



UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

September 12, 1979

Dear Mr. Chairman:

As you requested, I am writing to restate the Administration's position on the Refugee Act of 1979, H.R. 2816. We appreciate the consideration given the Administration's proposal by the Subcommittee on Immigration, Refugees and International Law and urge the full Judiciary Committee to report the revised legislation promptly for House floor consideration.

The need for expeditious action by the Congress on this legislation has increased. As you know, the authorization for the Indochinese Refugee Program expires on September 30; and without the enactment of H.R. 2816 by that time, special congressional action will be necessary for this important program to continue. Combined with the increased admission of Indochinese refugees, the expiration of this program would cause serious problems.

Adding to the urgency is the fact that the worldwide refugee problem has increased since this bill was presented to the Congress in March. Since that time over 190,000 Indochinese refugees have arrived in the first asylum countries of Southeast Asia. In addition the number of Jewish refugees fleeing the Soviet Union and Eastern Europe has continued to increase. The passage of this legislation will better enable the United States to respond to these important challenges and is essential if we are to continue to play a leadership role in the international refugee effort.

Although we continue to believe this bill is the most appropriate way to provide a comprehensive long-term policy on the admission and resettlement of refugees in the United States, we object to some of the changes made by the

The Honorable
Peter W. Rodino, Jr.,
Chairman,
Committee on the Judiciary,
House of Representatives,
Washington, D. C. 20515.

Subcommittee and urge the full Committee to change them. Our comments address these problems in the order of their occurrence in the bill.

First, the Subcommittee added language to the refugee definition (Sec. 201(a)) to include persons who are detained or threatened with detention in their own country. We share the view of the Subcommittee that provision should be made permitting the direct flight of refugees from their own country to the United States in certain instances. We believe that the Administration draft adequately allowed for direct flights, but we have no objection to adding a part (B) to the definition of "refugee" making such a possibility explicit. We could better accommodate foreseeable needs for direct flights, however, if the phrase "detained or threatened with detention" in the Subcommittee bill were changed to read "persecuted or has a well-founded fear of persecution."

Second, the Subcommittee bill would require that the consultations be by designated cabinet-level representatives of the President. We strongly urge that the term "cabinet-level" be deleted to preserve the President's discretion to select his representative on refugee entry matters irrespective of whether that individual occupies a "cabinet-level" position in the traditional sense of the term.

Third, the Subcommittee bill would not grant permanent resident alien status to those refugees admitted as part of the normal flow provision as proposed in the Administration's draft bill. We continue to believe that permanent resident status should be granted to such refugees, in order to remove obstacles to employment that some conditional entrants have encountered as a result of their status. For "normal flow" refugees, experience has shown that immigration officials have the time to do a proper background investigation, and the two-year conditional period is not needed.

Fourth, the Subcommittee would double the period for full federal funding of cash and medical assistance to new refugees from the two years proposed by the Administration to 48 months, and would pay the full costs in 1980 for all refugees regardless of where they entered the U.S. We strongly believe that the two year period fulfills the federal responsibility to help refugees make a reasonable transition. It would work towards ensuring that concentrated attention is given to assimilating refugees into local economic and social structures. In addition, providing special assistance

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beyond two years would have a serious impact on the federal budget. In FY 1980 alone, the Subcommittee action would increase federal costs by more than \$100 million. We believe providing two years of full federal funding and then moving to regular federal/state sharing affords appropriate temporary and transitional assistance and urge the Committee to restore the two-year period.

Fifth, we urge the Committee to continue the phase-down of special federal assistance to Cuban refugees, which is currently underway. This phase-down was agreed to by the Administration and the Congress two years ago. The Subcommittee bill eliminates the program after FY 1980.

Sixth, the Subcommittee bill would transfer from the State Department to HEW the authority to award initial placement and resettlement grants to resettlement agencies. The Administration bill would retain the President's flexibility under current law to determine which agency can most effectively administer the grants, as refugee programs evolve. Recognizing that these grants are now administered by the State Department, we believe much fuller study is needed on the Subcommittee's proposal and oppose limiting flexibility in the management of the program through legislative mandating. The change at this time might hamper the smooth flow of refugees from the camps to their sponsoring agencies.

Seventh, the Subcommittee bill would require HEW to develop programs and provide necessary arrangements for the provision of English language and job training in refugee camps overseas. We believe that responsibility must be left with the State Department, which has the expertise and personnel to deal with both the foreign governments on whose soil the camps are maintained and the countries which resettle the refugees. We strongly oppose this change in the Administration's proposal.

Eighth, the Subcommittee bill would establish an Office of Refugee Resettlement within the Office of the Secretary of HEW. A management study to determine the best administrative structure for HEW's refugee activities is currently underway. We believe that such matters should be left flexible enough to respond to changing circumstances, and we oppose establishment of such an office in statute.

Finally, the Administration's proposal would increase the authorized level of the Emergency and Migration and Refugee Assistance Fund from \$25 million to \$50 million. The Subcommittee has deleted the section dealing with that fund. Refugee emergencies are by nature unpredictable and adequate funds are absolutely essential to respond to these challenges. We urge the Committee to reinstate the \$50 million fund.

Our concern over these various changes should not obscure our strong support for the enactment of refugee legislation which will improve our ability to develop sound refugee policy and to meet the needs of refugees already in the United States.

If there are any questions or concerns you have, I would of course be available to discuss this with you at your convenience.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to presentation of this report to the Congress.

Sincerely,

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Dick Clark