## THE EFFECT OF LEGISLATIVE TRENDS UPON COMMUNITY PLANNING FOR IMMIGRANT **SERVICES**

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T is indeed a sad commentary on the confusion so characteristic of our legislative process that we find it necessary to counsel together on the possible dangers to New Americans and the possible effects on local community services should the immigration bills now pending in our Congress, about which Irving Engel has just spoken, become law.

At this time, we had every reason to expect liberal legislation—not legislation more restrictive than any we have had in the last two decades. There have been indications during the last several years of a growing awareness that our national immigration policy was in need of overhauling, that some bases on which our present immigration laws rest are out-dated, that national considerations in the world situation required that our actions in this field be more consonant with our words. We try to give the world the impression in our pronouncements on foreign policy that we welcome the stranger from almost any part of the world, that we continue to provide asylum for the oppressed and the homeless. In the psychological and political warfare now going on we contrast our presumably "open door" policy with the "iron curtain" policy, but is that entirely valid? The door hasn't really been open since 1917—there has only been a thin

crack—and increasingly our attitude as a nation toward immigration can be said to be an ambivalent one, at best. We want immigration as a policy, but we hesitate to accept immigrants. Once in a while we open the door a little wider as we did under the DP Act, but we make it more difficult to enter by restrictive provisions and by administrative complications. In our foreign policy, we seek to encourage those anti-communists behind the "iron curtain" to leave for the democracies, but in our characteristic ambivalence, we make it almost impossible for them to enter here because we are suspicious of the loyalty of anyone. The Internal Security Act vigorously established that-so much so, that finally the Act had to be liberalized because even its proponents realized it was too blatently contradictory to our foreign policy, and was administratively unworkable.

Let us consider some of the provisions of the bill, the Senate bill, S.716, under consideration and what they mean to us in the operating field. One of the most important relates to public charge. Section 241 (a) (8) declares an alien deportable who "in the opinion of the Attorney General is, or at any time after entry became, a public charge from causes not affirmatively shown to have arisen after entry." The present law provides that a person who becomes a public charge within 5 years after the date of his entry is deportable. By eliminating the phrase "5 years" the statute of limitations is eliminated. Hence no matter how long ago or for how short a time the person was a public charge, or how prosperous the person's present circumstances may be, he would be subject to deportation. It is hard to believe that this was intended, yet that is the effect of the language of the proposed bill. The words "in the opinion of the Attorney General" appear designed to avoid any possible interference or restraint by the courts.

While few aliens are likely to become public charges 5 years after entry from causes which existed prior to entry, it would be a serious hardship for the alien to bear the burden of proof that long after his admission. Elimination of the 5-year limit would seem to serve little purpose except to harass aliens in need of public relief. The elimination of this 5-year statute of limitation is particularly significant in view of the fact that it is only within recent years that administrative decisions had been reached which tempered the interpretation of the 5-year it possible, under certain conditions, for an alien to receive public assistance without jeopardy of deportation.

As for institutionalized aliens, Section 241 (a) (3) directs the deportation of any alien "who within 5 years after entry becomes institutionalized because of mental disease, defect, or deficiency." The present law is strict enough and gives ample protection to the country. Under Section 3 of the 1917 Immigration Act, exclusion is required for any person who at the time of admission was insane, or had one or more attacks of insanity at any time previously, or was

inferiority. Any person who was so suffering at the time of entry, even though the condition was not discovered until later, is in fact deportable at any time within 5 years after entry. The mere fact that the person was institutionalized because of mental disease after entry does not automatically make the person deportable.

Under this proposed Omnibus section, institutionalization within 5 years after entry, whether in a public institution or a private one, would apparently be the basis of automatic deportation with no opportunity to show that the condition arose subsequent to arrival. The implications therefore are frightening. The public has been gradually taught to accept psychiatric help in the same way it does other medical help. Under this proposed provision, however, voluntary submission of a person to a mental institution for preventive treatment might well subject him to the jeopardy of deportation. The phrase "mental disease, defect, or deficiency" might well cover all variations of psychiatric disturbances. Despite all we have learned about emotional crises as a result of work with the public charge provision and which made Armed Forces, and the realization that each one of us has a breaking point at some given period, this device to set aside the alien as someone who must have a higher point of resistance than the native is unrealistic, and retrogressive.

Another very serious proposal relates to criminals and undesirable residents of the United States. Section 241 (a) (4) (A) permits the deportation of any alien, no matter how long he has lived in the United States, if he is convicted of any criminal offense-no matter how minor -and "if the Attorney General in his discretion concludes that the alien is an undesirable resident of the United a person of constitutional psychopathic States." While the purported basis of

notorious gangsters who have somehow managed to escape conviction for crimes involving moral turpitude, its effect is far greater. To me the most logical answer to the problem of the alien gangster is to remove the conditions which cause some aliens to become gangsters. Another, as the Kefauver Committee has so dramatically demonstrated, is to make our law enforcement agencies function adequately to see that the guilty ones are convicted-not to further complicate our immigration laws. Perhaps that is too much to expect. But an attempt to cure the evil through this roundabout method is not fair to the ordinary alien. There is no limitation of the term "criminal offense." The Attorney General has complete discretion in determining an alien as an undesirable resident. It puts tremendous power in the hands of one government official. The term "undesirable resident" lacks precision. It is a dangerous concept to be included in a permanent law and can unfortunately be used at a time of tension and hysteria in this country to cover almost anyone who does not agree with the majority. The present law, which provides for the deportation of an alien who has been convicted of one crime involving moral turpitude within 5 years after his entry, or of two crimes involving moral turpitude at any time, is stringent enough and effectively serves to protect the country against criminal elements.

You can well imagine what impact these provisions would have on community services. The entire emphasis would have to be shifted. The protective function would become the dominant role, for at every turn and for an indefinite time the newcomer would be in jeopardy of deportation. The newcomer would have to seek guid-

this section is to rid the United States of ance continuously of the local agency. and the local agency would in turn have to turn ever more to the national agency as the complications and technicalities geometrically increase.

> You note that I have only discussed the so-called "simple" provisions. I have not touched on those aspects of the law dealing with political activities after entry. I have dealt with those factors of the deportation law which affect the day-to-day living of an alien. Now let us look at the naturalization section. Under the proposed Omnibus legislation, the first papers would be abolished. Theoretically, this does not hurt the alien since he can still achieve his naturalization within the same period of time. As a practical matter, however. it is serious. First, the granting of first papers has great psychological significance to the immigrant and especially to immigrants such as we now have who are coming to this country stateless, and who are looking forward to taking the first step toward indentifying themselves with this country. On a practical level, the abolition of first papers would prevent many aliens from engaging in certain occupations, since most State laws have provisions limiting types of endeavors to holders of first papers or to citizens. It would take years for all the States to amend their laws to conform with Federal law.

Very significant also in the area of naturalization is the mandatory neighborhood investigation which the Omnibus bill would require for an applicant for naturalization. Under the present law, the Immigration Service makes neighborhood investigations where required, but they are not forced to make these investigations in every instance. Mandatory neighborhood investigation would mean that in every instance the former employer, the former landlord and neighbors would have to be interviewed. Not only would this be a terrific waste of government funds but it would create terror in the hearts of the aliens. It would also make them fear to have any differences of opinion with their employers and with their landlords, since there would always be this implied threat. Anyone who has had contact with the operations overseas knows how denunciation by an unfriendly person, for grounds frequently false, has complicated and sometimes ruined the lives of its victims. This provision would invite irresponsible denunciation, would serve no useful purpose, and would engender fear and distrust.

It is surprising to me that such legislation is seriously proposed at this time. The thinking in most parts of the world is quite the opposite. Two months ago, I was privileged to participate in a conference in Switzerland of voluntary agencies engaged in some international aspect of immigration and resettlement, a conference sponsored jointly by the United Nations and the International Labor Office. About 60 delegates from various countries representing some 40 voluntary organizations participated, as well as representatives of the International Labor Organization, the World Health Organization, the International Refugee Organization, the Economic and Social Council of the United Nations and the U.S. High Commissioner for Refugees. We were concerned with world-wide refugee, resettlement and migration problems—with charting a course for their solution.

All of us were agreed that the problem of displaced persons is but an infinitesimal part of the total refugee problem; that with the end of the DP program in

tackled. How large is that problem? No one at the present time knows. Estimates vary somewhere between thirty and sixty million, depending largely on how many refugees there are in countries in the Far East now involved in war. These include Muslim and Hindu ethnic minorities caught up in the partitioning of India; several millions in Bengal; Arab refugees who were induced by the Arab Higher Committee to leave Palestine as the state of Israel was born; some twelve million German expellees; 800.000 Jews in Arab countries; 600,000 Jews in Eastern Europe, for whom emigration is imperative; the non-Jewish refugees from "iron curtain" countries pouring into Western Europe by the tens of thousands, and many more. While the number of our co-religionists in the refugee population today is relatively small, we nevertheless must support all reasonable measures for ameliorating this tremendous problem. We must do so in the interest of humanity, of peace and of self-preservation, for the presence anywhere in the world of so many disadvantaged is a threat to us all.

As world tension increases, so does man's inhumanity to man, and more and more refugees are the result. They are the victims of excessive nationalism and of totalitarian regimes, of racial, religious and economic persecutions, of shifting political boundaries—each taking its toll by the millions, and each adding to the vicious circle—the areas of tension creating refugees, the presence of refugees creating areas of tension. The vicious circle can be broken only by international accord and inter-governmental action. The international accord is a vision toward which the United Nations is hopefully progressing. The inter-governmental action we have had in some small sight, the much larger problem must be measure in the International Refugee Organization and the International Labor Organization efforts to promote and facilitate mass resettlement. These programs have been too limited and have not been permitted to deal with the larger masses. And even the International Refugee Organization is scheduled to come to an end this year.

It was the concerted opinion of the voluntary agencies present in Geneva that there should be no interruption in the resettlement and immigration programs; that until some other intergovernmental organization is given the mandate and the necessary funds, the IRO should be continued. They further felt that a permanent international governmental agency should be established, with a broad mandate to carry on a long-range comprehensive immigration and resettlement program wherever and whenever world conditions permit. Serious thinking and planning along those lines are going on this minute and there are very real possibilities for a beginning to be made in 1952.

Quite contrary to the spirit and letter of the Senate bill, the voluntary agency conference in Geneva came to a number of additional conclusions. One, concerning principles for the protection of migrants and based on the Universal Declaration of Human Rights, is so appropriate to this discussion that I shall take the liberty of quoting some of the sections:

- "The Conference of Non-Governmental Organizations Interested in Migration,
- "Considering that for social, economic or political reasons, many people leave their country of origin or of residence,
- "Considering that at the present time migrants are faced with a great number of difficulties mostly of a legal,

- political, economic and administrative nature preventing their freedom of emigration, immigration and resettlement,
- "Considering that 'the inherent dignity and the equal and inalienable rights of all members of the human family' must likewise be recognized in the case of migrants,
- "Draws attention to the United Nations Charter which lays on Member Governments the duty of 'promoting universal respect for, and observance of, human rights,'
- "Draws attention to the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948, several articles of which are of paramount importance for the welfare of migrants (in particular Articles 2-6-7-13-14-15-16-22-23-25),
- "Urges all individuals and all organs of society, in a spirit of understanding and broad human solidarity, bearing in mind everywhere and in all circumstances the provisions of the Universal Declaration of Human Rights, to observe the following principles in the field of protection of migrants:
  - "1. 'The right to leave any country, including his own,' being internationally recognized for all human beings, this right shall not be limited by political measures or legal or administrative provisions, or impeded by prohibitive charges or confiscatory measures.
  - "2. All Governments shall frame and interpret their legislation in a truly liberal spirit and without regard to reciprocity, with a view to facilitating the departure, transit, admission,

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freedom of residence and settlement of migrants.

- "3. Migratory movements, in view of their international repercussions, should be planned and carried out rationally and in conformity with the common interest of migrants and Governments alike, through the broadest collaboration of countries and international bodies, official and private.
- "4. There shall be no discrimination, de facto or de jure, against a migrant for reasons such as race, religion, political opinions, financial means, country of origin or status as an alien.
- "5. Every migrant shall have the right in the receiving country to treatment no less favorable than that granted to nationals of that country, especially in all social, educational and religious matters, as well as in the sphere of civil rights.
- "6. Every migrant shall have the right to work in accordance with his abilities and within the limits of the laws which apply to the population generally. He shall be entitled to all rights enjoyed by workers who are nationals of the country as regards conditions of employment, wages, freedom of trade union affiliation, public assistance and social security.
- "7. Every migrant, although he should endeavor to become part of the new community, shall be free to retain his cultural and

- religious heritage so as to stimulate the exchange of those spiritual values which are the common heritage of mankind. He shall be entitled to the free use of his mother tongue and, if need be, to the services of an interpreter.
- "8. No migrant, once admitted into a country, shall be expelled, deported or otherwise removed therefrom, unless such a measure is justified on grounds of public security and imposed by due process of law.
  - "Indigence, sickness, or unemployment shall in no circumstances be regarded as sufficient grounds for such removal.
  - "Persons entitled to invoke the right of asylum shall not be expelled or sent back to a territory where their lives or liberty would be in danger."

Against such international concepts you can see how retrogressive is the approach of this Senate bill. It is definitely contradictory to our American tradition, to our way of life, and to our position of leadership in the world. Its enactment would drastically curtail immigration, would bar the most democratic among the immigrants, and would greatly complicate the work of the immigration and resettlement agencies, both local and national. It could not possibly be enacted if Americans everywhere were aware of its full implications. I am confident that the innate fairness and democracy of our people will prevent its enactment.