?

13 MR. BROWN: Okay, well, first of all, you're  
14 correct to note that there are lots of overlapping  
15 discrimination laws; and, in fact, the Immigration Law  
16 says that if you can file a -- you cannot file a  
17 complaint under both Title 7, which generally covers  
18 employment discrimination, and under this law. You have  
19 to choose one or the other, whichever appears most  
20 applicable. The two ways that this law does, in fact,  
21 expand Title 7 is what I mentioned at the beginning.  
22 First, more employers are covered. Title 7 covered only  
23 employers with 15 or more employees or more than 15  
24 employees, I can't recall which. The new Immigration

1 Law covers all employers with more than three employees.  
2 So now you're getting at a lot of small employers,  
3 employers who have between four and 14 employees who  
4 previously were not covered.

5 Secondly, there is no Federal law, including  
6 Title 7, that explicitly bars discrimination on the  
7 basis of citizenship or intending citizenship, and so  
8 this is the first time that there is an explicit law  
9 that sets out standards for prohibiting that type of  
10 discrimination. Those are the two major ways that the  
11 law differs; but again, to some extent, they are going  
12 to overlap with Title 7 and other laws.

13 MR. SHOLES: Thank you very much. Any further  
14 questions? Miss Brice.

15 MS. BRICE: Malvene Brice. Can you hear me?

16 MR. BROWN: Yes.

17 MS. BRICE: In your statement, I think you said  
18 that employees with three or more --

19 MR. BROWN: More than three.

20 MS. BRICE: Okay, well, here in a sanction it says  
21 that employers, irregardless of size, would fall under  
22 the sanction; isn't this a conflict?

23 MR. BROWN: Well, it's a difference.

24 MS. BRICE: In other words, if I had one employee,

1 I would think that I would not have to adhere to the  
2 law, yet I could be sanctioned because I practiced  
3 discrimination of aliens.

4 MR. BROWN: Well, I'm not familiar of how  
5 "employer" is defined in the sanctions provision. If it  
6 is, in fact, different, -- it's not? Okay. Mr. Granger  
7 could probably --

8 MS. BRICE: And you're talking about three or more,  
9 so that could be a problem.

10 MR. GRANGER: My understanding is that the  
11 anti-discrimination provisions would effect employers  
12 with more than three employees; however, employer  
13 sanctions affect employers regardless of the number of  
14 employees.

15 MR. NOEL: Could I make a comment?

16 MR. SHOLES: Yes, Mr. Noel.

17 MR. NOEL: According to the summary in the book,  
18 the booklets from the ACLU, on page 20, the employers  
19 sanction provision, it says, "Employers, all employers  
20 and all entities that refer or recruit employers for a  
21 fee are affected", and then under the  
22 anti-discrimination provision on the facing page, it  
23 says, "Employers affected are anyone who employs,  
24 refers, or recruits for a fee for more than three



1 employees", so apparently, under the sanctions, it's all  
2 the employers are affected; however, under the  
3 anti-discrimination, it's three employees or more. More  
4 than three employees?

5 MR. BROWN: More than three.

6 MR. SHOLES: Thank you for the clarification.

7 Thank you very much, Mr. Brown?

8 MR. BROWN: Thank you.

9 MR. SHOLES: Our next speaker will be Miss Renee  
10 Tucker, of the Joslin Community Development Corporation,  
11 who will be speaking on the perspectives of the  
12 applicants for the legalization program.

13 MS. TUCKER: Good afternoon. We at Joslin thank  
14 the committee for the invitation to be here this  
15 afternoon and bring up some of the issues. We're  
16 listening to facts this afternoon and law, but what I'd  
17 like to talk about is how this law has really affected  
18 the clients that we deal with.

19 The Community Center is located in what is known as  
20 the Joslin/Manton area in Providence. The population  
21 that we service is largely low income; and of that  
22 population, 50 percent are of Hispanic origin. That's a  
23 rough figure because it's difficult to determine how  
24 many undocumented aliens are in the area because they're

1 a shadowy group. They don't seek services that often  
2 that we could number them. Part of our services at  
3 Joslin Community Center is we've worked with  
4 International Institute, and we're prescreening people  
5 where people come for the initial beginning of the  
6 legalization process. Many people are very afraid to  
7 even come forward for that; and this, although we might  
8 not see it as discriminatory, because they have been  
9 discriminated against in so many ways, makes them afraid  
10 to come forward.

11 Part of the law which has not been cleared up yet  
12 is whether or not families will be split up; and we -- I  
13 can just briefly go over one example of a family being  
14 afraid. The husband came from Guatemala first, then  
15 brought his wife over. His wife came through Guatemala  
16 in Mexico, and crossed the Rio Grande at 11 o'clock at  
17 night with her infant daughter. They are terrified of  
18 applying for the legalization process, although we at  
19 Joslin have tried to support them and encourage them  
20 because they just do not want to be separated again.

21 Getting back to the employment issues and some of  
22 the difficulties that we foresee is that some employers  
23 are just not following the sanctions. In smaller  
24 companies and the factories in the Olneyville area, we

1 could see this happening. In that case, some people  
2 that could not get employment somewhere else because of  
3 the employment sanctions could really be discriminated  
4 against in factories or workshops where there's long  
5 hours, no benefits and no one to oversee that their  
6 rights are being handled in an appropriate manner.

7 Some of the experiences that we've had - a brother  
8 and sister came in last week to the center and related  
9 to us that an employer had demanded proof of citizenship  
10 from them or they would be fired by that Friday if they  
11 did not bring this in. The people were from Puerto Rico  
12 so were citizens, but they looked Hispanic; therefore, I  
13 assumed that the employer thought that they were illegal  
14 or undocumented workers, and the people were intimidated  
15 by him, even though they were U. S. citizens.

16 Another woman came in and felt that she did not get  
17 a job, although she's in the process of getting her  
18 green card and is able to work, she felt she didn't get  
19 a job because she went in and had an accent, although  
20 the woman is taking classes at URI and has an  
21 Associate's Degree already and would have been qualified  
22 for the job; but she didn't feel she got the chance that  
23 she should have.

24 Another incident occurred in a factory where six

1 Hispanic workers were laid off, although they had been  
2 hired before November 6th, 1986. It seemed that the  
3 employer just didn't want Hispanic people there. It was  
4 only the group of Hispanics that were laid off and no  
5 one else; and they continued to call and say when will  
6 there be work again, and they never got a definite  
7 answer from this employer; and ultimately, because they  
8 are illegal, it's difficult for them to find work right  
9 now because employees do ask now. So I mean and these  
10 are people with families and families to support.

11 One man lives in our area, he pays \$400 a month  
12 rent and has three children and a wife who is also at  
13 home. Part of the law that we've found -- again it's  
14 not directly related to discrimination, but we feel it's  
15 important to bring the issue up -- is if people have  
16 left the country for more than 45 days might not be  
17 eligible for the legalization process. Many people that  
18 that have come to our center for the initial  
19 prescreening are affected by this.

20 One man went to Mexico to get married and stayed  
21 there nine months, so he had been in this country  
22 illegally for 13 years; and now when he came in for the  
23 prescreening, it was really devastating when he found  
24 out that he might not be eligible for this. People have

1 had difficulty gathering their documentation.

2 Personally, I feel my experience is that, because people  
3 get on the phone and they have an accent or not be able  
4 to get their messages clearly across as others, they're  
5 not getting the assistance from people that they need.

6 An example that happened to me - this man had tried  
7 for two months to get documentation from an employer,  
8 continuous phone calls. "It's been sent to corporate  
9 headquarters; they still have it." Why did it take one  
10 phone call from our Community Center to get the  
11 documentation in the mail? And I believe that it's  
12 because he -- I don't think it was a case of the  
13 employer not having an understanding of the law at this  
14 point in time. I do feel that he was discriminated  
15 against because maybe his handle on the English language  
16 wasn't as good, and he didn't get through the  
17 appropriate channels that he should have.

18 There are a lot of cases, although most of the  
19 time people are afraid to pursue any type of -- if they  
20 feel that they've been discriminated against, they won't  
21 use the process because they're afraid. They won't.  
22 Some of them are afraid of jeopardizing their  
23 legalization; and because the group has been such a  
24 shadowy one and it's difficult for them to come forward

1 and say, "Okay, here I am, I've been discriminated  
2 against, hold my hand and help me through," it's not  
3 going to happen. It's important that we have these  
4 processes for people to follow, but we also need to  
5 educate people and support them so that these types of  
6 situations can be rectified.

7 MR. SHOLES: Any questions? Go ahead, Miss Brice.

8 MS. BRICE: In your discussion with all these  
9 clients, have you found any instances where the employee  
10 is not being paid Social Security? I've heard of this.  
11 This was many years ago, and I was wondering if this  
12 still may occur. You mentioned no fringe benefits. Do  
13 you include Social Security and TDI and those other  
14 things?

15 MS. TUCKER: The people that we have come across  
16 have been paid TDI and Social Security.

17 MS. BRICE: You've seen that?

18 MS. TUCKER: Yes.

19 MR. SHOLES: Go ahead.

20 MS. ESCOBAR: In these situations where you find  
21 that somebody -- they don't come forward and complain  
22 about discrimination, what do you do? What do we have  
23 in Rhode Island established to deal with these issues?

24 MS. TUCKER: Well, as far as I know, there is a

1 discrimination network being formed through  
2 International Institute and the ACLU, and I would alert  
3 them to that; but you have to have -- you have to do it  
4 with the person; and many, like I said before, they are  
5 afraid to come forward. Sometimes we have tried to  
6 contact an employer. In the case of a layoff, we have  
7 contacted the employer and stated that it was okay to  
8 have these people working there because they were hired  
9 before November 6th but didn't hire them back.  
10 Sometimes we act as a liaison for people.

11 MS. ESCOBAR: Thank you.

12 MR. SHOLES: Go ahead.

13 MS. MURPHY: Renee, out of the number of Hispanic  
14 people in your neighborhood -- I know it's hard to put  
15 an amount of how many you might think are persons who  
16 should, you know, come forward under this act -- out of  
17 that number, from your perspective as an agency  
18 director, do you feel that people are getting access to  
19 information clearly enough to be able to come forward;  
20 or in other words, is it equally a fear for the reasons  
21 you've stated, as well as lack of information; or is it  
22 mostly they are getting the clear information but it's  
23 fear that's keeping them from coming?

24 MS. TUCKER: I think initially it was lack of

1 information or information trickled out. A lot of  
2 community agencies work with Catholic Social Services  
3 and International Institute, and I feel that the press  
4 was good; and it was due to smaller agencies working in  
5 the community. Part of the problem that we've run into  
6 is that, on May 5th, people were bombarded with  
7 information. There's not information any more to  
8 continually support people. I haven't seen a lot of new  
9 things.

10 MS. ESCOBAR: I have one question.

11 MR. SHOLES: Go ahead.

12 MS. ESCOBAR: Renee, you say a lot of persons that  
13 are individuals in the area are --

14 MS. TUCKER: I said of Hispanic origin. We have  
15 different countries represented here.

16 MS. ESCOBAR: Okay, do you feel that some people  
17 may be afraid to come forward because they are in this  
18 country because of political persecution or because of a  
19 situation from where they're coming from?

20 MS. TUCKER: I do. I would agree with you on that.  
21 Like I said, it wasn't directly related to  
22 discrimination within the law, but many people are  
23 afraid to come forward because if it doesn't work out  
24 for them, they fear going back to their country for



1 political, social or economic oppression, and that's a  
2 reality for them.

3 MS. ESCOBAR: Thank you.

4 MR. SHOLES: I have one question. What  
5 recommendations would you like to make, if you could?

6 MS. TUCKER: Well, I have a lot, but we don't have  
7 that much time. But I think it's -- this is a good  
8 beginning, through awareness and a commitment to help by  
9 others and agencies such as people represented here,  
10 hopefully that these injustices would be rectified.

11 MR. SHOLES: But for the specific implementation of  
12 the Act, do you have any specific recommendations on how  
13 the Act should be implemented or administered so that it  
14 would be easier to document the undocumented alien?

15 MS. TUCKER: Well, I think part of it is that we  
16 should come to a conclusion of whether or not families  
17 will be allowed to stay together.

18 MR. SHOLES: Any other questions? Any other  
19 recommendations?

20 MS. TUCKER: We need to have more, at this point in  
21 time, more publicity around it in letting people know,  
22 and the stipulation that leaving the country for 45 days  
23 in some way needs to be looked at again or looked at as  
24 individual cases in why people have left the country. I

1 don't think it should be an across-the-board "You're not  
2 eligible".

3 MR. SHOLES: Right. Any other questions?

4 DR. CHUN: From your standpoint, dealing with this  
5 problem of fear and always compounded with the lack of  
6 information and so on, is it really -- what will it  
7 take? Is it really an understanding of bilinguality; is  
8 it brochures? Is that what it takes, or does it take  
9 more than that you think?

10 MS. TUCKER: Well, I think one of the biggest  
11 factors is it's going to take a lot of time. Many of  
12 these people have lived in fear and hiding for years and  
13 years, and it's not easy to step forward. That's part  
14 of it; and like I stated before, support from community  
15 agencies and churches, employers, people that are aware  
16 of the law supporting and helping people along the way.  
17 I don't see it as a -- that we could have a solution  
18 where it would end overnight the fear because it's  
19 been -- they've been here for so long and living in  
20 hiding using different names.

21 DR. CHUN: And I seem to hear that nothing much  
22 along that line is being conducted now?

23 MS. TUCKER: There is some, but I think that, like  
24 I said, on May 5th there there was a lot, and we need to

1 do it again.

2 MR. SHOLES: I'd like to ask you one other  
3 question. Does your clientele know that this is just a  
4 one-year Amnesty Program and that, after the expiration  
5 of a one-year period, that they will no longer be  
6 allowed to apply?

7 MS. TUCKER: That's part of the information that we  
8 do relay to them.

9 MR. SHOLES: Any other questions? Thank you very  
10 much. The next presenter will be Mr. Gerald Noel, Jr.,  
11 of the Catholic Social Services, who will be speaking on  
12 the perspectives of the processing agencies, also known  
13 as the qualified designated entities.

14 MR. NOEL: We didn't make up that term. That's a  
15 term from the Immigration Service. Thank you for  
16 inviting us. As you indicated, my name is Gerard A.  
17 Noel, Jr. I am the Coordinator of Immigration and  
18 Resettlement Services at Catholic Social Services which  
19 is a statewide agency of the Catholic Diocese of  
20 Providence. Our agency, along with the International  
21 Institute and Sare, (phonetically) jobs for progress,  
22 are the three qualified designated entities certified  
23 through our respective national organizations by the  
24 Immigration Service to serve and assist applicants for

1 the various legalization programs.

2 Up to now, approximately 95 cases have been  
3 submitted by both Catholic Social Services and the  
4 International Institute; and those 95 cases have been  
5 recommended for approval by the Boston legalization  
6 office. As you know, this is a two-step process.  
7 Recommendations are made by the legalization office  
8 which covers, in this particular case, Massachusetts,  
9 Connecticut and Rhode Island and I believe portions of  
10 New Hampshire, Bill?

11 MR. GRANGER: Yes.

12 MR. NOEL: And then those applications are then  
13 forwarded with recommendations to the regional  
14 processing center in Burlington, Vermont; and it's from  
15 there that the actual granting or denial of an  
16 application for legalization is made. Both Catholic  
17 Social Services and the International Institute have a  
18 number of cases in process, those, of course, awaiting  
19 documentation from the clients; and both have  
20 appointments scheduled with applicants well into mid  
21 September. To say the least, for all of us, this has  
22 been a cumbersome, complicated, and restrictive process.  
23 The time frame has been difficult to operate with, given  
24 that the final regulations did not a require and were

1 not issued until May 1st of 1987, as you well know.

2 Four days later, the program started.

3 An example was that the Immigration Service had the  
4 forms printed based on the proposed regulations; and  
5 then, when the final regulations came out, had to submit  
6 a one-page addendum to the instructions of the forms, of  
7 the application forms, which makes that also a  
8 cumbersome process. As you are aware, the media  
9 nationally -- and I'm not saying this locally because I  
10 think I would agree with Renee -- the media coverage  
11 locally has been very positive and very frequent, and  
12 I'd like to commend the media for that; but nationally,  
13 the media has featured the Immigration's complaints that  
14 generally QDE's, Qualified Designated Entities, have  
15 slowed down the process. So that the caseload at INS  
16 has been lower than projected and even locally.

17 Although the INS legalization office in Boston has  
18 not accused the QDE's of any slowing down, they also  
19 fear that there may be some cutting back of staff if the  
20 numbers are not increasing in terms of applicants  
21 because of the fact that there's been no appropriation  
22 from Congress for this particular program, and most of  
23 the Immigration's funding comes directly from the fee  
24 collection of the applications.

1           One quote, in fact, that was recently stated is  
2           that the INS believes that QDE's are attempting to be a  
3           sophisticated legal service rather than just to assist  
4           persons in completing the application forms. As I said,  
5           this is not the case locally. Overall, I can report  
6           that a cooperative relationship does exist between the  
7           Boston legalization office and the Rhode Island QDE's  
8           and also with the Providence Immigration Office. We  
9           have met with the Boston legalization staff; some of our  
10          cases were processed through the Boston office; and more  
11          recently, as the media has also reported, the Boston  
12          staff has been to Providence for case filings.

13          Despite those activities, getting a case ready for  
14          presentation is a long, involved process. It requires  
15          many interviews with one applicant. The problem comes  
16          not in our delaying cases deliberately but in making  
17          sure that the application presented is the best  
18          possible, since we are responsible to our clients for  
19          that outcome; and along with our clients, we also sign  
20          off on the application that we have reviewed the  
21          application. The applicants, however, do have the bulk  
22          of the responsibility for getting the application ready.  
23          They have to collect the documentation. I think Renee  
24          spoke to that issue, the difficulty of getting

1       documentation.

2               Documentation is difficult to gather. The employer  
3       may not want to provide a statement because he or she  
4       has hired many illegals in the past and may not have  
5       paid minimum wages or taxes. In one case, an applicant  
6       was fired when the employer found out he was illegal,  
7       and he found -- the employer found that out because the  
8       applicant came forward and asked if the employer would  
9       provide him with an employer letter stating that he  
10      would be working there for a particular amount of time.  
11      In this case, the applicant had worked there a very  
12      brief time, so we were able to cover that period of time  
13      with some other documentation.

14             It also becomes very difficult for someone who is,  
15      for six or seven years -- and I realize I am overlapping  
16      some of Renee's testimony; however, it doesn't hurt to  
17      reiterate that because it reenforces the fact that there  
18      are problems out there with the enactment of the law --  
19      you know, someone whose been here for six or seven years  
20      and has been surviving by avoiding telling anyone he or  
21      she is illegal, it's very difficult for them to go back  
22      now to those same landlords, for example, or those same  
23      employers and not have to go back and get a statement  
24      from them saying, yeah, I did live here or I did work

1 here, and say to the employer and the landlord that the  
2 reason I am getting this is I have been illegal all  
3 these years and I need to straighten that out, and I  
4 want to do that through the legalization process.

5 I'm sure every one of the reasons that the case  
6 flow is not as it should be is that, as Renee said, it's  
7 difficult for applicants; and it's very, very difficult  
8 to take that first step. It's that fear factor again  
9 and the terror of doing that.

10 Another problem which effects families, as again  
11 Renee stated, is the family unit issue where one member  
12 may be eligible but others came later after '82 and are  
13 technically ineligible. Immigration Service has yet to  
14 come out with a standard policy on this issue. They are  
15 dealing with it on a case-by-case basis; and although we  
16 have had -- we are not aware of any families that have  
17 called for it so far, at least through Catholic Social  
18 Services where not all members are eligible, we  
19 estimated, along with the International Institute, that  
20 maybe 50 percent of all families out there that are  
21 eligible are holding back because of this issue. For  
22 instance, this past Monday and Tuesday, the Immigration  
23 Service came to Providence and processed cases; and out  
24 of the 25 or so cases that were processed, only two of



1           those were family cases. The others were all  
2           individuals.

3           The waiver issue is also a situation that presents  
4           problems. There is a narrowness to the continuous  
5           illegal residence requirement. Many people are  
6           ineligible because they left the U. S. for more than 45  
7           days allowed by the INS regulations. There are also a  
8           number of people who returned to the U. S. after an  
9           absence with a valid entry Visa, and INS has taken the  
10          position that illegal entry subsequent to 1982 makes an  
11          applicant ineligible, even if that individual were legal  
12          for two weeks out of the 10 years that he or she may  
13          have resided in the U. S. illegally. For instance,  
14          there was a case where -- this is a composite case -- an  
15          individual was sent out to get a Visa petition, which  
16          needed to be gotten outside the boundaries of this  
17          United States, and was sent out with the knowledge of  
18          the Immigration Service. That Visa petition was denied  
19          in one of the contiguous countries to the U. S., and  
20          then he was paroled back into the U. S. with full  
21          knowledge of the Immigration Service; and when he  
22          recently became -- came for a legalization application,  
23          was denied initially because that was seen as illegal  
24          entry. However, we have other sources and other

1 documents that have said that this is not necessarily  
2 illegal entry; it's illegal because it's simply a  
3 parole. The thing which has been explained to me, and  
4 it's not quite clear to me, is the fact that you're here  
5 but you're not really here; you are here on paper, you  
6 are here physically, but you're not here on paper  
7 legally.

8 Another issue is again that narrowness of the  
9 waiver provisions, where waivers can be applied for and  
10 probably be approved, but they have to be documented on  
11 the basis of public interest or family unit; whereby if  
12 someone can prove that there's a need for them to remain  
13 here, although they may have come in fraudently because  
14 they have someone here who is a citizen or the rest of  
15 their members of their family have applied and have been  
16 granted legalization, they may be granted a waiver under  
17 that particular factor; however, the waiver law does  
18 kind of fall on the side of people who have families or  
19 who have public interest. If you have a single  
20 individual here who may not own property, who has not  
21 been in the community very long, who does not have other  
22 family here, he may have a lot more difficulty proving  
23 the public interest and the family unity and may, in  
24 fact, be denied, since there's a broad discretion of

1 interpretation as to what waivers will be granted.

2 At this point, I'd like to just comment on some of  
3 the things that were mentioned earlier, specifically by  
4 Renee, and to expand on it. I found also, because of my  
5 work with refugees and refugee settlement since 1975,  
6 more recently the employer sanctions provisions and the  
7 concern employers have about doing the best possible job  
8 in terms of looking at documents, that some of the  
9 refugees have been effected. The employers, the  
10 handbook for employers that comes with the I-9 form  
11 which employers have to fill out lists the possible  
12 documents that people need to -- could have to prove  
13 identity; and one of them that's listed is an I-9 Form  
14 Alien Registration Card along with a passport.

15 Nowhere in the handbook does it talk about an I-9  
16 Form Alien Registration Card alone without a passport;  
17 and, in fact, all refugees that come into this country  
18 come specifically, especially from Southeast Asia come  
19 just with an I-9 Form; and what has happened in some  
20 cases is they've been turned away from applying for  
21 certain jobs or remaining on the job because of the fact  
22 that they have not had what seemed to be perceived as  
23 the proper documents by the employers.

24 Again, this morning regarding the issue of people

1           having difficulty getting documentation, we had another  
2           phone call from someone who had an employer refuse to  
3           provide documentation, again because of that fear, but  
4           that continues.

5           As far as to anticipate your question, Mr.  
6           Chairman, some of the recommendations I would make on  
7           the family unity issue is that possibly the State  
8           Advisory Council might approach or write to the Reagan  
9           Administration to provide some administrative solution  
10          to that; that can be done that way; or to support the  
11          bill in Congress on the House side and also the bill  
12          recently introduced by Senator Chaffee which would  
13          attempt to provide some resolution to that family unity  
14          thing. I am open to questions at this point.

15          MR. SHOLES: Any questions?

16          MS. MURPHY: Yes. Based on the number of cases  
17          that you have and you mentioned appointments into  
18          September I'm curious to know about; and this probably  
19          would be a difficult question to answer. What is your  
20          processing time against -- what's your processing time  
21          measured against your waiting list? In other words,  
22          given that you have ex number of cases in September, I  
23          mean is that the end of your waiting list right there?

24          MR. NOEL: So far. Processing time and the waiting

1 list I think is going to pretty much remain steady at  
2 this point, unless something happens. I think people  
3 are still holding back based on the family unity issue.  
4 Also at this point, as of the end of June, according to  
5 interpreter releases, no one in the country had yet a  
6 received temporary resident card. Everyone at the time  
7 of their interview, if they're recommended for approval,  
8 receives a temporary employment authorization card; and  
9 then there's, according to the immigration legalization  
10 office, a 120-day turnaround before they get a letter  
11 from Burlington, Vermont saying you have either been  
12 approved or granted. If you have been approved, then  
13 you come to Boston and pick up your temporary resident  
14 card. No one since the end of June has had that happen,  
15 and I think that's another reason people are holding  
16 back. Within the first two weeks, I think we received  
17 I think 300 people at the prescreening centers, which  
18 Joslin is one of; and since then, the flow has trickled  
19 down and has been very, very low; so that, you know, I  
20 think the processing, if it continues at this rate, will  
21 eventually do some catching up with the waiting list.

22 MS. MURPHY: But you think for what, the next  
23 six months or the year, that you'll still have like a  
24 90-day --

1 MR. NOEL: I'm not sure about that. It's so  
2 difficult to estimate. It's really hard to tell. We  
3 don't know what number is out there. I thought you were  
4 going to ask me how many people we project we are going  
5 to get; I don't have any idea. I am not sure if any of  
6 the resolutions or any of the clarifications to the law  
7 will provide a panacea and all of a sudden we will get a  
8 huge number of applicants. I am not confident that's  
9 going to happen at this point.

10 MS. MURPHY: Do you have any recommendation as to  
11 possible administrative solutions to the unity of the  
12 family issue?

13 MR. NOEL: Well, it can be done through the  
14 Attorney General's Office. You know, policy can be  
15 made; but, you know, the Immigration Service, so far  
16 from what I have read, has been reluctant to do that.  
17 They've preferred -- we had heard when we met with the  
18 legalization office in Boston at the beginning of June  
19 that there was possibly, I think the week after that,  
20 going to be some policy which was not amplified upon.  
21 We haven't seen anything set since, and Bill is shaking  
22 his head, Bill Granger from the Immigration Service in  
23 the office of Providence, and nothing has come out yet;  
24 so it's still a case-by-case in Boston, and it's those

1 clarifications and those solutions that are done  
2 case-by-case to the legalization office in Boston.  
3 However, you know, what happens is that people are not  
4 coming out that have immediate relatives that are not  
5 eligible. I think that may be one case, one or two  
6 cases at the most.

7 MS. MURPHY: Thank you.

8 MR. NOEL: Yes, Olga.

9 MS. ESCOBAR: Gerry, on the waiver, the waiver  
10 forms, in cases of companies that close down or move out  
11 of the area, -- I'm going to give you an example. Maybe  
12 I can ask the question.

13 MR. NOEL: You're talking about the employer  
14 affidavits for people who have worked there?

15 MS. ESCOBAR: Yes, who will give to a client in the  
16 way of saying yes, this person worked from this company  
17 from this time to do this time; who is doing that or who  
18 can do that?

19 MR. NOEL: The employer.

20 MS. ESCOBAR: But if they are not here?

21 MR. NOEL: Then we can use W-2 forms; we can use  
22 income tax filings. We can also use, if it's for --  
23 more recently, the legalization office has told us that  
24 we can also use personal affidavits from people who work

1 for that person; but they'd rather not see those if  
2 you're going to try to establish a time frame beyond two  
3 years. They're talking about maybe a year-and-a-half to  
4 two years. We can use personal affidavits, and we have  
5 forms for that; but again, that's a weaker -- that's a  
6 weaker form of documentation, but then there's a lot of  
7 overlapping documentation.

8           Someone can come in from the pastor of their  
9 church, where the pastor signs an affidavit saying yes,  
10 that person was an active member of my church from this  
11 time to this time, and if that covers that, that might  
12 suffice. Again, I think you bring up a good point. The  
13 other issue that comes out is that documents never --  
14 we're never clear as to how much is enough; and if  
15 you're going to ask me what the solution to that is, I  
16 don't know. I'm not certain I would want lists of  
17 documents because again, as I pointed out, the employer  
18 sanctions, there's one document that's not talked about,  
19 just an I-9 Form alone, and I wouldn't want again the  
20 INS listing documentation for certain things and then  
21 finding out that they omitted certain other things.

22           MS. ESCOBAR: But it comes to my mind that, you  
23 know, we know that the Hispanic community is mobile;  
24 and, in many instances when they move from one place to



1 the other and the house has been sold, you know, we have  
2 seen this happen in the last three or four years in  
3 Rhode Island, there is no more way you can trace back  
4 where they lived before. That is another document that  
5 I think needs to be added to the application form.

6 MR. NOEL: I think -- excuse me, I think those  
7 people are also holding back. I think for the most  
8 part, people are self screening out if they have a  
9 family unity problem, if they have a documentation  
10 problem, or they can't afford to pay for legalization.  
11 Since there's two people, you usually have to pay either  
12 the QDE or the attorney and then the Immigration  
13 Service.

14 MS. ESCOBAR: Can I have another question, if I  
15 may?

16 MR. SHOLES: Sure, go ahead.

17 MS. ESCOBAR: I don't know if this could happen or  
18 not, but do you think that some companies that have  
19 refused to give information that are not saying that,  
20 "Yes, I have illegal aliens working" because they might  
21 be targeted for an investigation out of that?

22 MR. NOEL: Sure, but they won't be because that's  
23 part of the confidentiality that's built into the Act.  
24 The confidentiality extends all the way to the

1 legalization offices not being able to divulge any of  
2 this information even to someone like Bill Granger's  
3 office who provides -- who does the enforcement part for  
4 the Immigration Service, and that's very strong. I'm  
5 not sure many people believe it. I think I'm just  
6 coming around to beginning to believe it. I think that  
7 all of us, you know, have had difficulty, again because  
8 of the reputation the Immigration Service has had for  
9 enforcement.

10 Also, may I say that we're not only seeing  
11 Hispanics. This past Monday or Tuesday, we had an  
12 international group who came before the Immigration  
13 Service for legalization. We've had Europeans. We have  
14 had West Africans; we have also had Hispanics; and we've  
15 had people from the islands, whether it be in the  
16 Caribbeans or south, you know, off the coast of West  
17 Africa, that kind of thing. So we've had a large  
18 sampling of various people, although still the majority  
19 certainly will be, you know, with the Hispanic  
20 population.

21 MS. ESCOBAR: Thank you.

22 MR. SHOLES: I just have one question. Just as a  
23 follow-up on that confidentiality, are you saying that  
24 if an employer is hiring an undocumented alien, paying

1 him below minimum wage and not paying taxes, that that  
2 employer --

3 MR. NOEL: Has hired in the past?

4 MR. SHOLES: In the past; I'm talking about in the  
5 past, not presently.

6 MR. NOEL: No.

7 MR. SHOLES: Is there confidentiality attached to  
8 that?

9 MR. NOEL: There is, because the only time that  
10 that information would become public is it would be part  
11 of fraud as part of the application; then  
12 confidentiality does not apply. However, everything  
13 that's -- even, you know, to the point where the  
14 applicant himself coming forward and not having income  
15 taxes filed for all the years that he was here  
16 illegally, that information does not go any further than  
17 the Legalization Office also.

18 MR. SHOLES: Okay, any further questions? Mr.  
19 Borts?

20 MR. NOEL: I would recommend you ask, you know, Mr.  
21 Granger to clarify further on that, because he is, you  
22 know, --

23 MR. SHOLES: When he speaks, I will ask the same  
24 question.

1 MR. NOEL: Okay, fine.

2 MR. BORTS: Gerry, you said that there was a  
3 pamphlet available relative to the documents necessary  
4 to comply with The I-9 requirements and that to leave  
5 certain documents out, is that correct? I haven't seen  
6 the pamphlets.

7 MR. NOEL: Well, The I-9 leaves a lot of documents  
8 out. The pamphlet is the booklet that's supposed to be  
9 mailed out to employers by the Immigration Service,  
10 through lists they're getting from the Internal Revenue  
11 Service. Everyone that has an employer tax number is  
12 supposed to receive a handbook for employers. I have a  
13 copy, and I'm not sure if those have gone out yet, have  
14 they?

15 MR. BORTS: I haven't received mine.

16 MR. NOEL: Well, if you have an employer tax  
17 number, apparently they haven't gone out. They were  
18 supposed to go out in June.

19 MR. BORTS: The question that it raises is that you  
20 said --

21 MR. SHOLES: Excuse me, I just want to say that the  
22 time period for Mr. Noel has expired, and I know you are  
23 going to be speaking next.

24 MR. BORTS: Okay.

1           MR. SHOLES: So we will excuse Mr. Noel at this  
2 time, and we'll ask you and Mr. Gonzalez to make your  
3 presentation; and then I think during the course of your  
4 presentation, you can clarify your question, and perhaps  
5 Mr. Noel can answer it for the panel.

6           MR. BORTS: Very good.

7           MR. NOEL: Thank you.

8           MR. SHOLES: At this time, attorneys David Borts  
9 and Roberto Gonzalez will be speaking on the  
10 perspectives of the practicing attorneys.

11           MR. BORTS: I'd like to thank the committee for  
12 asking me to come and speak and meet with you this  
13 afternoon. As a little bit of background, I am an  
14 attorney; I practice in Pawtucket, Rhode Island; and  
15 perhaps 50 to 60 percent of my clientele is of foreign  
16 origin.

17           Over the course of the last five or six years, I  
18 have engaged in doing a great deal of work with the  
19 Immigration Service; and presently, I'm in the process  
20 of processing a number of legalization applications. We  
21 have filed and taken up to Boston approximately 20  
22 applicants who have been tentatively approved by the  
23 Boston office; and in my office, we're representing a  
24 wide variety of people of Hispanic origin, Cape Verdean

1 and Portugese origin; and currently, some applications I  
2 have been processing are for people of Haitian origin  
3 who have certain special rights under the Act, Polish  
4 background, and Nigerian background.

5 My experience and thoughts about the Act are  
6 three-fold. They come from my perspective as an  
7 employer. I am an employer of several persons in my  
8 office, as an attorney who is engaged in practice in the  
9 immigration and naturalization field and just as a  
10 common citizen who thinks about the law and has certain  
11 perspectives about the law.

12 Initially, the Immigration and Control Act of 1986,  
13 in my perspective, was passed for several reasons. One  
14 was to supposedly secure our borders against the  
15 invasion of so-called foreign hoardes who were coming in  
16 against the interests of the United States and to just  
17 regularize the immigration procedures for entering into  
18 this country. I think also they were set up to set up  
19 certain types of more strict regulation and policing of  
20 employer practices in this country.

21 My first concern in this area goes basically to the  
22 question of human rights and basically the right of  
23 citizens in this country to have a right to earn a fair  
24 wage, to earn a decent living and basically to live in

1 freedom from fear of persecution; and all of these areas  
2 have something to do with this Act as it's passed.

3 The proponents of this Act, as I've said, have  
4 thought that it was necessary to, in some fashion,  
5 secure our borders, which sort of brings us back to the  
6 ideas going back to the 1890's at the time of the  
7 so-called "yellow perils" and fears of invasions from  
8 foreign quests. There's no question in my mind that  
9 this country has a great attraction as an employer and  
10 its attraction for many millions of people worldwide who  
11 find themselves in underdeveloped and Third World  
12 countries and basically have a need for the kinds of  
13 employment that this country can bring.

14 I think that the economic achievement of this  
15 country is built upon the sweat and toil of many such  
16 millions of people. We're all the product of that.  
17 Everybody who is sitting in this room today is a product  
18 of that, and that it's basically this background of  
19 underachievement, or I should say poverty and lack of  
20 economic achievement, that has basically brought people  
21 to this country and brought this country to the level of  
22 industrial achievement that we have at this point in  
23 time.

24 I think that, in my own practice, what I have seen

1 over the past several months develop, at least in Rhode  
2 Island and in this area, is perhaps a little bit  
3 unusual. The initial idea behind this law was to --  
4 that we had to restrict the entry of undocumented and  
5 foreign workers because of certain lack of employment  
6 that certain people might find as a result of too much  
7 competition and millions of undocumented workers who  
8 would work for minimum wage and sometimes lower than  
9 minimum wage; and I think, at least what I've found in  
10 my practice, is quite interesting.

11 In the past three or four months, I have been  
12 contacted on several occasions by people who are in  
13 personnel offices in various businesses in the State of  
14 Rhode Island who I don't know. They've picked my name  
15 out of the yellow pages as somebody who says he does  
16 immigration and naturalization work; and I've received  
17 phone calls from these people who have said, "Well, you  
18 do immigration work; can you find us some employees?  
19 Can you find us some foreign workers who are here who  
20 can work for us?" And, you know, obviously, I've told  
21 these people I am not an employment agency. I have a  
22 great deal of foreign clients, it's true; and I've  
23 explained to them some of the provisions of the  
24 immigration law prior to the Immigration Reform and



1 Control Act might give them the ability to have  
2 permanent labor certification or at least temporary  
3 labor certification for some employees; but what I'm  
4 finding that, at least in this area in the country where  
5 we currently have almost an economic boom, so to speak,  
6 we are finding that what This Act is doing is it's  
7 cutting -- if, in fact, its rationale is having results,  
8 that is, cutting down the number of undocumented people  
9 coming into the country, what we're finding is what we  
10 are creating is a labor shortage; and in this State, it  
11 seems that the intent of the law, which is to secure the  
12 economic situation for our own companies, secure the  
13 situation for our own employees, is having an ironic and  
14 reverse effect.

15 What I see and what I've been told is that the  
16 shortage of workers in some of the industries in this  
17 State, such as the jewelry industry and certain smaller  
18 textile shops that still remain in this country, in this  
19 State, excuse me, is that they're faced with a labor  
20 shortage which may result in their moving out of State.  
21 It may result in them moving out of the country, in  
22 fact. So that, as I say, we're seeing quite the  
23 opposite effect of what we might have intended and at  
24 least those that passed this law might have intended.

1           I think the other interesting part of this law is  
2           what, in effect, it seems to do is it seemed to be  
3           subcontracting the police powers of the Federal  
4           government out to employers; and what the Federal  
5           Government has said is we can't enforce -- "We can't  
6           keep the borders secure. Employers, it is your job.  
7           We're going to give you the wherewithall; we're going to  
8           give you I-9 Forms; you are going to be our Police  
9           Department in every little city and town in the United  
10          States; and you are going to enforce the law for us."

11           Now, as a lawyer, I look at it as a  
12          contractor/subcontractor. Usually, there are two sides  
13          to a bargain, all right; and what we're getting here is  
14          the Federal Government has legislated, by fee, that the  
15          employer is our local policeman to enforce these laws;  
16          and there's nothing -- the employer gets nothing back  
17          for this except to say that we're good citizens; and, in  
18          effect, the economic conditions in this State and in  
19          this region are going to recreate a situation which is  
20          going to encourage avoidance, perhaps bribery, but  
21          certainly avoidance of this statute, because companies  
22          need employees in order to survive, and they need good  
23          workers; and the workers that have come in illegally are  
24          the workers that have made companies thrive; they've

1 made this country thrive. And so what one of my great  
2 objections is, while it may not be a Constitutional Law  
3 objection, it's certainly a philosophical objection to  
4 this statute, is that, in fact, the employers now are in  
5 a situation where they have to police; and they are not  
6 going to police, in my estimation, over the long run.

7 I was recently, I should say perhaps two-and-a-half  
8 months ago, at a lecture given at Brown University by  
9 the Council for the Senate Judiciary Committee. The  
10 name escapes me at the moment. He is the counsel who  
11 works for Senator Simpson in the United States Senate  
12 who helped draft this legislation; and he gave a very  
13 excellent talk about the legislative background and how  
14 this law came to be; and one of the fascinating things,  
15 of course, was he was asked, "How are we going to  
16 enforce this? Are employers going to now comply?"

17 Now, certainly employers are told what the  
18 sanctions are, but he said, "Well, how are you going to  
19 make employers comply?"; and he said something that sent  
20 a chill up and down the spine of everybody in the room.  
21 He said, "We are going to need show trials." He said we  
22 are going to have to bring some of the big companies in,  
23 and we are going to have to prosecute them; and we are  
24 going to have to prosecute them strong and he repeated

1 again, "We are going to have to have "show trials".  
2 That word, certainly to people perhaps my age and older  
3 than I, has a connotation that I think is one that is  
4 very chilling; and I think that, as I say, the ability  
5 to enforce these employment sanctions in the long run is  
6 going to be very, very -- be very, very small, given a  
7 good economic climate. Now, certainly in the southwest  
8 of this country there is a problem, an entirely  
9 different situation which I am not aware of from my  
10 practice; but what I see here seems to be a situation  
11 where This Act, the rationale of the Act and the  
12 ultimate enforcement of the Act are strongly to be  
13 questioned.

14 I think also that my own perspective about what's  
15 going on in the Legalization Office is important as  
16 well. We're talking about a lack of information in the  
17 community; and certainly, the people that come in to see  
18 me, many of the people, they just happen to be coming in  
19 to talk about their immigration problems and say, "I  
20 have been here since 1981"; and I say, "You may be  
21 eligible for this amnesty or legalization"; and we talk  
22 about it; but people don't know.

23 I have been involved myself in doing some  
24 education; I represent a lot of Cape Verdeans. I have

1           been on a radio show that is broadcast to the Cape  
2           Verdean community on several occasions; and they have  
3           some call-ins; and there's a great deal of commotion  
4           every time we are on the radio station; but a lot of  
5           people do not know about this Act, and they do -- they  
6           just don't know about it or they're afraid of it, as has  
7           been said by Gerry Noel and other people; and when I was  
8           in the Legalization Office this Monday and I guess on  
9           Monday, there were people down in Providence helping  
10          fill out applications here on Monday.

11                 There are 12 booths at the Immigration Legalization  
12          Office in Boston. There are about six or seven  
13          employees available to process applications. I walked  
14          in there with three people with me to file applications.  
15          We were served within two minutes of walking in the  
16          door, and there were people walking around looking for  
17          things to do. It's not busy. Now, that obviously is a  
18          result of the lack of education in the community because  
19          there are certainly hundreds of thousands of people in  
20          the New England region who should be walking in that  
21          door.

22                 Those people who are employed by the Immigration  
23          Service ought to be out; they ought to be out in the  
24          field, and they ought to be used for education; and if

1 they're not doing anything and the offices are not busy  
2 enough, they ought to be sent out into the streets, so  
3 to speak. They ought to be out in the community; they  
4 ought to be out speaking to people. I mean that's my  
5 major recommendation to this Committee is that the  
6 resources that are being put into this are not being  
7 effectively managed; and from my experience this past  
8 Monday, it seems that either the applications are not  
9 coming in, they've petered out. They haven't started to  
10 swell yet; but the people who are up there working, they  
11 know as much about the law as any of us do here, or it's  
12 certainly enough to sit down with a community group and  
13 explain to them what's going on; and that is the one of  
14 my major recommendations, besides my own personal  
15 feelings which is the entire Act should be either  
16 scrapped or reformed entirely.

17 These people - there should be more education;  
18 their needs to be massive education; and in one year's  
19 time, there's no way that enough people are going to  
20 apply to make this law really worthwhile. It takes  
21 results in order to overcome peoples' fears. It takes  
22 Mr. Smith to see Mr. Jones with his green card and say,  
23 "Yes, I got it." Just saying this, community groups  
24 saying this, a lawyer even telling people is not enough.

1 People need to see the results, and the results take  
2 time. You know, it's more of a word, mouth to mouth and  
3 people, you know, a process of gossip, I think, that is  
4 going to educate people more than anything we can do.  
5 People have got to see the result is. These are people  
6 who are uneducated in American ways; in some cases,  
7 perhaps uneducated in general, and they will act  
8 when they see results; and as I say, we, in the  
9 Commission here, the people from the social groups, the  
10 attorneys here, all we can do is start the spark; but  
11 unfortunately, this one-year process is just not going  
12 to be enough time. Thank you.

13 MR. SHOLES: Thank you very much. I think we're  
14 going to have you make your presentation first, and then  
15 we'll ask you questions.

16 MR. GONZALEZ: Okay, Roberto Gonzalez. I am with  
17 the firm of Watt, Galvin and Gonzalez, and I just  
18 recently started practicing law, as a matter of fact in  
19 January, so I don't profess to be a know-it-all. Since  
20 beginning my practice, I have focused almost entirely on  
21 immigration and particularly the legalization process.  
22 Our law office has an international clientele. We have  
23 people walking in the door from all parts of the world,  
24 economically diverse clientele. Our entire staff speaks

1 Spanish. We're probably one of the few offices anywhere  
2 in the country where we can boast that. The  
3 legalization work makes up a tremendous amount of the  
4 work in the office right now. We have approximately 250  
5 people who are in various stages of the legalization  
6 process, and people are walking in the door at the rate  
7 of about 10 new cases a week. So, it hasn't died out,  
8 although we experienced the greatest influx early on,  
9 early on in the process.

10 Of about 250 that we have, we've processed nearly a  
11 hundred, with the approval being provided and work  
12 authorization; and the remaining ones are in various  
13 stages, as I said. Our experience is quite -- how  
14 should I say it, it's mixed; you know, we feel good  
15 about certain things, how we feel. We certainly feel  
16 good about the Act in general; and then, you know, we  
17 have our misgivings, particularly with the regulations,  
18 which we found to be a rush job, as a result,  
19 cumbersome, imprecise in some areas, ambiguous and  
20 inconsistent. My feeling is that the regulations are  
21 unduly restrictive, given the intention of the law.

22 It's my recollection that the Act was intended to  
23 be liberally and generously construed and to make  
24 legalization available to as many people as possible.



1 On the other hand, we find that family members can be  
2 excluded, if they don't qualify. We find that people  
3 who, for example, entered through the border after 1982  
4 after a short duration outside of the country, qualify.  
5 On the other hand, people who obtained a Visa to come  
6 back into the country don't qualify. I think that's  
7 unfair, and it's an injustice, in the sense that we're  
8 punishing people who otherwise try to make a lawful  
9 entry into this country, while we are not giving the  
10 same kind of treatment to people who otherwise may make  
11 an unlawful entry into the country; and I'm talking in a  
12 very narrow amount of cases where people were here and  
13 otherwise qualified, left the country, spent anywhere  
14 from two weeks to three weeks outside of the country and  
15 then came back. So, I think, as a whole, the  
16 regulations may be a little more restrictive than the  
17 Act calls for.

18 One of the things that I find troubling is that,  
19 while it's been made clear that family members who don't  
20 meet the requirements of the regulations in terms of  
21 being here by that date and otherwise qualifying, while  
22 they're not eligible, applicants are required to list  
23 those family members under application; and I think that  
24 creates a lot of problems for people. I get people in

1 my office, and the first word that comes out of their  
2 mouth when I say, you know, give me the list of family  
3 people is, "Do I have to?", and, "Is it only people who  
4 are here?", and why do -- you know, "Why do I have to  
5 list them if they don't qualify?"; and people are  
6 afraid. It's a genuine fear. We've seen people who  
7 have said, "Listen, I'm going to wait before I go  
8 forward with my application; let's see what happens."  
9 I've got people who are holding off and hoping that the  
10 Chaffee/Pell Act goes through quickly. I think that's  
11 unfortunate, particularly when you take into  
12 consideration that the people that we're dealing with  
13 have very strong family values, very much family  
14 orientated; and for the most part, family unification is  
15 a primary concern, even over legalization. They'd  
16 rather be united, no matter where, than to break up that  
17 family; so, you know, that has created a lot of problems  
18 for us.

19 One of the other things that I think creates some  
20 problems, and particularly problems that deal with civil  
21 rights I think, is the requirement, the two-year  
22 temporary residential requirement, that waiting period  
23 before you can become a permanent resident. What that  
24 does is that it ultimately delays the amount of time

1           that a person would have to be waiting for citizenship;  
2           so we're talking about denying people voting rights;  
3           we're talking about job rights where citizenship is a  
4           requirement for certain jobs, like civil service jobs;  
5           and it also has a delay on that person, the qualifying  
6           applicant, his ability to petition for his family  
7           members who may otherwise qualify. Those people would  
8           have to wait anywhere from seven to 10, 12 years,  
9           depending on the preference category that they fall  
10          under, before they can be petitioned by someone who has  
11          become a temporary resident and now has to wait two  
12          years to become permanent residents, and then ultimately  
13          will have to wait another five years to become a  
14          citizen.

15                 I think that we should encourage legislation or  
16          executive changes so that, you know, people who become  
17          temporary residents can begin to process applications  
18          and petitions on behalf of people who don't otherwise  
19          qualify; and I'd like to see -- I'd like to see people  
20          be encouraged to join the American mainstream quicker,  
21          if possible. Let's not require people to wait five  
22          years before they can become citizens. A lot of these  
23          people are so anxious to become American, to participate  
24          in the politics of this country, and to be full-fledged

1 and not secondary or second class or underclass type of  
2 members in our society, and I think it's an awful way to  
3 welcome people into this country and into society. I  
4 think --

5 MR. SHOLES: Excuse me. Can I interrupt you there?

6 MR. GONZALEZ: Sure.

7 MR. SHOLES: Can you just sort of wrap it up  
8 because we are running out of time for this segment of  
9 the presentation.

10 MR. GONZALEZ: Okay, some of the other things that  
11 I would have touched on with more time are the  
12 restrictions on travel that are imposed on people who  
13 are temporary residents and those who are pending  
14 temporary residence; and I think the right to travel in  
15 this country is a fundamental right; and I think and I  
16 see that, as a civil rights prohibition, that is  
17 unnecessary; and also, the disqualification from  
18 needs-based programs that are -- you don't know what can  
19 happen to someone who becomes a temporary resident. I  
20 mean, you know, his family could meet with disaster, and  
21 he could be in very serious need for some of these  
22 programs. Things like low-income housing assistance  
23 programs, small business mortgage programs,  
24 stay-in-school programs, AFDC, and many others are

1 excluded for people who make temporary resident and  
2 permanent resident for a good number of years.

3 Basically, that's what I wanted to -- I mean I have  
4 more, but I'll leave it at that.

5 MR. SHOLES: I know we found your presentation very  
6 interesting, but we have a time constraint. At this  
7 point, if there are any Members of the Committee who  
8 would like to ask a question, we will entertain  
9 questions at this time.

10 MS. ZIMMERING: I'd like to ask one or two.

11 MR. SHOLES: Okay.

12 MS. ZIMMERING: Let's see if I can work this thing.  
13 Do you find the fees associated with the application  
14 prohibitive to some of your clients?

15 MR. GONZALEZ: Well, the \$185 fee is certainly a  
16 high fee, when one considers and compares it to other  
17 legal -- other immigration application fees. I mean  
18 it's probably three times more than any other fee that I  
19 know of; so, yes, it is prohibitive, and I think that  
20 the amount of -- the amount of work that goes into  
21 preparing these packages -- I mean I should have brought  
22 one in to show you. When we get done with a package,  
23 they're about two to three inches thick, and the amount  
24 of work -- we've calculated anywhere from 10 to 15 hours

1 of peoples' time goes into preparing these; so,  
2 consequently, someone who chooses to go through an  
3 attorney may be looking at anywhere from 500 to a  
4 thousand dollars in legal fees to submit their petition.  
5 And it's not that attorneys are overcharging; it's just  
6 that this is very lengthy, difficult work.

7 MS. ZIMMERING: And that would be for each  
8 individual in the family who would be applying?

9 MR. GONZALEZ: Well, the fees vary. It's 185 for  
10 an adult over 18. When it's a family unit that is  
11 applying and they have minor children, the most that the  
12 fee will go up to is \$420 for the family unit. Legal  
13 fees can -- I've seen different structures; but in our  
14 office, legal fees for the family would take that into  
15 account and be much lower than probably less than half  
16 of what it would be ordinarily.

17 MS. ZIMMERING: Thank you.

18 MR. BORTS: I think one other thing that just could  
19 be added to that also is the fact that you have got,  
20 besides the application fees which can total 420 I guess  
21 for two adults and one child, you also have the medical  
22 fees for each person of \$50 apiece; you have photograph  
23 fees which can go 10 to \$20 apiece; and then ultimately  
24 if you are filling out your own or through an attorney,

1 you have got to go to Boston; there is no office here.  
2 Before you've paid an attorney, a family may have taken  
3 six or seven or \$800 out of their pocket in order to  
4 file one of these petitions. So, when they finish with  
5 an attorney, you may have spent \$1500, \$2,000 for all of  
6 your costs and attorneys fees.

7 MS. ZIMMERING: So this may account for the lack of  
8 business in the Boston office. It takes people not only  
9 time and energy but much more money than they might  
10 easily accumulate.

11 MR. BORTS: Absolutely.

12 MS. ZIMMERING: Thank you.

13 MR. SHOLES: Sarah.

14 MS. MURPHY: Just a follow-up on Mrs. Zimmering's  
15 question. In other words, for these families, it is not  
16 possible through any of the programs to take advantage  
17 of the amnesty filing period. You can't hear me again?  
18 Sorry. In other words, it's not possible, during this  
19 amnesty period, for any eligible family or family to  
20 apply without spending ex? I mean what's the basic  
21 minimum that has to be spent?

22 MR. BORTS: The basic minimum for one person is --  
23 one adult is \$185 filing fee, medical fee, photograph  
24 fees; and if they're going maybe through a QDE, I think

1           there is a registration of \$15 is what it is, Gerry.

2           MR. NOEL: You're right, the basic fee would be 185  
3 plus medical, plus fingerprints, plus photos, and then  
4 the 11 dollar maximum parking fee next door to the  
5 Boston Legalization Office.

6           MR. BORTS: Right.

7           MR. NOEL: It's incredible.

8           MR. BORTS: So, for one person, you are talking  
9 perhaps \$300.

10          MR. NOEL: In addition to that, if you go through a  
11 QDE, there is a filing fee of \$75, and then the  
12 fingerprints and photos are \$25. Those amounts are  
13 specific because we are capped by the Immigration  
14 Service. That's how much we can charge; that's all we  
15 can charge, despite the fact that for us also there is  
16 10, 15 hours of work involved, just as much as for the  
17 attorneys.

18          MR. BORTS: So that's the minimum, and I think most  
19 people find the complexity involved is they're not going  
20 to do it on their own. They are either going to do it  
21 through a QDE or through an attorney.

22          MR. NOEL: Exactly.

23          MS. MURPHY: I have one more question, if I may.

24          MR. SHOLES: Yes.



1 MS. MURPHY: On the travel issue, it was apparent  
2 to me from my personal and public experience, as well as  
3 time on this Committee, -- and I'm not sure if I'm  
4 correct or not -- but I assume that the restrictions on  
5 travel that apply to this law are to prevent people from  
6 illegally going back and forth; in other words, doing  
7 illegal things that one might do if one is going back  
8 and forth to South America? I mean is there a -- how,  
9 as attorneys, how would you -- would you have any  
10 suggestions as to how, other than going on a  
11 case-by-case basis in the application of this law,  
12 people could differentiate? I mean you'd just have to  
13 go case-by-case? I mean is that it; is there any other  
14 way that the Government could exclude drug smugglers  
15 from this law? I mean it just seems to me that it's so  
16 terrible that families should be separated or that these  
17 other conditions that we're talking about should not be  
18 given full reign because of whatever reasons we have for  
19 that kind of continuity for a stay in the United States.  
20 That's not a very good question, but if you could just  
21 clarify that issue at all.

22 MR. GONZALEZ: Well, I don't know if the intent is  
23 so much to prevent illicit activity as it is to make  
24 sure that the person establishes continuous presence in

1 this country and meets the residency type of  
2 requirements that INS has sought to impose on people. I  
3 think the law states that, in total, a person cannot be  
4 more than 180 days outside of the country while they are  
5 in that temporary resident status. Any single trip  
6 cannot exceed 45 days. I believe that's the way it  
7 goes. So it appears to be more of a continuous  
8 residence type of issue.

9 MS. MURPHY: Is the application of that regulation  
10 very strict, or is it too early to tell?

11 MR. GONZALEZ: I think it's too early to tell. We  
12 don't have anyone yet whose got temporary residence.

13 MR. BORTS: No one has the permanent temporary  
14 cards yet.

15 MR. GONZALEZ: I have had a couple of people who  
16 have had work authorization who need to leave the  
17 country because they have either a sick relative or  
18 something like that, and INS has been very helpful in  
19 permitting those people to re-enter and giving them  
20 advanced permission to re-enter.

21 MR. SHOLES: You got a comment on that?

22 MR. NOEL: Yeah, I'd like to elaborate on that.  
23 The 180 days in total and 45 days per exit to be away  
24 from the country applies to people since 1982. The

1 restriction on travel is that, when you get your  
2 temporary authorization card at the time that you  
3 interview with the Immigration Service, that temporary  
4 authorization card does not allow you to leave the  
5 country at all. Then when you get your temporary  
6 resident card, during that period of time until you  
7 apply for your permanent resident card, that two-year  
8 period, you can only leave 30 consecutive days at a time  
9 and for only a total of 90 days during that whole  
10 two-year period. That poses a lot of hardship on some  
11 people, as I think you indicated, Roberto, just to  
12 clarify that.

13 MR. SHOLES: Thank you very much. Any further  
14 questions?

15 MR. SHOLES: Go ahead.

16 DR. CHUN: The Chaffee bill that you referred to  
17 earlier, I assume that would make some provisions for  
18 family unity, and my question is does the bill do  
19 anything else that is like doing something about the  
20 prohibiting cost of applications and so on; and what is  
21 the status of that bill? I wasn't quite aware of that.

22 MR. GONZALEZ: To be honest with you, I'm not  
23 prepared to talk about the bill. I haven't seen the  
24 bill, and I've only read what the newspaper has reported

1 on it. My understanding based on that is that the bill  
2 only addresses the family reunification issue.

3 MR. NOEL: That's correct.

4 DR. CHUN: Thank you.

5 MR. SHOLES: Well, I want to thank you very much  
6 for your presentation. And is there another question?  
7 Okay, I saw a hand up. Thank you.

8 MR. GONZALEZ: Thank you.

9 MR. SHOLES: At this time, I'd like to call upon  
10 Mrs. Patricia Smith, who is the Director of The  
11 Personnel Executives Club of the Providence Chamber of  
12 Commerce who will be speaking on the perspectives of the  
13 employers.

14 MS. SMITH: Good afternoon. Can you hear me?  
15 First of all, I'd like to thank you for welcoming me  
16 instead of Stephen Hines, who is actually the President  
17 of the Personnel Executives Club; and he had a sudden --  
18 he called me suddenly yesterday afternoon to tell me  
19 that he just couldn't make it and asked me to show up;  
20 so I apologize for being late. I also apologize,  
21 although you may be happy, I only have a few words to  
22 say, and then I'll be glad to answer any questions as  
23 well as I can.

24 Primarily, as a representative of the Personnel

1 Executive Club, I have represented approximately a  
2 hundred personnel professions in the State of Rhode  
3 Island, companies that are associated with Greater  
4 Providence or any Chamber of Commerce in the State of  
5 Rhode Island. We have participated in, most of us, and  
6 had some literature going around about this issue for  
7 quite a while, as you can imagine. Those of us in  
8 personnel are quite used to complying with everything  
9 that the government happens to dump on us, which has  
10 been quite a lot in the last few years. However, in  
11 this issue, we've -- although generally our membership  
12 feels the mission is basically a good one; however, we  
13 feel we're not getting or haven't been getting what we  
14 need to comply. The information that we need has been  
15 spotty. I have personally, in my company, it's a 15  
16 million dollar company, which is small; but  
17 nevertheless, we pay taxes. I have not received one  
18 word directly from Immigration about this. If it  
19 weren't for attorneys and associations that I belong to,  
20 I would have absolutely no knowledge about this issue.  
21 I feel that's wrong.

22 I recently got -- belonged to a publication called  
23 the Legal Reporter; it's to do with personnel, legal  
24 issues and so forth; and they glazed across the

1 headline, "At Last the Final I-9"; and this was after we  
2 had months of I-9 forms all the same, to the point where  
3 we actually copied it and finally started using it; and  
4 now we find we have to throw the whole thing out because  
5 there's additions to it. So I really was almost pulling  
6 out my hair; and I really don't know legally if that is  
7 the Final I-9. I haven't received a booklet either. So  
8 really, the only objection we have -- and this is  
9 persons that we have as employers -- is that we're not  
10 getting the means to comply with the requirements of the  
11 I-9.

12 Personally, my company is comprised, probably  
13 one-third of our work force, of foreign decent, Spanish,  
14 Asian, so on, African. We have had absolutely no  
15 trouble since we started asking for this, and we've had  
16 no trouble with anybody. No one has ever walked out.  
17 Everyone has had their green card. We've been able to  
18 properly identify people, so we don't -- we aren't  
19 finding this a great problem in my particular situation.  
20 The only problem I'm finding is that everything I have  
21 done has to be thrown out, and now I have to re-do it  
22 again. But other than that, I really don't have much  
23 more to say.

24 We feel that the questions haven't always been

1 answered at these various seminars. The seminar  
2 recently that was held where Governor DiPrete and the  
3 Chamber of Commerce got together and had a seminar on  
4 this issue, there were a lot of questions at that time  
5 to Immigration; and there were a lot of non-answers from  
6 Immigration because they didn't have the answers either;  
7 and so here we are. I'd be glad to answer any  
8 questions. As I say, I wasn't really prepared with too  
9 much more.

10 MS. ZIMMERING: Yes. Would you anticipate much  
11 resistance on the part of employers complying with this  
12 kind of regulation?

13 MS. SMITH: Absolutely not. Why should be there  
14 there be? This is only one more of many.

15 MS. ZIMMERING: But it's an additional type of  
16 work?

17 MS. SMITH: That's why we have a Personnel  
18 Department; that's what we do. I absolutely see no  
19 reason why anyone shouldn't want to comply. It's not  
20 that much trouble. As I said, I have been doing it  
21 personally, just to see reactions of people. We've had  
22 no problem with our applicants, and we had many, many  
23 many applicants. You know, we don't ask them at that  
24 point; but once we hear them, then we ask them, and we

1 have them fill out the form. We've had no problem at  
2 all. No, I -- in our group, we don't really anticipate  
3 any problem or any resistance.

4 MS. ZIMMERING: Okay.

5 MS. SMITH: But understand, that's what we do;  
6 that's my job, so I'm not going to resist doing it.

7 MS. ZIMMERING: I was really thinking in terms of  
8 having employees who would now have to be identified;  
9 but since your experience has been with employees  
10 who have already or who are willing to identify  
11 themselves, --

12 MS. SMITH: Right, okay, we haven't gotten into the  
13 nitty-gritty. We haven't gotten into the current  
14 employees since November of 1986, okay. Anything  
15 before that, they're home free, obviously; but since  
16 November 9, we haven't gone back into the work force yet  
17 because I was waiting for the final regulation; but  
18 that's what we are going to start doing, hopefully, as  
19 soon as we get the go ahead. We may find some  
20 resistance there. I mean, you know, we complied with  
21 the law; and we will do what we have to do with that  
22 resistance; and we'll hope our employees, if they have a  
23 problem, we'd like to direct them. We'd like to know  
24 where we can direct them to, so they can seek help.



1 MS. ZIMMERING: Have you been doing any kind of  
2 educational work in the company?

3 MS. SMITH: Not yet.

4 MS. ZIMMERING: Not yet?

5 MS. SMITH: Not yet, no, but we intend to.

6 MS. ZIMMERING: Thank you.

7 MR. SHOLES: Any other questions from the  
8 Committee? Now I've got a question.

9 MS. SMITH: Okay.

10 MR. SHOLES: The prior speaker indicated that at  
11 least he felt that This Act will encourage avoidance of  
12 the provisions of the Act. What is your feeling on  
13 that?

14 MS. SMITH: Avoidance by who?

15 MR. SHOLES: Avoidance by the employer, just  
16 completely avoid the Act; he won't ask for or require  
17 documentation. He probably won't.

18 MS. SMITH: Well, I've only worked for companies  
19 who have personnel professionals and offices and  
20 complied with the law; so I really find it sort of hard  
21 to comprehend; but I do know that there are companies,  
22 small companies perhaps, that I've been a consultant to,  
23 and I've gone into small companies where they weren't  
24 even aware they were supposed to do these things. I

1 would think, considering the lack of information I have  
2 received, that the biggest problem may be that the very  
3 small companies that don't have people like me on the  
4 lookout for these kinds of things or don't have  
5 attorneys on the lookout for them, who don't have  
6 associations who are on the lookout for them, that it  
7 simply goes over their head and just say, "Oh, it's one  
8 more thing," and keep going. That would be, I think,  
9 the most possible thing to happen; and that's all due to  
10 the fact that we are really not getting good and  
11 consistent information directly. We are getting it  
12 indirectly; we are not getting it directly. That would  
13 be my concern.

14 MR. SHOLES: Any questions?

15 MR. GONZALEZ: Yes. One of the speakers I think  
16 quite correctly stated that very little emphasis is  
17 being placed on the entire discrimination provisions of  
18 the Act; all the emphasis is on compliance with the  
19 sanctions of the law. I think it was Steven who noted  
20 that, and I agree with that. What do you think your  
21 group can do to place some importance to the  
22 anti-discrimination provisions?

23 MS. SMITH: Well, it's apparent that the  
24 anti-discrimination provisions are that everybody is

1 treated equally, and everybody who comes in has asked  
2 for the same information; and everybody, every employee  
3 who was employed after November of 1986 will be given  
4 the same form to fill out and asked for the same  
5 information. We have found, if we're consistent in that  
6 kind of thing, -- and I think we all try to be that --  
7 that we don't have a discrimination worry.

8 The anti-discrimination part would be, as I'm  
9 assuming that you mean it, would be the fact that it's  
10 not by choice; you don't choose who is going to do this.  
11 Everybody falls under it, whether they're blond and  
12 blue-eyed or whether they're Chinese. It doesn't  
13 matter. You know, I really -- I don't -- I think just  
14 being consistent and following the law just exactly the  
15 way it says, I don't think there should be a problem.

16 Educationally, we intend to let our employees know.  
17 We don't just go in and throw it on them. In fact, we  
18 have already been letting them know. We have what we  
19 call rap sessions, and I have said, "This is coming" and  
20 so forth. So I am giving employees who have a problem a  
21 chance to come in and either ask for some help or go out  
22 to their own, you know, wherever they want to go and get  
23 help through their own associations and attorneys and  
24 whatnot. So I am sort of letting them know, but I'm

1 letting everybody else know that we are going to need a  
2 birth certificate and that kind of thing; and no one  
3 has, so far, really objected. I haven't actually gotten  
4 down to the nitty-gritty yet.

5 MR. SHOLES: Of course, this requirement to ask for  
6 the documentation is mandated by the employer, and I  
7 guess it's directed mainly at the blue collar work  
8 force; but what about the white collar work force?

9 MS. SMITH: Everybody. I didn't notice --

10 MR. SHOLES: The president, vice president?

11 MS. SMITH: Yes, absolutely. If they were hired  
12 after November of 1986 and thereafter, sure, yes. I  
13 don't even think that -- that's everybody, everybody.

14 MR. SHOLES: Okay.

15 MS. SMITH: So, we just have an employee listing,  
16 and we go right after the hired date. That's the only  
17 way we can handle things. How else can you possibly  
18 handle it and not be discriminatory?

19 MR. SHOLES: Dr. Chun?

20 DR. CHUN: Would you care to share with us some of  
21 the budget and the non-answers from INS?

22 MS. SMITH: Well, the questions that I still  
23 haven't answered, even though I had this emblazoned  
24 Epistle coming is: "Is this or is this not the final

1 form of the I-9?" There were some additions to be put  
2 in the form. There were some questions; I haven't  
3 looked at it closely; I just got it. Those were the  
4 questions.

5 The other question that I had asked before -- I  
6 think I had asked Mr. Granger at that thing, and  
7 everybody sort of laughed. I was always under the  
8 impression that it was illegal to hire illegal aliens,  
9 and I guess I was wrong. I didn't know that we weren't  
10 always responsible for -- I thought that was the law to  
11 begin with, and I know many people in my field did who  
12 always have asked for those documents and for birth  
13 certificates and that kind of thing when we hired  
14 people. So, I felt like I had come in after the game  
15 was over anyway at that point; and, you know, I'd always  
16 sort of thought that it was illegal to hire illegal  
17 aliens.

18 MR. SHOLES: Okay, I think we can call upon Mr.  
19 Granger, if you can answer that question. Is this the  
20 final I-9 Form?

21 MR. GRANGER: To the best of my knowledge, that's  
22 the one that's been published and is being distributed.

23 MS. SMITH: And are we going to get it directly  
24 with this little booklet that I heard mention of?

1           MR. GRANGER: You mean directly through the  
2 distribution system?

3           MS. SMITH: Yes.

4           MR. GRANGER: Or by a representative or a  
5 representative from my office.

6           MS. SMITH: Okay, but we should get one directed to  
7 the company, in other words?

8           MR. GRANGER: Yes.

9           MS. SMITH: Okay, good, glad to hear it. I will  
10 wait.

11          MR. SHOLES: Any other questions? Miss Brice?

12          MS. BRICE: I believe you spoke about labor. Have  
13 you experienced that among the groups that you  
14 represent?

15          MS. SMITH: Many -- some of them do. It depends on  
16 where you are located. It actually depends on where you  
17 are located. My company is located right on Cranston  
18 Street near Providence near all the projects. We have  
19 absolutely no labor problem. Also, we pay very well, so  
20 we have no labor problem. But yes, there is definitely  
21 a labor problem all over the State. I understand that  
22 Newport is bussing people in from Fall River, and that's  
23 a reality. So, but this is this time. I've gone  
24 through times like this before too, and we've often had

1 labor shortages.

2 MR. SHOLES: No other questions? Thank you very  
3 much.

4 MS. SMITH: Thank you.

5 MR. SHOLES: Our next speaker is scheduled to be  
6 Mrs. Patricia Martinez, and speaking in her place will  
7 be Mr. Steven Brown, representing the Immigration and  
8 Reform Steering Committee. Mr. Brown is wearing two  
9 hats today.

10 MR. BROWN: Thank you again. In sitting here and  
11 listening to the various speakers, I think there are two  
12 unfortunate messages that keep on coming across. One is  
13 that, in many instances, the spirit of the law really is  
14 not being followed, in terms of the legalization  
15 provisions. INS regulations have been adopted which  
16 really severely restrict who will be eligible to apply  
17 under the legalization program.

18 Similarly, under the anti-discrimination  
19 provisions, one of the first things that was done after  
20 the law was passed, as I mentioned earlier, was the  
21 President indicated that it only applied to intentional  
22 discrimination; and the Office of Special Counsel has  
23 really done nothing; and I think trying to counteract  
24 that message is something that would be especially

1 helpful for this Committee to do.

2 The second unfortunate message is that all too  
3 often it is private groups that have really had to do  
4 the role of advising employers as to what their  
5 obligations were, advising aliens, illegal and  
6 otherwise, what their rights were under the legalization  
7 program and under the anti-discrimination provisions;  
8 and I think it's permeated most of the testimony that  
9 you've heard this afternoon; and I think it's especially  
10 true about what I'm going to talk about and why the  
11 Immigration Steering Reform Committee has come up with a  
12 discrimination monitoring network to try to document and  
13 help people who may be facing discrimination in this  
14 State.

15 Today, you've heard some examples of discrimination  
16 that is, in fact, occurring. These aren't just fears  
17 that some people have that discrimination may occur.  
18 Renee Tucker gave some specific examples, and there are  
19 lots of them out there. They're not just an anecdote.  
20 In addition, another problem that I've heard that is  
21 occurring nationwide concerns how the document  
22 confirmation is taking place.

23 The chairman asked a question of the previous  
24 speaker about blue collar workers versus the employer



1           who is the vice president of a company. While I think  
2           it's generally true that those employers that are, at  
3           least on their face, trying to comply with the law will  
4           ask both of them for identification, what we are hearing  
5           is that if you happen to speak with an accent or are  
6           Hispanic or look like another minority, your  
7           documentation is going to be scrutinized differently and  
8           much more carefully than if you are a white person  
9           applying for a job. So, even if there is a surface  
10          compliance with neutrality in examining these documents,  
11          it may, in fact, be working quite differently.

12                 As a result of all these concerns, the  
13          International Institute, members of the Steering Reform  
14          Committee, and the ACLU got together and have put  
15          together a discrimination monitoring network for the  
16          State of Rhode Island. This is also something that is  
17          taking place nationwide on the national level of the  
18          ACLU; and the Mexican/American Legal Defense and  
19          Education Fund put together a discrimination form that  
20          is being distributed across the country to community  
21          groups, to try to document any allegations of  
22          discrimination that are occurring in the work force.

23                 Here in Rhode Island, we have distributed these  
24          forms to numerous community groups and have asked those

1 groups to start documenting any allegations that come to  
2 their attention. These forms do not require that the  
3 individual who has been discriminated against sign their  
4 name and pursue a discrimination complaint. If they  
5 wished to, that's fine, and they will be referred to the  
6 appropriate agency that can help them; but even if the  
7 person is not willing to go ahead with the complaint for  
8 lots of legitimate reasons, we are still trying to get  
9 documentation of these problems both for our own  
10 information to see how widespread it is, but also  
11 because it will be useful to the general accounting  
12 office in making its recommendations to Congress as to  
13 whether these anti-discrimination provisions ought to  
14 continue and whether the sanctions provisions ought to  
15 be repealed.

16 As I mentioned earlier, the GAO has an obligation  
17 under the law to present an annual report for three  
18 years to Congress describing both how the sanction  
19 provisions are working and how the anti-discrimination  
20 provisions are working. So, if it appears that the  
21 sanction provisions are causing widespread  
22 discrimination in the workplace, Congress can review  
23 that information and then make a reasoned judgment as to  
24 whether the benefits of the sanctions provision outweigh

1 the discrimination that is occurring. So this  
2 monitoring network is extremely critical for the local  
3 level as well as the national level.

4 The process is fairly complicated, but we've come  
5 up with a procedure as to how we will handle complaints  
6 that are brought to our attention, from the beginning to  
7 the follow through; and I don't want to go over all the  
8 details, but I just want to stress that it is important.  
9 It's just started, so I can't give you any data as to  
10 how widespread the discrimination problems are; but  
11 we're hopeful that implementation of this network will  
12 not only assist people once they've encountered  
13 discrimination, but will also encourage people to come  
14 forward and say that they have, in fact, been  
15 discriminated against.

16 MR. SHOLES: Any questions?

17 MS. ZIMMERING: I have a question, please, Steve.  
18 I don't quite understand. If a suit were brought, is  
19 the provision for not awarding attorneys fees the same  
20 as it is in other discrimination suits now?

21 MR. BROWN: No, it is not. The provisions under  
22 the Immigration Law are much more restrictive as to when  
23 attorneys fees may be granted. Under Title 7, the other  
24 employment discrimination Federal Law, under what's

1 known as the Civil Rights Attorneys Fees Award Act, a  
2 prevailing attorney in a civil rights suit, the  
3 Plaintiff's attorney, can recover fees if they are  
4 successful in prevailing on one or more of the claims  
5 that they have brought. Under the Immigration Reform  
6 Act, however, a prevailing party in a lawsuit can  
7 recover fees only if first they're successful,  
8 obviously, and also only if the Court finds that the  
9 Government's position was not reasonable in law and in  
10 fact. So, if there's any reason to believe that the  
11 suit might not have been successful, that there was some  
12 basis for defending this suit, the attorney representing  
13 the person who was discriminated against will not be  
14 eligible to recover attorneys fees. That's a much, much  
15 hire standard than a typical --

16 MS. ZIMMERING: The attorneys here probably can  
17 tell us. I would think that that would restrict the  
18 number of cases that one might feel were substantial and  
19 yet be unwilling to pursue on a retainer basis.

20 MR. BORTS: Minimum.

21 MS. ZIMMERING: I mean without a retainer.

22 MR. BORTS: Sure. I think there's no question  
23 about it. I mean obviously there's certainly not going  
24 to be a great deal of recovery in these cases. If there

1 is recovery, perhaps there will be some contingency  
2 basis retainers; but other than that type of standard,  
3 that doesn't lead any attorney that I know to be running  
4 out to grab a case.

5 MS. ZIMMERING: Thank you.

6 MR. BROWN: The other thing that I would add is  
7 that under attorneys fees statutes or cases that are  
8 brought under them, often they are handled on a  
9 contingency fee basis, so that the attorney is not  
10 getting any money up front; and they will only get any  
11 money at all if, in fact, they're successful. When you  
12 add the burdens of this Immigration Law provision, which  
13 says you not only have to be successful but you have to  
14 prove that the other side's case was virtually  
15 frivolous, obviously it's going to be a tremendous  
16 deterrent.

17 MS. ZIMMERING: Thank you.

18 MR. SHOLES: I have a question. What role should  
19 the monitoring agencies have under the Act?

20 MR. BROWN: Well, there's no -- the only provision  
21 in the Act referring to third parties is that a third  
22 party can represent a complainant in filing a complaint  
23 with the Office of Special Counsel. If the Office of  
24 Special Counsel does not respond within a certain amount

1 of time or disapproves a complaint, then a private right  
2 of action ensues; but the monitoring network here is  
3 really an informal organization, simply designed to  
4 assist people who have complaints and to gather this  
5 information.

6 MR. SHOLES: Once you obtain the information, to  
7 whom will it be presented?

8 MR. BROWN: Well, this goes to the full process.  
9 In a nutshell, the way it will work is that when a  
10 complaint is received, a letter will be sent to the  
11 employer who is alleged to have engaged in  
12 discriminatory action asking them to provide their side  
13 of the story, whether this is true, whether they plan on  
14 correcting the problem. If there's no response or an  
15 unsatisfactory response, there may be a second follow up  
16 letter that is sent; and then if the person wishes to  
17 pursue legal action, they will be referred to the  
18 appropriate agency.

19 Now, as I mentioned and from the question you  
20 asked, there are all these overlapping statutes, so they  
21 may be referred directly to the Office of Special  
22 Counsel. They may be referred to the EEOC; they may be  
23 referred to the State Human Rights Commission. It will  
24 all depend on the specific facts. But if they wish to

1 pursue it, they will be given information as to where to  
2 go to pursue it; and, of course, we will also be keeping  
3 records of all this for documentation purposes and also  
4 to determine if there are any particular employers, for  
5 example, who keep on cropping up, so that even if  
6 employees or applicants are not willing to pursue  
7 complaints, we, in the community, will know if there are  
8 particular problem areas that deserve some sort of  
9 attention through one means or another.

10 MR. SHOLES: Okay, maybe I should clarify my  
11 questions, but my question is: Once you obtain the  
12 data, what will you do? I am not talking about the  
13 actual specific complaints, but you gathered the data  
14 and you find there is a pattern of discrimination or  
15 whatever, to whom do you present that? What are you  
16 going to do with this material?

17 MR. BROWN: The data -- the forms that are returned  
18 will be provided to the National ACLU and to the other  
19 organization, Maldef, (phonetic spelling) which  
20 participated in preparing this form. They are going to  
21 collect these forms and these examples of discrimination  
22 from across the country. That information, in turn,  
23 will be provided to Congress and to the general  
24 accounting office so that they have an idea of what

1 discrimination is occurring and so that they can make a  
2 decision as to whether the sanctions provisions ought to  
3 continue.

4 MR. SHOLES: Any further questions? Olga?

5 MS. ESCOBAR: Steve, how do you prove -- let's say  
6 a person is looking for work and he or she goes to a  
7 company and then the company says, "No, we don't have  
8 any openings"; and then somebody comes after that person  
9 that speaks English very well and is white-looking, and  
10 that person was hired; how do you prove the  
11 discrimination issue in this situation.

12 MR. BROWN: You prove it as you would in any other  
13 discrimination case, from the testimony of the  
14 complainant and others, from examining any employer  
15 data, you know, when this second person was hired. All  
16 that information would be used in preparing a complaint.  
17 It would then be investigated, and the agency then makes  
18 a determination based on that evidence as to whether it  
19 appears there was, in fact, a discrimination occurring.  
20 Sometimes it will be difficult; sometimes it won't be as  
21 difficult; but that's true of any claim of  
22 discrimination that's pursued.

23 MR. SHOLES: Go ahead.

24 MS. BRICE: Steve, I'm concerned about the data



1 that you're gathering. A lot of times when things are  
2 sent to Congress to our accounting office we don't get  
3 that information back. Is there any prospect of making  
4 that information public or allowing the Commission to  
5 have access to that kind of information?

6 MR. BROWN: I can't speak for the national office  
7 as to who else will be getting this data. I mentioned  
8 Congress, and I mentioned the general accounting office.  
9 It's very possible that they will try to distribute it  
10 much more widely to make other people, other  
11 policymakers and agencies like the Commission aware of  
12 what's going on. I just don't know exactly how widely  
13 they're going to distribute it. At some point, it's  
14 very possible that locally we may make this information  
15 public, simply to let people know just how widespread  
16 discrimination is and also if there are particular  
17 places of employment, for example, that seem to be  
18 engaging in discrimination on a continuing basis, you  
19 know, not just one complaint but a handful of them. At  
20 that point, the Steering Committee might decide it would  
21 be appropriate to go public with those complaints so  
22 everybody knows that there appears to be discrimination  
23 occurring in one particular location.

24 MR. SHOLES: Any further questions? Hearing none,

1 I want to thank you very much. At this point, we're  
2 going to have our last speaker, the person that we've  
3 been waiting for all day, and that's the representative  
4 of the Immigration and Naturalization Service, Mr.  
5 William R. Granger, who is the Employer Labor Relations  
6 Officer for the State of Rhode Island; and he will be  
7 speaking on the perspectives of the Immigration and  
8 Naturalization Service.

9 MR. GRANGER: Good afternoon. That employer and  
10 labor relations officer is one of the hats that I wear  
11 that I'm also in charge of in Providence. I am also  
12 responsible for the enforcement of the employer  
13 sanctions through agents in my office for some  
14 cooperative effort through the Qualified Designated  
15 Entities in assisting in the legalization process.  
16 There have been a number of comments that have come up  
17 and questions, and I will keep my presentations short in  
18 order to address some of those questions that have come  
19 up.

20 Beginning June 1st of this year started a citation  
21 period for employers which had followed a six-month  
22 education period regarding their responsibilities under  
23 the employer sanction provisions of the Immigration  
24 Reform and Control Act. Due to distribution problems

1 with the Forms I-9 and the employer handbooks, that  
2 period has been informally extended through the next  
3 year, in the sense that we are devoting 50 percent of  
4 our investigative resources in the United States to  
5 information and educational visits to every employer  
6 that we can contact within that next year period, not  
7 for the purpose of enforcement, not for the purpose of  
8 conducting audits on employers, but for information and  
9 education and providing documentation if they have not  
10 received the I-9's or M-274 handbooks, to try to answer  
11 any questions that they have about their  
12 responsibilities, specific documentation problems, just  
13 a general information program.

14 We have four officers in my office here in  
15 Providence who are out full-time at this time contacting  
16 employers. I have, for the last six months, myself been  
17 out in a number of public forums, meeting with  
18 associations, groups, to try to spread the word as far  
19 as what their responsibilities are under the employer  
20 sanctions. There is not a legalization center here in  
21 Providence. That was a determination made by our  
22 regional office, due to the number of positions that  
23 were available and what they anticipated to be the  
24 number of applicants.

1           Just recently, a visiting team has started coming  
2 to Providence to service the International Institute and  
3 Catholic Social Services to process some of their  
4 applications. We, as an agency, personally and in our  
5 office, are doing the best that we can to try to  
6 encourage applications for legalization from eligible  
7 applicants. There have been questions brought up  
8 several times here about the confidentiality of records  
9 and the confidentiality of applications, and that  
10 confidentiality is mandated by law.

11           Those documents that are provided to support an  
12 application for a legalization are not available to any  
13 enforcement officers. They are only available to those  
14 individuals who are processing the legalization  
15 application, with the one exception, in that if there is  
16 fraud determined in the application, it will be reviewed  
17 at a legalization center, at a regional legalization  
18 center. If the fraud is determined to be involved in  
19 that application, then it will be sent forward for an  
20 enforcement action. Other than that, family members,  
21 employers, or information on employers that they haven't  
22 been paid minimum wage, et cetera, is not releaseable  
23 information. It is not available to any of the  
24 enforcement activities that we're going to service. The

1 decision regarding family unification is as the previous  
2 policy had been stated. Those decisions will be made on  
3 an individual case-by-case basis by each district  
4 director, or in the case of Providence, by the officer  
5 in charge when a case has come to their attention.

6 At this point in my office, I've only had one case  
7 come forward where that has been a question. We are  
8 certainly not going to go out to try to locate family  
9 members of either applicants who are approved or  
10 disapproved for legalization. Certainly in this area,  
11 we don't have the resources to do that, nor the will or  
12 intent to do that. While it is a problem area, except  
13 for the established policy, there is nothing further  
14 that we can elaborate on. Hopefully, we'll see the  
15 outcome of the pending legislation would perhaps clarify  
16 that and open up some of the other areas of applications  
17 that have been holding back.

18 Perhaps it's too early in our presence in this bill  
19 to have documented or come across any instances of  
20 discrimination and hiring practices, since we have not  
21 started conducting any audits. Down the line, we will  
22 have the authorization to initiate complaints with the  
23 Special Counsel Office on any discrimination practice or  
24 discriminatory practices that we encounter during the

1 audits of the I'9's. We have not, in our office, to my  
2 knowledge, and neither in the Boston District Office,  
3 received any complaints of any discrimination in the  
4 workplace. They just have not, for whatever reason. If  
5 they do exist at this time, they have not come to our  
6 attention. We have not received any documented cases or  
7 documented complaints in that regard.

8 There is a sunset provision in this legislation  
9 that if the recommendation of GAO, after three years, is  
10 that there is discrimination or it is -- has proven to  
11 be a burden upon employers, that they would sunset the  
12 employer sanction provision. I can assure you that GAO  
13 is taking a very active role in the policy development  
14 and the enforcement activities of the INS.

15 I was recently at a week-long conference where we  
16 were developing some of the policies for enforcement of  
17 this Act, and GAO had someone full-time that was there  
18 present during all of the negotiations for that entire  
19 week, making that part of their official record and  
20 their report. So, the INS was certainly aware of GAO's  
21 presence and scrutiny. I would like to offer some kudos  
22 to the QDE's in this area for the outstanding effort on  
23 their part in trying to serve the community; and  
24 obviously, the percentage of the approval record speaks

1 well of the applications that have been put together;  
2 and they're certainly a benefit to the community.

3 One of the other areas of enforcement activity  
4 that was addressed in the Immigration Reform and Control  
5 Act was the increase of presence at the border, but also  
6 that the INS would concentrate on the removal --  
7 identification and removal of criminal aliens here in  
8 the United States; and that is one of our other  
9 enforcement activities which is being increased as a  
10 result of this legislation, and that will continue. And  
11 since there were such a number of questions, Mr.  
12 Chairman, I'd prefer to open it up to any further  
13 questions.

14 MR. SHOLES: Okay, before we open it up, I'd like  
15 to ask you a question. Could you give us an estimate of  
16 the number of undocumented aliens residing in the State;  
17 do you have any guess?

18 MR. GRANGER: Ten to twenty thousand.

19 MS. MURPHY: I can't hear you.

20 MR. SHOLES: He said ten to twenty thousand.

21 MR. GRANGER: Ten to twenty thousand. That's  
22 probably as good a guesstimate as anybody's. There's  
23 really no way to base it on an accurate count.

24 MR. SHOLES: Any other questions? Go ahead.

1 MS. ZIMMERING: Yes, I heard the tail end of  
2 something on the television the other day. A question  
3 was asked about someone who was acceptable under the  
4 program, having family out of the country, but the  
5 family having to wait the usual amount of time because  
6 of immigration laws to get in. They would not be placed  
7 at the top of a list; they would not come in for their  
8 -- for instance, generally, I suppose it's the male  
9 member of the family who would come to this country to  
10 establish himself and then have his wife and children  
11 come; and my understanding was that, even with the  
12 Chaffee bill, these people would still have to -- the  
13 family would still have to wait a long period of time  
14 probably, coming from the countries that they do, before  
15 they would be accepted in this country, even as  
16 temporary residents.

17 MR. GRANGER: That's correct, and one of the  
18 purposes behind that -- and I'll address that also with  
19 the fee schedule as set -- my understanding is that the  
20 intent of Congress was not to, while granting a  
21 privilege to remain here for those individuals who met  
22 the criteria that were established, that they would not  
23 afford them preferential treatment over those applicants  
24 who have remained outside the United States and waited



1 during the normal process for the issuance of a Visa.  
2 In other words, they would not have, for having violated  
3 the law and being here unlawfully in the United States,  
4 would not gain benefit over those individuals who would  
5 be waiting their return for an immigrant Visa outside of  
6 the United States. At the same time, the \$185 fee was  
7 established because that is the fee that is charged of  
8 an applicant for an immigrant Visa at a consulate, and  
9 the Government didn't feel that it was fair to charge  
10 that fee to an applicant, a lawful applicant for  
11 residence, and not charge the same processing fee for an  
12 applicant for legalization who is gaining a benefit, a  
13 one-time benefit for having been here in violation of  
14 the law.

15 MR. SHOLES: Yes, go ahead.

16 MR. NOEL: Very briefly, the Chaffee -- just to be  
17 more specific about the Chaffee bill, it addresses that  
18 family unity issue with family members who are here who  
19 are ineligible, specifically spouses and unmarried minor  
20 children; that's all it -- it doesn't deal with the  
21 issue that you spoke of.

22 MR. SHOLES: I have a question, just to follow up  
23 on it. As I recall the present law, if a person is born  
24 in this country, he's deemed to be an American citizen?

1 MR. GRANGER: Right.

2 MR. SHOLES: You take the senario where father and  
3 mother are undocumented aliens and they have come into  
4 this country without authorization, and they give birth  
5 to two or three children over the last four or five or  
6 six years, eight years, those children are American  
7 citizens.

8 MR. GRANGER: That's correct.

9 MR. SHOLES: Now, what happens to their father and  
10 mother? Suppose they can't comply with this Amnesty  
11 Program or if, for whatever reason, they haven't resided  
12 here since 1982, or perhaps they don't file within the  
13 amnesty period, what is the position that the government  
14 takes with respect to the father and mother, where the  
15 children are American citizens born in this country?

16 MR. GRANGER: That's a case that comes up quite  
17 often, particularly when you have aliens who are in  
18 deportation proceedings who may have citizen children  
19 here. We don't have the authority to take any action in  
20 regard to the children. It presents a very difficult  
21 situation when you may have a parent or both parents who  
22 are not only subject to deportation but, for whatever  
23 action, may be ordered deported by an immigration judge.  
24 Then it becomes their decision on whether they choose to

1 leave the children here or to take them back to their  
2 own country.

3 MR. SHOLES: I'd like to ask you another question.  
4 You were present during most of the presentations this  
5 afternoon; what, in your opinion, is the cause for the  
6 poor turnout of undocumented aliens to the Amnesty  
7 Program?

8 MR. GRANGER: Probably a number of considerations.  
9 I think you're going to have a number of applicants,  
10 eligible applicants who are trying to obtain the  
11 necessary documentation. It's taking a period of time.  
12 You have some who are taking a wait-and-see attitude,  
13 saying, "Well, I know my friend has gone and made  
14 application for legalization; I want to see what happens  
15 to him." That's probably human nature, in a sense, that  
16 someone else is going to take the first step. I'm sure  
17 that there are some concerns about the family  
18 unification policy, whether or not they wish to put down  
19 their family members and perhaps, in their own minds,  
20 jeopardize their status here if someone becomes  
21 knowledgeable that they are here. They may be waiting  
22 for that to be resolved.

23 The opposite side of that - if the individuals make  
24 application for legalization and don't list their family

1 members, they may omit children and their spouse who are  
2 here with them. When it comes time to apply for  
3 permanent residence, lawful permanent residence after  
4 the 18-month waiting period, then it's very difficult  
5 for them to explain at that time, "Now I have a wife and  
6 four children who were here at the time, when I swore on  
7 the application previously that they did not exist."  
8 New application is not going to jeopardize the family  
9 status here, as far as becoming known to the enforcement  
10 branch of this service.

11 MR. SHOLES: I'd like to ask you a question. At  
12 least from the possible violation of civil rights of an  
13 individual under the Act, can an employer, say, hold  
14 open a job only to a U. S. citizen or a resident alien?  
15 If somebody comes in and the person says that he doesn't  
16 have the documentation, is the employer required to hire  
17 that individual?

18 MR. GRANGER: If he cannot present the  
19 documentation required?

20 MR. SHOLES: No.

21 MR. GRANGER: He's prohibited from hiring that  
22 individual.

23 MR. SHOLES: Now, can an employer advertise that  
24 only American citizens or resident aliens need apply?

1           MR. GRANGER: Only if it's been established that  
2 citizenship is a necessary part of that job. For  
3 example working at Electric Boat, General Dynamics,  
4 citizenship is required as a prerequisite for hiring.  
5 Other than that, they can't do that, no.

6           MR. SHOLES: Any further questions? Go ahead.

7           MS. MURPHY: Just to briefly go back to the issue  
8 on family unity, you mentioned during your presentation  
9 that -- you mentioned during your presentation when you  
10 were speaking of family unity that the department was --  
11 your department would not be, quote-unquote, "on the  
12 alert looking for members and going out and enforcing  
13 this"; but I'm a little confused. The process itself is  
14 designed, as you just clarified, is it not, so that one  
15 person who feels like they are eligible for the Amnesty  
16 Program and is unclear about their family will still  
17 have to list their family members when they apply;  
18 otherwise, when they get to the permanent status, it  
19 would be no good, is that correct?

20           MR. GRANGER: Yes, they should make those family  
21 members known on their application because they will be  
22 the recipients of benefits potentially down the line  
23 when the applicant becomes a permanent resident.

24           MS. MURPHY: So, if I were a person thinking myself

1 eligible to go through this process but I was not sure  
2 about my family members, it would actually, until the  
3 Chaffee law, if and when that goes into effect, it would  
4 actually behoove me to not apply until I was really  
5 clear about the status of my family members; otherwise,  
6 I risk family separation, isn't that true?

7 MR. GRANGER: If you're an eligible applicant and  
8 you're going to be allowed to remain here, then we would  
9 adjudicate your application; and then you would start  
10 the clock running on when you received your temporary  
11 permit residence.

12 MS. MURPHY: Right, but if I wanted to include my  
13 family also and I'm not clear about their status,  
14 wouldn't it behoove me to wait?

15 MR. GRANGER: If you have ineligible family  
16 members, the adjudication of your application is not  
17 going to change with the Chaffee bill. All that would  
18 do then would address the fact of what are we going to  
19 do with your spouse and children who may be here  
20 illegally but not eligible for legalization: Are they  
21 going to be granted an extended voluntary departure or  
22 temporary resident status themselves, even though they  
23 don't qualify?

24 MS. MURPHY: Just briefly, the other issue that

1 you mentioned is that this legislation is keyed into  
2 somehow your mandate of removing criminal aliens from  
3 the United States; could you explain further how that's  
4 connected?

5 MR. GRANGER: That was part of -- that was part of  
6 the Immigration Reform and Control Act; that the  
7 Immigration Service would accelerate an emphasis on the  
8 identification and removal of criminal aliens from the  
9 United States.

10 MS. MURPHY: And how is the process of the Amnesty  
11 Program connected with that, if at all?

12 MR. GRANGER: Not in any way.

13 MS. MURPHY: It's not?

14 MR. GRANGER: I did want to emphasize that there  
15 were other areas of that legislation. It also addresses  
16 our resource capabilities in looking for other  
17 individuals who might not be eligible for amnesty.  
18 We've got certain priorities. Our main priority at this  
19 point is to try to work with the employers. Our second  
20 priority is to try to remove criminal aliens. Those  
21 applicants who may have family members who are  
22 ineligible for legalization are far removed from the top  
23 level of our priority or our ability to reach them with  
24 our resources.

1 MR. SHOLES: Any further questions?

2 DR. CHUN: I have one.

3 MR. SHOLES: Go ahead.

4 DR. CHUN: We have heard many times about the fear  
5 the potential applicants have of the legalization  
6 program. Is it within the jurisdiction of the INS, in  
7 order to make something, to reach and do something in  
8 the way of public education and those specific segments  
9 of people who seem to be suffering from the innate  
10 psychological fear of coming out?

11 MR. GRANGER: That has been part of the public  
12 relations, not a specific emphasis per se. It has been  
13 part of the overall public relations effort that INS has  
14 undertaken. It's something that we address every time  
15 we contact the forum; that the identification of family  
16 members who may not be eligible or family members of  
17 ineligible applicants are not a priority for our removal  
18 or for our attention.

19 DR. CHUN: If that has been the intent and output  
20 of INS, what conclusion one could draw from some of the  
21 presentation might be that efforts may not have been as  
22 successful as one may have wished for, in the sense that  
23 there is a great residue of fear on the part of  
24 applicants; and perhaps because of that residue, they're



1 not coming out as in large numbers as one has expected.  
2 Am I making a wrong assumption or what, or conclusion,  
3 do you know?

4 MR. GRANGER: Well, that publicity effort may not  
5 have addressed every area of concern in the community.  
6 I certainly would not say that any -- that further  
7 publicity would not be in order. As much publicity as  
8 can take place should take place.

9 DR. CHUN: One last follow-up question. I, as an  
10 official, when exposed to a public meetings like this,  
11 is there any kind of formal procedure where the  
12 impressions and information you gather and what you  
13 might have learned from the public -- is there any  
14 formal procedure to gather them and trickle that up  
15 through the system, hoping that something would be done?

16 MR. GRANGER: Not a formal reporting procedure, but  
17 there is a reporting procedure; and we also have an  
18 informal and slash formal contact method with our  
19 district office and with our regional offices; that any  
20 of these major problem areas that come up, we will pass  
21 them onto those who are in a position to try to address  
22 them, particularly our publicity officers or the  
23 employer-type of relations individuals in our regional  
24 office.

1 DR. CHUN: Thank you.

2 MR. SHOLES: Go ahead.

3 MS. ESCOBAR: Mr. Granger, when someone goes and  
4 applies for a job and says, "I am entitled to  
5 legalization papers but I haven't submitted my papers",  
6 are the companies required to hire that person? If not,  
7 can this person apply for discrimination issues? The  
8 reason why I am asking this question is because I have  
9 received some information in the mail in regard of this  
10 issue of citizenship that legally a person is entitled  
11 to work; and if you see something like this in a  
12 company, you know, of course I would be afraid to go and  
13 apply because I wouldn't know whether it's lawful or  
14 otherwise. So my question is if a person says, "Yes, I  
15 am entitled to the law, but I haven't been able to  
16 gather the information, all my information", can the  
17 companies, if they don't hire that person, can we bring  
18 a discrimination issue?

19 MR. GRANGER: If the applicant satisfies the other  
20 identification requirements, the employment  
21 authorization documents should be waived for that  
22 applicant if he certifies that he is in a category as he  
23 described; that he is a legalization applicant and he  
24 has until September 1st to provide documentation to the

1 employer; that he has made application for legalization.

2 MS. ESCOBAR: What kind of documents, if I don't  
3 have anything to prove that I was born here or I don't  
4 have any legal documents to show -- because I know that  
5 some people come to the United States without passport  
6 because it's closer to come here to Mexico than to the  
7 United States -- what documents can I have to show that  
8 I am entitled to the legalization act?

9 MR. GRANGER: That you are entitled to make  
10 application?

11 MS. ESCOBAR: Yes.

12 MR. GRANGER: They don't have to show anything as  
13 far as employment eligibility; but for identification  
14 purposes, they do, regardless of whether they are an  
15 applicant for legalization or a United States citizen.

16 MR. NOEL: Mr. Chairman, I think Mr. Granger is  
17 correct. You have to prove two things, identity and  
18 employment authorization; and if you feel that you are  
19 eligible and not yet applied but intend to apply for  
20 legalization, making that simple statement and the  
21 employer recording that on the I'9 is enough to provide  
22 you employment authorization until September 1st;  
23 however, though, I think that may be given the employer,  
24 given that I had indication that has not fully occurred,

1 and also, the employer handbook is not readily available  
2 yet.

3 MR. SHOLES: Any further questions? I just have  
4 one final question. Does The INS anticipate any  
5 employer discrimination problems?

6 MR. GRANGER: I'm sure there will be some. One of  
7 the areas that we, along with the other groups  
8 represented here, will be looking for when we go into a  
9 posture of enforcing the sanctions, when we start  
10 reviewing I-9's and whatever employment practices we are  
11 able to ascertain at the time, initially, we're not in a  
12 position to start evaluating hiring practices under the  
13 I-9 because we're still in an education period and  
14 information period.

15 MR. SHOLES: Okay, hearing no further questions,  
16 we'll just thank you very much for making your  
17 presentation.

18 MR. GRANGER: You are welcome.

19 MR. SHOLES: And coming down and sharing your  
20 thoughts with us today. I think this would be an  
21 appropriate time to take a 10 or 15-minute recess, and  
22 then we'll come back, so no one leave the room.

23 MS. ZIMMERING: We might have questions from the  
24 audience.

1 MR. SHOLES: All those in the audience, please  
2 don't leave. We will be back in about 10 or 15 minutes  
3 and ask for your input at that time. And also, Members  
4 of the Committee, we'll discuss the presentation. We'll  
5 be back in about 10 or 15 minutes.

6 ( RECESS. )

7 MR. SHOLES: At this point, we'll resume our  
8 meeting. Before going into the discussion phase of the  
9 community forum, I just want to point out that there is  
10 coffee and refreshment in the table in the back. For  
11 those people who would like to have some, please feel  
12 free to help yourself.

13 Just after the break, Mr. Bill Martin from the job  
14 service office at the State Labor Office handed me a  
15 handbook for employer assistance. It says "Instructions  
16 for Completing Form I-9". This is the form that's been  
17 mentioned today; and for any employer who would like to  
18 have a copy of this particular form or additional  
19 copies, he can contact Mr. Martin at 277-3726, and he'll  
20 be glad to send out the handbook to the employer.

21 I just want to point out that the form points out  
22 the employment eligibility verification, and it shows  
23 what acceptable documents will be required for verifying  
24 the eligibility; and, in fact, it just lists or it

1 displays the different types of documents. So, at this  
2 point, I think we'll just open this phase up to  
3 discussion and call upon Members of the Committee to  
4 talk about the conclusions that they've reached in  
5 listening to this testimony, what findings they would  
6 like to make, tentative findings I should say, with  
7 recommendations, tentative recommendations they would  
8 like to make. Do we have any volunteers?

9 MR. NOEL: Could I just make a brief comment on  
10 the --

11 MR. SHOLES: Sure. .

12 MR. NOEL: Again I think, not to belabor the point,  
13 but I think, Patricia, this availability of the  
14 handbooks through that particular office reinforces  
15 Patricia Smith's statement that, so far, most of the  
16 information has been available indirectly. Again, you  
17 know, as the booklet -- this is the same booklet that's  
18 supposed to be sent out by the Immigration Service  
19 through the mailings, you know, the employer -- the  
20 employer tax numbers.

21 MR. SHOLES: Well, go ahead.

22 MS. ESCOBAR: David, I'd like to start by saying  
23 that I think we have to take a stand in protecting the  
24 labor force in the State of Rhode Island, protecting the

1 the labor force in the State of Rhode Island but also  
2 protecting the specific groups that we know that reside  
3 in the State of Rhode Island, for instance, Sabadorians,  
4 (phonetic spelling) Guetemalans, Chileans, and  
5 Nicaraguans. I think we have to take into account, you  
6 know, the situation in this country. This is happening  
7 right now, and these persons, you know, are afraid to go  
8 back to the homeland. I don't know how we'll be able to  
9 do something like that, but I think at least we have to  
10 mention it. It will be something for us to do.

11 MR. SHOLES: I think it brings up the question  
12 whether or not the person is here for political reasons  
13 to seek an asylum, or did he leave the country for  
14 economic reasons; and maybe we can sort of explore that  
15 issue.

16 MS. ESCOBAR: It's like everything else; it's  
17 difficult to prove something like that.

18 MR. SHOLES: Well, we have a representative from  
19 the INS here. Would you comment on that? The person  
20 comes in from say Central America; he flees a war zone;  
21 he's coming here because he feels as though he will be  
22 persecuted back home. What's the status under the Act?

23 MR. GRANGER: Under the Immigration Reform and  
24 Control Act, there are no provisions made for refugees

1 or asylum applicants. It's only for those individuals  
2 who meet the statutory requirements of having been here  
3 since just before January 1st of 1982, because there is  
4 a separate and established procedure within the INS for  
5 individuals who fear persecution, if they will be  
6 returned to their country, to make application for  
7 political asylum or withholding deportation, if they are  
8 in deportation proceedings. This addresses a separate  
9 area. There is an established procedure for those who  
10 are making that kind of application.

11 MS. ZIMMERING: My understanding is that it's very  
12 difficult to meet the requirements that the INS lays  
13 down for those people; that, you know, it's hard to  
14 prove that you are in the opposition party and that --  
15 that you are in the opposition party and that you will  
16 be killed if you go back, because the only way to prove  
17 that is to go back; and so it really becomes a matter of  
18 whether or not one can accept a reasonable indication  
19 from the people involved, because there are times when  
20 we, as a -- and I understand that that's not really in  
21 your area of decisionmaking, policymaking, but your  
22 agency does make those decisions in many cases. We  
23 don't recognize -- speak louder? We don't recognize  
24 those places as being in conflict, and we don't see that



1 the people who are involved might be in jeopardy.

2 MR. GRANGER: I'd like to answer that in a couple  
3 of ways. Some of the decisions may be approved on their  
4 face, if a political asylum application, for example,  
5 were filed at our local office here in Providence, if  
6 the evidence is sufficient to support it. We would send  
7 and make or ask for a recommendation from the State  
8 Department. We could approve whether or not the State  
9 Department concurred or did not concur, if we felt that  
10 there was sufficient evidence to establish that they had  
11 a well-founded fear of persecution for political  
12 activity or political reliefs or that they would be  
13 persecuted because of their race or religion.

14 There was a recent Supreme Court decision which  
15 reduced the strictness or the level of proof to  
16 establish a well-founded fear of persecution if one were  
17 returned to his own country. That just came out I  
18 believe in May; so the service has been encouraging  
19 individuals who may have been denied political asylum  
20 previously, under the more strict standard, to reapply;  
21 and in that light, there has been a grant of, as a class  
22 for employment authorization for Nicaraguans who are  
23 making application, that we would not enforce any  
24 departure proceedings against any Nicaraguan who had

1 expressed a well-founded fear of persecution.

2 MR. HILTON: How long does it take you to make that  
3 decision?

4 MR. GRANGER: It could be a number of months.

5 MR. HILTON: And what is their status in the  
6 interim?

7 MR. GRANGER: Once an application has been filed,  
8 it will 'be granted a period in which to remain with  
9 employment authorization pending adjudication of that.

10 MR. HILTON: But if your final decision is no, then  
11 what is their status?

12 MR. GRANGER: If the final decision is no, then  
13 they may appeal that to -- or reopen that in a  
14 deportation proceeding. We would then set them up for a  
15 hearing before the immigration judge. They may again  
16 reapply for political asylum or withholding of  
17 deportation. It can be a rather extensive, long-term  
18 process.

19 MR. HILTON: But it's possible that the eventual  
20 decision will be deportation, is that correct?

21 MR. GRANGER: That's correct, and based on the  
22 studies that I have seen from the State Department, and  
23 there is another agency that has monitored individuals  
24 who returned to those countries, the absolute vast

1 majority of those cases that they have reported on,  
2 those individuals who were forced to return had had no  
3 further problems.

4 MR. HILTON: If they are forced to be deported,  
5 again, what period of time would that involve, from the  
6 time they originally filed their application?

7 MR. GRANGER: Could be a matter of years.

8 MR. HILTON: So that's the way to go.

9 MR. GRANGER: That's the way they've been going,  
10 let's put it that way.

11 MR. SHOLES: When does the amnesty act expire?

12 MR. GRANGER: As far as the legalization  
13 provisions?

14 MR. SHOLES: Yes.

15 MR. GRANGER: The end of May of 1988.

16 MR. SHOLES: May of '88, and we're in -- this is  
17 the end of July of '87, so we have got approximately 10  
18 months. The way I look at it, we really have two  
19 concerns here. One is to get the word out to the  
20 undocumented aliens that they have 10 months to apply  
21 under the Act; and the second concern is to monitor any  
22 possible abuse under the Act, specifically employer or  
23 an employee discrimination because of national origin or  
24 perhaps citizenship status. Does anybody disagree with

1           that particular statement?

2           MS. BRICE: I think the information is the key  
3 point, not getting the information out, because we're  
4 dealing with a population that's, was it Renee Tucker  
5 said, it's a shadowy population really, not reaching  
6 that group. I remember in May a lot of publicity about  
7 it. I haven't seen anything lately, nor as the feature  
8 of any news item as to those items about this issue.  
9 I'm surprised at the slowness of completing the  
10 application; and I think if something can be done to  
11 speed up that process and the word gets out, the system  
12 working through it, you will probably get more  
13 applicants, because you're talking about 20 to 40,000  
14 people in this area alone that may be eligible for this  
15 kind of program; and you're talking about dealing with  
16 three and four and five hundreds. You're really not  
17 reaching that population. So, if you can get through  
18 that process and people get the cards that they need to  
19 get, they can spread the word that the system works.  
20 Something ought to be done to speed that up.

21           MR. GRANGER: That's a long-term process to get  
22 from the initial interview through the temporary  
23 resident card.

24           MS. BRICE: Yes.

1 MR. GRANGER: There's going to be a lag time there.

2 MR. SHOLES: Well, when the Act was first passed  
3 and what I asked was, given the task to promulgate the  
4 rules and regulations -- I don't know if this would be a  
5 fair question to ask, but perhaps you can take a stab at  
6 it - what was the time frame that was anticipated to  
7 complete this process?

8 MR. GRANGER: You got the regulations.

9 MR. SHOLES: No, I mean from the time that someone  
10 first applies until that person is issued the  
11 appropriate card.

12 MR. GRANGER: I think what our regional center is  
13 looking at is a 120-day turnaround. Once the  
14 application is filed, there's an interview; the agency  
15 checks fingerprints; checks are sent out to be sure that  
16 an applicant doesn't have a criminal record. That takes  
17 a certain amount of time. There's a contractor who  
18 takes and creates a file; a separate file system is  
19 created for each of those applicants. They're entered  
20 into the computer, and then that information is then  
21 forwarded to our regional legalization center or  
22 adjudication center.

23 MR. HILTON: Does the INS put out any rules and  
24 regulations, requirements, in language other than

1 English?

2 MR. GRANGER: Yes, I've seen some out there,  
3 particularly in Spanish because that's the major other  
4 language besides English. In a lot of the local areas  
5 in many of the various cities throughout the United  
6 States, we're trying to get ethnic language programs and  
7 for radio and TV and newspapers to try to get into the  
8 community. I know, particularly in Boston, they've done  
9 three or four different languages.

10 MR. HILTON: Is any effort made to distribute this  
11 literature to the various ethnic organizations?

12 MR. GRANGER: As far as I know, to my knowledge,  
13 yes. We've been trying as best we can to spread the  
14 word to our benefit also.

15 MS. ZIMMERING: I'd like to ask a question.  
16 Perhaps the social service agencies would have some way  
17 of assisting those people for whom the financial burden  
18 would just be impossible to handle. Is there any way of  
19 dealing with that? If they don't have the money, they  
20 just can't apply, is that correct?

21 MR. NOEL: No, I don't think that we would ever  
22 refuse anyone applying; however, there's no way that we  
23 can waive the \$185 per application for the Immigration  
24 Service, and I don't think there's anything in the law

1 that, you know, that provides for a waiver; so, you  
2 know, really, compared to what that charge is compared  
3 to what we're charging, the fact is that we get no  
4 funding at all. Let me state at the outset that \$15 was  
5 mentioned earlier today by one of the attorneys; that  
6 \$15 per application is the reimbursement that we get  
7 from the Immigration Service for each application that  
8 we file with them that comes back through our national  
9 agencies. We are reimbursed \$15 per application.  
10 That's the extent of our funding at this point for the  
11 amount of legalization work that we do.

12 I think, speaking to this lady's comment about the  
13 length of the process, it's a complicated application.  
14 It demands an awful lot of information. The person  
15 literally has to state every single relative that he  
16 has, not cousins, but I mean immediate relatives like  
17 mother and father and spouse and children, former  
18 spouse; has to list every place he's ever lived at since  
19 before 1982, at least since 1982; every place he's ever  
20 worked; and then the worker has to document a tracking  
21 of that, you know, has to have a document track that  
22 coincides with all the places he's listed.

23 Our worker can only do about two to three initial  
24 interviews a day, that's all, because of the extent of

1 time that it takes; and that, as Mr. Granger rightly  
2 pointed out, from the time of filing to the time a  
3 person receives their temporary resident card is  
4 estimated to be 120 days. That doesn't take into  
5 account the amount of time from the time they first  
6 come to us to apply, because we -- our filing date is  
7 also INS's filing date. That's one of the preference  
8 things that we have with the Immigration Service. So  
9 prior to that, it could be a month or two that the  
10 person came to us initially to file the application; and  
11 between that time and the time of the filing with INS,  
12 they're spending a couple or three months getting  
13 documentation.

14 MS. ZIMMERING: Would you guess that there may be  
15 people, a substantial number of people who are not  
16 taking advantage of the program because the financial  
17 burden would be too great?

18 MR. NOEL: I wouldn't be surprised.

19 MS. ZIMMERING: Most of these people I would think  
20 have been working in jobs that pay minimum wages.

21 MR. NOEL: Yes.

22 MS. ZIMMERING: Maybe not the minimum wage, but  
23 minimum wages and trying to support families.

24 MR. NOEL: Yes.



1 MS. ZIMMERING: Frequently, I would guess, maybe  
2 large families.

3 MR. NOEL: We have a policy that if people come  
4 forward and say they really can't afford to pay our fee,  
5 we can look at that; but I would dear say if they can't  
6 afford to pay our fee, I don't think they could even  
7 afford to pay the immigration fee, because our fee is  
8 even less.

9 MS. ZIMMERING: Thank you.

10 MR. SHOLES: I'd like to just throw out a question  
11 to the Members of the Committee. Does anyone feel that,  
12 from the testimony that they've heard today, there is  
13 any potential of abuse or possible discrimination that  
14 could arise from implementation of this Act?

15 MR. HILTON: Well, if you're referring, Mr.  
16 Chairman, to employers avoiding following the Act, I  
17 would say that this could very well be a possibility.

18 MR. SHOLES: Anybody else have any thoughts on  
19 that?

20 MS. ESCOBAR: I would say so, David. I would say  
21 that a lot of employers, because of the information on  
22 their part, are afraid to hire anybody who works and  
23 speaks no English or doesn't look like an American  
24 citizen. I would say they are afraid to hire because

1 they don't want to be exposed to maybe illegal aliens  
2 for the applicants of jobs.

3 MR. SHOLES: I think one of the questions that  
4 arises is what happens if somebody comes in, presents  
5 the documentation that he or she is a documented alien,  
6 and that documentation proves to be false or fraudulent;  
7 does the employer have a problem? Perhaps Mr. Granger  
8 can answer that.

9 MR. GRANGER: No, it doesn't, particularly if --  
10 unless the documentation that's presented is obviously  
11 altered on its face, a Social Security card that has the  
12 name erased and another one handwritten in, or a  
13 driver's license that's been -- a photograph has been  
14 substituted on there, that would be something that  
15 certainly should alert an employer. But if documents  
16 are presented that appear to be valid on their face, he  
17 has no further responsibility for detecting fraud in  
18 that area.

19 MR. SHOLES: And if the person then applies with  
20 the documentation, the employer would then be immune  
21 from any charges of discrimination if that person is  
22 hired, would that be a fair statement?

23 MR. GRANGER: I would say so.

24 MR. SHOLES: Now, what happens to the work force,

1 the present work force? You have a lot of people who  
2 are presently working, and maybe working since prior to  
3 1982, and the present work force contains a number of  
4 undocumented aliens. Now, can the employer go in and  
5 ask his members of his work force for identifications  
6 and inquire about citizenship status?

7 MR. GRANGER: Okay, as the law requires, if they're  
8 hired prior to November 7th, 1986, they're exempt the  
9 documentation. However, if an employer does want to  
10 verify whether he has illegal aliens or not, he cannot  
11 single out individuals. That would constitute a  
12 discriminatory practice by saying that, "All right,  
13 everybody that I think is an illegal alien I want to  
14 check for documents." That would be discriminatory on  
15 it's face. In order to do that, he would have to check  
16 documentation for every single individual employed by  
17 that company.

18 MR. SHOLES: That would be from the President on  
19 down right to the janitor.

20 MR. GRANGER: Yes, sir.

21 MR. SHOLES: And under the Act, the employer would  
22 be allowed to do that.

23 MR. GRANGER: There is no prohibition for him to do  
24 that.

1           MR. SHOLES: But there would be no need for him to  
2 do that either?

3           MR. GRANGER: There shouldn't be, no.

4           MR. SHOLES: He is not required under the Act to do  
5 that?

6           MR. GRANGER: No, and certainly no one is  
7 encouraging that they do go through and fire those  
8 aliens who may be in their employ illegally.

9           MR. SHOLES: So the employer is really not the  
10 police force for this particular Act?

11           MR. GRANGER: No. There is an element of the  
12 enforcement in the screening process, but the screening  
13 process applies to everyone, regardless of alienation;  
14 and the documentation requirement is required of  
15 everyone, regardless of alienation; and the retention  
16 requirement by that employer, whether his work staff is  
17 entirely United States citizens or not, he must retain  
18 those documents.

19           MS. ESCOBAR: David, that issue was raised at the  
20 conference that Senator Chaffee put together that many  
21 employers are not expert on, you know, identifying what  
22 is a true or false document of an illegal or a legal  
23 person in the United States, so that was raised; but  
24 there are many who are, like Mrs. Smith said, a person

1 who knows maybe the kind of documents they should have,  
2 but there are many others that don't know which ones are  
3 false and which ones are not.

4 MR. SHOLES: Okay, I just want to come up with  
5 another possible finding or conclusion. Would you agree  
6 that this Act provides a complicated means of  
7 determining whether or not a perspective employee is a  
8 U. S. citizen, documented alien or a refugee with the  
9 appropriate work authorization?

10 MS. BRICE: I think it's complicated as much as  
11 it's thorough, because a lot of times when you leave  
12 your home country, you don't have interaction with  
13 administration; and by the kind of information that  
14 you're asking for, a lot of people who have been hiding  
15 for many years have destroyed this kind of information.  
16 They don't leave that kind of trail. I think it's more  
17 thorough than complicated at this point.

18 MR. SHOLES: That would be for the people who are  
19 applying under the amnesty act?

20 MS. BRICE: Yes, they may not be able to have the  
21 documents you're looking for. They may not be able to  
22 obtain that from their landlord or their previous  
23 employer because of the information such as, you know,  
24 something along this line. It's not that readily

1 available; it's not that easy to discuss. And how many  
2 employees have a Personnel Department to go through  
3 this, analyze it, and get this information back to other  
4 people so that, you know, it's not that difficult. It's  
5 time consuming.

6 MR. SHOLES: All right.

7 MR. HILTON: Mr. Chairman, it could be also  
8 difficult for the potential employee to obtain the  
9 records if they have changed their location within the  
10 states. They don't have the means or money to transport  
11 themselves back to the Midwest or wherever they had  
12 previously established themselves.

13 MS. ZIMMERING: I think if you are transient, you  
14 don't save rent receipts. If you work at jobs that are  
15 menial in order to hide, you may not have been paying  
16 Social Security; it may not have been taken out of your  
17 checks. If you have been a domestic worker and you work  
18 two days a week for someone and two days a week for  
19 someone else and a day a week for somewhere else, it's  
20 very hard to track down that kind of information.

21 MS. ESCOBAR: There are companies also that pay and  
22 they keep an envelope for the workers; and on the back  
23 of the envelope it states the wages and the taxes that  
24 they paid; but if you have any other stuff, in many

1 instances, you know, they get the money and they throw  
2 away the envelope. There is no proof for them, so that  
3 they don't save the -- like Malvene is saying, there are  
4 many persons that don't save these, you know.

5 MS. BRICE: And they don't get paid in cash.

6 MS. ESCOBAR: And when some of them get paid like  
7 that, it's difficult to prove something like that.

8 MR. SHOLES: Can I just throw out another  
9 conclusion that - do you feel that a U. S. citizen,  
10 based upon the testimony we heard today, do you feel  
11 that a U. S. citizen or a documented alien would be  
12 subject to discrimination when applying for work when he  
13 or she has a foreign-sounding name or speaks with an  
14 accent or doesn't have the proper command of the English  
15 language; and if so, what do you think the solution  
16 should be? Does anybody have any thoughts on that?

17 MR. HILTON: Mr. Chairman, I think that that would  
18 obviously be a question raised perhaps in the mind of  
19 the employer, whether he's breaking the law; and he  
20 would want to be sure he was protecting himself by  
21 asking hopefully appropriate questions. Whether he'd  
22 get into the area of discrimination is probably another  
23 situation, but I don't know as there can be any solution  
24 to what the employer could conceivably be held

1 responsible for if he hires an illegal alien.

2 MR. SHOLES: Anybody else have response to that?

3 MS. BRICE: I got a silly remark.

4 MR. SHOLES: Perhaps we will save that for later.

5 MS. BRICE: I think we have to remember that the  
6 only people that are native to the United States are the  
7 American Indians, and we have citizens from all over the  
8 country. We do have problems mainly with people that  
9 don't speak English clearly. We have problems with  
10 southerners coming up north or westerners coming up east  
11 or what have you; and it's a universal problem here; and  
12 I think the only thing that we can do as a group is to  
13 be mindful that these practices are chronic in the  
14 United States and get the word out like we started to,  
15 have that handbook that we started with, letting people  
16 know where they can go to if they're discriminated  
17 against. What happened to that, you know, and more PR  
18 about the right way to behave in the United States. You  
19 have to be more vocal, more visible.

20 MS. ESCOBAR: Most of the women that came -- the  
21 woman from Joslin Center, she mentioned the fact that  
22 the Puerto Rican families were discriminated against,  
23 and they are a citizen, and they didn't speak English  
24 whatsoever; and they don't carry documents with them,



1 and they say, "I am a citizen"; and how do you prove  
2 that? How do you educate an employer about, you know,  
3 he is a Puerto Rican, in the case of one person where  
4 his parents were Puerto Rican and he was born in New  
5 York; but it's no different for them than myself. Who  
6 knows that I don't come from Puerto Rico or I do come  
7 from Puerto Rico?

8 MR. GRANGER: Mr. Chairman?

9 MR. SHOLES: Yes.

10 MR. GRANGER: Having heard the comment that was  
11 made, if those individuals went for employment since  
12 November of 1986, regardless of whether they were Puerto  
13 Rican, Dominican, Canadian, or Norwegian, they would  
14 have had to have been required to present documentation  
15 to satisfy the requirements of the I-9 by the employer;  
16 but if they were asked to provide the documentation and  
17 then did not present the documentation required, the  
18 employer was quite proper in not hiring those  
19 individuals.

20 MS. ZIMMERING: Well, if I went in to get a job,  
21 would I be asked for documentation?

22 MR. GRANGER: Yes, ma'am, and every --

23 MS. ZIMMERING: Well, I was told by someone shortly  
24 after I moved to New England that nobody would ever take

1 me seriously.

2 MS. BRICE: Well, this is a new law. This is since  
3 November.

4 MR. GRANGER: This applies to every individual  
5 hired by a government agency.

6 MR. SHOLES: Okay, we're sort of drawing to an end  
7 of our allotted time. Dr. Chun, would you like to make  
8 any remarks?

9 DR. CHUN: Just a comment as a follow-up to your  
10 suggestion or a summary and what is concerned with that,  
11 I myself have learned quite a bit from this forum,  
12 including the fact that there is a long list of  
13 functional, equivalent documents you can show to  
14 establish identity; and I think some of the panelists  
15 indicate that it is a case of discrimination if you ask  
16 the man for a particular type of documents as opposed to  
17 another equivalent. Now, that was sort of a learning  
18 for me as to this forum. I would not be surprised if  
19 many potential job applicants may be as uninformed as I  
20 was.

21 Now, coming back to the question of how do you get  
22 to those people and try with outreach efforts. It seems  
23 one of the considerate things that one can think of  
24 doing is create a list of those potential and plausible

1 cases of discrimination or situations, as a way of  
2 educating them that these constitute discrimination  
3 because such and such is the law; and as such  
4 informative vignettes or descriptions could be part of  
5 it, a bilingual and information package; and then we can  
6 carry that one step further and conduct something of a  
7 community-based workshop or discussion, perhaps  
8 conducted by a bilingual staff, maybe community  
9 volunteers. It is not unthinkable for a State Advisory  
10 Committee to respond or conduct such workshops. I'm  
11 obviously trying to think through your suggestion.

12 MS. BRICE: Mr. Chairman.

13 MR. SHOLES: Yes.

14 MS. BRICE: Last year, I think you remember, last  
15 spring, I think the Human Rights Commission showed a  
16 vignette in English and Spanish. Perhaps that's  
17 something we could think about. We don't have any money  
18 in the budget for that kind of thing, I'm sure; but  
19 maybe the Immigration Service would think of doing those  
20 kinds of things and make it available to community  
21 organizations so they can gather their group together  
22 and show this kind of video to them and get the word  
23 out, in addition to the written work; and I think we'll  
24 have to consider also immigrants who cannot read. We

1 have a lot of illiterate people here, and this will be  
2 overwhelming, to even get past the cover page, and those  
3 people could be reached by a video of some sort.

4 MS. ESCOBAR: Also, that was a good recommendation  
5 that it's a possibility that the INS -- that the  
6 Legalization Office, you know, the staff, that they can  
7 help us to do some kind of education through the  
8 community. I don't know if that would be advisable  
9 probably to -- they may have bilingual people that can  
10 reach out into the Hispanic and Portugese. If not,  
11 maybe through the Commission we can find those persons  
12 who will act as interpreter. I know they may be able to  
13 provide us with persons who can be interpreters, in case  
14 we need somebody.

15 MS. ZIMMERING: Legal services at one time had a  
16 small project that was funded by other than Federal  
17 funds, and it was a small immigration project, legal  
18 projects; and they had established an outreach program.  
19 They had someone who went out into the community like  
20 half a day a week in this community and a half a day a  
21 week; and we might use their connections and be able to  
22 make information available. We might. I'm sure that  
23 John Moan (phonetic spelling) would be agreeable if they  
24 still have that project going. I haven't been in touch

1 with him for two years, so I don't know whether it's  
2 still going or not; but at one time, it was partially  
3 funded by United Way; and there may be some United Way  
4 funds that would help. That's a community service  
5 project. There might be some way we could hook in with  
6 United Way to provide that service.

7 MR. SHOLES: Any further comments? I think the  
8 common thread of our discussion and certainly the common  
9 thread of the message from the presenters is that the  
10 message has to go out to members of the community, --

11 MS. ZIMMERING: Quick.

12 MR. SHOLES: (Continuing) -- especially members of  
13 the undocumented aliens, that they have only until May  
14 of next year to apply under the Amnesty Program; that  
15 this is a landlocked legislation. It gives these people  
16 a golden opportunity to obtain their legalization and  
17 status in this country. We all have to remember that we  
18 are a nation of immigrants. We've all come over here  
19 one way or another. Our forebearers have made the trip  
20 in the past, and I think that's what makes our country  
21 great. I think that's why we have such a diversity; but  
22 I think it's, under the circumstances, Congress has  
23 enacted this Act; the Immigration and Naturalization  
24 Service is implementing it the best way they know how;

1 that they're willing to process all these applications;  
2 but it's important to the people who are the  
3 beneficiaries of this Act to apply and to obtain the  
4 documentation under the Amnesty Program; and I think  
5 that really is the message that this forum has developed  
6 and should be broadcast to the people of this State; and  
7 with that, I'd like to conclude this community forum and  
8 thank everybody for their cooperation and their  
9 presentation. I want to thank Mr. Granger from the INS  
10 for being here and staying right through the end to  
11 answer our questions and the Members of the Panel. I  
12 want to thank you very much

13 ( At that point, the hearing adjourned. )

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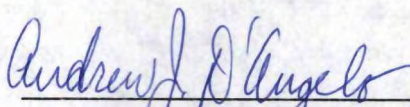
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C E R T I F I C A T I O N

I do hereby certify the foregoing 1-143 pages to be a complete, true and accurate transcript, according to my stenographic notes, of the Meeting which was held before the Rhode Island State Advisory Committee to the United States Civil Rights Commission, on Thursday, July 16, 1987.

  
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Andrew J. D'Angelo,  
Court Stenographer