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ARIZONA ADVISORY COMMITTEE  
UNITED STATES COMMISSION ON CIVIL RIGHTS

TRANSCRIPT OR PROCEEDINGS

FORUM ON IMMIGRATION REFORM

November 3, 1988

Tucson, Arizona

Volume II

PADILLA & ASSOCIATES  
16213 Ocotillo Drive  
Fountain Hills, Arizona 85268  
(602) 953-1307

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AFTERNOON SESSION

(Pursuant to the recess last-above noted, the proceedings were reconvened at 1:15 o'clock p.m. as follows:)

DR. WHITE: I'd like to call this meeting to order. Welcome to the continuation of our session.

Just to repeat one or two of the grounds rules. We have a full schedule and we have asked people to limit their oral remarks to six to eight minutes.

And we would ask the cooperation of witnesses, as much as possible.

And if there is a substantial over run on time, we will call time.

But every witness or -- any other person is invited to submit written statements. If you have a more extensive testimony that you would like to submit for the record, we will be more than happy to receive that.

Now, we have according to the schedule we have four witnesses under the general heading of "community."

I would like to announce that there is a change in

1 the agenda. One of the scheduled witnesses, under the  
2 community section, will not be able to appear. Guadalupe  
3 Pacheco, will not appear.

4 Instead, we will hear from Ms. Teresa Rodriguez,  
5 who, I believe, is the office manager for Congressman  
6 Morris K. Udall, is that correct?

7 MS. RODRIGUEZ: Yes.

8 DR. WHITE: And she will in fact replace Guadalupe  
9 Pacheco.

10 Well, I suppose we'll proceed according to the  
11 order in which the people appear on the schedule.

12 So we'll call first of all, Alva V. Torres, of  
13 Catholic Community Services.

14 Which is -- that's you?

15 MS. TORRES: Yes.

16 DR. WHITE: Welcome, and you may proceed.

17 MS. TORRES: Thank you very much for this  
18 opportunity.

19 Catholic Community Services' Legalization  
20 Department has documented over 5,000, in documentation of  
21 over 5,000 people to go to INS in compliance with IRCA.

22 We are vitally interested to seeing that these  
23 people are treated fairly the entire time and are not  
24 impeded along the way. Particularly, when it has already  
25 been ascertained that they have a right and that they are

1 eligible to apply.

2           Nevertheless, we have had discrimination -- I'm  
3 limiting my views to this group, because this is what I  
4 know about.

5           Actually, I was born here, and for myself, I have  
6 never felt discrimination, personally. I can honestly say  
7 that. So it's not that I'm coming from a history of  
8 saying that there's all kinds -- I'm sure there is.  
9 And, I'm sure other people have felt it. But, I'm just  
10 speaking for myself.

11           We have found that our clients have had  
12 discrimination in all phases of their life. And I'd like  
13 to just point out general groups. I'm not going to go to  
14 specific except at the end, maybe, for one or two, which I  
15 felt are just way to much.

16           We find that employment -- that's the first place  
17 where there was discrimination.

18           Last year before the rule went in that they had to  
19 have their work authorization way before, people were  
20 being turned down, were not being hired, although the date  
21 had been rolled back, and therefore, it made it very  
22 very difficult for these people to even get the  
23 money and to survive and much less go to INS with  
24 their fees for \$185.

25           We were, thanks to God, we were able to raise

1 through all kinds of fund-raisers, over \$60,000 on a loan  
2 basis to help these people that were out of work.

3 That gives you an idea that there were a lot of  
4 people out of work, not because they wanted to be out of  
5 work, simply they wouldn't be given jobs.

6 Then there were some that were given jobs, but when  
7 payday came around they just weren't paid. They were told  
8 that because they were not here legally, although, we  
9 showed them that the people were applying, and we were  
10 just needing that money just for the fees. We tried to  
11 intervene in many cases and got a lot of rude answers and  
12 some derogatory and that was another case of down right  
13 discrimination. And then there were those that were paid,  
14 but they were only partially paid.

15 We had a lady that worked two weeks, she was paid  
16 for three days because she was here illegally. And we had  
17 people that were allowed to continue working but they  
18 weren't going to be paid, and they weren't paid. But they  
19 could work. And that way the boss felt he wasn't breaking  
20 the rule, because he wasn't paying them. And so we do  
21 have these cases. That's in the area of work.

22 Then in the area of traveling. We've had people on  
23 the way to our office with papers so that they can come  
24 and sign up, bodily taken off of buses, cars, even just  
25 picked up.

1           We've had people that leave our office with a  
2 letter of attestation saying that they are already in the  
3 process.

4           Of course, those people were picked up by border  
5 patrol and in some case border patrol called us, and  
6 respected the letter, and let the people come back and  
7 finish.

8           But, in many cases they were deported, just plain  
9 taken across, even though they had the letter. And they  
10 were told that that letter was of no value. And that  
11 Catholic Community Services were just trying to take  
12 people, and that we were cheating them and fraudulent.

13           And I did make complaints to border patrol on that.

14           We also have had trouble where someone already had  
15 a full, finished, completed packet, totally done, and  
16 stopped because they were going to apply someplace else.  
17 They were going to apply someplace else because they were  
18 moving over there and it was easier to apply there because  
19 they'd be interviewed there, particularly, when it got  
20 very very busy and they fell behind and started giving  
21 appointments.

22           We had one particular man who had everything  
23 finished and was on his way to Michigan and we had even  
24 talked to his bosses -- they had sent the letter -- he  
25 worked here for a number of years and he was taken off the

1 bus. He told us, we saw him again, he told us that he was  
2 mistreated -- his luggage was kicked -- little luggage  
3 that he had was kicked -- his papers were torn up. We had  
4 copies of everything. He made it back, and he came back  
5 in as a SAW, and again we got in touch with his bosses in  
6 Michigan.

7 And the second time we went through the whole  
8 rigmarole, we had him apply here, although, he couldn't  
9 work because he wasn't able to get work here right away.

10 But, he's all right, now.

11 But, this is the kind of thing that's come up.

12 We also had cases where the airlines call us and  
13 want to know if people can get on the airplane. But when  
14 I talked to Immigration at one time they said, "Well,  
15 don't send them on the bus, and they said, don't send them  
16 to Texas, for God sake, but put them on a plane, if they  
17 are going to go register somewhere else." But that isn't  
18 going to work anyway because the airlines were calling us  
19 up and saying that if people didn't have legal papers,  
20 they couldn't fly. And that's something I didn't know  
21 about. But that's what did happen.

22 The other cases involve home. And that's what  
23 bothers me the very very most. We had two cases where  
24 border patrol agents entered private homes.

25 In one case, I remember specifically, it was not to

1 far from downtown. There were some young men sitting on  
2 the car, in a driveway, in a private driveway, and the  
3 border patrol stopped and two of the boys ran off, and  
4 one just stayed there because he lived there. And they  
5 got off -- and asked him for his papers -- and he took  
6 out whatever he had -- and he gave them the wallet, and  
7 he said they threw it on the floor, and when he stooped  
8 over to pick it up they started nudging him and told him  
9 to get inside.

10 And they followed him inside the house and they  
11 threatened him. They said that if he didn't leave there  
12 that they were going to come and pick up everybody in the  
13 family.

14 The rest of the people that lived in the house were  
15 legal residents. They were the ones that came and made  
16 the complaint, and they were furious.

17 I really get scared when I hear things like this,  
18 because, as I said earlier, I was born here, everybody  
19 knew everybody, and unless someone has broken a rule there  
20 is no reason to treat them that way.

21 That man hadn't done anything wrong. And he was  
22 one of our clients registered with us.

23 I also want to say that in each case that I have  
24 mentioned, in every single case, the people discriminated  
25 against were Hispanic.



1           Maybe in other parts of the country they are from  
2 other backgrounds, other ethnic backgrounds, but here they  
3 were.

4           Another thing that just happened and this is the  
5 last one I'm going to mention. One of our clients after  
6 he had his authorization work, his fee receipt, gives you  
7 authority to work and shows that you have applied, went to  
8 one of our local Employment Offices and Social Security  
9 Offices -- and I have the address and so forth, and I'm  
10 going to hand it in here -- to ask for a Social Security  
11 Number because he was authorized to work and his boss told  
12 him to go pick up a Social Security number, to go apply.

13           He was asked by the clerk if he could read and  
14 write in English, and he answered, no.

15           The clerk then informed him that, therefore, he  
16 could not have a Social Security number, because it's the  
17 law of the land.

18           This type of thing is just something that I feel we  
19 that we can't put up with. I can't speak for the whole  
20 world, but certainly for Tucson, can be vigilant here in  
21 our own town. A town that I have great feelings for and I  
22 don't like this type of thing creeping in. Under the  
23 guidance of patriotism or taking care of our country or  
24 being sure -- And, so, I just feel that these things have  
25 to be looked into and not let go by the wayside.

1                   And I thank you very much.

2                   If you have any questions.

3                   DR. WHITE:    Are there any questions?

4                   SENATOR PENA:  I have just one question.

5                   DR. WHITE:    Senator Pena.

6                   SENATOR PENA:  That last one, about the Social  
7 Security cards?

8                   MS. TORRES:   Yes.

9                   SENATOR PENA:  Was there any complaints made to  
10 anybody?

11                   MS. TORRES:   No.  I found out by chance.  And a lot  
12 of these things were by chance.

13                   We have had people that have come and say that they  
14 haven't gotten paid.  But, in a lot of these things it's  
15 just because I was mentioning something to someone else,  
16 and they said, did you know that this happened to this man  
17 and he had witnesses.  And I said, if it did, I'd like to  
18 have him call.  And in fact, he might show up here this  
19 afternoon.  I asked him if he might come when they have  
20 the general call to the audience and speak up on this  
21 because that is really appalling to me.

22                   SENATOR PENA:  On the non-payment of wages.

23                   MS. TORRES:   Yes.

24                   SENATOR PENA:  Did anybody tell these folks that  
25 there is a labor department that enforces that?

1 MS. TORRES: Yes, we did. And even then we are  
2 not getting anywhere.

3 And later this afternoon someone is going to come  
4 here and report on that from a first-hand view.

5 DR. WHITE: Any further questions?

6 If not, we thank you very much.

7 MS. TORRES: Thank you. Thank you for your  
8 interest.

9 DR. WHITE: And now we'll proceed with the next  
10 witness who is Ms. Helen Mautner who is with the American  
11 Civil Liberties Union.

12 I see you are a card member?

13 MS. MAUTNER: Yes, I brought the card just to make  
14 sure it was authentic.

15 DR. WHITE: All right, you may proceed.

16 MS. MAUTNER: Thank you. Thank you for the  
17 opportunity to come here. Let me put on my glasses.

18 I am a member of the Southern Arizona Coalition on  
19 Immigration representing the Arizona Civil Liberties Union  
20 of which I am the Associate Director.

21 We have worked with the Coalition since before IRCA  
22 was passed and been available mostly as a resource to help  
23 educate the public in this community and those wishing to  
24 apply for amnesty since the passage of IRCA.

25 We are not, and I want you to understand, directly

1 involved with persons wishing to apply for amnesty, nor do  
2 we help in any way with the application process, because  
3 that's not the kind of organization we are. We are a  
4 civil rights organization.

5 As that, we have been the recipients of dozens of  
6 calls since IRCA's inception from both employees and  
7 employers about certain provisions of the law, dealing  
8 with employer sanctions and with anti-discrimination  
9 provisions of IRCA.

10 We have also received calls from members of the  
11 public to tell us about abuses they have themselves  
12 witnessed or were alleged by undocumented persons to have  
13 taken place.

14 The abuses, they claim, are upon mostly Hispanic  
15 peoples or "foreign-looking" people by local law  
16 enforcement personnel.

17 I want to speak today very briefly about those two  
18 issues, employer sanctions and the abuses.

19 Shortly after IRCA was signed into law but before  
20 it even took effect we began receiving calls from  
21 employees about their status, about speaking Spanish on  
22 the job, what they needed for documentation and if they  
23 could be deported once they did apply for amnesty.

24 The calls from employers were almost as numerous  
25 and they appeared to be equally confused, in many

1 instances more confused. Should they fire all those  
2 employees who were undocumented? What would happen to  
3 them if they could not get verification from their  
4 employees? Should they turn in employees to INS? Would  
5 they be sanctioned if they didn't?

6 To us it would appear that there is still a great  
7 deal of confusion on the part of employers about  
8 requirements needed for employment. This confusion since  
9 implementation of the law has resulted in unequal  
10 application of the law.

11 For example, employers have a perception that only  
12 a person with a green card is work eligible if not a  
13 native born person.

14 When, in fact, there are students who are work  
15 eligible. And I think being right here in Tucson on top  
16 of the university we are more aware of them, that  
17 particular aspect than we might be if we had an office  
18 located someplace else. In other words, foreign students  
19 who do have work permits.

20 Anyway, students who are employment authorized,  
21 temporary residents, and agriculture workers, who are all  
22 employment authorized, but do not carry green cards.

23 This thing needs to be clarified. It needs to be  
24 clarified probably by way of an amendment, perhaps, to the  
25 existing provisions for employment sanctions.

1           There also appears to be a need for some amendment  
2 to the statute whereby it is made clear that Intending  
3 Citizens and SAWS are protected by the anti-discrimination  
4 clauses. Which are already written into the law.

5           Anyone who has applied for legalization, even  
6 before she or he gets work authorization, is covered by  
7 that provision and needs to be protected.

8           It's not clear to employers that the Declaration of  
9 Intending Citizens, that's a form, Declaration of  
10 Intending Citizens form, may be filed at any time before a  
11 discrimination charge is filed, but need not have been  
12 executed when the discrimination has occurred.

13           And I believe that SAWS are not even mentioned at  
14 all, but, in fact, are also protected under that  
15 provision of the law. At least that was the intent  
16 of Congress.

17           There is a need -- the next point is -- there is a  
18 need to move along a little faster in adjudicating the  
19 legalization.

20           Some people still don't have work authorization  
21 even though applications have long been filed and gone  
22 through the process.

23           I think one of the attorneys this morning mentioned  
24 that, also.

25           There is a need to do education and out-reach to

1 employers and employees both, to try to push for those  
2 amendments, that I just got through mentioning, on those  
3 two issues.

4 My understanding, by the way, is that there is a  
5 GAO Report due probably early next week, and I understand  
6 from talking to people who have called to ask us for  
7 statistical figures that it will show that there is, in  
8 fact, enormous confusion amongst employers. And that  
9 seems to be a really serious issue.

10 The other issue I mentioned early that I'd like to  
11 talk about very briefly, are these abuses. And when I  
12 talk about abuses, I'm talking about violations of  
13 people's rights as members of our society, whether they  
14 are citizens or undocumented persons they still have a  
15 right to some of the things that this country  
16 sanctions, like due process and illegal searches and so  
17 forth.

18 Not to say that they need to be illegally searched,  
19 but, they have a right not to be searched or stopped if in  
20 fact there is not probable cause.

21 Two specific instances in Parker, Arizona. Several  
22 months ago our offices received a call from an attorney  
23 telling us about a raid on a trailer park, in Parker,  
24 Arizona.

25 The local police entered the court area of the

1 trailer park, began to question only those residents who  
2 were in their own words, "Hispanic-looking." They had no  
3 reason, they had not been called there for any reason,  
4 there was no sign of a crime having been committed or  
5 any report, in fact, of anything.

6 They picked up ten to twelve people and they turned  
7 them all over to the INS. The only witnesses to this,  
8 unfortunately, for us, were other migrant families who  
9 also lived in that trailer park and who have since moved  
10 on to another state and another worksite.

11 Most of the people who were picked up were  
12 deported, a few were let out on bond, papers were not  
13 checked before the police picked them up, some were SAWS.

14 The reason they were turned over to INS, police  
15 said, is because they thought it was their duty under  
16 IRCA, to do so.

17 The second instance I want to tell you about  
18 specifically took place right here in Tucson.

19 Again we received a call, this time it was from a  
20 Catholic Priest who would not give his name but wanted to  
21 report an incident that he had observed.

22 He had gone with another church member to drive  
23 two persons to the airport. Those two persons were to  
24 purchase airline tickets to Los Angeles.

25 They, the two other passengers, were Mexican



1 Americans. They arrived at the airport and while standing  
2 in line waiting their turn to buy tickets, they were  
3 approached by someone in uniform identifying himself as  
4 working for the airport authority. After a few minutes  
5 of questioning by this individual, the uniformed man  
6 called INS agents who came and took the two young  
7 Mexicans away.

8 They were subsequently deported. The priest  
9 questioned the uniformed man as to why he had even  
10 approached these two persons and what they were doing  
11 that he should have stopped while they were in line and  
12 questioned them at all.

13 The only conclusion he could come to, and this is  
14 what he told me, was that they were approached because  
15 they were Hispanic-looking, they might be illegals. And  
16 under the new immigration law he thought that this too  
17 should be reported to INS.

18 For an organization like ours that concerns itself  
19 with civil rights violations there are only a couple of  
20 things that we can do.

21 One, of course, we need factual information and we  
22 need to be able to document these things.

23 In the instances I just related to you we were  
24 never able to document them, so, in terms of filing any  
25 kind of litigation that was impossible.

1           In terms of following it up we were able to gather,  
2 to glue together a few facts.

3           In the second instance in Tucson I did have that  
4 priest report to the Southern Arizona Legal Aid Society,  
5 and they tried to follow it up.

6           But, I think, as I recollect, by the time we got on  
7 to that it was also to late.

8           Sometimes we don't even know, in other words,  
9 whether these people were, in fact, undocumented, but they  
10 were picked up.

11           There is one other thing that has been going on.  
12 There has been attempts by local law enforcement officers  
13 to pick up people, many times, as Alva just told you,  
14 simply because they appear to be, foreign looking, and  
15 most of the time in this community, Hispanic.

16           Several months back the Tucson Police Department  
17 passed around a memo indicating that they were going to  
18 start a new program at which time they would be picking  
19 up people or if they did pick up people for questioning,  
20 they would check their documentation and ask what their  
21 legal status was.

22           Now, this is not part of, and has never been part  
23 of what law enforcement, city law enforcement, is supposed  
24 to do. That's not their job, in other words, to interest  
25 themselves in that area.

1           My understanding of that, and I imagine you can  
2 check this with the police chief this afternoon, is that  
3 there was a memo that was circulated amongst the council  
4 members, but never passed.

5           And I don't know that they are implementing that  
6 program.

7           But, it's one of the instances where we have to be  
8 concerned when law enforcement officers who are not in  
9 the business of checking documentation or checking  
10 legalization are, in fact, doing that and turning people  
11 over, and, in fact, stopping them for no reason except for  
12 the fact that they may be "foreign-looking."

13           I find in a country of immigrants that we are so  
14 much afraid of foreigners, that it's getting a little  
15 scarey.

16           I thank you for your time.

17           DR. WHITE: Are there any more questions?

18           SENATOR PENA: Mr. Chairman.

19           DR. WHITE: Yes, Senator Pena.

20           SENATOR PENA: These two Hispanic-looking fellows  
21 at the airport --

22           MS. MAUTNER: Yes.

23           SENATOR PENA: Did I misunderstand you to say that  
24 they were Mexican American, and that they were deported?

25           MS. MAUTNER: I was told that they were Mexican

1 Americans. And that's what the priest understood.

2 They were passengers in his car.

3 When we tried to find out what happened to them,  
4 they were told that they were deported.

5 Now, if they were Mexican American, obviously,  
6 they shouldn't have been. Maybe they were undocumented,  
7 we just don't know, that's the whole point.

8 By the time you get that kind of information, by  
9 the time you try to check back to get something factual,  
10 it's sometimes to late.

11 They may have been on their way to Los Angeles  
12 to, in fact, complete legalization. I don't know. That's  
13 what they were in line to purchase tickets for.

14 SENATOR PENA: One of my questions is: Has ACLU  
15 filed any lawsuits dealing with the amnesty program?

16 MS. MAUTNER: Yes, we have. Not in the particular  
17 area that I just mentioned today, but we have filed  
18 several lawsuits around the country. None to my knowledge  
19 in the State of Arizona.

20 DR. WHITE: Any other questions?

21 MR. ZAZUETA: On this memo that was circulated,  
22 what was the essence of the memo?

23 MS. MAUTNER: It was -- the essence of the memo was  
24 to tell the council members that they were thinking of  
25 instituting a new program whereby when they stop

1 people -- and, I don't have the memo with me. I'm  
2 very sorry. I should have brought it. But, we thought  
3 it was important to bring this issue up to you in the  
4 hopes that you will be able to ask those questions this  
5 afternoon.

6 But, my understanding, or my recollection, I should  
7 say, of the memo was that the purpose of it was to  
8 try to check people who were picked up for their  
9 paperwork.

10 DR. WHITE: It occurs to me that there are  
11 incidents of abuses or illegalities that it ought to be  
12 possible for your organization or anyone else to  
13 concentrate on those rather than on the uncheckable  
14 anecdotes such as the one about the alleged Mexican  
15 American at the bus station.

16 Apparently, it's not known for sure exactly what  
17 happened there. Who these people were. Were they in fact  
18 Mexican Americans or were they Mexican nationals, or what  
19 the story was.

20 In any event, what can anyone do with an anecdote  
21 like that, which cannot be verified.

22 MS. MAUTNER: Well, I think we are trying to tell  
23 you that these things go on and that they exist. Not to  
24 tell you anecdotes.

25 But it's very difficult to document these things

1 because many times people are afraid to give you their  
2 name or to give you the name of an organization they  
3 might be with for a variety of reasons.

4 In the case of the Catholic Priest, he wasn't sure  
5 that his church would have been happy with his sitting in  
6 a car with people who, may in fact, have been  
7 undocumented people. And, therefore, he wouldn't come  
8 forward with his name.

9 DR. WHITE: Okay. Well, thank you very much.

10 MS. MAUTNER: You're welcome.

11 DR. WHITE: And our next speaker is Rita Kruse.

12 Is it Kruse, or Krusee?

13 MS. KRUSE: Kruse.

14 DR. WHITE: Kruse. Thank you.

15 And, Ms. Kruse, is with the Tucson Ecumenical  
16 Council, Legal Assistance.

17 Welcome, and you may proceed.

18 MS. KRUSE: Thank you.

19 I'm the attorney for that program. And our purpose  
20 is to help Central American refugees obtain political  
21 asylum.

22 In order to obtain political asylum a person must  
23 show that he's been persecuted in the past or he has a  
24 well-founded persecution, based upon race, religion,  
25 nationality, political opinion or belonging to a

1 particular social group.

2 Our clients are refugees. These are people who  
3 fled their homelands because of these pressures. Most  
4 of them do not even want to be here, they simply have no  
5 other choice, if they are going to continue living.

6 Our clients are mainly Guatamalans and Salvadorans,  
7 we have a few Hondurans and some Nicaraguans.

8 Refugees are not immigrants in the usual sense  
9 because of the circumstance which force them to seek  
10 asylum in this country.

11 I believe that IRCA simply did not take into  
12 account the impact it would have on refugees in the United  
13 States.

14 The best statistics that we have nation-wide are  
15 that three to four percent of asylum applications are  
16 granted. Fewer than ten pecent of the Central American  
17 refugees here in the United States are eligible for  
18 amnesty.

19 Not all of these applied for reasons set forth this  
20 morning by the legal panel.

21 So, IRCA has forced these people to either go  
22 underground or come forth and apply for political asylum.

23 Because of the lack of legal representation many of  
24 these people have turned to people here in the United  
25 States, who are not attorneys, for help with their

1 applications.

2 Most often these applications are poorly prepared  
3 and the refugees lose their cases.

4 In addition to that, the non-attorney helper quite  
5 often charges exorbitant fees and promises the refugees  
6 work permits.

7 Now, we come to the real meat of this problem which  
8 is the work permits.

9 I can't think of much that is more basic to our  
10 American way of life, than being able to work. My  
11 clients are dying to work. They are workers in their  
12 country. They've worked all their lives, and they truly  
13 understand the need to support their families and support  
14 themselves.

15 And they find it very disheartening and very  
16 degrading, and sometimes very hungry, because they are  
17 unable to work.

18 In order to get a work permit you must apply for  
19 political asylum aside from the IRCA situation.

20 And after you have been arrested then you may  
21 apply. And this request goes into Phoenix to the INS.  
22 It takes four to six weeks for them to come back with a  
23 work permit, in your average case.

24 I have one man who has been waiting ten weeks and  
25 he is still waiting. I've had people who have waited



1 longer than that.

2           It's possible for people to apply for political  
3 asylum without being arrested. That means they apply  
4 affirmatively, as what it is called. And you may obtain  
5 a work permit through that, as well.

6           Most of time these affirmative filings are denied  
7 by the INS officials and then the person has the right to  
8 go before the judge to present his or her case there.  
9 And they have to apply all over again for a new work  
10 permit, because now they are in a different category  
11 according to the INS.

12           There is quite often a big delay between the denial  
13 of this affirmative filing application and the requested  
14 arrest. You have to request that the INS arrest your  
15 client.

16           During that time there is no work permit. There is  
17 no legal recourse for these people to go out and make  
18 money to feed their families.

19           Without work permits these people get fired. When  
20 the work permit expires, the employer understandably gets  
21 very nervous and says you can't work here anymore.

22           Even though the lack of work permit may not be the  
23 fault of the worker at all. The worker is penalized  
24 because of the INS laxity and sometimes obstructiveness in  
25 getting these people their work permits to which they are

1 entitled.

2 After they have applied for asylum they can apply  
3 for a work permit, and they are entitled to it according  
4 to the INS regs.

5 Well, the work permit will be issued for three  
6 months or six months.

7 At the end of that time, the person has to go back  
8 and get it renewed.

9 That means sending it back to Phoenix so that they  
10 can stamp it up there and do whatever they wish to do with  
11 it.

12 And, again, there is a gap where the person has no  
13 employment authorization. And what can an employer do?  
14 He's under the gun because he's got to prove to the INS if  
15 they show up that this person really has work  
16 authorization.

17 The essence of it is that there does not seem to be  
18 any way to stay in compliance with these INS regs because  
19 of the way the program is being administered.

20 Now, what I hear is that they're just overworked,  
21 they're overworked, they're overworked.

22 Well, that is not my client's problem that the INS  
23 may be overworked. When these people have no food to  
24 feed their babies.

25 I really agreed with the legal panel this morning

1 in recommending that the INS not be the enforcement group  
2 for IRCA.

3 I would like to ask the GAO to pressure INS to give  
4 us the statistics on what they are doing.

5 I think this would help clarify quite a bit of the  
6 testimony that's been given here today.

7 I would like to see these employer sanctions  
8 repealed because of hardship that they work on people  
9 who are here earnestly seeking asylum and doing the  
10 best that they could possibly do, who really would like  
11 to work, and who are good workers, and who are not  
12 taking the kind of jobs that you and I would like.

13 The kind of job that these people take are minimum  
14 wage or below.

15 And by the way there are two pay scales at least.  
16 There is a pay scale for people who are documented and a  
17 pay scale for people who are undocumented.

18 Even as Alva testified, some of them are never  
19 paid. Some of them are just paid so poorly that nobody  
20 can make a living like that.

21 But they feel that they can't afford to protest.

22 Overall, I would say that IRCA is making life much  
23 more difficult for refugees and their families because  
24 of the lack of employment or the discriminatory  
25 employment that goes on.

1 I have nothing further.

2 DR. WHITE: Thank you.

3 Any questions?

4 Yes, Mrs. Whitlock.

5 MRS. WHITLOCK: Based on the testimony I've heard  
6 all day, I'm just curious to know from any of you, who do  
7 you see as a type of person that should be denied? I mean  
8 I get the feeling.

9 MS. KRUSE: Denied work authorization?

10 MRS. WHITLOCK: No, denied entrance into this  
11 country, or that should get the documentation. I'm  
12 beginning to wonder, is there anybody that would be  
13 truly considered illegal by anybody that has  
14 testified here today? You understand what I mean?

15 MS. KRUSE: Well, when my client goes to court the  
16 first thing they tell the judge is, yes, I entered  
17 without inspection, therefore, I admit that I am here  
18 illegally.

19 MRS. WHITLOCK: But, what I'm hearing is, in a  
20 sense, everybody that wants to come should be allowed  
21 to come for any reason.

22 I'd like to know, who are the ones that should --

23 MS. TORRES: May I answer?

24 MRS. WHITLOCK: Yes.

25 MS. TORRES: Before we assisted anybody, we put

1           them through a pre-screening program.    We had a  
2           pre-screening.   And if they were not eligible, we just  
3           simply told them that we couldn't help them and a lot of  
4           people whole families have left, gone to back to Mexico.

5           MRS. WHITLOCK:   Well, what would be --

6           MS. TORRES:    Somboddy that is not eligible?

7           MRS. WHITLOCK:   Yes.

8           MS. TORRES:    Okay, in a legalization, someone that  
9           wasn't here prior to January 1, 1982 is not eligible.   And  
10          wasn't living here by December 31, 1981, in our program.  
11          So if someone came in '82, '83, '84, '85, '86, '87, and  
12          did not work in agricultural, for the eligibility, which  
13          I'll explain next, we never serviced them.

14          We didn't say everybody, we just assisted people  
15          that did not have a felony, that fulfill the criteria.

16          MRS. WHITLOCK:   Okay.   How do you find out?   How do  
17          you know what they are telling you?

18          MS. TORRES:    Because they have to prove it with  
19          documentation.

20          In other words, somebody came to our office and the  
21          first people that came they didn't even know if they  
22          were eligible or not.   This is why we found a lot of  
23          people that weren't eligible.

24          They just heard that there was something that could  
25          give them legality.   Which is what they wanted, of course.

1           So, then we gave them a screening sheet, we  
2 screened them. And then we would bring them in, and if  
3 they weren't eligible -- I didn't want to embarrass them  
4 in front of everybody.

5           So we take them into a room and talk to them  
6 one at a time, and then we say you're fine, you are  
7 eligible. You are going to the other room and you are  
8 going to do documentation.

9           And if you are not eligible then, at that point, I  
10 would have to tell them that they just simply weren't.

11           MRS. WHITLOCK: What do you recommend when you feel  
12 that they aren't eligible, what do you recommend to the  
13 individual?

14           MS. TORRES: It depends on the situation.

15           In some cases some of them say, well, should we go  
16 back to Mexico? And I say, well, in this case, I asked  
17 them did you work in agriculture, and they would say, no.

18           I'm talking about mostly people from Mexico,  
19 because that's who we mostly saw. I would say 70 or 80  
20 percent at least.

21           If someone told me they came in '83, '84, or '85, I  
22 would tell them, you are going to be in a bad situation,  
23 you're not going to be able to work here, because you'll  
24 have no work permit, you'll have no authorization. We  
25 cannot help you. I'm really very sorry.

1 MRS. WHITLOCK: What happens to these people?

2 MS. TORRES: A lot of them left. They went back to  
3 Mexico. In our case, because we deal with whole  
4 families.

5 And I heard later they left, you know, such and  
6 such family left.

7 If it's an individual. If it's say one young man,  
8 and I'm going to use that as a specific example, in many  
9 cases that person will just go underground.

10 DR. WHITE: Excuse me here. I don't think --

11 I'm a little bit confused here. Because we seem to  
12 be talking apples and oranges.

13 Because, Ms. Kruse, is talking about a different  
14 group of people.

15 MS. TORRES: That's right, she is talking about a  
16 different group.

17 DR. WHITE: And she started her testimony by  
18 pointing out that the overwhelming majority of people  
19 she is talking about, that is to say, the political  
20 refugees --

21 MS. TORRES: The refugees --

22 DR. WHITE: The political refugees are not  
23 eligible, so, therefore, it a not a question of screening  
24 them the way that you do. Because you are dealing with  
25 a different group of people.

1 MS. TORRES: Okay, but I was just answering the  
2 lady, because she said anybody could answer. And, no, we  
3 only took care of those who showed clear eligibility  
4 and how do they show it by proof.

5 And we don't decide it, the INS then finally  
6 decides if their proof is good enough.

7 MRS. WHITLOCK: This is a different situation  
8 entirely?

9 MS. TORRES: Yes, this is a different situation.  
10 We don't deal with --

11 DR. WHITE: Since we have established that this is  
12 a separate problem, I would like to ask Ms. Kruse about  
13 this.

14 Is it not true that, in fact, the overwhelming  
15 majority of these people, say from El Salvador, are, in  
16 fact, economic refugees?

17 MS. KRUSE: I do not find that in my practice at  
18 all.

19 In fact, when we go to Immigration Court we have  
20 been winning 80 percent of our cases.

21 That means that the judge has agreed with us in  
22 80 percent of the cases that these people do meet the  
23 standards for refugees, that they are asylees.

24 DR. WHITE: Well, that may be the case if you take  
25 them to court. But, I thought you cited a percentage



1 about -- an overwhelming percentage in which the refugee  
2 status was, in fact, denied?

3 MS. KRUSE: Nationwide --

4 DR. WHITE: Yes.

5 MS. KRUSE: -- it is. At least that's the only  
6 statistic we've been able to pry out of INS.

7 DR. WHITE: Yes.

8 MS. KRUSE: And they are the only people who can  
9 really keep that kind of statistic.

10 DR. WHITE: Wouldn't you agree that a large part  
11 of this group of people are never going to be able to  
12 establish that they are political refugees within the  
13 meaning of the law, where they have a well-founded  
14 fear, and so on, and so on.

15 MS. KRUSE: I think that's true, but, not because  
16 they are economic refugees. I think it's true because  
17 they don't have the legal help they need to help them  
18 set forth their story and what happened to them.

19 DR. WHITE: Well, if it's truly political, and not  
20 economic, why don't they stop in Mexico?

21 MS. KRUSE: Mexico will not give people political  
22 asylum. It hates these people. It does not like Central  
23 American refugees. It deports them at every opportunity.

24 The Mexican police -- we've had many testimony of  
25 our clients in this category. The Mexican police will

1 find out that somebody is a Guatemalan refugee, will go to  
2 that person and say, "If you don't give me all of your  
3 money, I'm going to turn you over to the Mexican  
4 Immigration and you'll be deported."

5 Then the person is put on a list. That person's  
6 name is given up to the next higher Mexican police  
7 official. Then the list goes up and up and up. The  
8 person may be facing extortion numerous times. After  
9 you've been extorted several times, you give up. You  
10 realize that Mexico will never let you stay, regardless,  
11 of what happened to you.

12 DR. WHITE: So what you are saying is that these  
13 Central American people are being persecuted by the  
14 Mexican authority?

15 MS. KRUSE: They are. Yes, it's just really  
16 shocking.

17 DR. WHITE: Any other questions?

18 We thank you very much.

19 And finally, we have, as previously announced, a  
20 substitute for Ms. Pacheco, and that is Teresa Rodriguez,  
21 who is the office manager for Congressman Morris K. Udall.

22 We welcome you, and you may proceed.

23 MS. RODRIGUEZ: Thank you.

24 I am an aide to Congressman Morris Udall, who  
25 represents the Second Congressional District in Arizona.

1 The district in which this meeting is being held.

2 As a chief case worker for Congressman Udall, I  
3 work on many immigration cases of all kinds. And since  
4 provisions of the Immigration Reform & Control Act of 1986  
5 took effect, I have handled numerous cases of people  
6 seeking to qualify for amnesty under the act.

7 Incidentally, Congressman Udall supported the  
8 Immigration Reform and Control legislation because, in  
9 part, he believed that it would bring the many illegal  
10 immigrants living in fear of deportation out of the  
11 shadows and into the mainstream of American life.

12 This certainly has been the result for many illegal  
13 immigrants, especially many families who came here from  
14 our neighbor to the south, Mexico. But there have been  
15 problems.

16 Some of the problems called to Congressman Udall's  
17 attention were simply a result of people being unfamiliar  
18 with the amnesty or legalization process who needed  
19 steering in the right direction.

20 Other problems have been more serious; people  
21 preyed on by unscrupulous operators before they reached  
22 the Immigration and Naturalization Service or qualified  
23 individuals or agencies designated by the INS to help with  
24 the legalization process, and overzealous officers whose  
25 actions, simply stated, were harassment.

1           I cannot give you names of individuals involved in  
2 any of the cases in which I am familiar with because the  
3 people are afraid that they will be victims of  
4 revenge or new harassment. But these are the facts as  
5 I know them.

6           Some immigrants seeking legalization under the  
7 Seasonal Agricultural Workers Program have reported  
8 that their former employers from whom documentation must  
9 be obtained in order to receive legalization have been  
10 charged up to \$500 to provide the necessary proof  
11 that the individuals need to work in the United States for  
12 the period covered by IRCA.

13           There have been other cases called to our attention  
14 is which Notary Publics, representing themselves as  
15 individuals designated by the INS to represent  
16 immigrants seeking legalization, have charged exorbitant  
17 rates and then not even qualified clients for  
18 legalization.

19           Perhaps more troublesome are cases reported to our  
20 office of harassment by Border Patrol agents,  
21 especially in the border city of Nogales, Arizona.

22           A delegation of housewives from that city sat in my  
23 office and reported that agents were, in effect, spying on  
24 them in an effort to learn whether they were employing  
25 undocumented aliens.

1           In one instance, they said, agents took into  
2 custody a baby sitter and left the children unattended  
3 without any adult supervision.

4           Top officials of the Immigration and Naturalization  
5 Service pledged as the legalization program got  
6 underway, that they would do everything possible to  
7 inform illegal immigrants about the opportunity to become  
8 legal residents of the United States and that they  
9 would help eligible persons qualify.

10          I believe that most of these officials and their  
11 employees have tried to keep that pledge. But cases have  
12 been called to my attention where immigrant aliens were  
13 not treated well at the service's own legalization center  
14 here in Tucson.

15          I know that the INS has had to deal with cases  
16 of fraud and on the part of the applicants for amnesty and  
17 the people from whom they sought help.

18          But Congressman Udall and others who voted for  
19 Immigration Reform want to be sure that any injustices  
20 are rectified, where possible. And that the Phase II  
21 program is carried out with compassion and respect for  
22 the individuals involved.

23          Now that the period for applying for amnesty is  
24 almost over, the Congressman also wants to be assured  
25 that the rights of the individuals are not infringed

1 upon by officials of the Immigration and Naturalization  
2 Service or Border Patrol or any other law enforcement  
3 officer who should be protecting rights, not violating  
4 them.

5 In addition to these comments, I'd like to add that  
6 a couple of months ago, I had two incidents that happened  
7 to me personally.

8 In one of the incidents I was crossing the border  
9 city in which I was born, I was raised. I came across --  
10 I confronted, came upon an immigration officer who knew  
11 me, knew who I was, knew where I worked, he proceeded to  
12 ask me where I lived, where I worked. I answered his  
13 questions, he was not satisfied, he asked me to pull over.  
14 The U. S. custom agent proceeded to search my car and  
15 after searching and being satisfied that there was not  
16 nothing illegal in the car, he proceeded to give me the  
17 go ahead to leave. As I left the border station I  
18 traveled approximately three to four miles. I was  
19 followed by border patrol. I was stopped by border  
20 patrol. I was once again asked to leave my car. My car  
21 was once again searched. As they proceeded to search  
22 my brief case, they found that I -- who I worked for, I  
23 had legal documents in the brief case, they apologized.  
24 They informed me at the time that the immigration  
25 officer had in fact called me in after searching me at

1 the border and had called me in as a suspicion of  
2 transporting illegal aliens, although, they could see from  
3 the border that I had not made a stop. It had not even  
4 been five minutes since I had left the border before I was  
5 stopped by the border patrol agents. At that time they  
6 apologized. I explained to them that I was in the area,  
7 I was very familiar with the area. I was on a dirt road  
8 and they apparently used that as an excuse on why they  
9 had stopped me. I told them that I had grown up there, I  
10 had been raised there. They let me go.

11 I came to Tucson, I made a call to the immigration  
12 officials. They gave me the usual answer that they give  
13 me for most of my cases. I've worked for the Congressman  
14 almost nine years, and I've dealt with them enough to know  
15 that a lot of times we do make a lot of general inquiries  
16 because people are not willing to come forward. In this  
17 incident, I was not willing to come forward. And I was  
18 given the same answer that I usually get is that we are  
19 trying to do our job. This is a typical case where you  
20 met the profile blah blah blah. I took it in stride, and I  
21 informed them that I was in fact returning -- three days  
22 later -- and at the time -- I was going to be returning  
23 in a couple of days. I did in fact return three days  
24 later. At that time I was pulled over again. I was asked  
25 to provide my ID, which I did, I provided my

1 congressional ID, plus my driver's license they ran it  
2 through the computer, they came back, they searched my  
3 vehicle, they searched my tires, my motor, they went  
4 through all my wallet. They proceeded to use the whistle  
5 that I had on my key chain, and whistled out of it.  
6 They kept me about an hour and half. They took me inside.  
7 They had me take off my blouse. They patted me on the  
8 stomach twice. And I took it. I wanted -- I did not at  
9 any point object to it. Because I wanted to see how far  
10 they were going to carry it through. As I was leaving,  
11 they proceeded to run my ID again through the computer,  
12 which made it twice in the same day.

13           Upon returning to Tucson, I called the head of the  
14 of U. S. custom agent down in the border city, and she  
15 proceeded to tell me that I met the profile of someone  
16 under suspicion. I asked her whether -- I was not  
17 asking for any kind of special attention because of whom I  
18 worked for, but, I told her that they needed to have a  
19 little bit of respect.

20           The Congressman would not have somebody in his  
21 employment doing something illegally. And had they  
22 something concrete or a strong suspicion, I wanted to know  
23 about it.

24           She proceeded to tell me because I was in a rental  
25 car, because I met the profile of a young woman with



1 gold jewelry and I met the profile of a possible drug  
2 dealer.

3 As we talked, she proceeded to tell me or I went  
4 ahead and told her that I had been there an hour and a  
5 half. By the time I had gone to my grandparent's house  
6 there had been at least five phone calls to my  
7 grandmothers, telling them that I had been held up in the  
8 border. The whole town knew about it.

9 And she said, well, that's exactly why, you know,  
10 you were pulled over. We want the people from this town  
11 to know that anybody can be searched and anybody can  
12 be pulled over and anybody can be searched.

13 I would like to bring this to the attention of  
14 the GAO office because I feel that that is pure  
15 harassment. It's not that it bothers me so much that it  
16 happened to me, but if it happened to me, you can imagine  
17 what an individual that is entering the country just on a  
18 visit goes through.

19 DR. WHITE: Are there any questions?

20 MR. ZAZUETA: Mr. Chairman, I don't have a  
21 question, but, in Phoenix, Mr. Montez, said that we could  
22 file a complaint through the Civil Rights Commission  
23 on these special cases.

24 DR. WHITE: Yes.

25 MR. ZAZUETA: Is that a fact?

1 DR. WHITE: That's my understanding.

2 MR. ZAZUETA: Could we follow-up on this special  
3 case, Mr. Chairman?

4 DR. WHITE: I would assume so.

5 Mr. Montez, isn't here.

6 MS. RODRIGUEZ: I want to add that, you know, we  
7 never made -- I made a formal complaint to both the  
8 Immigration and U. S. customs.

9 The only response that I received was there was  
10 probable cause. What probable cause that was, they would  
11 not give me an answer.

12 And our office does intend to follow-up on that  
13 too.

14 DR. WHITE: As much as I admire our regional  
15 director, if I try to redress a grievance, I'd rather have  
16 Morris Udall than Philip Montez, wouldn't you?

17 But, certainly to answer your question is, yes. If  
18 you wish to put something on paper, I'll be glad to see  
19 what you can come up with.

20 MS. RODRIGUEZ: I'd like to add that I don't think  
21 what happened to me is unfamiliar to a lot of people,  
22 especially in the border towns. But, I think that those  
23 incidents have escalated a great deal.

24 Like I said, I've worked for the Congressman  
25 almost nine years, and I have noticed a great number of

1 incidents like mine since IRCA came into effect.

2 Now, one of the perceptions was that they singled  
3 me out, too, because, as you know, Congressman Udall  
4 is the only one from the Arizona Delegation that voted  
5 for IRCA.

6 And I have to say that some of the officials down  
7 there are not very pleased about it.

8 SENATOR PENA: Mr. Chairman?

9 DR. WHITE: Yes.

10 SENATOR PENA: I can attest to that, because I have  
11 relatives in Cannaneya. We went to a wedding, and I took  
12 two of my automobiles with my family. And on the way back  
13 two daughters and their husbands were in one car with some  
14 grandchildren. And they did the same thing that they did  
15 to you. They pulled them over and searched them and  
16 searched the automobile.

17 And then when I came through a day later they  
18 didn't search my automobile, but they asked a lot of  
19 stupid questions. They were asked by immigration  
20 authorities, by the border patrol. And a lot of that  
21 is uncalled for.

22 MS. RODRIGUEZ: I asked them when I made the  
23 inquiry why they had whistled on my whistle. And they  
24 bluntly told me they thought I had drugs in the  
25 whistle, which is really ridiculous.

1 DR. WHITE: In the little ball of the whistle?

2 MS. RODRIGUEZ: Exactly, exactly.

3 DR. WHITE: Okay. Well, I'd like to thank the  
4 members of this panel for your testimony.

5 And, again, if you have any documents that you'd  
6 like to leave with us.

7 Thank you.

8 DR. WHITE: We next have a panel on education.

9 Are they present?

10 MR. HART: I'm Greg Hart, and I have a guest that  
11 I'd like to share some testimony today. Her name is  
12 Jessica Dilworth.

13 MR. WEBER: I'm Gene Weber, and I also have a guest  
14 that is more familiar with the English as the second  
15 language. Her name is Agnes Daemen.

16 MS. DAEMEN: D-A-E-M-E-N.

17 DR. WHITE: I didn't get that.

18 MS. DAEMEN: D-A-E-M-E-N.

19 DR. WHITE: Okay. And the first name?

20 MS. DAEMEN: Agnes.

21 DR. WHITE: Well, I don't know how you wish to  
22 proceed, but I'll call on Mr. Hart, first, and you may  
23 involve your collaborator in whatever way you wish.

24 MR. HART: Okay. May I assume, sir, that you are  
25 Chairman, John White?

1 DR. WHITE: I am, yes.

2 MR. HART: Thank you. I walked in about 15 minutes  
3 ago, so I'm not familiar. Would it be presumptuous of me  
4 to ask the names of the other panelist?

5 DR. WHITE: No, not at all.

6 We'll start to my extreme right, here, politically,  
7 Mr. Manual Pena, from Phoenix, who is the State Senator in  
8 the Arizona Legislatur. And next to him is Deanna Faust,  
9 who is a teacher at the Tolleson Elementary School  
10 District, in Tolleson, Arizona. And next to me on the  
11 right is Mr. Richard Zazueta, which is with Maricopa  
12 County. Mr. Zazueta is also the Vice-Chairman of this  
13 committee. And then on my left is Mrs. Shirley, Whitlock,  
14 who is President of the Arizona Eagle Forum, and is from  
15 Mesa, Arizona.

16 And so you may proceed, sir.

17 MR. HART: Thank you, sir, for doing that for me.

18 My name is Greg Hart, Mr. Chairman, members of the  
19 panel, I'm director of Pima County Adult Education. It  
20 is a public organization, it has existed in this county  
21 since 1969.

22 The specific intent, the mission of the  
23 organization is to provide basic education to adults  
24 throughout Pima County with less than a high school  
25 education.

5  
1           We operate as a division of superintendent of  
2 county school office. And we serve people in a number of  
3 areas, primarily, in the areas of English as a second  
4 language instruction, GED high school equivalency  
5 instruction, and adult basic education illiteracy  
6 instruction.

7           We serve about 8,000 people a year in those  
8 particular areas. We also have an adult vocational  
9 training project. A refugee education project. These are  
10 all separately funded. A special project for high school  
11 dropouts 16 to 21 called PC Ed. And a project for the  
12 mentally and physically disabled called Project RAYS.

13           I'm here, specifically today, to talk about the  
14 impact of Second Phase Amnesty of the Immigration Reform  
15 and Control Act, and the impact it's had on my  
16 organization.

17           And I will simply say that the impact has been  
18 immense. We have a tremendous outpouring of people in the  
19 community coming into our classes for ESL instruction to  
20 meet the English as a second language instruction and  
21 civic instruction, to meet the requirements as set forth  
22 in the Immigration Reform and Control Act.

23           Those requirements being that those eligible legal  
24 applicants will have to demonstrate at some point that  
25 they have sufficient facility in English and knowledge of

1 American Civics to become residents of the United States,  
2 legal residence, or they will have to show that they have  
3 been involved in a certified program, and that they have  
4 satisfactorily pursued such competencies.

5 We have, if you've been reading the papers here in  
6 Tucson and perhaps in other parts of Arizona, you may have  
7 seen that adult education programs all over the state --  
8 by the way, adult education programs throughout the state,  
9 including Pima County Adult Education, receive funds from  
10 the Department of Education, State Department of  
11 Education -- programs throughout the entire state of  
12 Arizona have absolutely been inundated with eligible legal  
13 applicants seeking to meet those criterion that I just set  
14 forth. Those being facility in English and Civics.

15 Recently, the INS has changed its regulation. Not  
16 long ago students had to be pursuing, had to show that  
17 they had pursued at least 30 hours successfully  
18 in a 100-hour program.

19 In other words, if we were offering an English  
20 language program and had to run for at least 100  
21 hours, legal applicants had to demonstrate that they  
22 successfully participated in at least 30 of those  
23 hours.

24 That has recently been changed to now  
25 applicants have to be involved in programs of 60 hours

1 and demonstrate that they have, are you following me, and  
2 demonstate that they have successfully pursued 40 of  
3 those hours.

4 We, I think that for purposes of my own  
5 organization for almost any other organization that I'm  
6 aware of in Arizona, the money allocated to provide  
7 those services SLIAG money, SLIAG sounds kind of like  
8 industrial waste, but, what it means is State  
9 Legalization Impact Assistance Grants.

10 That money has not yet begun to flow into my  
11 programs nor into many other programs that are  
12 experiencing, these really, what amount to outrageous  
13 numbers of people given the relative level of ability to  
14 meet the need.

15 In some classes we have had up to 120 people with  
16 one instructor. And that is because we simply have not  
17 been able to get our hands on the SLIAG money, yet.

18 That's not really the fault of any one  
19 organization. Our applications for that have gone in the  
20 last six weeks. I think it's just part of the  
21 bureaucratic process, and I think it's also due to the  
22 fact, that I think in good faith, the INS did not  
23 anticipate that such large numbers of people would be  
24 coming out so quickly in the process.

25 We began as of May 6, I think, 1987, is when people



1 could start participating in the process. Adult  
2 education programs have typically been crowded for  
3 years before amnesty ever came into play.

4 But, I think that the INS -- other agencies,  
5 entities, individuals involved simply did not  
6 anticipate that eligible legal applicants -- some of  
7 them with up to two and a half three years to get this  
8 requirement out of the way -- would be just breaking  
9 down doors to get this requirement taken care of right  
10 away.

11 We got some very anxious people out there, who are  
12 making an extremely strong full-faith effort to become  
13 English speakers in our society. That's been going on  
14 for many many years.

15 The amnesty program has just heightened that  
16 tremendously. We need that SLIAG money to start to  
17 flow.

18 We are really in a crisis situation right now.  
19 We believe that it will begin to flow both for services  
20 provided last year to ELAs and in this current year.  
21 We believe it will begin to flow soon.

22 I'd like for Jessica to say a few words. She's  
23 just attended a conference in San Diego, where she  
24 acquired a great deal of information that I didn't have.

25 And I'd like her to share some of that with you.

1           Whatever I didn't say.

2           She said, "like what?" And I said, "like whatever  
3 I didn't say."

4           MS. DILWORTH: If there are questions, that would  
5 be easier for me to address.

6           DR. WHITE: Okay fine.

7           Any members of the committee have a question?

8           SENATOR PENA: I believe I heard you say that  
9 Phase II could be completed by simply attending and  
10 completing 40 hours. You don't have to learn English, you  
11 don't have to learn civics?

12           MR. HART: Well, I know that Jessica will want to  
13 say something to that. I think that, Senator Pena, that  
14 is true.

15           You just have to demonstrate that you made a good  
16 faith effort and spent at least 40 hours in a  
17 qualified, certified program.

18           And if you come out of there after 40 hours  
19 and you still can't say hello, that's not what's at issue.  
20 What's at issue in my understanding of the law is that  
21 you made a good faith effort to acquire that  
22 understanding.

23           Now, for anybody that has ever attempted to  
24 learn a second language or a third, or a fourth  
25 language, we all know that it can't be done in 40

6

1 hours.

2 And there are different levels of quality in  
3 programs, different levels of language learning ability.

4 But, yeah, I would say that the answer to your  
5 question is, yes.

6 If a person comes in gets 40 hours and they  
7 still can't say hello, that's beside the point.

8 SENATOR PENA: Does the INS understand that?

9 MR. HART: I believe they do.

10 MS. DILWORTH: They set up the requirement.

11 This is some what of a joke with our students  
12 because they know that if only to meet the requirement  
13 of 40 hours, they know that they will be learning a  
14 lot of English in that way.

15 But they know that it just meant, the INS wanted  
16 to see that they had some kind of dedication that they  
17 wanted to become part of our system and part of that was  
18 attending some educational facility.

19 We are accredited because we are already a state  
20 institution, but there are a lot of places around town  
21 who -- there are other QDEs all over this state who were  
22 designated to help students fill out their applications.

23 And a lawyer attested to that earlier that some of  
24 those places were charging an exorbitant amount for  
25 filling out those applications for the students.

1           Those places are also going to be designated as  
2 entities to teach students their 40 hours and all they  
3 have to do is apply with the state. And they will be able  
4 to hire teachers and train them however they decide and,  
5 thus, run those courses for 40 hours.

6           Students, people who are applying in Phase II who  
7 have been in this country and have already taken part in  
8 our educational system and maybe have high English  
9 abilities won't have to take the 40 hours now, they can  
10 go to INS and take a test. They can take the citizenship  
11 test, and that will qualify them for their educational  
12 requirement.

13           SENATOR PENA: Do the eligibles know that?

14           MS. DILWORTH: Oh, yes.

15           SENATOR PENA: Is there a program to go and educate  
16 the people?

17           MS. DILWORTH: Well, that's a very good question.  
18 Because INS said that part of their outreach program  
19 would be to be notifying the whole community of all  
20 the changes in their regulations, which change very  
21 frequently. We don't have the funds to do that kind  
22 of educational outreach.

23           INS promised they would do that, but as I  
24 understand, they are having a hard time putting their  
25 hands on the money to do outreach properly, also.

1           MR. HART: For example, one of the -- we have an  
2 example of some of the difficulty that that may have  
3 caused already. Is that a lot of applicants that have  
4 already been in the program for 30 hours -- some of  
5 them feel that they have now achieved their requirement  
6 as it existed in the regulations, primarily.

7           But, now that requirement has been changed to  
8 40 hours. Some of those people that have achieved 30  
9 hours are now out. And conceivably could go to their  
10 interview sometime in 1989, and they could just show 30  
11 hours. It gets a little bit confusing with so many  
12 changes in the law.

13           I wanted to make a point. INS has allocated up  
14 to \$500 per student, per eligible legal applicant for  
15 their adult educational needs, per year.

16           And, Mr. Pena, you may not realize that the  
17 State of Arizona has only been allocating \$76 per  
18 student, per year -- all of these years for amnesty --  
19 for the same thing.

20           And I think that's an interesting thing to note  
21 that INS feels it costs \$500 and the State of  
22 Arizona, all these years, has felt that it cost about  
23 \$76. I just find it an interesting thing to ponder.

24           MS. DILWORTH: Well, what that will mean for us is  
25 students will become for 500 hours with the SLIAG fund so

1 we can apply for funding to take care of those 500 hours.

2 After that we hope that --

3 MR. HART: \$500.

4 MS. DILWORTH: \$500, that's right.

5 Which is really 166 hours.

6 What we hope is that students will get turned on to  
7 education. That they will come and they will learn  
8 English and they will want to go on in our education  
9 system, get their GEDs, go on to vocational training,  
10 whatever they need to do to become functioning members of  
11 our society.

12 With the \$500 cap and with this program possibly  
13 only lasting for a few years, we need to look at how  
14 this is going to impact educational system in a much  
15 longer term maybe a five year plan, until all the  
16 ELAs have been through and become -- get better jobs.

17 MR. HART: I was saying that people spend 40  
18 hours and they meet the requirement. Learning a  
19 second language, learning about a culture, is a  
20 process that takes, some people claim a generation.  
21 And these people are going to be with us for  
22 years, long after the amnesty money, or the money  
23 is exhausted for their education.

24 And, I think that that's something that the state  
25 has to consider.

1 DR. WHITE: Thank you.

2 MR. ZAZUETA: Mr. Chairman.

3 DR. WHITE: Yes.

4 MR. ZAZUETA: This morning we heard from the  
5 legal panel that in Phase I there was quite a bit of  
6 confusion in the IRCA law.

7 Now we are getting the same thing in Phase II,  
8 the confusion, the changes, from one hundred hours to 30  
9 hours. From 100 to 30 hours to 60 hours to 40  
10 hours.

11 The programs that have started with 100 hours,  
12 30 hours, are now going to change to 60 hours, 40  
13 hours, the money is being caught up in all kinds of  
14 bureaucracy, and not flowing.

15 And do you see a lot of discouragement out  
16 there, and a lot of anxiety going on?

17 I imagine there is a clock working here also on  
18 the law?

19 MS. DILWORTH: Well, actually, when I went -- when  
20 I spoke with the INS last week they said, well, we don't  
21 have to worry about this problem because students  
22 won't be coming to us to take classes until after  
23 November 7, when they have their entry regs out.

24 But, as it turns out these students have been  
25 coming to our programs for years. They actually have

1       been here since last May when they realized that they  
2       were part of the Phase II and there would be an  
3       educational requirement.

4               MR. HART: Well, I think there is some confusion,  
5       but, I'm not overly concerned about it. I think that it's  
6       going to level out. I don't think the first  
7       applicants -- correct me if I'm wrong somebody in  
8       the audience or you, Jessica -- I don't think the  
9       first applicants have their first interview scheduled  
10      until next November.

11             MS. DILWORTH: No, this month.

12             MR. HART: This month.

13             MS. DILWORTH: November 7, they start.

14             MR. HART: This month. So when would they have to  
15      take care of their ESL requirements?

16             MS. DILWORTH: They have one year.

17             MR. HART: They have one year from that time.

18             MS. DILWORTH: From this month.

19             MR. HART: So one year from this month?

20             So the earliest people -- thank you -- so the  
21      earliest people still have a year to get that requirement  
22      taken care of.

23             MS. DILWORTH: But the students are anxious.

24             MR. HART: They're anxious.

25             MR. ZAZUETA: Yes, that's what I meant.



1           The other thing on the situation with the  
2 QDEs, the qualified designated entities, they don't  
3 have much of a structure and monies to hire teachers  
4 and to buy materials?

5           MR. HART: Nobody does.

6           MR. ZAZUETA: Well, the school district is a little  
7 more --

8           MR. HART: The school district is different but  
9 adult education, it doesn't have that money either.

10          MR. ZAZUETA: So, how are you doing it, how are  
11 these QDEs doing it?

12          MR. HART: Well, QDEs, qualified designated  
13 entities, I don't know how they are doing it. Adult  
14 education is doing just by sheer force of will.

15          We, for example, are spending in my program at a  
16 deficit of \$100,000 a year to meet the need.

17          We are going to shut down in spring if the  
18 SLIAG money doesn't flow.

19          MR. ZAZUETA: Now, you mentioned bureaucratic hang  
20 ups. What kind of bureaucratic hang ups?

21          MR. HART: Typical bureaucratic hang ups. I think  
22 that the SLIAG money is going to flow in the next ten  
23 days.

24          I think that just the confusion all the way  
25 from the top to the bottom, in the regs. How it's

1 supposed to be done, how it's supposed to be monitored,  
2 how to get the money out, for example, the programs for  
3 last year's work after the fiscal year is over. That  
4 sort of thing. It's been very confusing. The up and down  
5 change in the regulations. If we send in a proposal for  
6 a 100 hour program it gets changed to 60. All of that  
7 requires changes.

8 MS. DILWORTH: The QDEs that I know of in the area  
9 are able to offer the classes, because, they are  
10 charging students for them.

11 That's the way they have been able to set up  
12 and get their space and to hire teachers.

13 DR. WHITE: Excuse me, I think we are running  
14 behind schedule and I'd like to --

15 MRS. FAUST: Just one quick question.

16 Jessica, do you find that some of the students  
17 have transportation problems?

18 MS. DILWORTH: Oh, yes.

19 MRS. FAUST: And if so, do you assist along those  
20 lines in any way?

21 MS. DILWORTH: We can assist with transportation.  
22 We have a hard time supplying materials to our  
23 classes with our budget. All students can do is come to  
24 class and hopefully make some friends in their  
25 neighborhood so they can get rides from, but that's it.

1 MR. HART: And we are trying to open up classes as  
2 well in every neighborhood that we can get in to.

3 MRS. FAUST: So transportation is a problem?

4 MS. DILWORTH: Yes, it is.

5 DR. WHITE: Okay. Well, let's hear from Mr. Weber  
6 and his collaborator.

7 However you want to proceed?

8 MR. WEBER: Thank you much, Chairman, White.

9 Just a little overview on the Tucson Unified School  
10 District.

11 We have approximately 57,000 students, 103  
12 campuses, approximately 44 percent minority.

13 What I would like to speak on is, yes, there is a  
14 significant impact of non-English speaking youngsters.

15 The difficulty that we have is knowing which are  
16 due to amnesty and which are not.

17 To go to school a youngster is if they are with  
18 their parent or legal guardian whether they are  
19 documented or undocumented or applying for amnesty, by a  
20 Supreme court case a number of years ago, we must  
21 enroll.

22 So, we don't have a clear figure of which are  
23 directly related to amnesty on the impact. We do know  
24 that last spring in May, at the end of the school year, we  
25 had 1,475 youngsters, at that point, whose home language

1 or base language was not English.

2 Already this fall we are approaching 2,000, and  
3 these are new students, it's almost 2,000 new  
4 students that are non-English speaking.

5 But I do need to clarify due to the enrollment  
6 procedure, we cannot ask which way they got there,  
7 documented or undocumented if they were with their  
8 parents or legal guardian.

9 We would be discriminating if we ask that, so, our  
10 information would not be real precise on numbers.

11 What this does to us is all of our English as a  
12 second class are over enrolled.

13 One school, one middle school has 116, monolingual  
14 spanish-speaking only this year. One middle school,  
15 that's a school that has 7th and 8th graders.

16 So, the impact is we don't have room, and yes, in  
17 our class, English as a second language, and then  
18 following that through we are short for textbooks  
19 instructional supplies, some of the things that Mr. Hart,  
20 mentioned so, yes, we are overjammed.

21 The other thing that we see happening is that if  
22 the parents also can't learn English we see some trade  
23 offs or some relationships here to what Greg is talking  
24 about to help the youngsters in school that are learning  
25 English and it's ideal, the parent also has that

1 opportunity to learn English.

2 The other thing what's happening in Arizona  
3 nationally, we keep increasing the graduation  
4 requirements and making the academic achievement level  
5 higher. So we suspect that we'll have more pushouts of  
6 kids who will not graduate and very likely it could be  
7 the youngsters that are coming in through amnesty.

8 So, it's kind of a revolving cycle. So, yes,  
9 higher standards, less opportunity for English as a second  
10 language, and more courses needed to graduate.

11 So, we would look at our dropout rate increasing  
12 for many of these youngsters that are here through  
13 amnesty may become frustrated and drop out because we  
14 are not providing the resources needed.

15 I would just like to ask -- Agnes, works directly  
16 in the bilingual and ESL program, and I don't know if  
17 there is any other statistics, about our impact that you  
18 might like to add.

19 MS. DAEMEN: No. Although it's true that we cannot  
20 determine who was here because of amnesty, we've always  
21 had very good contact with Pima County Adult  
22 Education.

23 And I used to be able to tell the parents when they  
24 came to my office to enroll for classes. I do know that a  
25 lot of our children have parents who are enrolled in the

1 ESL classes at Pima County Adult.

2 So, it's almost quite clear that a lot of our  
3 students are from families who have applied for amnesty.

4 And, unfortunately, I can no longer tell parents to  
5 enroll in the classes, because the classes are full.

6 MR. WEBER: I do need to add financially our  
7 school district had an override defeat meeting, we  
8 couldn't increase our budget over a previous year, so  
9 we had to cut 8 million dollars from our budget.

10 So, we are not buying any library books for any  
11 youngsters, let alone English as a second language, or  
12 cutting textbooks for our regular students, let alone  
13 English as a second language.

14 So, we are real short financially. So our basic  
15 question would be is there some type of federal impact  
16 aide that could assist with this population to go through  
17 this hump.

18 I also want to mention that the district directly  
19 to the south, Sunnyside School District, their school  
20 board member here, Mr. Arillano, predicts or estimates  
21 that they have 150 new students that are non-English  
22 speaking.

23 And that would be the highest minority school,  
24 next to our school district, in the Tucson metro area.

25 If you have any questions, we would be glad to try

1 to answer them.

2 MS. DAEMEN: I'd like to add one more thing. This  
3 year we are seeing a lot of more students who come into  
4 the district with very low literacy skills in Spanish.

5 And we really do not have programs for those  
6 students, except in one middle school. That in itself  
7 makes it a lot harder again for these students to learn  
8 English.

9 DR. WHITE: These are people who are illiterate in  
10 any language?

11 MS. DAEMEN: Yes, that's right.

12 DR. WHITE: All right, any other questions?

13 MR. HART: We did not mention that since  
14 September we have had about 1,500 ELAs come into our  
15 program.

16 I just did not mention that, but, I think it's  
17 an important figure for you to understand.

18 MR. ZAZUETA: Just one question. On the deficit  
19 that you said you are running -- you said you are  
20 going to have to close down your classes?

21 MR. HART: If the SLIAG money does not flow, for  
22 whatever reason, we are now spending at a rate of  
23 \$100,000 in the red, of money that, you know, if we  
24 are going to budget through June, we shouldn't be  
25 spending that money.

1           But we have decided to spend the money in order  
2 to try to give some semblance of meeting the need.

3           DR. WHITE: I think, if there are no objections,  
4 we'll declare a ten minute break.

5           I want to thank the members of this panel.

6           MR. HART: Thank you, Mr. Chairman. Thank you,  
7 members of the panel.

8

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10           (Whereupon, at 3:00 o'clock p.m., a short recess  
11 was taken.)

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19           DR. WHITE: Okay. We have the machine in order  
20 again, so, we'll resume our session with the business  
21 panel.

22           And, we have two members, Mr. John Thacker.

23           Which one is Mr. Thacker?

24           Mr. John Thacker from the Southern Arizona  
25 Innkeepers.