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UTAH STATE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Forum on the
Impact in Utah of IRCA
Auditorium
State Office Building
Salt Lake City, Utah

Thursday,
May 18, 1989

Moira Kanim
Court Reporter

CCR
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Meet.
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COMMITTEE MEMBERS

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 Jose E. Martinez
 Bruce G. Cohne
 Maria O. Ortiz
 Mary E. Stovall
 Darlene C. Hutchison
 Robert C. Mecham
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Miguel Esquivel

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P R O C E E D I N G S

9:06 a.m.

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3 CHAIRMAN RIGGS: On the record. We're going to
4 begin now. It was scheduled for 9:00. We're about six
5 minutes after. And I think everybody who was supposed to come
6 on early is here now so. I'll take just a few moments
7 primarily for the record to explain what we're doing here.
8 This is a meeting of the Utah Advisory Committee to the
9 United States Commission on Civil Rights. I'm Robert Riggs,
10 the Chairperson of the Committee. And others of the Committee
11 who are in attendance are, we'll start at this end, Jose
12 Martinez, Bruce Cohne, Mary Stovall, Darlene Hutchison,
13 Robert Mecham. And here standing in back is the man who
14 prepared all this, Tom Pilla. He is the staff member who is
15 headquartered in Los Angeles. He's assigned to our State
16 Committee and also to a number of other State Committees in
17 the West.

18 The function of the Utah Advisory Committee and
19 every other State Committee is to receive information on
20 various issues relating to human right. Ah ha, here we have
21 Maria Ortiz who is now joining us who is also a member of the
22 State Committee. Our function is to receive information on
23 various issues relating to human rights and to make
24 recommendations to the United States Commission on Civil
25 Rights. And one way in which this is done is to hold forums

1 of this sort.

2 The United States Commission on Civil Rights was
3 established by Congress in 1957 and reauthorized again it
4 says here in 1983 under for the record Public Law 98-183.
5 This is a fact finding meeting and not an adversarial
6 proceeding. And individuals have been invited to testify
7 before the Committee primarily based on work which they and
8 their agencies have done relating to the subject for today's
9 discussion, that is the Immigration Reform and Control Act
10 which was enacted by Congress in 1986. Each person who will
11 participate has voluntarily agreed to meet with the Committee
12 and make his or her participation.

13 It is a public meeting. And the press and the
14 radio and television stations have been invited as well as
15 other individuals. I know the few individuals. I haven't
16 seen anybody in the press here. But at least it's
17 theoretically open to them.

18 I expect that nothing like this will come up but
19 you at least ought to be aware that no defamatory material
20 should be presented in the meeting. And if things get out
21 of hand I would make a comment to that effect. We're
22 referring primarily to identifying individuals and saying
23 something nasty about them. So we urge you not to do that.
24 But otherwise obviously this is time for expressing your
25 opinions and criticisms of the program, the way it's been

1 handled. But certainly it would be appropriate if you have
2 some feelings.

3 This forum is being held to collect information
4 in Utah on the implementation of the Immigration Reform and
5 Control Act. We're doing this at least in part because this
6 has been a matter of special concern to the United States
7 Commission. And they have urged the State Commissions to
8 have some information which may be helpful to them and per-
9 haps subsequently to Congress in possible amendments to the
10 Act which may become necessary.

11 We'll go ahead now. I'll ask each participant
12 to identify himself or herself and the organization with
13 which they are affiliated. We have a system of recording
14 comments through these mics. For those of you who will be
15 participating the crucial mic at least for the record is
16 this one the short one with the white base. And this is the
17 place over here which has been set aside for the person who
18 is making a presentation. So we would ask each one of you
19 to take that mic and perhaps sit down as you do it. I will
20 also inform you that this mic is connected only with the
21 recording machines. It will not help a bit for the people
22 who are sitting out here in the audience. So try to speak --
23 There aren't very many and everybody is close to the front.
24 But nevertheless they'll depend on the volume of your voice
25 unamplified carried to them.

1 We would now like to invite Curt Garner, the
2 Special Assistant to the Governor who will make a short
3 presentation.

4 MR. GARNER: Thank you, Professor Riggs. Ladies
5 and gentlemen and members of the State Advisory Committee on
6 behalf of Governor Bangerter we appreciate all of your
7 interest and involvement in the SLIAG, State Legalization
8 Impact Assistant Grant, and welcome you here this morning.
9 We also appreciate the assistance that these grant monies have
10 made possible to the State in administering programs for
11 immigrants over the past couple of years.

12 Pursuant to a request --

13 CHAIRMAN RIGGS: Excuse me. You're not being
14 heard completely on the other side. As I said, our mic
15 does not amplify his voice at all. The only thing it's
16 connected to is the recording machine. This mic does amplify.
17 Perhaps you could just try to speak loud enough so everyone
18 can hear you.

19 MR. GARNER: All right. I'll do that. Pursuant
20 to a request in August of 1987 by The Department of Health
21 and Human Services Governor Norman Bangerter in September of
22 1987 designated the Utah State Department of Social Services
23 as the single point of contact for and the agency responsible
24 for securing and submitting information to administer the
25 funds under the SLIAG Grant.

1 CHAIRMAN RIGGS: Excuse me. When you come to
2 an acronym like that could you tell us what --

3 MR. GARNER: All right. I'm sorry.

4 CHAIRMAN RIGGS: It stand for? What SLIAG is.

5 MR. GARNER: I believe it's State Legalization
6 Impact Assistant Grant. I'm sorry. At that time the
7 designated person responsible for administering this grant
8 was Jean Neilson, the then Director of the Division of
9 Family Services within the Department of Social Services.
10 Since that time in the Department of Social Services it is my
11 understanding that the responsibility for administering
12 this program has been shifted to the Office of Assistance
13 Payments which is currently headed by Cindy Haig. And after
14 designating Social Services as the single point of contact
15 the Governor's Office allowed the program to be administered
16 entirely through that office. And the Governor had no
17 further involvement. So for any further information regarding
18 this grant I would have to defer to Cindy Haig and her staff.

19 CHAIRMAN RIGGS: In that case why don't we hear
20 from Cindy Haig right now? Thank you very much, Mr. Garner.

21 MS. HAIG: My name is Cindy Haig. I am the
22 Director of the Office of Assistance Payments in the
23 Department of Social Services. Like Curt's mentioned this is
24 kind of new to me too so the acronyms when I talk to staff
25 that are dealing with these programs I have to keep saying

1 what is that? As I read through I have to remember to
2 try to go back to what ~~that really what~~ that acronym really
3 means.

4 Through the Governor's office we do receive the
5 block grant for the State Legalization Impact Assistance
6 Grant. That comes to the Department of Social Services.
7 Norman G. Angus is the Executive Director of the Department.
8 Then that money comes to the Office of Assistance Payments.
9 Now I probably need to explain just for a second why that
10 moved from Family Services. We have the Refugee Program
11 including SLIAG, the State Legalization Program, Child Care,
12 a Self Sufficiency Program. And because of all the welfare
13 reform issues that are nationally on the agenda and the fact
14 that as we talk to whether they're legalized a legalization
15 or immigrant, a regular welfare recipient the thing we're
16 after of course is to have them integrate into the society
17 and as self sufficient as they can be. So the decision was
18 made to move those programs in with the other support kinds
19 of programs so we could kind of mesh those together to provide
20 better overall holistic approach programs to the people that
21 we serve.

22 The money that comes through the State of Utah
23 for this State Legalization Impact Assistance Grant is to
24 provide funds for programs that are education, health
25 assistance kinds of programs. And the, and this is another

1 acronym and I'll it's called an ELA if I use that again.
2 And that's an Eligible Legalized Alien. And there are
3 about 6,000 in the State of Utah. With the program being
4 administered through the Office of Assistance Payments what
5 we do for the public health assistance program services is
6 contract through the Department of Health and County Public
7 Health Clinics. There is someone on your agenda that will
8 be specifically addressing those services that are provided
9 to you. But they are contracted through the Department of
10 Social Services to them.

11 Education services we contract through the Utah
12 State Office of Education. And they subcontract to local
13 school districts and some private nonprofit agencies. These
14 are things like english as a second language and civil
15 history and adult education. And they'll specifically to that.
16 And Brent Gubler if he's here yet will be talking more about
17 the services that are provided. Again this is a contract
18 that runs through the Department of Social Services.

19 Public assistance, the Act really specifies that
20 for most public assistance welfare programs that are in
21 effect that they are not eligible for a period of up to five
22 years except for some Title 19 Medicaid Programs, pregnant
23 women and emergency services. And I didn't mention the
24 contract that we had for last year or the amount of money
25 that we spent for last year in education was around \$35,000.00.

1 And for public assistance it was around \$440,000.00. We do
2 not have the public health figures. And I'm sure they'll
3 tell you why we don't have that tabulation yet. It has
4 something to do with the population definitions coming from
5 HHS before they can continue to do that reimbursement
6 projection.

7 There is an administrator in my office. I have
8 an executive staff person, Terry Johnson. And she's in the
9 audience. And then you'll hear from the coordinator. And
10 that is Sherman Roquiero. And he can explain more of the
11 specifics of the program to you.

12 In the State of Utah for the first year of the
13 program and last years program we were allocated 1.8
14 million dollars. Now knowing that we don't have the health
15 tabulated yet as far as expenditures our projection is going
16 to be that we'll spend about 900,000 of that 1.8 million.
17 We don't have the allocation yet for '89. But our projected
18 expenditures is .1.26 million. Now this is really unusual for
19 me to see a program -- I'm always wanting more money
20 because there's too many people to serve and you don't have
21 enough money. It seems like we're not spending our
22 allocation. But this ^{is} happening nationally and there's several
23 reasons that that's happened. It doesn't mean that we do not
24 have a good program and we're not providing the services and
25 doing the outreach that we need to to get those services to

1 the people. And I'll think you'll see that when you listen
2 to the three presentations. And services are being provided.
3 Just because we're not using our allocation doesn't mean
4 we aren't reaching the population.

5 I don't want to take anymore of your time
6 because I think you really probably need to hear more
7 specifics about the people that are being served and the
8 kinds of services. So Brent still isn't here yet, right?

9 CHAIRMAN RIGGS: Well at this point are there
10 any questions that anybody would like to address to Ms Haig?

11 MR. COHNE: I would like to know if there is
12 a breakdown between the funds expended between monies
13 directly paid to participants and monies actually expended
14 on administration?

15 MS. HAIG: Do you mean if there is a financial
16 breakdown?

17 MR. COHNE: Yes. So that we can, how much of
18 the money of the allocations is actually used in administra-
19 tion, how much of it is used in actual funds to recipients?

20 MS. HAIG: Yes, there is.

21 MR. COHNE: What is it?

22 MR. ROQUIERO: It's not more than ten percent
23 of the administration.

24 CHAIRMAN RIGGS: I guess, Mr. Roquero, you'll
25 be giving more details on some of the things she has spoken

1 about. So we probably would address some of the detailed
2 questions to you.

3 MS. HAIG: We do do a year end annual report that
4 of course with all the reimbursements. And it's broken out
5 by very specific services. So I don't know whether we brought
6 a copy of that. But if the Committee is interested we could
7 always get that to you to.

8 CHAIRMAN RIGGS: Thank you.

9 MS. HAIG: Okay.

10 MR. MECHAM: Do I understand that you're
11 budgeted for about \$3,000.00 per person? Is that about the
12 budgeted amount on a per capita basis?

13 MS. HAIG: The allocation?

14 MR. MECHAM: Yes.

15 MS. HAIG: It would depend by State what
16 services you provide whether it would come up to that per
17 participant. The allocation is based on population.

18 MR. MECHAM: On population about \$3,000.00 per
19 participant per year?

20 MS. HAIG: Well just by the mathematics --

21 MR. MECHAM: You've been handed a million
22 point eight?

23 MS. HAIG: Right.

24 MR. MECHAM: And you have 6,000 participants
25 is that right?

1 (No response.)

2 MR. MECHAM: And this runs for four years; is
3 that correct?

4 MS. HAIG: There are 6,000 that are eligible.
5 But we're probably not serving all 6,000.

6 MR. MECHAM: Okay. And what proportion would
7 we actually be serving?

8 MR. ROQUIERO: We will get to this the breakdown
9 of those for education, public health and public assistance.

10 MS. HAIG: Because there's even little pieces in
11 each of those. And then there's certain, there's numbers
12 that go through each of those programs. So maybe what we
13 can do is listen to the specifics. And they'll probably be
14 able to answer some of those that I can't without going back
15 to the contract and a year end annual report that's about
16 that thick.

17 CHAIRMAN RIGGS: Well we'll try to make a point
18 of that from now on. Since Mr. Roquero will be making a
19 presentation probably he will cover in his presentation
20 any relevant material that he's made in his comments.

21 MS. HUTCHISON: May I ask just to get a little
22 idea of how you administer the funds. The Federal Government
23 looks at the eligible people we have here. And they allocate
24 the funds for those who are eligible. And it came to 1.8
25 million. Then when ~~you when~~ the State looks at the budget

1 they have what is the process that you go through to -- I'm
2 just trying to figure out the difference in the money used
3 and the money that the government has allocated. Are we not
4 able to identify all of those eligible? Do we not have
5 something that is a budget that is prepared prior to our
6 use in the year?

7 MS. HAIG: Okay. I'm going to defer that. Like
8 I said I just took this over too. And that whole process
9 with that first grant allocation I would imagine that Sherm
10 would be able to answer those questions. Because we did have
11 to identify based on I know that, I do know that with the
12 health and the education that we had to go to them for them
13 to also identify who they would be serving in order to
14 contract that money out. But maybe he can explain more of
15 those specifics.

16 MS. HUTCHSION: Would there be any reason why
17 we couldn't change the two on the agenda and have Sherm come
18 up now and Brent come when he comes in? Is there any reason
19 why? We can't ask questions until we hear from him. It's
20 a little --

21 CHAIRMAN RIGGS: The only reason that I can think
22 of is that Dr. Gubler may have scheduled as 9:30 for his
23 presentation. In fact, I don't see Dr. Gubler. Ask him how
24 much time he has. Since we can perhaps we could invite
25 Mr. Roquero or --

1 MS. HAIG: I think that would be appropriate.
2 Because that would be the next line -- He is the one that
3 is the coordinator and will do the contracting out with the
4 other agencies.

5 CHAIRMAN RIGGS: Since he's here and he may
6 have -- Had you scheduled your time to be here the whole
7 morning or just the during the time period your presentation
8 is scheduled for, Dr. Gubler?

9 DR. GUBLER: I was to speak 9:30 to 10:00
10 wasn't it?

11 CHAIRMAN RIGGS: Well it seems to me that --

12 DR. GUBLER: A couple of others.

13 CHAIRMAN RIGGS: If you would like to we can
14 postpone your presentation. But if you're prepared to go
15 ahead with it now if you would prefer that.

16 DR. GUBLER: Fine.

17 MR. MECHAM: I'm sorry about the \$3,000.00 per
18 capita. I figured that out as 300. So there's quite a
19 difference. I want that corrected. So you're offering
20 about \$300.00

21 MS. HAIG: I know we're not spending 3,000.

22 MR. MECHAM: 300 is a little more --

23 MS. HAIG: And I think when you see the services
24 that are being provided --

25 MR. MECHAM: Okay.

1 MS. HAIG: It's not a lot. And we have to
2 identify that by unit too in the reimbursement.

3 MS. HUTCHISON: The question I asked would
4 Brent be able to answer that one then?

5 MS. HAIG: The question is the contracted
6 services? I mean how do we identify those that we are
7 going to serve and the amount of money that we're going to
8 spend because the allocation was a lot larger than what we
9 actually spent last year.

10 CHAIRMAN RIGGS: I think generally speaking since
11 people may have prepared their day schedule to fit the time
12 we've allowed them here we probably should stick to it unless
13 we have the full consent of all concerned. Thank you
14 very much.

15 MS. HAIG: Well thank you. This is all new to
16 me. And it's really exciting. I mean it's something that
17 you don't listen a lot to or pay a lot of attention to until
18 you get involved in this. It's a good program.

19 CHAIRMAN RIGGS: We will -- We're four minutes
20 ahead of schedule now. We'll ask Dr. Brent Gubler of the
21 State Office of Education to take his seat over here by
22 the mic. Can you move the microphone a space or two over
23 on the table so that it will be easier for the presenter to
24 see the members of the Committee. We have also acquired
25 another member of the State Committee since I made the

1 introductions. We have Randy Simmons now at the end of the
2 table.

3 G-U-B-L-E-R. He is from the State Office of
4 Education.

5 DR. GUBLER: I feel really important with two
6 microphones. And especially one that is recording all this
7 information. But anyway, I'm please to be with you. We
8 are dealing with some important policy, civil rights,
9 economic issues. And maybe even and I hesitate to say it
10 but maybe even the destiny of our economy and maybe
11 democracy, some of those kind of issues. Because we're
12 dealing with peoples lives and what they expect or can
13 expect out of their lives. I want to preface my remarks
14 by indicating that I'm a firm believer in the American
15 system. We have done wonders for peoples of the world. We're
16 continuing to do that. The ideal of democracy and liberty
17 and economic freedom ring loud in the history and halls of
18 the United States and State governments in this country. But
19 when we are confronted with certain world situations and we
20 begin to reach out to various people we also need to be
21 prepared it seems to me to shoulder the responsibilities
22 and burdens that go with that. And I guess that leads me
23 directly to the topic here today.

24 A couple of things I want to mention before I
25 get into some of the specifics. I think literacy educators

1 and particularly adult literacy educators remain marginal
2 in the world of education. We are urged to focus on the
3 empowerment of students. But we are not empowered ourselves
4 to do the kind of things that need to be done to empower
5 students. And part of that is tied up in this legislation
6 and the funding and the procedures that are associated with
7 it.

8 Secondly, we have kind of a value structure in
9 this country which suggests that nonreaders or people that
10 lack literacy skills are somehow responsible for welfarism
11 or a bad economy, for our inability to compete both within
12 the State or internationally and even to an extent that I've
13 seen some of them have a guilt complex. And I think
14 educators also have some of that guilt complex. Because again
15 we're encouraged and we're expected to empower people but we
16 are not given the wherewithal to do that. And so naturally
17 you get some of that guilt complex.

18 The third item. We are expected to integrate
19 ethnic and racial minorities into society and into the work
20 place. However, I think in many cases whether it be the
21 students themselves or whether it be the power makers and
22 brokers have failed to recognize that integration without
23 preparation results in frustration and failure.

24 The fourth item may be somewhat of a criticism
25 of our own shop. But on the other hand I think in a much

1 broader context it represents the thinking and the feeling
2 and the support that exists out there in the community. We
3 somehow believe that education rewards and resources should
4 be in large measure distributed in terms of student success.
5 Or maybe another way of saying that, we frontload the
6 system and those that success^{ed} we continue to reward with
7 larger and larger rewards for a longer and longer period of
8 time. The notion is that success breeds success failing to
9 understand that failure brings failure. In an individual
10 family situation that can be devastating. And in a broader
11 societal economic context it can also be devastating. And
12 when we talk about 21% of our students dropping out of
13 school and we talk about another group of students that are
14 not achieving adequately and then we talk about 60% of those
15 that enter the university structure will not graduate we're
16 talking about some issues that need to be addressed and need
17 to be addressed urgently.

18 Now as we look at this particular subgroup within
19 that larger context the problems are multiplied geometrically.
20 It's just as negative for the blacks. It's less than 12% of
21 those that enter college will graduate. For the ones we're
22 talking about it will be zero. I mean I hate to say it that
23 way. But these people will probably not achieve a high
24 school diploma. They will not be admitted to the university
25 structure. And even if they were the chances of success are

1 in essence minimal or zero. And so we're talking about some
2 major kind of concerns.

3 Let me elucidate on that a little bit. Since
4 we negotiated our contract in October 1 of '88 we've had
5 1,592 individuals, we're talking about eligible legalized
6 aliens, enter our educational structure. That educational
7 structure for the most part it gives them an opportunity
8 a very limited opportunity to deal only with limited speaking
9 and listening skills up to forty hours of instruction. And
10 then there's not much of an incentive to deal with education
11 and training beyond that because that meets the legalization
12 requirements and certain limited U.S. History and government
13 which is included within that forty. So I guess we're saying
14 what are we really doing philosophically in terms of
15 commitment to these people. We are authorizing them a
16 maximum -- Well, I shouldn't say maximum. We are saying
17 that if you attend school for forty hours you will meet the
18 INS requirement. And then I guess in a sense we're saying
19 we've instituted that policy because we feel that our
20 commitment beyond that is certainly not as strong as it would
21 be if we could find these things a little differently.

22 Well, what does all this mean? First of all it
23 means that the average wage that these people will be
24 earning will be poverty level or below. And they will to a
25 large extent make up part of that unemployed group of people

1 out there. We have 1980 census data which tells us that if
2 you have eight years of schooling for a female you're apt at
3 eight years of schooling and you're employed full-time year
4 round you're for a female your average annual income will be
5 \$7,649.00. For a male it's somewhat better than that. In
6 fact, it's almost twice that, \$15,547.00. If you have twelve
7 years of schooling for a female it would be \$9,337.00 and
8 for a male \$16,864.00. And so you can obviously see that
9 most of these people unless they get into some of the heavy
10 construction things that have paid historically rather well
11 but those are fading out as you well know. And not only are
12 they fading out but the inflation that is taking place in
13 terms of basic skill requirements associated with those
14 jobs are escalating very, very rapidly. It's estimated that
15 by the year 2000 anyone less than a twelfth grade reading
16 level will have very difficult, a very difficult time
17 obtaining employment and retaining employment.

18 Other consequences. The children of these people
19 are apt to be low achievers in school or not be in school at
20 all. In fact, many of the jobs that these people are
21 fulfilling are mobile jobs moving from farm to farm or
22 business to business. And the possibility might be they
23 end up in the homeless stream. And over fifty percent of the
24 people that are homeless are working families. But they
25 can't make ends meet to obtain or establish a home. That's

1 frightening kind of stuff.

2 Another thing. I just returned from Denver
3 listening to some of these people themselves who talked. And
4 in Denver at the present time, and this is an exception to
5 the poverty figures that I gave you, some of these people
6 have found it impossible to become integrated into the work
7 stream. We've, they've gotten jobs but without skills they
8 are let go or don't get the job in the beginning. And so
9 some of them are turning to illicit businesses. They are
10 entrepreneurs setting up businesses. And guess what those
11 businesses are? Drugs. Prostitution. Some of them are
12 making 25,000 was the figure I heard yesterday, day before
13 yesterday, \$25,000.00 a day. Now the expectation of being
14 caught, being incarcerated is very, very high. But given the
15 fact that they have aspirations in this great American
16 society to provide for themselves, their children, extended
17 families and so forth when ~~the~~ it's down to the last peg on
18 the totem pole they turn to some illicit businesses. And some
19 of them are very successful as you well know as we try to
20 identify and stamp out some of these evils in our society.

21 Well I guess what I'm saying somehow we need to
22 convince the brokers and power makers or whatever that as we
23 tender the American dream to these people we need to shoulder
24 the responsibility. And that needs to be incorporated into
25 the funding and the legislation and the programming. If we

1 take the 1,592 individuals that we have served since October
2 of '88 and you put a \$3,000.00 price tag to those people plus
3 twelve years of schooling that comes to 57,312,000. Now,
4 we've already said it's going to become almost impossible to
5 obtain and retain a job without high levels of academic
6 achievement up through the ninth, twelfth grade. Now we
7 are funding essentially 500 -- Well, the maximum is \$500.00
8 a year. In Utah we expanded 3,000 to 3,200 per student per
9 year in the K through 12 program. And the university level
10 that'll be five to six thousand or beyond. If we talk about
11 funding them just for the \$500.00 maximum the ones that we've
12 enrolled thus far that would be \$9,552,000.00. And in
13 addition to that they have health problems, needs just like
14 you and I. They have housing. They have welfare and so
15 forth.

16 Well we've been told that by the year 2000 we
17 will have an aging population. We have been told that an
18 increase in large number of the potential workers will be
19 women and minorities; the very people we're talking about.
20 And these are the people that will determine our ability to
21 compete internationally. These are the individuals that will
22 either become involved in legal acceptable kind of education
23 job pursuits or these are the people who will decide the
24 system has left them and they need to be entrepreneurs to
25 establish illegal enterprises and businesses to survive.

1 Now, let me I don't wish to scare you. Somehow
2 the American system is terrific in terms of reacting to
3 concerns and problems. We tend to wait until we get it
4 bubbling and then we step in and somehow solve it. So I don't
5 wish to suggest that we're not going to deal with it. But I
6 can see these things coming. Let me talk a little bit about
7 funding and achievement issues. We pay \$3.00 per clock hour,
8 and I think this was the question that was being raised
9 earlier, we allocated a number of dollars to programs. But to
10 qualify for those dollars you had to have people enrolled
11 and attending classes. And the figure that we established
12 was \$3.00 per clock hour of attendance. This is the amount
13 of money that we pay all of our adult education programs in
14 the State. And so we did not feel that we could go beyond
15 \$3.00 an hour or we'd be upsetting the entire salary
16 schedule for all other adult education programs that
17 are operating for GED preparation, adult basic education,
18 reading, writing, high school completion and so forth. And
19 so we have a major policy issue. Do we raise our entire
20 State funding per clock hour for all adult programs or do we
21 assume that this program will operate at the same level with
22 the same funding as the other program? We opt to take the
23 latter approach. Now right now we know that that is causing
24 hardships on many programs. We have outreach issues. We have
25 babysitting issues. We have transportation issues. We have

1 materials issues, supplies. And we have premium service
2 preparation. And I think we are now looking at and I hope
3 that the law is broad enough to allow us to pay the \$3.00 per
4 contact hour to the instructors but at the same time use
5 additional monies to purchase the textbooks and the supplies
6 and the equipment and the rent or custodial or whatever else
7 it takes including premium service staff development to help
8 people that are not equipped, not prepared historically to
9 deal with this kind of educational program.

10 And so that's one of the areas that we're looking
11 at. The forty hour achievement issues. I somehow wish that
12 they would readdress that and indicate that --

13 CHAIRMAN RIGGS: Excuse me. Could we interrupt
14 you just a moment? We have a question that --

15 MS. HUTCHISON: I just wanted to know Brent,
16 would you prefer to have us stop you when we have a question
17 or do you want to go through. --

18 DR. GUBLER: I can stop here. And maybe
19 questions are more important anyway to the group. I sometimes
20 wonder how important my thoughts or ideas are.

21 MS. HUTCHISON: They're very important. I
22 usually just --

23 DR. GUBLER: Whatever you want --

24 MS. HUTCHISON: I need clarification on this --

25 DR. GUBLER: Yes.

1 MS. HUTCHISON: On the \$3.00 per clock hour --

2 DR. GUBLER: It's actually \$3.04 --

3 MS. HUTCHISON: Thank you. I appreciate that.

4 DR. GUBLER: So I'm not misquoted here.

5 MS. HUTCHISON: Right. Is it the national
6 restrictions that will not allow you to use the additional
7 money for supplies; to use only the money for the actual
8 instruction and then use the additional money for the
9 supplies? Is that the barrier, the State or is it a
10 national barrier?

11 DR. GUBLER: I believe and we're exploring that
12 but I believe the law is broad enough to allow us to begin
13 to identify some of those needs and have block funding. How
14 we distribute it we're not sure. I may stand to be
15 corrected on that. I think Sherm is probably closer to that
16 dimension than I am. But I believe there is flexibility in
17 the Act. If there isn't I would go on record you know
18 strongly to the effect that that law needs to be modified
19 to make sure that we can address the transportation, outreach,
20 follow-up materials, premium service staff development or
21 instructional staff and counselors. Right now we are using
22 a lot of volunteers that are ill equipped and ill prepared.
23 They need in-service. Bless their souls, they understand
24 the things that I was talking about when I opened my remarks
25 here today. They do step forward. They want to give these

1 people part of the American dream. And they're willing to
2 give up their time and resources but their training and
3 background is very limited. And so we need assistance and
4 help the use volunteers but also help them do their job
5 better. Okay. That's --

6 MS. HUTCHISON: I have a whole list of questions
7 but I'll wait until you get through.

8 DR. GUBLER: Well another concern which I do
9 have which is incorporated into the regulations or standards
10 that we are limited to one or to .0125 for administration.
11 In other words, if we qualify for \$100,000.00 we would in
12 essence get a thousand plus dollars to administer the
13 program. That is nowhere near adequate. I can not even
14 visit the programs to conduct meaningful on site program
15 evaluations let alone do the footwork and the things that
16 are necessary to help them with materials, premium service
17 staff development and being a positive force to improve
18 programs. To a large extent just to protect whatever this is
19 I've got to do some program evaluation to see that we do not
20 have people absconding with the funds, that they're actually
21 meeting and dealing with people. But the most important
22 thing is to have the positive influences out there helping
23 them improve programs, get materials, provide premium service
24 training you know the kind of things counseling, follow
25 through. I'm even working with a broader community to

1 understand the needs of these people and how we expect to
2 utilize them and integrate them into the American system or
3 the economic system. You know I could go on for hours. This
4 is a certification society. When we talk about forty hours
5 of instruction for double illiterates now I don't want to
6 over emphasize that. I'll just give you one example. I went
7 out to one of our programs. And we had twenty-five people
8 in two levels. And so I purposely went around and my
9 Spanish is almost nil and so I had an interpreter ask each
10 one of those individuals what the highest level of
11 educational achievement that they had achieved in their own
12 native country. And out of those twenty-five one individual,
13 one male said I have achieved the equivalent of a sixth grade
14 education. The other twenty-four indicated that they had
15 one or less in their own country. Which means that they are
16 double illiterates. They have earned their way through
17 life through the brawn and strength of their physical
18 being. But as we stated earlier this society no longer
19 operates or will operate only on the basis of brawn or
20 physical being. Even to be a person in a motel you've got to
21 have high level communication skills, speaking and listening
22 and even in some cases math. Service station attendants they
23 will not hire people because somebody comes in and says I
24 want ten-forty weight oil and they spell out whatever for
25 diesel. And these people can not communicate and they will

1 not hire them. The number of jobs that are available --
2 Again, the jobs that are available to these people if they
3 do not have speaking, listening and reading, writing and
4 some math skills are very few. Even the farmer is becoming
5 vitally concerned as to whether they can operate equipment.
6 Where they're operating a tractor that costs \$130,000.00
7 if you don't read the gauges and the instructions which are
8 all written in English. by the way and/or if you're putting
9 fertilizer on, I mean all kinds of things come to impact
10 upon what's happening with these people.

11 CHAIRMAN RIGGS: I hate to break into your
12 presentation. Unfortunately we have a time schedule and
13 other people coming on and people bursting with questions
14 here. Is there a point or two that you could make very
15 tersely that --

16 DR. GUBLER: Well a couple of other things. I
17 think we've got some problems with the law in terms of the
18 people that are eligible for educational services. We have
19 three cards that we look at that we look at rather intently.
20 I thought I had a copy somewhere. But anyway, there's an
21 I6888 which is a work permit. We have an I-688 which is a
22 temporary permit. And we have an I551 which is a permit or
23 a green card. The I6888 we are not allowed to be reimbursed
24 on. They want us to educate the, to bring them into the
25 courses but then they say that you can not be assured that

1 you will receive the funding for them. And so it puts us
2 between a rock and a hard thing because on the one hand
3 our own State constitutional law suggests that we will not
4 use State funds and/or federal funds except for those that
5 are domiciled in the State of Utah meaning in essence that
6 they are citizens and have the privileges of citizens. But
7 the federal acts suggests that we take those people into the
8 program. And they hand out a carrot saying if they become
9 an I6888 then you can count the hours that they had before.
10 And our program really struggles with that because on one
11 hand if they don't become an I6888 or an I551 then we are
12 not entitled to funding for those individuals. And we just
13 serve them and all the costs and whatever that has gone into
14 that.

15 So those are some issues that I think they need
16 to look at. And I would hope that if you're going to
17 encourage us to serve some of these people then they ought
18 to step forward right up front and let's fund them rather
19 than putting the uncertain burden on programatic people
20 that are saying we want to operate within the law, we've got
21 the desire to do a great job but we're not sure when we're
22 on legal grounds and when we've extended ourselves too far.

23 The other is rural Utah. We've got
24 people working on ranches, on farms. We've got one or
25 two people here, one or two over here. And there is abso-

1 lutely no way given the way we have structured our funding
2 at the present time to recruit and reach those people. So
3 those people are being deprived in the sense of educational
4 opportunity because they are a long ways away from programs.
5 They've got transportation problems. They've probably got
6 commitments to that job. And I guess in terms of civil
7 rights I'm not at all sure how we deal with those kind of
8 issues except through enhanced resources. I don't think
9 there's any other way except through enhanced resources
10 somehow.

11 The certification issue. My last one and then
12 I'm going to stop. We are a certification society. I
13 started to say this. If you want to get married you've got
14 to get a marriage certificate. If you want to apply for
15 most of the jobs in this country what is the certificates
16 you've got to have? You've got to have a GED or a high
17 school diploma. If the unemployment gets high they use
18 certification to get rid of you. You know it's an easy way.
19 The law kind of respects certification to that extent. There
20 may be other reasons. But I'm saying that's one of the
21 realities that everything we do, if you want to be a farmer
22 you've got to go through the apprenticeship certification.
23 If you want to drive a car you've got to get a drivers
24 license which means you've got to speak and listen and read.
25 Most of these people are driving illegally without liability

1 insurance and there are tremendous problems associated for
2 themselves with themselves as well as ramifications that turns
3 on the broader American society who handles accidents and
4 problems when they occur.

5 I've got other things but I'll stop there and
6 take any questions.

7 CHAIRMAN RIGGS: Darlene, did you have a
8 question you wanted to put to him?

9 MS. HUTCHISON: I had quite a few but I was
10 wondering about the other panelists.

11 CHAIRMAN RIGGS: All right. Fine.

12 MS. ORTIZ: My thought is a simple one and as I
13 look at it looks more complicated. I have three thoughts
14 when you were talking. One is the cost per hour and
15 perhaps the ambivalence that exists on how much flexibility
16 is available to you to expand and use more money to pay for
17 that. And I also was thinking within that flexibility would
18 it be possible to obtain more resources so that your program
19 will expand and now correct some of the deficiencies that
20 ~~now~~ exist in outreaching these individuals. Now we didn't
21 have that, I didn't hear that that was possible. And I
22 would like to have a ~~question~~ an answer not from you but
23 perhaps from the other participants people that are giving
24 testimony. I think it's very important in terms of --

25 DR. GUBLER: I guess legally we could increase

1 that to four or five dollars. But politically and in terms
2 of our own State standards we've got big problems which is
3 set at \$3.04. And so both programs are funded exactly the
4 same. If we open up the one then we have I guess an inverse
5 discrimination issues involved. Plus the --

6 MS. ORTIZ: Could you give an example of that,
7 expand on that?

8 DR. GUBLER: Well an example would be for the
9 American if you will that is enrolled in basic education or
10 high school completion or GED or whatever or even speaking
11 and listening and english we are, the maximum that we can pay
12 is \$3.04 per hour under existing standards. If we were to
13 change the maximum for the SLIAG or the Eligible Legalized
14 Alien programs to \$4.00 or \$5.00 per clock hour then we'd
15 have the reverse discrimination where one program would
16 be operating at \$3.04 and the other would be operating at
17 \$4.00 or \$5.00. And the economics of that are staggering to
18 me in terms of what that would mean in terms of the amount of
19 services that would be provided to the broader community.

20 MS. ORTIZ: On the issue excuse me on the issue
21 of reverse discrimination could you site a specific
22 statute that would be violated by doing that?

23 DR. GUBLER: Not a specific constitutional
24 or legislative statute but it would violate the existing
25 standards which are tantamount to well --

1 MS. ORTIZ: Which standards are those?

2 DR. GUBLER: Which are approved and enacted by our
3 State Board of Education.

4 MS. ORTIZ: So you don't really need a statute
5 or law but mostly policy law, policy practices, right?

6 DR. GUBLER: Yeah. And then like I say we've
7 got it in the standards which is a legal document --

8 MS. ORTIZ: Is there a written policy on that?

9 DR. GUBLER: A what?

10 MS. ORTIZ: Is there a written policy on that?

11 MS. HUTCHISON: Is there a written policy on
12 that --

13 DR. GUBLER: Oh yes. Yeah. We have a written
14 policy that it's \$3.04 per clock hour.

15 MS. HUTCHISON: May I just pick up on that?

16 MR. COHNE: Darlene, could I just ask for
17 clarification because I don't think he's correct? Isn't it
18 true under Public Law 94-142 under the Handicapped Childrens
19 Act that you are obligated under federal law to spend more
20 money for those children who qualify as handicapped and your
21 standards don't apply and there's no question about no
22 reverse discrimination in that instance? And wouldn't the
23 same logic apply in this instance? And couldn't it apply
24 in this instance?

25 DR. GUBLER: Yes, I think that what you're saying

1 is true. We do have different funding formulas for
2 different groups. I am not sure what the handicapped waiting
3 is right now. But the adult ed is at 2.5 waiting which I
4 think is about as high as any waiting in the educational
5 offering. There are certain programs that approach that 2.5.
6 But I don't believe the handicapped is beyond 2.5. I could
7 stand to be corrected on that. I'm not that close to the
8 handicapped.

9 MR. COHNE: But the fact of the matter is there
10 is no standard for handicapped because the State has to do
11 what it has to do on an individualized basis. I mean there's
12 federal court cases that say that you can not deny a
13 handicapped child an equal educational opportunity regardless
14 of the cost. You have no standard because you have to meet
15 the individual needs.

16 MS. HUTCHISON: That's true.

17 DR. GUBLER: I'm hearing you.

18 MR. COHNE: I mean that's the law. And so why --
19 I'm having a tough time with arbitrary standards when you
20 have different children that meet different requirements.

21 DR. GUBLER: I'm hearing you but I'm not. Yes,
22 the law talks about doing what needs to be done for
23 individuals. But then we get back to the reality the
24 funding and the money and how you do that. And somehow it
25 always falls short of a system which is totally premised

1 on doing whatever needs to be done for an individual. I do
2 not believe that that concept exists in reality. And I
3 doubt whether it even exists in law. We are forced to
4 assess people individually to determine their needs. That is
5 the law. And we're also required not to discriminate. But
6 then we get into defining what is discrimination in terms of
7 equal access, equal opportunity or absolute equality. And
8 we've struggled back and forth with those terms over the years.
9 And I believe there is still uncertainty in the law as to how
10 we implement equal opportunity as it relates to discrimina-
11 tion. You know the Bakke case is an historical case that
12 dealt with that. And they finally backed up on that. And
13 so I don't -- I'm hearing you. There's tremendous
14 pressure. I'd be the first to say we need to do more for
15 people. You've heard me start by saying that if we want to
16 force integration and employment we've got to give them the
17 tools or it's frustration and failure. I'd say the same
18 thing you said in a different way.

19 MS. ORTIZ: But sir, are we going to be
20 implementing the program by your beliefs or by the regula-
21 tions established by Congress? Could you please answer my
22 question? Let me repeat it once again. Are we going to
23 implement this program in this State based on your beliefs
24 or the regulations established by Congress?

25 DR. GUBLER: I think we are operating within the

1 regulations established by Congress.

2 MS. ORTIZ: That's not what you have been saying
3 the last ten minutes.

4 DR. GUBLER: Yes, I think we are operating
5 within the regulations established by Congress. We have
6 some flexibility in what we do. One of those areas of
7 flexibility was to determine whether we would fund at \$4.00
8 a clock hour or \$3.04. And because of the State situation
9 with the broader community and the funding we have chosen
10 at the present time to stay at \$3.04. And if that is changed
11 it will require some change on the part of our board and
12 action. But I think the flexibility is there within the
13 State law and the federal law to exercise those kinds of
14 discretionary decisions.

15 MR. MARTINEZ: Dr. Gubler, as it relates to the
16 \$3.04 per clock hour --

17 MR. ROQUIERO: Could I help Dr. Gubler with
18 the answer to that question, the \$3.04 --

19 MS. HUTCHISON: Why don't you come over here?

20 MR. ROQUIERO: The \$3.04 per hour is really not an
21 issue. The federal government limits \$500.00 per alien
22 per year to reimburse the states for costs. The \$3.04 an
23 hour is what we're paying the school district to provide
24 the education to the alien. The alien may actually stay
25 in school for a whole year a thousand hours and still the

1 State will pay the costs and the kids will only be reimbursed
2 \$500.00.

3 DR. GUBLER: We are at the carpet now where a
4 student has already accumulated hours above and beyond the
5 500 and we have to limit him to \$500.00. So there's
6 another --

7 CHAIRMAN RIGGS: Perhaps the loser in this regard
8 is the school district not getting paid for the services.
9 So that the education is being provided but the school
10 districts are carrying it.

11 MR. ROQUIERO: Well we can up it to \$5.00 an
12 hour and the school districts will get more money but the
13 services will remain the same.

14 THE REPORTER: You'll have to speak one at a
15 time. It's not getting clear.

16 DR. GUBLER: Let me add to what Sherman is
17 saying. I would be very concerned which is a much more
18 important issue I think if we had somebody come to my office
19 and say that we have an eligible legalized alien that is
20 inhibited from education and training. I would immediately
21 get back to that program and I would exercise what limited
22 influence I have to suggest that they allow that student
23 in the education training program. And we would carry them
24 with State and/or other federal funds. But I'm saying local
25 program people are saying the State fund you're supposed to

1 use those only to the extent that people are domiciled or
2 citizens of the State. And so they get very uneasy. That
3 was the rock and the hard part I was talking about. But my
4 bottom line is I do not know except in rural Utah where
5 people have wanted some services and we have had a difficult
6 time providing them. And so I'm saying it's not a matter of
7 not getting the services. It may be a delivery entity
8 screaming and struggling with the amount of money they're
9 getting. But they're all receiving exactly the same amount.

10 MR. MARTINEZ: Yeah. And I guess the \$3.04 is
11 an issue for those entities that are not part of the
12 regular school system. I can see functioning within the
13 school system when you get the \$3.04 per student that you are
14 supposed to be serving anyway. My question is, are we going to
15 cut the budget to \$3.04 formula that we're using in the
16 regular school system for the regular student. Isn't it based
17 more on a different formula rather than a natural clock
18 hour?

19 DR. GUBLER: No, it is --

20 MR. MARTINEZ: Do we have clock hours when kids
21 go to high school and at the end of the year pay them?

22 DR. GUBLER: We have two sides to the funding
23 issue. One is the allocation side in reality on the basis of
24 I'm talking about the regular non Eligible Legalized Alien
25 Program. We fund on the basis, allocate, set up a budget on

1 the basis of the number of individuals sixteen years of age
2 and older out of school without a high school diploma. And
3 they get their percentage proportion. But that does not mean
4 that they qualify for that bank account until they turn in
5 clock hours. And so there's analogous to what we have in the
6 SLIAG program. We set up a budget. And you may have
7 20,000. But unless you have clock hours meaning that you
8 are serving people you will not get the money. And both
9 programs are the same in that respect.

10 CHAIRMAN RIGGS: Ms. Stovall?

11 MS. STOVALL: I'd like to take a slightly
12 different tack. You've painted a rather dire picture of the
13 current status and the future of this immigrant population.
14 And I guess I have two questions. One, do you have
15 specific statistics on which these allegations are based?
16 And secondly, what is the State doing to encourage this
17 immigrant population to pursue more education? Is there any
18 tracking system in place? And exactly what are you doing
19 to provide education beyond the minimal forty hours?

20 DR. GUBLER: To the first question, we do not
21 have a good data base as relates specifically to the
22 eligible legalized aliens. That program is too new. So we
23 do not have that. But we do have a very good data base for
24 the typical American that has less than a high school
25 diploma. And we can tell you with specificity what the

1 percentages are and their likelihood of success and their
2 likelihood of being on poverty and so on and crime and jail
3 and recidivism and all of those things. And because these
4 people are ethnic racial minorities there is absolutely no
5 reason to believe that their statistics are going to look
6 any better than the statistics that we have in general
7 which are very sound and in place. Question number one.
8 Question number two; I lost it.

9 MS. STOVALL: What are you doing to encourage
10 immigrant populations to move beyond the forty hours? I
11 mean do you have any tracking system in place to see what's
12 happened to them?

13 DR. GUBLER: Encouragement. We at no time have
14 told any eligible legalized alien that when they exhaust
15 and it isn't the forty hours but when they exhaust their
16 \$500.00 I know of no case that we've told them they can no
17 longer continue in school.

18 MS. STOVALL: But that's not encouragement.

19 DR. GUBLER: Well, correct. Now on the
20 encouragement side we are meeting periodically with various
21 advisory groups trying to do the outreach. We've got
22 eleven Vista volunteers now in place in the State. And they
23 are doing outreach, doing public awareness kind of things,
24 trying to establish literacy advisory committees to make the
25 people in those communities, mainly the employers, the labor

1 people, the religious people, the ethnic/racial people, the
2 broad general community aware of some of those issues and
3 in fact trying to identify those people and encourage them
4 to come into class. And so we are doing a great deal by way
5 of outreach. And the last one is that we at no time have
6 said they would ^{be} terminated after they exhausted their \$500.00.
7 If we have a case like that I would like to know about that
8 because I will then raise the question directly whether we
9 can continue to serve those people or whether we must
10 terminate.

11 CHAIRMAN RIGGS: Darlene?

12 MS. HUTCHISON: Brent, we're talking about
13 two different populations. One, the school aged child that
14 goes into the regular school system. And those needs, they
15 have some special needs and they are taken care of through
16 this clock hour also but they're also in the regular system.
17 Then we're talking about the adult and the needs that that
18 adult has. Are you responsible for the educational program
19 for all of the different ages?

20 DR. GUBLER: No. This is -- Boy I'm glad you
21 asked this question. Because this is a major problem with
22 the legislation. The legislation indicates that before we
23 can get federal SLIAG funds to serve the children and youth
24 we must have a minimum of 500 in that local educational
25 entity or I guess we would say in that school district.

1 There is not one school district in the State of Utah that
2 has that number of children and youth. Therefore, we do not
3 qualify for any federal SLIAG funds for children and youth.
4 We have authorized and we're not sure that we're legal there
5 anybody sixteen years of age and over to enroll in the
6 adult ed program providing they have the appropriate cards.
7 And yes, that's my primary area of responsibility. As it
8 relates to the children and youth they are being carried
9 with State funds. Again, whether they are legally in those
10 classrooms given the fact that the law says domicile. I
11 can't answer that. There is a question there.

12 MS. HUTCHISON: Okay. Well then let me concen-
13 trate then on the other group, on the sixteen and older. How
14 many do you have, how many people on your staff do you have
15 that would administer, track, on site visit; how many
16 people, individuals in administration?

17 (No response.)

18 MS. HUTCHISON: You're the only one?

19 DR. GUBLER: I'm the only one. Yes.

20 MS. HUTCHISON: Because of the lack of funding --

21 DR. GUBLER: Lack of funding --

22 MS. HUTCHISON: That you're allowed?

23 DR. GUBLER: And the fact of the administrative
24 issue --

25 MS. HUTCHISON: All right. Okay. Then what

1 about the type of providers? The school districts do not
2 provide all the educational services for those sixteen and
3 older. So do you contract out with private providers?

4 DR. GUBLER: We, we have, what do we have?

5 Six private providers now. The reason we did that I'm not
6 sure. It was because the school districts could or would not
7 do it. It was because that in many cases we felt that some
8 of these private providers could do better in terms of the
9 question that was raised earlier about outreach. We felt
10 that for example the Catholic community since God Bless them
11 out in Wendover they have 150 individuals involved in the
12 program. I believe that if we'd have stayed with the school
13 district we'd have had a very small portion of that number.
14 Most of these people have cultural reasons for relating
15 better to this or that group. And that's why we in essence
16 have funded private providers or non profit private providers.

17 MS. HUTCHISON: Okay. Then there is a state
18 grant. In your estimation what are the barriers that we
19 face in trying to reach these people to help them become
20 literate --

21 DR. GUBLER: Do you mean the children and youth?

22 MS. HUTCHISON: No, I mean the sixteen and older.

23 What are the barriers that we face in making these people
24 literate in the society they live in now? I appreciated
25 your comments. You really gave some light into double

1 illiteracy and the other. That was very helpful. What are
2 the barriers?

3 DR. GUBLER: Well, first of all, I think there's
4 a lack of awareness of the tremendous costs that are going
5 to be associated with doing the outreach and providing
6 the literacy training. That costs money. And not only does
7 it cost money but it's going to require a convincing of the
8 broader community that these problems are out there. And
9 that's a major barrier right now. Facilities happens to be
10 a major barrier because in some communities our school
11 districts are taxed to the limit and we've been going on
12 year round schools to take care of the K through 12
13 traditional population. And then the question is where do we
14 go to set up these programs. And again there have been
15 community groups that have made their facilities available.
16 We're not paying for those. That's wonderful. We appreciate
17 that. But facilities and good facilities with good
18 equipment and good visuals and good materials is a barrier.

19 MS. HUTCHISON: But you see, Brent --

20 DR. GUBLER: Premium service staff development.

21 MS. HUTCHISON: Okay. Brent, I would have to
22 in a sense disagree with that because we do have schools and
23 they can be open at night and they can be, and that can be
24 a plus if we want to turn it around to that area, that --

25 DR. GUBLER: I wanted to reinforce what you're

1 saying. But there are committees like Stateline where they
2 are bursting at the seams and there are no rooms in that
3 building during the day.

4 MS. HUTCHISON: But during the night we could --

5 DR. GUBLER: And in the evening, yes. But
6 again, a lot of these people in Stateline work in the casinos
7 at night and the only time they go to school is during the
8 day. And so we've got need for both day and evening
9 programs. And to the extent they need a daytime program and
10 we don't have it, that's a barrier. And there's various
11 reasons why we may or may not have it or you know we try to
12 force them into lots of instruction we have enough people
13 so that the \$3.04 will cover the cost. If you have two of
14 each class and one during the day and one at night you're
15 just doubling your cost.

16 CHAIRMAN RIGGS: I think we've all been
17 pretty interested in what you've had to say. There have
18 been a lot of questions. We have reached the point where
19 we can move on. I certainly want to thank Dr. Gubler for
20 this well prepared presentation.

21 DR. GUBLER: May I just make one other comment?
22 I think that if there is any one thing that we are strong on
23 in the State Office is that we solicit and we are receptive
24 to your concerns and your questions. And if you will bring
25 those to us we will, it may take us a little while, Darlene,

1 but we will move through the process to see if we can get
2 those resolved. I know of some of these problems. But my
3 legitimacy with certain people is not as good as people in
4 the field that can walk in and talk about some of these. But
5 I think I'm telling you how it is in the field. And we are
6 very receptive to hearing those, receiving those. And we
7 will process them and get them answered. It may not always
8 be the answer you want. But we will not ignore your concerns.

9 CHAIRMAN RIGGS: Thank you very much. We'll
10 take a brief change in the sequence of the next presentations.
11 We'll hear first from Miss Sue Breckenridge-Potterf
12 from the Department of Health and then after her from Mr.
13 Sherman Roquiery, the Department of Social Services.

14 MS. BRECKENRIDGE-POTTERF: The area of health is
15 quite different to education. So go over really it's very
16 short amount of time very briefly what we do in the area of
17 health. But I'd like to start, I read a lot of the national
18 literature on health and what is happening at the federal
19 level. And I really wanted to tie this up so that maybe you
20 get some understanding of how we're influenced by what's going
21 on at the federal level and how that influences us then at
22 the State level at least in the area of health. And that's
23 all that I can really speak to. But I think it's important
24 to remember that SLIAG now that you know the terminology is
25 really a new program. And it's a very, it's had a very, very

1 slow starting time. And it had problems which have had to be
2 corrected along the way with constant communication between
3 Health and Human Services, that's who we talk with and at
4 my level. Federal guidelines for the program regarding
5 documentation and recovery of cost were burdensome, complex
6 and almost a year late. Now, I came on board October of '87.
7 The health part of the program that we did apply back for
8 for retroactive reimbursement was for May of '87. So if
9 you can kind of keep some of these dates in mind as we go
10 along. This made it very difficult to justify the money
11 being asked for in the applications. And consequently, to
12 appropriately contract to local health agencies which is
13 what my responsibility is to get it down to the level where
14 the actual money is spent.

15 These difficulties are gradually being resolved
16 with ongoing communication and feedback from States and
17 Health and Human Services. But as I read what's going on
18 federally we haven't spent all this money. Education can't
19 ask for anymore. They only get 500 per individual. And we
20 can't get what we want because we have been told that at the
21 beginning now we have to go back to '87 and be able to
22 identify these people by "A" numbers. Originally we were
23 told we couldn't do that because it was a break in
24 confidentiality. So what we're having to use now is some-
25 thing called population ratios. Population ratio does not

1 adequately give you what you've really spent in an area.

2 In Public Health Assistance we have been able to
3 apply for reimbursement to help defray costs that have already
4 been incurred from May of 1987. So this is not something
5 that we say well we will budget for. These are costs that
6 have already been incurred. So we had five months from '87
7 and then fiscal year '88. We have a total and this is for
8 public health only then for '87 through '88 of 5,070 ELA's,
9 Eligible Legalized Aliens. This total includes both and
10 this is what is called pre-'82s. These are --

11 CHAIRMAN RIGGS: Excuse me. You said ELA's.
12 What did you mean?

13 MS. BRECKENRIDGE-POTTERF: Eligible Legalized
14 Alien. ELA is the acronym for that. Now pre-82 there are
15 different groups of Eligible Legalized Aliens. The pre-82's
16 are people that have been in the country longer than five
17 years. And then we have the special agricultural workers
18 which is calls SAW's. And then there will be another
19 group. I don't want to spend a lot of time on that. Sherm
20 will address those. But we've put, the federal government,
21 this is Health and Human Services has put those numbers
22 together. Now this is the number -- Okay. I can't use
23 actual counts because I can't go back to May of 1987 so I
24 have to use the population ratio. Therefore, I have to use
25 the numbers that Health and Human Services has given me which

1 we received the end of March of this year to be able to work
 2 out the costs. This is why Cindy wasn't able to give the
 3 costs for health. This has been a very frustrating program
 4 to work with. And I will admit that. Because it's very
 5 hard -- Here I am still working on putting out an actual
 6 report for fiscal year of '88 and I'm supposed to be applying
 7 for fiscal year '90. So it gives you a little maybe a little
 8 understanding.

9 Now I've had to take these numbers from Health
 10 and Human Services. They get them from INS, Immigration
 11 and Naturalization Service. The problem is that they really
 12 don't represent how the population demographically is
 13 utilizing services. I'll give you an example that I know is
 14 true. We had an applicant from Oklahoma of all places, apply
 15 for legalization in Utah County and then use some of the
 16 services in Utah County. That applicant will be counted in
 17 Oklahoma. They do not look at any of where services are
 18 being given. They look at resident, the resident address.
 19 Then I'm supposed to work out for the local area where
 20 services are being provided. So I have been given numbers
 21 now by Health and Human Services where these people reside
 22 in the local area. Now that doesn't really accurately tell
 23 me what's going on. We have legalized aliens that live in
 24 Southern Utah that ~~give~~^{go} up to the Wasatch Front, Utah and
 25 even people from Central. And they might even go up to

1 Bear River. And so it's very difficult for me to be able
2 to contract for the local health department and give them
3 what they justifiably deserve using this kind of documenta-
4 tion. I can start now to document and we are starting to
5 collect document, social security numbers and "A" numbers.
6 What I collected earlier on when I came on board from October
7 of '87 was numbers. That's not good enough for Health and
8 Human Services. So it's very difficult.


9 Now another thing I feel therefore I can't
10 justify the amount of money we've spent accurately. Therefore
11 I'm asking for a lot less than was in my original application.
12 And my feeling is that we aren't the only State in this
13 situation. Because at meetings I've attended with the other
14 States there's been considerable to and fro in communication
15 repeatedly. Repeated communication.

16 I'm making it sound, making it sound probably
17 worse than it really is. All I want to get across is that
18 it's a very, very difficult program to work with. And one
19 of my concerns is now that Senator Kennedy is saying well
20 we'll take SLIAG money and give it to Refugee because
21 they haven't spent it. And I think this is a federal game
22 because we need money in both programs. I also run the
23 Refugee Health Program. And we're bringing in more refugees.
24 Our numbers this year have not gone down which they keep
25 saying and yet they're cutting the Refugee health budget in

1 half. So take from Peter to give to Paul. That seems what
2 they're doing.

3 There are certain areas that and I think Sherm
4 will address this so I'm just going to briefly talk about
5 it from the perspective of health. Aliens abide for five
6 years from the date of effective status from some programs;
7 AFDC, some of the Medicaid programs, and other programs.
8 These are defined by the Attorney General in terms of
9 financial assistance. But some of these programs effect me.
10 One of the difficulties is that in our State the Department
11 of Health is responsible for some programs that at the
12 federal level they consider public assistance. Which means
13 that I can't apply for it. And it's difficult for public
14 assistance. And I'm not going to talk about public
15 assistance because that's another area.

16 Some of the programs that at the local level are
17 covered that are available to the Eligible Legalized Alien
18 are programs such as TB immunizations, mental health, STD,
19 family planning. However, Salt Lake City County is the only
20 county that I can give for money for family planning. The
21 rest of family planning is federal. And we can not reimburse
22 using SLIAG funds any program that is federally financed.
23 Which means that administratively this becomes very
24 burdensome. It means then I have to go down to the local
25 level and the State level, determine how much is State money,



1 how much is federal money. And let's say that twenty percent
2 is State money and eighty percent federal money. I can only
3 use the twenty percent State money. And then I have to
4 determine on population ratio basis what percent of the
5 population which is ELA out of the State population is using
6 that service and then come up with a percentage to reimburse.
7 And I have to define that on every single public health
8 program that I am that's in the State Health Department.
9 Administratively that is awesome. In health we are spending
10 more money on administration really then we could be going
11 down to the local level with.

12 MS. HUTCHISON: Do you have restrictions on the
13 amount you can spend on administration as we had --

14 MS. BRECKENRIDGE-POTTERF: No, I don't.

15 MS. HUTCHISON: You do not?

16 MS. BRECKENRIDGE-POTTERF: No, I don't. That's
17 just public, that's just for education. However, my goal
18 as a state director is to get as much money down to where
19 direct services are being given. And it's very frustrating.
20 Because most of my local health departments they're small
21 enough that they don't spend a lot of money. They provide
22 services. So they don't spend a lot of money identifying
23 their population. In some areas they do. In my TB program
24 I can identify what the population is. But in some of the
25 smaller programs I can't. Administratively it would be very

1 burdensome to now start to identify every single individual.
2 You can't just ask someone as they come in, well you look
3 like an ELA, are you? You have to ask every single
4 individual because ELA's are not just Spanish speaking
5 people. There are British ELA's. There are Irish ELA's.
6 There are Canadian ELA's. So you need to ask every single
7 person. And administratively that's very burdensome. So
8 mostly what I have had to do is go by the population ratio
9 method. Therefore I have to use Health and Human Services
10 numbers.

11 One other area in health that I feel personally
12 is a problem in the law. SLIAG will only reimburse for
13 programs that are already in place. Which means therefore
14 where there is a need I can not develop a new program. For
15 instance, in rural areas. We already have through the
16 Refugee Program very, very good outreach facilities. And we
17 have materials available. And we have outreach programs.
18 But I don't have refugees really in all areas of the State.
19 So I would like to be able to set up outreach programs.
20 SLIAG will not pay for me to develop new programs. It will
21 only reimburse the health programs that are already in
22 place. And for this population that's not necessarily what
23 we need.

24 Now I understand from the federal government what
25 they say is that these people need to walk in to and be part

1 of the general population. But I think they're missing
2 something there by implying that they don't ^{have} need special
3 needs.

4 Also I, using population ratio method I haven't
5 been able to say that the ELA population has special needs.
6 The federal government has not allowed us to do that. We
7 have to treat them exactly the same as the general population
8 of Utah. And I promise you they are not the same as the
9 general population of Utah.

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!a
10 What I was thinking about presenting is I really
11 didn't want to make it sound quite so I hope Sherman is a
12 little bit -- But it has been a frustrating program to run
13 from the health perspective. One of the difficulties is as
14 I see it now yesterday I got some communication across my
15 desk which is answering some of the questions that had
16 occurred a year ago. And that's very nice. And we can use
17 it from here on. But it really doesn't help us very much with
18 trying to account for reimbursement back to May of '87. And
19 that's one of the major difficulties that we've had. And
20 it also doesn't help us when we're trying to reach a popula-
21 tion and we can't develop new programs. But I do feel that
22 as a health department at least in the public health area
23 Utah has excellent programs. We are known nationally. We
24 present nationally. And right now I have my TB health
25 coordinator in Cincinnati presenting our program for the

1 rest of the country. So it's not that we don't have good
2 public health. There were just some difficulties in
3 administering this program.

4 CHAIRMAN RIGGS: Thank you very much.

5 MR. COHNE: Could we ask a question? I would
6 like to know what recommendations you have that would make
7 the program smoother. What you're explaining if I'm hearing
8 you right is that what it is is a rotate nightmare. And
9 that there should be some recommendations that should be
10 made that could be submitted that might ease the
11 administration.

12 MS. BRECKENRIDGE-POTTERF: I do. I feel if they
13 could allow us to use the methodology that we discussed
14 with them in person on our '88 application and then go from
15 here with what they have given us now it would make it a lot
16 easier. So in other words, rather than asking us to go back
17 to May of '87 to verify it would really be helpful if they
18 could just let us go with the what we call federal fiscal
19 year '88 application which included '87 rather than keep going
20 back and trying to cut and cut and cut which is what has been
21 communicated to us. They are not going to let us spend a
22 dime more than we can show we've spent.

23 CHAIRMAN RIGGS: Is that the statute or the
24 Health and Human Services regulations?

25 MS. BRECKENRIDGE-POTTERF: That is Health and

1 Human Services regulations. As far as I know it is not
2 the statute. It is how they have interpreted the statute.

3 MR. CHENG: In your experience in the area of
4 health services for the ELA first of all the first question
5 is are the existing services adequate and if not what other
6 services needs to be included?

7 MS. BRECKENRIDGE-POTTERF: I believe the services
8 are adequate. I feel that we need additional outreach to
9 be able to serve this population. And it would but I can
10 not do that using SLIAG funds because of the way Health and
11 Human Services has interpreted the statute.

12 MR. CHENG: Is it proper to ask about what type
13 of services that they provide? I mean do we go into that
14 kind of detail or not? Mr. Chair, is it appropriate --

15 CHAIRMAN RIGGS: Pardon?

16 MR. CHENG: Is it appropriate to ask about the
17 kind of services included?

18 CHAIRMAN RIGGS: Surely. I think it is.

19 MR. CHENG: Because I'm interested in knowing
20 that.

21 MS. BRECKENRIDGE-POTTERF: Services that are
22 available to ELA's are exactly the same services that are
23 available to every single individual in the State of Utah.
24 It's everything, it's basic public health services that
25 essentially are there to protect the whole community of the

1 State of Utah. Everything from immunizations to TB control to
2 health education to well we had prenatal but now prenatal
3 has come under Medicaid so. Gosh, there's so many. It would
4 also include food handlers training. Some of the environ-
5 mental control issues. But some of them I have been told
6 that I've been denied. And there's federal laws around that.
7 But every single public health program that we have in the
8 health department that has State or local money in it. If
9 it's federal money it doesn't count. So have I been too
10 general?

11 MR. CHENG: No. The reason I'm asking that is
12 that nationally it's known that for instance the Pacific
13 Islanders are very low in terms of percentage of them utilizing
14 immunization. And the only way to be able to increase that
15 is by outreach. And in the State of Utah we happen to have
16 a substantial percentage of Islander population. And maybe
17 that is one area that can benefit that population more than
18 anything else. And you know maybe in utilizing funds that
19 could be reexamined as far as the outreach.

20 MS. BRECKENRIDGE-POTTERF: Yeah. At this
21 point in time I couldn't use SLIAG funds to do that.

22 MS. HUTCHISON: May I ask a question? You
23 mentioned that you can not develop new programs where
24 needed. Could you give me an example of a new program that
25 you feel is needed that you're not able to develop?

1 MS. BRECKENRIDGE-POTTERF: From a State
2 perspective I would like to be able to for instance health
3 programs in Central Utah. I would like to be able to develop
4 an outreach. They have very little money in that particular
5 area. An outreach so that having identified the area
6 population we know there are ELA's there. I have the numbers
7 from Health and Human Services. What they have to do at this
8 point in time and have done and I know this go to/they come
9 from Central Utah up to Utah County for services. And that
10 requires a lot of energy. It requires time out of work
11 those kinds of things. Another thing is this is a federal
12 stipulation. And first of all, I was wanting to contract
13 with and did contract with Migrant Health Services. And
14 the federal stipulation says that because they are mostly
15 federal money that I can not contract with them. To me
16 that doesn't make sense. They have an incredibly large ELA
17 population there.

18 MS. HUTCHISON: Thank you. That's helpful.
19 Thank you.

20 CHAIRMAN RIGGS: Thank you. That's was very
21 informative.

22 MR. ROQUIERO: I had originally planned to give
23 you an overview of the SLIAG program but that was already
24 done by Cindy earlier this morning. But I just want to
25 pinpoint again that the SLIAG program is a reimbursement

1 program through the federal government for State costs
2 related to eligible legalized aliens in free program areas.
3 And that's public health that Sue just got through talking
4 about, education which Brent got through talking about and
5 public assistance which I'll address at this point here.

6 We have public assistance basically is barred ^{to} ~~for~~
7 EIA's for a period of five years. If they were to apply
8 for a federal public assistance program such as AFDC that
9 could jeopardize their legalization efforts or to become a
10 permanent resident. But there are some public assistance
11 programs that they may be eligible for. And that's basically
12 in the Medicaid arena such as pregnant women, children under
13 the age of 18 for Medicaid purposes and the aged and the
14 disabled. That's pretty much the exception to Medicaid.
15 And that's where most of our costs, in fact that's where
16 all of our costs are in the public assistance arena is in
17 Medicaid. Health care financing is who we do business with
18 to provide Medicaid services. And Robert Knudson is not here
19 today and so I'll try to address some of those issues that
20 he's been faced with regarding that program.

21 In 1988 it had been reported that they had
22 served 522 eligible legalized aliens for a cost of \$439,000.00.
23 I don't know specifically what kind of Medicaid services
24 were provided to those people. But that's the numbers that ^{to}
25 he had given me. TW

1 Eligible legalized aliens may also be eligible
2 for State funded public assistance programs such as general
3 assistance and the emergency work program. We don't have
4 any eligible legalized aliens in those programs. No one has
5 applied for those programs. Because it's a State funded
6 program the federal government said it's okay for us to
7 reimburse those costs to ELA's. But the eligible legalized
8 aliens are staying away from those programs basically because
9 it's a financial cash assistance program. And if they were
10 apt to participate in that program again it might jeopardize
11 their application for permanent residency.

12 There's another group called the SAW's, the
13 Special Agricultural Worker. There's two groups of eligible
14 legalized aliens right now in the U.S. And Sue talked about
15 that a little bit. The pre-1982 group or aliens who were
16 in the U.S. illegally before January 1, 1982 qualified as an
17 eligible legalized alien. And then the SAW's group which is
18 a special agricultural worker group or the migrant worker
19 group. In Utah 63% of our eligible legalized aliens fall
20 in the SAW's group. Now this SAW's group can receive food
21 stamps without any jeopardy to their application for
22 permanent residency. And I guess that's basically because
23 they're working in the agricultural food they're able to
24 participate in the food stamp program. But the pre-1982
25 people are barred from participating in the food stamp program.

1 Basically in the State of Utah and I think this
2 is pretty much the case in most of the states all of our
3 public assistance monies are going to Medicaid programs
4 for the eligible legalized aliens. And it seems that with
5 the total coverage on twenty-two people that they are
6 adequately existing in the system.

7 I also have some general information for your
8 interest, ~~that you might be interested in.~~ The SLIAG program
9 has appropriate four billion dollars for the next four
10 years to fund this the federal government has funded this
11 program for four years with four billion dollars. The first
12 year is a billion dollars. Ten states get 94% of that money.
13 That's where most of the ELA population area is in ten
14 states. California alone by itself gets 60% of that money.
15 Los Angeles County gets two-thirds of Californias money. So
16 that's where most of the ELA population are. Thirty-three
17 states get 6% of the SLIAG program money. Utah is one of
18 those thirty-three states. Ten states have no SLIAG program,
19 no legalization assistance program. So far 3.1 million
20 people have applied for legalization in the U.S. They had
21 estimated five million would apply and only 3.1 million
22 applied.

23 MS. HUTCHISON: Are those the ones that prior to
24 '82, '82 --

25 MR. ROQUIERO: That's total. 3.1 million total.

1 1.3 million are SAW's or the agricultural worker which is 42%.
2 And 1.8 million are pre-1982 people, 58%. So Utah's kind of
3 a reverse of the national average. We have more SAW's than
4 we do pre-82's.

5 MS. HUTCHISON: May I ask on the SAW's for
6 clarification those who are here identified in that group do
7 they have to go back to their mother country periodically or
8 are they just ~~are they~~ in theory really citizens now here?

9 MR. ROQUIERO: No, they're not citizens yet.
10 They won't be called --

11 MS. HUTCHISON: But remain? They live here.
12 They're planning --

13 MR. ROQUIERO: Yeah.

14 MS. HUTCHISON: It's going to be --

15 MR. ROQUIERO: They're not even permanent
16 residents yet. They're what we call temporary residents.
17 Brent talked a little bit about the I6888 and the I-688 and
18 I-551.

19 MS. HUTCHISON: Right.

20 MR. ROQUIERO: The I6888 are people who have
21 applied for legalization but they have not been approved it. ^{jet air}
22 But they are authorized to work in the U.S. until they are
23 approved. There's been about a ten percent denial rate. So
24 we would say about ten percent of those people will be
25 denied legalization. The I68 are people who are granted

1 temporary residence already. They're here legally their
2 temporary residence. They can go back to Mexico and visit
3 family and come back across the border legally without any
4 problems as a temporary resident. But those people must
5 apply for permanent residency which is what we're in right
6 now which is called the Phase II of the IRCA program. They
7 must apply for permanent residency after eighteen months has
8 elapsed as a temporary resident and then within a twelve
9 month window period they have to apply for their residency.

10 MS. HUTCHISON: So let me see the process. A
11 person must come into the country. They can't come into it
12 on an immigration type of a thing. And so they enter illegal-
13 ly?

14 MR. ROQUIERO: Yeah.

15 MS. HUTCHISON: They then are tagged as an
16 illegal?

17 MR. ROQUIERO: Right. If they were here before
18 1982 they would.

19 MS. HUTCHISON: Okay. And so we're talking about
20 this now. Then they are not eligible as an illegal because
21 illegal means not legal, right? I mean I wish they were a
22 different name because somehow it seems to me as though
23 we're dealing with a name a tag name that I think probably
24 is not fair in a sense.

25 MR. ROQUIERO: Yes.

1 MS. HUTCHISON: Temporary. Whatever. But they
2 are here illegally. And we're talking about providing
3 services for those who are here illegally?

4 MR. ROQUIERO: Well we're providing services
5 for those who were once upon a time here illegally but are
6 now here legally because they have been granted temporary
7 residence status.

8 MS. HUTCHISON: Okay. So the only people that
9 we're talking about are those who have been here since '82 --

10 MR. ROQUIERO: Or the SAW's.

11 MS. HUTCHISON: Or who are here on a temporary
12 and who have registered as temporary?

13 MR. ROQUIERO: Right.

14 MS. HUTCHISON: And what happens to anybody who
15 came here in '85 or '84 or '83?

16 MR. ROQUIERO: They are not eligible under
17 IRCA, Immigration Reform and Control Act, to apply for
18 legalization. They are not eligible.

19 MS. HUTCHISON: So they're not eligible for
20 any of the --

21 MR. ROQUIERO: No.

22 MS. HUTCHISON: Education services or anything?

23 MR. ROQUIERO: Not for the SLIAG program for
24 federal reimbursement. No.

25 MS. HUTCHISON: Thank you.

1 MR. ROQUIERO: In Utah Cindy had indicated earlier
2 this morning that we had about 6,000 eligible legalized
3 aliens in Utah. That's 6,378. I gave you the percentages
4 on that already. 4,004 are SAW's and 2,352 are what we refer
5 to as the pre-1982 people.

6 Phase II is a process that's going on right now.
7 And that's basically the reason why we have an educational
8 program in the SLIAG program because part of the Phase II
9 requirements are that the eligible legalized alien must at
10 least show satisfactory pursuit of forty hours of english
11 language training, history and civics in order to apply for
12 permanent residency. If they have that certificate then they
13 can apply for permanent residency or they don't even have to
14 go to school. If they know english, if they know american
15 history, if they know civics they can go directly to the INS,
16 take a test, pass the test and become a permanent residency.
17 But the educational program was set up specifically for
18 that reason. And the reason why it's limited to forty hours
19 is because advocacy groups felt that within a twelve month
20 window period there would be many eligible legalized aliens
21 who would not be able to achieve a standard english or
22 american history or american civics knowledge in order to
23 become a permanent resident. So the advocacy groups
24 persuaded the INS to limit them to at least forty hours of
25 satisfactory pursuit. If they can prove that they are

1 pursuing that end then they can become a permanent resident.
2 And we anticipate that most of those people will continue
3 on in a program beyond forty hours. And that seems to be
4 the record right now. As they achieve the forty hours they
5 will come back and continue their training.

6 In the Phase II part of the program so far
7 117,000 of the 3.1 million have been what the INS refers to
8 as adjudicated. They have become permanent residents,
9 117,000. There has been only 78 denials so far nationwide
10 for permanent residency. So that's been, that's better than
11 99% approval rate there. And that's basically all I have
12 to say unless you have some questions.

13 CHAIRMAN RIGGS: Thank you very much. Are there
14 any questions?

15 MR. CHENG: Of the 6,000 eligible people how
16 many of them actually use the medical assistance that are
17 available for them?

18 MR. ROQUIERO: Public health assistance?

19 MR. CHENG: Yeah. I mean the --

20 MR. ROQUIERO: Medicaid?

21 MR. CHENG: Yeah, Medicaid.

22 MR. ROQUIERO: 522 use those services in 1988 of
23 the 6,000 522 did. And you've got to remember now that that
24 public assistance is again limited to pregnant women,
25 children under eighteen who have medical need, the aged,

1 blind and the disabled and some emergency cases. So it's a
2 real limited population you're looking at for those
3 services.

4 MR. CHENG: Thank you.

5 MR. MARTINEZ: One of the questions that I have
6 and it's a concern that we have dealt with in our agency
7 ever since the IRCA I think became reality and that is the
8 misconception that a lot of the legalized aliens have that
9 you are not eligible for any public assistance. And my
10 question is what have you done in the department to deal with
11 that misconception?

12 MR. ROQUIERO: Okay. As Sue pointed out earlier
13 there is no funding provided for any outreach services.
14 They actually stipulate that there is no outreach services
15 that can be funded through this program. So basically it's
16 through word of mouth, through contact with Catholic
17 Community Services and other local agencies if they are in
18 need of public assistance. But what I hear from the
19 community is that most eligible legalized aliens are fearful
20 of applying for any kind of public assistance because of the
21 public charge issue. And so rather than jeopardize that
22 they just stay away from it as much as possible.

23 MR. MARTINEZ: All right. And that may be to
24 I mean that might be the reason why we're not spending all of
25 the money.

1 MR. ROQUIERO: The way the HHS interprets the
2 SLIAG regulations makes it very difficult to spend them.
3 They're very detailed and down to the micro dot on all
4 applications for funding. In fact, we had anticipated that
5 perhaps one EIA would apply for general assistance. And they
6 came back and told us we don't think even one will apply;
7 put that down as zero. That's how detailed they are on our
8 application.

9 CHAIRMAN RIGGS: Thank you very much. Our
10 schedule at this point calls for a five minute break. I
11 think we'll take it. Try to come back two to three minutes
12 before ten so we can start the next presentation.

13 (Whereupon, a short recess ensued.)

14 CHAIRMAN RIGGS: On the record. There is no
15 such thing as a five minute break even though that's what
16 was scheduled. Nevertheless I think perhaps we might begin
17 and reassemble so that we can hear from our next presenter.

18 MS. HUTCHISON: May I just have some clarifica-
19 tion before we go on? We talked about the inconsistency
20 of the term illegal because it has been used in some of the
21 presentations. And actually knowing that what we're talking
22 about are those who are legal who come into the country
23 illegally but are now with this new Act a legal. And my
24 concern had been that if I had been termed an illegal alien
25 I would probably not want to go to any legal place to ask for

1 services because I would have a threat over my head of
2 having that term. And that's what I was trying to get across
3 is that somehow we ought to make that a little more clear that
4 it is not illegal. And that they are using legal services.
5 Is that making sense to you? I feel that if I were in that
6 situation I would feel very frightened about going to any
7 legal organization and asking for help.

8 CHAIRMAN RIGGS: Thank you. Our next presenter
9 will be Miss Silvia Pena-Chacon who is with Utah Legal
10 Services.

11 MS. PENA-CHACON: Hi. I work with Utah Legal
12 Services. I need to make this clear because of my job and
13 because of the regulations. I'm with Utah Legal Services
14 half time and I also have a private practice where I do
15 immigration work. The reason that I need to specify that
16 is because Legal Services Corporation is funded federally
17 and they have specific regulations about eligibility of
18 aliens and non-aliens who can get legal help from our
19 organization. Awhile back they were trying to pass a five
20 year bar against people that were legalized under IRCA. And
21 by that I mean people that were here prior to 1982. Because
22 for some reason the legislative history of IRCA specified
23 that SAW applicants should be on a maybe a little higher
24 basis as far as being eligible for services. So we can help
25 people that are SAW approved. But we can't help people who

1 were here prior to 1982. Which if you really think about it
2 is very confusing because I mean you know they've been here
3 longer, they've probably you know paid more money into the
4 tax system. But regardless of that despite serious
5 opposition from many, many components of Legal Services
6 Corporation that regulation did pass recently.

7 I think IRCA has been good. And I come from a
8 migrant farm worker background. And you know if you've had
9 any contact with our people you'll notice that they're
10 very reticent about standing up for their rights. They're
11 very basically very shy. And they're scared to come forward
12 and you know take something to the end legally or you know
13 whether it be, whatever you're talking about. They're very
14 shy. IRCA has been good in that it gave these people an
15 opportunity to become legalized. However, my experience in
16 Utah has been that, I'll give you an example. We had this
17 man from the southern part of Utah who had applied for
18 unemployment compensation during the time when he was
19 supposedly illegal. So what the unemployment compensation
20 division said was that you received benefits fraudulently
21 because you were here illegally and illegal aliens are not
22 eligible for unemployment compensation. So we went to
23 hearing. And almost all the cases in the south that have
24 come out of California or Texas have said that people who
25 eventually get approved under IRCA are considered to be

1 legal since November of 1986 which is the date of the
2 enactment of the law. And unfortunately the representative
3 from INS that we have there said, well wait a minute you know
4 he's not legal from that point of time you know. And so we
5 said, well so what. I mean you know there's a Department of
6 Labor letter that says these people should be considered as
7 far as unemployment compensation benefits go, legal from the
8 date of enactment of the law. Which if you really think
9 about it makes sense you know. And the reason that this was
10 so serious is because this person would have been disqualified
11 from IRCA because of having committed fraud on that basis.
12 So you know it was a very complicated issue. And my
13 experience has been in talking to other people from other
14 states is that Utah unfortunately is very behind in the
15 recent cases that are coming out of those jurisdictions.
16 They -- I'm not saying they are not cooperative. But I
17 think a lot of people you know are having problems on that
18 basis.

19 Another issue that I wanted to talk about was
20 as part of Legal Services Corporation since I'm the only
21 attorney that speaks Spanish I get all the clients that
22 speak Spanish come to me first. So it's kind of like you
23 know we try to refer them out because like I told you before
24 we can't help people that aren't legalized, number one. We
25 can only help SAW people. And if those SAW people have been

1 denied then we can not help them do their appeals. And my
2 sense has been that there are a lot of people that are being
3 denied unfairly because they don't have sufficient proof.
4 Many times you know INS is asking them you know produce us
5 checks, produce us W-2 forms. I mean this person does not
6 have access to that kind of information. Many times you
7 have an uncooperative farmer. You have an uncooperative farm
8 labor contractor. I've also seen situations where you have
9 a farm labor contractor who unfortunately committed fraud,
10 sold fraudulent letters so that some people could get their
11 status under IRCA. And the rest of the people who had
12 legitimately worked for that farmer or that farm labor
13 contractor are having a very hard time becoming legalized
14 under SAW because that taints their application. If you
15 have a farm labor contractor that's being investigated for
16 selling fraudulent letters of course that's going to ~~you~~
17 ~~know~~ effect ~~this~~ other innocent person's application. And
18 unfortunately I've seen a lot of that happen.

19 Another issue that we've seen happen a lot and
20 that's if you're a SAW applicant or a 1982 applicant who has
21 been denied a lot of those people don't even want to try to
22 appeal. I don't know if it's just in, I don't know if they
23 just don't want to deal with the hassle or whether they're
24 having trouble finding legal help. I think a lot of it has
25 to do with the fact that they don't think that they can you

1 prevail on an appeal and so forth. Unfortunately Legal
2 Services Corporation we can not, we could not help those
3 kinds of people. But recently we have obtained some
4 private funding where we're going to start doing SAW appeals.
5 Not just because we see a perceived need out there but
6 because we've had a lot of clients that have come to us and
7 told us we need help with this appeal. You know what am I
8 supposed to do now. Unfortunately there's a thirty day appeal
9 deadline. If that person can't find legal help you know
10 they're out of luck. You have to apply within the thirty
11 ~~year sorry within the thirty~~ day you know appeal period.

12 Another aspect of my job at Utah Legal Services
13 has to do with aliens who come in who have whose children
14 who are citizens have been denied public benefits such as
15 Medicaid and so forth. We've seen a lot of those cases come
16 through our office. And fortunately we've been able to work
17 them out at the point where we just call the case worker and
18 say I mean you know refer you to this statute or you know
19 whatever that we can. Under the new Legal Services
20 Corporation regulations we can help citizen children but
21 that doesn't do us any good. Because if we open a case under
22 their parents name and they're an IRCA person then that
23 jeopardizes their application in the end run. So basically
24 what I'm trying to say is that these people are being set
25 loose in this country without really any kind of help. You

1 know like you've heard before they can't get public
2 assistance, they can't get general assistance. Unfortunately
3 a lot of these people don't have the skills to go out
4 there and get you know the kind of job that would mean that
5 they could support their families you know easily. So it's
6 very circular and it's a lot of very sad situations that you
7 see. And just to ^{be} telling some of the people that I had
8 talked to before about this we have a Spanish speaking
9 television station which had a documentary addressing all of
10 these people that had been denied on the basis that their
11 application wasn't good or on the basis that they hadn't been
12 here since 1982 so they couldn't apply. And basically what
13 that program was telling them you know have ^{ve} faith; you never
14 know what's going to happen in the future. There may be
15 another IRCA law coming up. And so I don't think these
16 people are just going to take off and go back to Mexico. I
17 don't think they have anywhere to go. And you know I think
18 there's not enough help for them. In a lot of ways they can't
19 get obviously they can't get welfare, they can't get general
20 assistance. And I don't think employers are going to be
21 that you know hesitant to hire these people even if it's just
22 on a temporary basis. They're going to take that chance.
23 And one of the concerns that the Legal Services Corporation
24 people who are opposing that regulation were bringing up was
25 that eventually this may even lead to these people working for

1 lower wages are working under worse conditions because they
2 don't have papers. And you know that's possible because we've
3 had a lot of cases where farm workers come in and say, we
4 haven't been paid and he doesn't want to pay us because he
5 says we didn't have our permit. So you know he basically
6 the farmer is telling us, well do what you will and then I'll
7 just call immigration and handle it that way. And these
8 people had worked for about three weeks. There was ten
9 people. They had been denied on their SAW application
10 because the farm labor contractor was subsequently indicted
11 for committing fraud selling you know affidavits that weren't
12 based on true grounds. And even if they come in and tell
13 me you know I'm going to stick around. I'm not going to
14 move from here because I just don't have any opportunities
15 back home. The economy is so bad. And you know I don't
16 think the two year period for people to apply was long enough.
17 I still see a lot of people that thought that they could
18 apply you know that they just don't they just didn't
19 become aware of the application deadline. A lot of people
20 missed that. So that's basically what I wanted to address.

21 MR. CHENG: Are you the sole source of legal
22 help --

23 MS. PENA-CHACON: Oh, no. There's several very
24 good organizations. And you'll be hearing from them later.
25 They have done a very, very good job you know. There's

1 Catholic Community Services and all of those people. The
2 problem is that there is just too many people that need
3 help. And like I said earlier the reason that we applied
4 for private funding was to try to help some of these people
5 who weren't you know weren't moving fast enough as far as
6 getting their appeal in on time.

7 MR. CHENG: So in other words, as far as the
8 help the legal assistance itself is not adequate to address
9 the appeal process or application process?

10 MS. PENA-CHACON: That's my feeling. I don't know
11 how the other organizations feel. But I think basically
12 well if you figure that you know the SAW portion of the IRCA
13 law the percentage of denials has been very, very large.
14 That's the one program where they're just saying that maybe
15 up to 60% of the applications were are being you-know-being
16 denied on the basis of fraud. So just that right there tells
17 you that there's a lot of people being denied.

18 MR. MECHAM: Can I get you to just generally
19 speak to a couple of issues?

20 MS. PENA-CHACON: Sure.

21 MR. MECHAM: How does the SAW worker differ
22 other than the time apparently and the kind of employment
23 they have from the ELA?

24 MS. PENA-CHACON: Well I don't remember quite
25 clearly what the exact date but I think they're on a little

1 better footing as far as I've perceived it because -- Well
2 just an example of that is that SAW's are eligible for our
3 services. And I believe that they become they have an
4 opportunity to become permanent residents sooner. Don't
5 they? Than the 1982 applicants.

6 MR. MECHAM: So the '82 date does not apply to an
7 agricultural worker?

8 MS. PENA-CHACON: No. Well if you can prove
9 your agriculture employment. A lot of people had worked
10 in agriculture. But they had also been here since 1982 so
11 they decided to go under the 1982 program because it was
12 easier for them to document their stay here.

13 MR. MECHAM: Are there people coming into the
14 country now under the SAW program from other countries or
15 does this apply only to people who were here before the law
16 was enacted?

17 MS. PENA-CHACON: No. I think it only applies
18 to the latter. To people that were here that worked here
19 during that time, during that three year period which was
20 '83, '84, '85 and you know one year periods.

21 MR. MECHAM: So that there is --

22 MS. PENA-CHACON: So in other words, there are
23 no more SAW people that can get legalized if they come into
24 the country now.

25 MR. MECHAM: There are no temporary agricultural

1 workers who can come into the country legally. Is that
2 what you're saying?

3 MS. PENA-CHACON: Well no there are. But they're
4 they just come to work and they don't become permanent
5 residents. I believe they're H2A's. There's several other
6 programs through the Department of Labor where they bring in
7 aliens to work shepherding or agriculture work. But those
8 are totally separate from IRCA. And they do not come in
9 for permanent resident status. They're only here to work
10 temporarily.

11 MR. MECHAM: Okay. And if your application is
12 denied then are you deported essentially?

13 MS. PENA-CHACON: Well IRCA provided that there
14 was going to be confidentiality as far as IRCA was
15 concerned. That the other branch of INS could ^{not} get records
16 from the IRCA office to deport people. So I haven't run
17 into any situations where they've used that information. But
18 I mean people are scared if they get denied of course they're
19 going to move addresses. And you know they don't believe
20 that they're not going to be bothered. And neither do I.
21 I haven't seen any situations like that though.

22 CHAIRMAN RIGGS: About how many people has Utah
23 Legal Services aided in the SAW's group?

24 MS. PENA-CHACON: Well because of the regulations
25 that we're trying to get passed we could only help our clients

1 that were already with us with other kinds of immigration
2 problems. So I think we ended up doing about maybe forty
3 IRCA applicants and getting them approved. And we didn't
4 have anybody denied. But as far as SAW appeals right now
5 we're going to have about eight, eight appeals. And that's
6 under our new funding which is totally separate from Legal
7 Services Corporation.

8 MR. CHENG: So the restriction that you talked
9 about actually SLIAG funds for legal assistance?

10 MS. PENA-CHACON: I beg your pardon?

11 MR. CHENG: The -- No. No. I have shake of
12 head over there. The restriction you talked about kind of
13 clients that you can help imposed within your agency or is
14 it?

15 MS. PENA-CHACON: It's yeah it's imposed through
16 all Legal Services offices which means statewide and
17 nationwide. It just got changed so that we can help people
18 that have citizen children or have a -- Like if you have a
19 permanent resident and they have a wife that needs help we
20 can help her through the husband. But if you have somebody
21 that's single and doesn't have any family here that's legal
22 then we can't help them. But in order for us to help them
23 they have to be approved. We can't take any people that have
24 been denied because basically that means that they're still
25 here illegally.

1 MS. HUTCHISON: Is there any limitation to the
2 kinds of services that you can provide?

3 MS. PENA-CHACON: Each Legal Services
4 Corporation has their own priorities. I head the migrant
5 program. And our priority has always been immigration. One
6 of our main priorities has always been immigration and wage
7 claims you know stuff relating to farm worker problems. The
8 main LSC office has their own priorities. They help people
9 with consumer debt problems, food stamp denials and all that
10 sort of problems. But in the migrant program, immigration
11 has always been one of the priorities because we feel that
12 you know if they can stay here maybe you know we can help
13 them. If not then you know that's one of the main things
14 that we deal with.

15 MS. HUTCHISON: As opposed to more domestic kinds
16 of legal services?

17 MS. PENA-CHACON: Right. Well we've been trying
18 to meet that need. There certainly are a lot of people
19 that need you know divorces and all that. But it's just too
20 many clients to be able to do everything.

21 CHAIRMAN RIGGS: Is there anyone in the audience
22 who would care to ask a question or make any comment at
23 this point?

24 (No response.)

25 CHAIRMAN RIGGS: I think if I'm not mistaken the

1 person who is listed on the schedule as being available to
2 testify to present at 11:20 was unable to appear. So this
3 would be an opportunity for anyone who has not said something
4 who would like to get into the record. If you want to do
5 that you can come and speak into the mic. If not then we
6 will adjourn this session until 1:15. Thank you all very
7 much. Off the record.

8 (Whereupon, at 11:20 a.m. the forum was
9 recessed to reconvene at 1:15 p.m. this same day. Thursday,
10 May 18, 1989.)

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

1:15 p.m.

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3 CHAIRMAN RIGGS: On the record. Reconvene this
4 forum. The people who are scheduled to be presenters during the
5 next hour are here. So with your indulgence we'll ask Mr.
6 Mani Seangsuwan to take the seat there. We have two mics.
7 The one with the white base is connected to the recording
8 machine here. And the other one if you're close enough to it
9 will amplify your voice for the other people in the hall. Mr.
10 Seangsuwan is the Director of the Asian Association of Utah.

11 MR. SEANGSUWAN: No, I am not. I am a Program
12 Coordinator for the Citizenship, English and Opportunity
13 Program, Mimi ^{S H e} Chu_{Ching} the Director. So you will turn this
14 time to me now?

15 CHAIRMAN RIGGS: Yes.

16 MR. SEANGSUWAN: Well my name is Mani Seangsuwan
17 counselor and coordinator of the Citizenship, English and
18 Opportunity Program of the Asian Association of Utah. Well
19 our program is to provide english citizenship skills to
20 Asian Pacific Islanders, Polynesian, Tongan, Samoan and also
21 Hispanics. Well at the beginning of the program we focused
22 on recruiting Asians eligible clients to participate in our
23 program. But I don't know what the reason not really
24 successful in recruiting the Asian people. So we have to
25 turn our goal to the Polynesian communities.

1 Let's see. Let me clarify that our agency do
2 not assist the ~~(unintelligible)~~ ^{Illegals} in the phase one of the
3 Immigration Reform and Cultural Acts of 1986. We are
4 involved in phase two, legalization and education. With
5 the success experienced by our agency we have turned our
6 program to the Polynesian community. We have many people
7 like the church leaders from different sects, businessmen
8 and also lawyers supports our group. Because no other
9 group (unintelligible) go to the Polynesian community to
10 work with them. And because of the support from our
11 Polynesian friends we came up with the fifty Tongans, ten
12 Samoans enrolled in the program. Of course we have seven
13 Hispanics and also two Asians enrolled in the program. But
14 the majority of the students, Polynesian.

15 Classroom training was conducted at two sites.
16 One at the Asian Association of Utah office where not very
17 far from Salt Lake County office. And the other one at the
18 Tongan Methodist Church at the west side also not very far
19 from downtown. The classroom available for students in the
20 morning from 8:30 to 11:30. The afternoon from 2:00 to 4:00.
21 In the evening from 6:00 to 9:00. That's for the native you
22 know office students.

23 At the end of the first quarter of classroom
24 training we had twenty students graduate from the program.
25 They received the certificates of satisfactory passes. Of

1 course we come up with many problems like when the
2 educational program building with not enough speakers that
3 speak Tongan, Samoan, Hispanic. We come up with the problems
4 like one class fifteen students. They are not in the same
5 level of understanding english. The level of reading,
6 speaking much different. And because of this the teacher
7 has to do a lesson plan in different levels for them.

8 We also involved with helping them to understand
9 the U.S. history, U.S. government. But in order to make them
10 to understand easier the students have to do some homework.
11 But even learning their own history you know their own
12 countrys history first and then come up with the comparing
13 with the two countries, U.S. history, Tongan history. Of
14 course Tongans still a family with monarchy. And Mexican
15 are familiar with you know the colonization or independence
16 of their own country of their own history.

17 Well another thing come up with helping the
18 students by taking field trips like we brought the students
19 to the state capital where the which was in session provided
20 we show an experienced lesson in government. Also the teacher
21 you know take student to civic culture meeting that they
22 can learn the real thing, make them to understand more.

23 The problems. What I had mentioned another thing
24 that made understanding because of receiving information from
25 different resources. The student receive the immigration the

1 information from immigration. And also from the lawyers,
2 from friends. So at the beginning we have many problems
3 that we can help the student to understand that what your
4 next step. Like they have to wait for sixteen months after
5 receiving the second card what they call temporary resident
6 cards. And then they have to look at the expiration date.
7 How long they can have these cards and when they have to
8 apply for the permanent resident. And because of misunder-
9 standing we don't have you know outreach worker who can go to
10 the community, tell them to understand clearly what they have
11 to do. So our agency have to come up with many problems.
12 We have to takes hours of times to make them to understand.

13 And the other problems what I have mentioned
14 that you know the different levels of understanding english.
15 And many students also came up with -- Well I would like
16 to have a bilingual teacher to teach us so we can understand
17 more U.S. history. Maybe I can not understand english very
18 well. Why I have to listen to the english teacher all the
19 time without knowing anything. But because of the budget
20 sometimes we have to think that one teacher we have to do
21 all the jobs. But however now we plan to have if we could
22 find bilingual teacher to help the students by the bilingual
23 who know the U.S. history and government, they can teach
24 during the U.S. history and government class. And then we
25 should have another teacher the english teacher to teach

1 english class.

2 And also outreach worker what I had mentioned
3 before. We don't have the Tongan outreach worker. Samoan
4 outreach worker. But when the problem come up now we have
5 our own outreach worker who can speak the language and
6 present you know the full information to the people in the
7 community.

8 For the Polynesian Islanders community now only
9 the Asian Association of Utah that get involved with the
10 community. So we are very happy to work with the formation
11 in the community right now. This the information that we
12 have you know from our program that we have come up with
13 two folders so far. So if you have any questions please.

14 CHAIRMAN RIGGS: Are there do you think there
15 are a lot of people that you're not reaching that you ought
16 to be or do you have a sense that the word has gotten out
17 to the people who need to know and you're providing the
18 services?

19 MR. SEANGSUWAN: Well I believe that the native
20 you know outreach worker to go to the community and tell them
21 about the program clearly might be one time. They will
22 understand more you know instead of we have to explain them
23 for many times but they still don't understand.

24 CHAIRMAN RIGGS: Are there many people in these
25 ethnic groups in the Asian groups that you are concerned with

1 who are not getting the meeting the educational requirements?

2 MR. SEANGSUWAN: Well for the Tongan I believe
3 that many of them in the community have lower high school
4 with understand.

5 MS. ORTIZ: I have a question. Do you could you
6 foresee that those individuals in your program now that even
7 the resources made available to you that you have developed
8 would they be ready after they complete your program to face
9 the examination to become to pass the test to become
10 permanent residents?

11 MR. SEANGSUWAN: Well that the problems.
12 According to the information we believe that if the student
13 who comes to apply for forty hours and they could receive
14 the certificate it doesn't mean the student have to understand
15 everything. So the immigration at the beginning that you'd
16 understand it these persons have received the certificate it
17 means that they have attended the class not because of
18 testing.

19 CHAIRMAN RIGGS: Do you have many Asians who were
20 eligible for the program but failed to meet the deadline
21 and if so what is their role in the community?

22 MR. SEANGSUWAN: Well for the Asian what I mean
23 the Asian, Korean, Japanese, Thai from Thailand and Indonesia
24 or Malaysia and the other countries not including refugees
25 what I believe that those people who have been here longer a

1 long time, over five years. And I believe that they've been
2 working, they've been associating with the people. They have
3 enough understanding and more (unintelligible) to take the
4 test at the immigration instead of coming to class to learn.

5 MR. CHENG: For those who finish the forty hours
6 how many of them actually go beyond that to learn more
7 language as proposed in the Act?

8 MR. SEANGSUWAN: Well when the student came up
9 with forty hours or fifty hours now they ask for certificate
10 already. Where's my certificate? And of course we
11 encourage them to come class and take class more because it
12 is free education for them. They could come up to a hundred
13 or two hundred hours for them to go on. But most of them
14 stop by forty or fifty hours because they have the certifi-
15 cate in hand ready.

16 MR. CHENG: In other words, they're not
17 really utilizing the rest of the opportunity the hours to
18 improve the language and improve their employment opportunity
19 skills?

20 MR. SEANGSUWAN: Well I believe not. Because
21 in other well another thing that I would like to present that
22 our agency have another program like employment program that
23 the Polynesian could receive the service from us. We encourage
24 them to take the citizenship class, the english class. And
25 after that if their english level comes to the certain level

1 that we could place them to work we would like to do that.
2 But because of me understanding at the beginning that they
3 said that forty hours enough for me. And maybe I'm too old
4 to come, sit down in the class longer and stopping them to
5 come to class.

6 CHAIRMAN RIGGS: Under the law people who don't
7 register or otherwise meet the requirements of the law are
8 not supposed to be employed. There are sanctions, penalties
9 that employers suffer if they hire aliens who didn't
10 register and didn't meet the requirements. Do you have
11 people who did register who didn't meet the requirements
12 and who are having trouble in finding jobs or do they just
13 disappear and so you don't know much about them or what's
14 going on?

15 MR. SEANGSUWAN: Do you mean those who do not
16 have current employment authorization --

17 CHAIRMAN RIGGS: Yes, that's what I mean.

18 MR. SEANGSUWAN: ^{do} ~~They~~ not come back to our
19 office because they know that they are not eligible to work.

20 CHAIRMAN RIGGS: Are there some out there though?

21 MR. SEANGSUWAN: Of course. I believe so. There
22 must be many of them.

23 CHAIRMAN RIGGS: And do you know anything about
24 how they're surviving economically under the circumstances?

25 MR. SEANGSUWAN: Well it's a nasty law. You

1 know the people who have been here illegally and they don't
2 obtain any card they are not qualified they might be hiding
3 around and then so why because of their families or friends.

4 CHAIRMAN RIGGS: Well thank you very much, Mr.
5 Seangsuwan. I think there are no questions so we'll hear
6 from Mr. Filia Uipi.

7 MR. UIPI: Thank you. Member of the Commission
8 I appreciate the opportunity to be here. Basically I am
9 taking up Past^r Fakahua's time. About last Thursday he came
10 around and just because I'm an attorney I think he can it
11 takes a lot of intelligence in this matter. But I can assure
12 you this is we're both obliged. It's common sense. And so
13 I think I didn't have any much time to prepare. But let me
14 just kind of tell you the fact situation in regard to the
15 Tongan communities.

16 I think there may be about I suspect ^{are} about
17 seven to ten thousand Tongans in the Salt Lake area. And so
18 for instance you're looking there are about what one, two,
19 three, three Tongan Wards of the "S" Wards has been establish-
20 ed in the Valley. Further Pastor Fakahua's congregation.
21 And there are about three or four other little congregations.
22 That's where we are looking to for leadership. And I think
23 I want you to be aware of the fact that the Polynesian
24 community have this laissez-faire type attitude. You know
25 everything goes. You can tell. We don't have any organiza-

1 tion for them to bereave not believe. I could be wrong but
2 I believe that that's you know we come in here to get go for
3 you know bread and butter. And you go for the next day or
4 two you're okay. So I believe that that's the attitude that
5 we have and that's why we're not a good organizing group.
6 And I for one should be blamed for that. No, I shouldn't
7 take that or should I? I believe that that should be a sin
8 of omission in my judgment this is a sewer like you know
9 conference. And I believe if we lack anything as a group
10 of people I think instead of sitting back and you know and all
11 the write up in the values so far within the last three
12 weeks or so you've got the Tongan people are just game. You
13 know that's all the write up. Is nobody with all the rights
14 that we have in regard to the law, the constitution of the
15 United States as citizens we may look like Tongans, we're
16 all citizens. Nobody has rendered you know a hand of
17 support. And I think that's a you know it's not fair in my
18 judgment. But of course you know I'm so involved but I work
19 in law as an attorney you know to survive. And further I'm
20 also the chairman of the maybe unofficially I guess but that's
21 what they told me for the Polynesian Advisory Council for the
22 State of Utah which was organized, not quite fully organized
23 but the Governor of the State of Utah signed an executive
24 order establishing the advisory council. So we're not really
25 in full function yet. But I believe I think the hearing today

1 is in regard to the to the Immigration Act of 1986 and how
2 it's been implemented and how it's effected Tongans. I, let
3 me tell you the Tongans have been effected very poorly in my
4 judgment. And I don't have the time to do public service
5 all the time. You know try to make a living in this
6 community. I can assure you that much. But I have tried
7 my part. And I'm sure that Mr. Okai will vouch for that
8 and a lot of Mani and Cheng would vouch for my involvement.
9 However, I believe that there should be something done now
10 for the Tongan community because let me tell you what the
11 basis of that belief is that now we have to go through as
12 an advisory council to the Governor to the legislature to
13 appropriate funds to organize an association or some kind of
14 an establishment like what the Spanish had, you know the
15 Chinese had and the Orientals have. And so I don't believe
16 we have to go through that route. I think that if there's a
17 need we don't have to go lobby. I lobbied for about five
18 days for your information in regard to this 130 House Bill
19 130 that is making english as a special language in the State
20 of Utah. Whereas we were fortunate to kill the bill. But
21 you know everybody else is out there making a buck while a
22 few you know with the good heart to fight that bill. So we
23 get it out of the way.

24 But as far as informing the Tongan community
25 I give credit to Pastor Fakahua. I want you to know that.

1 With all (unintelligible) and for your information further
2 it's official by the all american board for your information.
3 But we haven't gotten very much as a group or a church.
4 There's no organization. I believe that the churches
5 becomes you know our organization. And that has not been
6 accomplished. So I want to give credit to Pastor Fakahua.
7 He has been the most involved individual from the Tongan
8 community. And I appreciate him for doing that. And it
9 doesn't matter what church you're in. You know I think we
10 need to work together and try to promote these things for
11 our people here.

12 In regard to the Act the Immigration and Amnesty
13 law as an attorney I've probably have helped somewhere around
14 fifty individuals. But there are a lot of people out there
15 that have been left out. There is no not even a single
16 channel that I understand. And you know I've probably
17 beside Pastor Fakahua I have been probably one of the most
18 noticeable Tongan individual that has been involved in the
19 community community actions. But there's never been a direct
20 channel where the Tongan has been informed in regard to this
21 law to be very honest with you. And I can assure you of
22 one thing I've got people now coming to my office it is a
23 profession that I'm in and ask me whether this opportunity
24 that's gone as of May 5th of last year, period. It's too
25 bad. But it tries exposing a lot of Tongan community as well

1 as Polynesian community is not aware of information. I'm
2 glad you called Mani's portion. You talk about the Poly-
3 nesian, two Asian. Isn't that funny? Asian Association
4 with two Asians and fifty Tongans? So there's something
5 along there, something wrong somewhere that somebody dropped
6 the ball in my judgment. I think they I'm just a private
7 citizen you know. And I have done my fair share in my
8 judgment. But somebody -- If the Commission give us being
9 an organizer I believe being supervised is the bottom line
10 of civil rights in my judgment is equal, equal treatment,
11 equal opportunity, equal employment opportunity, equal
12 educational opportunity. Just basically equal. And there's
13 a failure somewhere along the line. Somebody like the
14 Commission should take the Tongans ought to be represented.
15 We need to get to them. Because if you wait the only
16 guys that are going to get to you guys is the information is
17 the gang. I'm sorry to say that. I don't promote that. But
18 you know if you don't do anything that's all we're going to
19 get. They're not going to get guys like me and Pastor
20 Fakahua. You're going to get the gangs. And I think by then
21 it'll be too late. So I believe that it's the responsibility
22 of somebody, I'm not saying the Commission or somewhere. But
23 if the community is in trouble I believe that instead of us
24 instituting and lobbying for an appropriation to organize the
25 Tongan organization somebody somewhere whether it be state or

1 federal should give us a hand.

2 There's a lot of areas. Another issue would be --
3 I got this from the letter that was sent to Pastor Fakahua.
4 So I've got to pencil it down. At the very heart of the
5 legalization process a lot I mean a lot of times they can't
6 afford it. And I'm cheap you know. A hundred and fifty bucks
7 you know to do the paper work. That's pretty cheap I mean.
8 No attorney in this -- Most attorneys charge three fifty to
9 draw paper. I do a hundred and fifty. That's why you know
10 that's why I decided to come here today. But still they
11 can't get the information and they're threatened. Some of
12 the Tongans were afraid to apply even though they qualified
13 were afraid to go because they said oh we're going to be
14 picked up. And yet and you know under the legalization
15 process the law says no way that the information in the
16 legalization office will be utilized you know to process any
17 illegal aliens. That was a fact. But you know what they're
18 scared. I mean imagine if you -- I'm scared when I come
19 to this place you know. I'm still scared. What do you
20 think of a Tongan who dropped at the sixth grade level and
21 (unintelligible). What do they do? His buddy says you go
22 up there they'll pick you up. And look at the opportunity
23 that has passed. A lifetime opportunity. America is heaven
24 and earth. They've passed that because of lack of
25 information getting to our community.

1 Another issue is the availability of support
2 services. Again basically nil for the Tongans, the Tongan
3 community. And the reason being I don't blame you people as
4 well as the state probably. But if we don't have an
5 organization, if there's no channel then organize one rather
6 than waiting for us. You know when we were down in Tonga
7 last year after the Governor signed. The information that I
8 get as the chairman the new, the lobby, the legislature or
9 ask the legislature to appropriate funds. Come on. I mean
10 do we have to go through that? Maybe, I don't know. But
11 this is common sense. I want you to know there's no
12 preparation. Just common sense. Do we have to go through
13 that to be to establish you know for the Governor to estab-
14 lish an association to help us. And now we are here for
15 civil rights, for equal opportunity, equal information, equal
16 channel of informations. It's not done for us. So that as
17 far as support services there is nothing besides Pastor
18 Fakahua and his congregation and his support. As far as I'm
19 concerned the Mormon community and I can speak for it for
20 your information as I said I'm a Mormon myself I've tried.
21 Because the only way that we can get together the Tonga
22 Mormons is through the bishops. We can't. They through up
23 their hands. (Unintelligible) kids to work. I can only do
24 so much. And I have tried in the past. It didn't work. And
25 it's just a cultural barrier that's internal in my judgment.

1 The complexity of the process too complicated.
2 When you don't know the language -- I myself as an attorney
3 try to fill out those forms and try to follow through the
4 requirements. And I want you to know it ain't easy either.
5 So but that's not I think there should be by now a contact.
6 Look at this everybody else trying to get information for the
7 gang of what's going on. Gangs, these kids can tear it
8 away. You know I don't think they're organized if any. And
9 so in my judgment nobody involved is helping us out.
10 Everybody's been calling me because I'm sure somebody calls
11 Mani to find out or Cheng they want to find out. And they
12 say call Filia Uipi. I'm just a ~~man~~ mere citizen. I
13 ain't had nothing to do with it but I'm willing to help.
14 And then what do I do? I redirect those calls to Pastor
15 Fakahua and the bishops in the Valley. What they do my
16 friends is up to them. I'll render my help but I'm not in
17 control. So when you don't have any organization I don't
18 know where they're going.

19 The efforts of the federal and state government
20 in regard to the educational requirements under the Act, again
21 this is about as much and I thank my Asian brothers for
22 helping us in that capacity. Because we just don't have an
23 organization. And I believe in my judgment that there's just
24 not good enough efforts. Lay by any agency you know of the
25 government both state and the federal level to at least if

1 there is no organization make one, a temporary a voluntary
2 organization to give us some kind of a power that we can
3 function. I'm not paid you know. I think America is good
4 enough for me (unintelligible). But I believe that there
5 should be you know even if it's on a voluntary basis there
6 should be some type of an organization or some kind of
7 available governmental power so that we can face our people.
8 And so that you know the calls here there's a channel to
9 help us. So in my evaluation of whether you know the
10 efforts of the federal as well as the state in regard to
11 these Mormons they come to me as an attorney not because
12 I'm Tongan and I'm trying to help out. They come to me
13 because in a legal capacity. But there should be an
14 organization established and I believe with your help and I
15 think we'll help some of these state officials we may as a
16 result of this conference we might just have a Tongan
17 organization. There's some type of a fund somewhere that is
18 a centralized office like these guys. I mean you organize
19 one for two people and there's none organized for fifty of
20 them. And plus programs you know which are not around or
21 willing to show their face. And I want you to know that
22 there's no place for the Tongan to go. We will try pretty
23 quick through you know this has happened to me and other
24 people. But I think it would be a lot easier. I think if
25 there is something from the federal government, from this

1 Commission to help us out. And when the state sees that.
2 There's a lot of Tongans in this Valley more than probably
3 Asians and maybe Spanish are probably the most here and then
4 Tongans are pushing pretty close. So I want you to know
5 that that's our status. But again, consider that they have
6 this laissez-faire attitude. Hey whatever goes, goes. Even
7 though we have the right we forego them a lot of the time
8 because of ignorance and probably because of fear. Thank
9 you.

10 MR. MARTINEZ: I have one question. For some
11 reason it is my understanding and it might be wrong that
12 Samoans and Tongans aren't they considered citizens of the
13 United States or do they need to go through the same
14 legalization --

15 MR. UIPI: They are supposed to go through the
16 same legalization. See Samoans are divided in two. There's
17 the Western Samoa and American Samoa. American Samoa and
18 my understanding of the legality or their status is that
19 they will automatically come and go because it's a
20 territory of the United States. But the Western Samoa
21 will go through just as much as the Tongans as well as
22 the other foreigners.

23 MR. MARTINEZ: Thank you.

24 MS. ORTIZ: And what is your estimate of that
25 population in Utah, Western Samoans as opposed to that would

1 have to go through the same procedures as anybody else?

2 MR. UIPI: The Samoans?

3 MS. ORTIZ: Yes.

4 MR. UIPI: I don't think there are quite that
5 many. I believe the ratio may be five to one, Tonga, five
6 Tongans to one Samoan. That's just my belief because I
7 don't think that most of the Samoans have you know have
8 gone into the other Samoa and have changed status and they're
9 other Samoans and then came here. But there were a few but
10 not quite that many.

11 MS. ORTIZ: So a few would have that would have
12 qualified under the Act Amnesty Law, right?

13 MR. UIPI: Yes.

14 MS. ORTIZ: Okay.

15 MR. CHENG: You might have known that the Act,
16 the Phase II Program besides helping these people to obtain
17 citizenship is really to provide enough of language training
18 to assist them in the future, either language or help out
19 with the other trainings that could improve their opportuni-
20 ties and employment. With the attitude of using the Phase II
21 Program of just passing the citizenship but not go any
22 further are there any suggestions from yourself or Pastor
23 Fakahua as far as how to motivate and inform them of the
24 advantages?

25 MR. UIPI: I'm going to study that. I think that

1 most Tongans from the kind that I have okay and I'm speaking
2 from experience I send them just to get their certificate.
3 To be up front with you. Not because you know I want to do
4 it to get the money and (unintelligible) and something of
5 that nature. No. It's because it's all they have inside
6 them to do. And most of them are old. And I don't think
7 that there's much hope a whole bunch that can be done in
8 regards to some of our older group. However though there are
9 a lot the younger I mean from thirty and forty and below
10 that I -- Let me tell you this. I believe that we have
11 been towed away in our there's no way you can have enough
12 money I guess. You know they are poor people. I think this
13 is the way in the Tongan case and the Tongan population. We
14 need some people powerful individuals either from the
15 government, federal or state to come and motivate us. As
16 dumb as it may sound in some of our congregations help us
17 out, motivate us, you know. We're afraid of breaking
18 through a lot of the barriers. We're just afraid. And now
19 the good thing will be educating you guys you know. Lawyer
20 is just as dumb as I am or I'm just as smart as they are.
21 You know if I've gained anything through law school that's
22 it. We bluff our way through. (Unintelligible). But I
23 believe that there should be some people coming from the
24 state or civil rights group. I mean imagine you say there's
25 somebody from California coming you tell that pastor, inform

1 the church leaders you know. We can congregate. We can fill
2 two chapels for whoever comes. And tell us that he's right.
3 Tell them he's good people. We have these fears back in the
4 islands of the government is way up there and you know we're
5 down here and man they're going to come after us. We need to
6 remove those fears. And as Cheng's question in regards to
7 how do we motivate these common people to take advantage
8 of what's out there. I think we just need to do more of
9 motivating, taking them you know in there. When I went to
10 law school they almost kicked me out of law school. They
11 tried so hard you know. And I see a conference like this
12 you know trying to see (unintelligible). You know and I
13 said you kicked me out there'd be blood in this place. I was
14 a kid at the time. But who knows. They kicked me out, man
15 I was crazy. But they left me there. And when I was done
16 there were eighteen howling in that aspect. Me I you know
17 it was great to think that. And that's all we need to do is
18 to allow the Tongan people to think. Now is the time that
19 they come around. With the gang issues in the community and
20 with a lot of hardcore trouble I think some people are
21 beginning to feel we need to pull together.

22 I cried ten years ago. Nobody listened to me
23 you know. But we didn't have that quite as much of a problem
24 as now. So I think the only thing I can say is to motivate
25 them by getting some people out to help out you know by

1 motivating them. But you can do it you know. And so I think
2 that when I got out of law school without being kicked out.
3 You know what? All the Tongans that filled me you're going
4 to make it you know. Nobody else was going to do it why
5 hang it up you know? And on the other extreme they were
6 you can make it (unintelligible). That was the rationale
7 to try and finish school. So it's just a matter of pushing,
8 pushing, pushing once you get in there.

9 MR. CHENG: So would it be a disadvantage now
10 that for SLIAG funds they don't really provide outreach.
11 And do you think that is one of the reasons why your
12 populations are not fully utilizing the programs?

13 MR. UIPI: Yeah. Because I didn't know until
14 he called me. I didn't know the program. And the only
15 reason I know the program because I send my guys over there.
16 We go over there. He's an attorney. So that I can file
17 the cases and finish up the process. For that very reason.
18 Nothing more.

19 CHAIRMAN RIGGS: Well thank you very much. We
20 appreciate your coming here to take this time to share
21 your views with us, Mr. Uipi. We now have Mr. Louis M.
22 Pickett, Director of the Utah Employment Service. He will
23 be our next presenter.

24 MR. PICKETT: Good afternoon, ladies and
25 gentlemen. I am the Director of the Employment Service.

1 The Department of Employment Security is administered by Mr.
2 Aston. The invitation from this panel came to the
3 Industrial Commission, Mr. Juan Perez who passed it to Mr.
4 Aston who passed it to me. So here's what you get.

5 As the Director of Utah Employment Service I
6 participate on a state, a federal committee, the Employment
7 and Training Committee on the Interstate Conference of
8 Employment Security Administration. At the time this law,
9 was passed in November of 1986 I was on the Committee and
10 we recognized that this was an issue that the employment
11 service might be able to use in order to further the use of
12 the services by employers. There is a little passage in the
13 law that provides that if an employer hires an individual
14 and does so through the employment service and if the
15 employment service performs the I-9 certification, determines
16 the eligibility of the client to work and we send to the
17 employer that certificate and the employer retains that as if
18 they had prepared a form I-9 INS form they have no concern
19 from the enforcement officials of INS. In other words, job
20 service takes on the responsibility, the liability if there's
21 an error the employer is forgiven that. We recognized this
22 as being a selling tool. And so the national committee that
23 I served on met many times during the late 1986 Winter and
24 Spring of '87 period talking about policies and practices
25 that we would put into place. Each state of course does it

1 differently. But we had opportunity in Utah then to decide
2 on a course of action which included brochures for us to
3 prepare and to send to employers attempting to sell our
4 services educating them on the program, fliers to employers
5 and information sheets that we provided on the reception
6 counter for all applicants coming into the office.

7 During the period from May to October of 1987
8 we conducted employer seminars throughout the State of Utah.
9 I personally traveled extensively. We held about thirty of
10 those seminars. And had in attendance a total of about eight
11 hundred employers. Now when you consider the number of
12 employers in Utah that represented a big two percent of them
13 that showed up to be educated on the program. Some of those
14 seminars were held in conjunction with the State INS officials.
15 They also had the responsibility during that period of
16 educating the populace on the new law. So they were trying
17 to do the same thing that we were. And when they learned
18 that we were doing it they joined forces with us and tied up
19 some of our statistics along with theirs in some cases and I
20 am sure did some on their own to fulfill that responsibility
21 of education.

22 But we established a policy then and communicated
23 it to our staff throughout the state and incidentally we have
24 twenty-four local offices scattered throughout the state in
25 each of the service delivery areas of the state and multiple

1 in many of them. We trained our staff. We set up an
2 automated procedure that would make it possible for us to
3 send a certificate from the administrative office automatical-
4 ly as soon as the system learned that a placement had been
5 made to an employer who had indicated on the job order that
6 they wanted us to certify. In order to do that it was
7 necessary that every applicant who went into our automated
8 system we have a form I-9 on. And you're aware of the
9 requirements of that form I-9 I believe where we have to
10 prove identity and eligibility to work in the country. And
11 that was no small task we learned. As the receptionist would
12 inform the client at the counter that in order for us to give
13 service we had to see the picture I.D. and a social security
14 card or a drivers license or whatever from this list that we
15 showed them that they could produce. And they couldn't. And
16 they had come perhaps some distance anticipating service. And
17 we attempted to turn them away. There were some bad scenes
18 there.

19 CHAIRMAN RIGGS: Is this something you're
20 requiring of every applicant regardless of whether they've
21 been in the alien^t category or not?

22 MR. PICKETT: Oh yes. Otherwise that's
23 discrimination, sir. Every applicant no matter what they
24 looked like, what they sounded like. And those who thought
25 they shouldn't be considered because they didn't look and

1 sound different than me were pretty upset. They were the
2 ones that were the most angry. I mean you know I was born
3 here in the State of Utah. You know I'm a citizen. Why are
4 you putting me through this? We're putting him through that
5 because the law said we have to. And in order for that
6 automated system to work, in order for us to be able to send
7 a certification to any employer that requested it we had to
8 have in our system the fact that we had an I-9 on file. That
9 I-9 was microfilmed for permanent retention, at least
10 permanent for several years to meet the requirements of the
11 law.

12 Well we felt the employers would grab this and
13 would be pretty excited about it. We went into operation
14 and we begin to sell large numbers of these forms to
15 employers with the instruction to them that in order for that
16 to be valid they had to have the new employee sign it in
17 their presence. And they said, wait a minute I had that
18 person last week. I put him on a pickup truck and I sent
19 him forty miles out into the oil field or on a construction
20 project. You send me the form here. This won't work. Other
21 employers said, we had to say we have a very sophisticated
22 personnel staff. We induct new employees and fill out all the
23 other induction papers. We may as well go ahead and fill
24 out these at the same time. Then we don't have to bring them
25 back in off the production line to sign their certificate.

1 So not every employer was enthused about the service that
2 was being offered. In fact, we found out that not every
3 employer really cared there was a change in law because they
4 never hired any illegals anyway they assumed and they had
5 never been approached by INS enforcement officials and no
6 one anticipated they will. And so it didn't have quite the
7 impact that we thought it might.

8 The impact however was in our local offices where
9 the receptionist and the interviewers were being hassled
10 by irrate clients. And the result was that in February of
11 '88 after we had only been operating for about six months
12 February of '88 we said all right we'll change the procedure.
13 And we got permission by writing to the INS Regional Office
14 in Denver to modify it so that we no longer took an I-9
15 form on every client that came into our office. Instead we
16 informed the client that there would be employers who would
17 ask us to do this service and that we would not be able to
18 refer them unless we had an I-9 form on them. And so the
19 employer was still encouraged to request the certification.
20 When they indicated they wanted that we marked it on our
21 application which went into the automated system. When we
22 referred anyone out we had to first have them come into the
23 office and complete a form I-9. That gave us a chance to make
24 sure our screening was working and then we could refer them
25 to the employer and still could provide the certificate. So

1 now the number of I-9's taken is reduced very drastically.
2 Those who don't want to fill out a form I-9 fine we can send
3 them to employers that don't request it. And that's the
4 practice that we have in place right now.

5 This certificate, I don't know what kind of
6 detail you want, whether you want to know what time it is or
7 how to make a watch here. But the certificate we're
8 concerned about the possibility of it being picked up on the
9 street and being reproduced and become a forgery. And so we
10 prepared special paper and special procedures that we felt
11 would make it possible to retain the security of it. We did
12 not let the client hand carrier it. It is mailed to the
13 employer, other practices of that nature.

14 I think I've already covered the reaction. The
15 employers were a little less than as enthusiastic as we
16 hoped. The staff were a whole lot less enthusiastic, our
17 staff, than we had hoped. The applicant if they had the
18 documents and they had been forewarned sufficiently they came
19 prepared. It wasn't that big of a deal. But if they hadn't
20 it was a big deal. And they didn't like that.

21 The after we changed that policy in February of
22 1988 in fact during the whole time we've tracked the use of
23 it and our experience with it started out with a fair
24 percentage of employers asking for the service. It dropped
25 down to where it's leveled out now where about twenty percent

1 of all the orders that we receive for permanent jobs that is
2 at least more than three days, a job of more than three days,
3 about twenty percent of the employers ask for the
4 certification. And that varies considerably from office to
5 office depending on how enthusiastically our management and
6 staff in that office has been using it as a sales tool.

7 We have found some employers who started using us
8 because of this service offered but not in the numbers that
9 we had anticipated. Now we were aware because of meeting with
10 having in our meetings in some of these national groups the
11 enforcement concern. In fact, the provision in the law that
12 if there should be if there should turn out to be patterns of
13 discrimination substantial patterns of discrimination that
14 we would have to affix that on the law. So we've been
15 watching that. And I asked the Industrial Commission the
16 Anti-Discrimination Division whether or not they have had
17 any increase in activity during the past couple of years as
18 a result of this law. The director of that division said
19 none. The only experience they've had is a couple of cases
20 where an employer has apparently refused or been hesitant to
21 pay an employee because the employee had introduced evidence
22 that they were illegal to work. When they came into the
23 Industrial Commission they helped them to get the documents.
24 When the documents were faxed to the employer the employer
25 sent the check. That was taken care of. But discrimination,

1 I haven't seen any evidence of that. They apparently at the
2 Industrial Commission have not. When I asked the managers
3 throughout the state if there were any discrimination where
4 minorities who may be perfectly legal to work logically
5 are would be just avoided because of the potential problem
6 of sanctions with INS. We haven't seen that. I asked our
7 Labor Information Section to give me data as to the impact
8 of or the any trends in the percent of the numbers placed of
9 Hispanics particularly in the Utah area. And I have the past
10 three years data. And it appears the number, the percent of
11 Hispanics as a part of the applicant file and placements have
12 actually increased rather than decreased. So I see no
13 evidence of discrimination on the part of the employers. Now
14 that doesn't mean that there can't be isolated cases. But
15 the trend, the statistics would suggest that there has not
16 been a widespread trend towards discrimination because of the
17 law.

18 One of the concerns that we had on our first
19 policy when we decided we'd take an I-9 on every employee we
20 got involved with our Unemployment Insurance Division to
21 determine whether or not there's an issue of eligibility for
22 benefits. If they do not produce a form I-9 therefore are not
23 legal to work in the country they would not be eligible for
24 unemployment insurance because the earnings would have been
25 the money then earned in that period or they were not legal.

1 The legalization came along later. And if they became legal
2 then after that they would be the earnings would be covered
3 and they could be eligible for benefits. But when we decided
4 to change the policy we also got a decision from our
5 unemployment insurance people that they would not question
6 whether they were able and available and therefore be
7 uneligible for benefits.

8 I think I've talked a little bit about general
9 observations and some statistical data. We have had contacts
10 in job service relative to the issues of amnesty and
11 legalization and whether or not we could produce documents
12 that they were -- I think some reference was made earlier
13 to the SAW program, the Special Agricultural Worker. We've
14 had agri employers quite concerned about the fact that they
15 have relied upon migrant farm workers over the years. If
16 they become legal then they can get out of that migrant
17 stream and take a non-ag job. And they were concerned about
18 whether they were going to harvest the crops or leave them
19 in the fields or on the trees. It has happened that since
20 the law either a combination of the nature of the harvest or
21 the availability of the workers we have not had a serious
22 problem that I'm aware of. We are involved in job service
23 with the legal certification of individuals coming into the
24 country, aliens, to work in both the ag and non-ag. And
25 that has continued. It existed before the law and continues

1 to exist today. I'm not aware of any change in the numbers
2 of that either.

3 Well perhaps I'll stop there.

4 MS. STOVALL: I'm curious about the numbers of
5 people that you "caught" with this I-9 form. I would assume
6 that illegal aliens would not utilize job service to find a
7 job.

8 MR. PICKET: I didn't mean to suggest that we
9 caught anybody. What we caught was people like me who hasn't
10 carried a social security card with them in thirty years
11 because I haven't changed jobs in that long. And I had to
12 go back in case I ever wanted to change jobs I had to search
13 my home for a period of weeks before I finally found an old
14 box that had my original social security card in it. I've
15 never had a personal copy of my birth certificate. I know
16 that for a price I can go to the Health Department and get
17 that. I've never had a passport to go out of the country.
18 And so the people who were unhappy with us were those who
19 were U.S. citizens I suppose but did not come prepared to
20 prove it therefore to get our service. We are not
21 incidentally an enforcement agency. We work with INS, happy
22 to do what we can as citizens and as a governmental agency.
23 But it is not our role to enforce this law.

24 MR. MARTINEZ: Yeah. One of the things that I
25 have been fearful of is that in looking at the I-9 form or

1 looking at the questions that employers will start asking
2 for green cards rather than just a picture I.D. and a
3 social security card. And I wonder if you have heard or
4 are you doing anything to educate employers that if a person
5 has a social security card and a drivers license that person
6 is eligible for employment?

7 MR. PICKET: The training that we gave our staff
8 was you do not specify the document. You merely show the
9 list and ask either for a document from List A which does
10 both or if they don't have that a document from List B and
11 List C and do not advise them. However, the overwhelming
12 numbers that we deal with -- Since we were taking from
13 everybody and only a small part of that population that we
14 deal with is minority or would be alien. I mean most are
15 local residents born and raised in this state or perhaps
16 moved into this state. But at any rate the easy thing is to
17 say why don't you show me your social security card and
18 your drivers license. They shouldn't do that. And we've
19 told them, you just show the list and we provide an 8½
20 by 11 sheet that was at the counter. And we just say, show
21 them this, show them the documents and ask them to produce
22 either one from this list or one from both this one and this
23 one. The employers in those seminars where we reached two
24 percent of the states employers we talked about those things.
25 But we've not been able to go around and attempt to educate

1 all employers. In fact, my sense is that major employers
2 with sophisticated personnel sections pay attention to this.
3 A lot of mom and pop shops just simply nothing's happened in
4 their mind. They go about their business hiring and using
5 employees and don't worry about an I-9.

6 MR. MARTINEZ: You don't get the sense that those
7 mom and pop shops they are now not hiring what they consider
8 illegals because they don't want to get involved?

9 MR. PICKETT: We thought that might exist. And
10 that's why I've looked at least the Hispanic. I didn't get
11 it from any other group. And that's only those placed through
12 job service. Which is only a percent. You know a majority
13 of people get their jobs on their own or from other sources.
14 And until the census comes out, which is only each decade
15 we don't have good data on that. So we don't know totally
16 what's happened in the community. But those who use job
17 service it appears that there is not that practice.

18 MR. MARTINEZ: Thank you.

19 MR. MECHAM: Could you make us aware of the
20 nature of any employer sanctions that have been levied in
21 the area? Is there any actual cases where employers have
22 disregarded the certification process and have been apprehend-
23 ed by INS?

24 MR. PICKETT: I believe you have INS coming on
25 a little later in the day. And perhaps they can do a better

1 job. We were anticipating a lot of publicity and frequent
2 enough cases that the employers their attention would be
3 brought to this. And we therefore would get more business
4 from them. Unfortunately in spite of the fact that INS
5 had an increase in funding for border patrol and for
6 education and for other things there's not that many I guess
7 that's getting known. There have been some in Utah. But
8 I'm not aware of very many that I could -- The ones I know
9 I don't think I could fill up two hands counting. And I
10 can't sight any specifics.

11 When we first began to hear -- And you see there
12 was an education period, sort of a King's "X" period from the
13 time the law was passed until was it September 1st or even
14 November. I'd have to go back through some files. But it
15 was not until about a year later. In fact, the sanctions I
16 think started in June of '88 which was over a year wasn't it
17 from the time the law was passed. They had a period of about
18 six months plus about another year in which to educate
19 the applicant, the employer, the world and then the sanctions
20 would begin. And we heard of a big case in Texas and one on
21 the East Coast. And we began to say oh boy now the employers
22 are going to start paying attention.

23 But I was very much involved all during 1987 both
24 on a national scene and locally and putting procedures into
25 place and dealing with, observing this wrath of the clients

1 being beaten down. I guess I was the advocate of us getting
2 into this. And I had my neck on the line a little bit at
3 our office. And I had to back off to a point that we're
4 now just letting it be employer driven. Today we met the
5 few of us to talk about whether or now we're going to spend
6 \$1,600.00, do a little programming to include a new provision.
7 We now have to list the alien certification number on our
8 documents for ag workers. A new requirement. We feel that
9 when the final regulations on this law comes out we're going
10 to have to modify our automated system, a major overhaul,
11 a lot of money. At that point we may have to decide to
12 abandon the whole thing. We're not deciding right now to
13 abandon because we think if there should be some more publicity
14 of sanctions that's costing employers some money and hurting
15 they might say maybe we'd better go back and look again at
16 that offer from job service. We're the only organization
17 that can take the place of the employer in this regard, the
18 State Employment Service. Private agencies have tried to
19 get into. Other agencies have tried to. And the law is
20 very specific that we can do it and no one else. And we
21 thought we had a real monopoly there. And we've just we need
22 to get some business. But the sanctions have not been that
23 many or that well publicized or whatever to have gotten any-
24 body's attention.

25 CHAIRMAN RIGGS: Well you're indicating that most

1 employers aren't paying much attention to the sanctions, ...
2 they're just hiring the way they always did. You don't have
3 many cases of sanctions actually being applied. Does this
4 mean that that aspect of the statute as Congress
5 intended is probably failing? Apparently one of the
6 objectives was to make it difficult for those who remained
7 illegal to obtain employment. It sounds as though it's about
8 as easy for an alien^t who remains illegal to obtain
9 employment as somebody who has the card. Is that a fair
10 analysis or not?

11 MR. PICKETT: I know I can't say this is off
12 the record obviously but it's just my opinion. I guess the
13 office is not going to take a position on this. But my
14 personal observation is it doesn't seem like that's having
15 much effect. I don't think the flow of illegals across
16 the borders has been effected unless it's been increased. It
17 just doesn't seem like it's working yet. Maybe it has to be
18 overhauled a little bit, fixed so that it will work if that's
19 going to happen.

20 CHAIRMAN RIGGS: Tom Pilla contacted the I think
21 the Director of EEOC of the area in Phoenix. And his
22 indication was that the problem of discrimination simply
23 hadn't emerged at least at the official level. So apparently
24 there seems to be reasonably fair treatment to the extent
25 there wasn't before I guess of aliens but the discouragement

1 of employing.

2 MR. PICKETT: I don't know if we can afford
3 what it would take to enforce the law. That's an INS
4 problem. But job service received not a penny to do the
5 extra work that we have done. We just felt it would be a
6 promotional tool and went into it using the regular advisory
7 funding. But I just don't know. It would take an awful lot
8 of staff to enforce this sufficiently to make it too risky
9 for the employer. We're aware that until that law was
10 passed it was not illegal for the employer to hire this
11 person. It was only illegal for the person to work in the
12 country. There were no sanctions. This made it illegal for
13 the employer. And we just thought that everybody would put
14 their hand over their heart and obey the law and that we
15 would see some change. And it apparently hasn't.

16 MR. CHENG: Can I ask a question related to the
17 sources of information you obtained in regarding detecting
18 whether or not there's any discrimination? You mentioned
19 about three sources. One is the anti-discrimination?

20 MR. PICKETT: Division of the Industrial
21 Commission of Utah.

22 MR. CHENG: Right. Okay. And the other would
23 be employers.

24 MR. PICKETT: Yeah. And that's just a sort of a
25 sense. That one is not, that is not hard facts data from

1 them. It's just our information --

2 MR. CHENG: Right --

3 MR. PICKETT: With them. And the feeling is they
4 don't see much of that.

5 MR. CHENG: Right. It seems that among the
6 population that we are targeted on it's highly unlikely that
7 they would approach the Industrial Commission to resolve any
8 labor discrimination kind of issues. And for employers I
9 think it would be very difficult for them to confess that
10 they discriminate against any employees. I wonder whether or
11 not we just simply have a lack of data on the matter rather
12 than a reflection that there's no discrimination. I really
13 think that we need to distinguish between the two. Otherwise
14 these generalizations because of a lack of reporting that
15 there's no problem, the assumption that there's no
16 discrimination. But I agree with you very totally that since
17 job service didn't really receive any funds to conduct any
18 work on that it would be difficult to spare the manpower to
19 see whether the Act itself has created any problems in
20 employment related kind of discrimination. But I do think
21 that those data are very lacking. And it seems like there
22 could be some ways to collect and require special funding
23 or manpower to do it.

24 MR. PICKETT: You're right. The data that I do
25 have is from our files of the placements. The applicants on

1 file and the placements. And I mentioned that I had it on
2 Hispanics. I actually have it broken down on each of the
3 minority groups. And for instance, the percent of applicants
4 that are Asian three years ago was five percent. It went
5 up to 5.33, 5.75. The placements was at 6.2, 6.11 and 6.98
6 this past year. And Alaskan Native, American Indian and
7 Alaskan Natives 3%, 3.1, 3.39. The percentage seems to be
8 increasing as a percent of the total. That's just those who
9 use job service. And the total labor exchange that goes
10 on in the community and state we don't have that here.

11 MR. CHENG: It sounds like the correlation of the
12 population increase could be a factor of the increase?

13 MR. PICKETT: This is a percent of the total
14 placed. The numbers that go up and the percent goes up, both
15 in this past year. So and it may not have -- This suggests
16 that there must not be extensive discrimination against the
17 fact that we're able to place percentage wise ^{city} ~~parody~~ and then
18 some.

19 CHAIRMAN RIGGS: Well thank you very much, Mr.
20 Pickett. We're grateful for your coming here and sharing this
21 with us. Our next presenter will be from Catholic Community
22 Services. Miss Joan Gardner who is the Assistant Director of
23 CCS. In addition we have Mr. Paco Rueda a case worker in the
24 immigration project; is that right? And we have somebody
25 else. Be sure to identify yourself.

1 MS. GARDNER: We don't need these. I am Joan
2 Gardner from Catholic Community Services. Can you hear me?
3 With me is Paco Rueda who is one of our staff case workers
4 who worked throughout the legalization program. And also with
5 us is Patricia Stevens who has worked with our immigration
6 program for the past five years. Paco is going to speak
7 later about the legalization process and about our statistics
8 of our involvement with the legalization program. I will give
9 you a little bit of background about our agency and how we
10 became involved in the --

11 CHAIRMAN RIGGS: Excuse me. I'm sorry. Are you
12 having difficulty hearing back there?

13 MS. GARDNER: Have you heard anything I've said?

14 CHAIRMAN RIGGS: We have. Yes.

15 MS. GARDNER: Our agency became involved with the
16 immigration program back in 1982. Silvia Pena-Chacon spoke
17 this morning and told you that Utah Legal Services had some
18 difficulties in providing immigration services locally due
19 to their federal funding. Catholic Community Services is a
20 non-profit agency. And we are funded primarily by private
21 foundations, by United Way, by private donations. So we are
22 able to serve people that Utah Legal Services does not have
23 the authority to serve. In 1982 we opened our program and
24 by 1985 we were granted accreditation from Immigration
25 Services to provide legal representation for immigration

1 issues before the Immigration Service on behalf of clients.
2 We were allowed to represent clients to the Immigration Judge,
3 the Regional Judge from Denver and also before the Immigration
4 Board of Appeals.

5 The primary focus of all of our immigration
6 services is family unity. And our goal is to provide low
7 cost affordable services to those who would otherwise have
8 to go without legal representation. As our agency became
9 deeply involved in refugee resettlement back in 1975 we
10 started our refugee resettlement program. And I've been
11 involved with that program for the last fourteen years and
12 director for the last ten years we have resettled approximate-
13 ly 7,000 refugees into the State of Utah. Through those
14 people naturally followed a lot of immigration issues. We
15 assisted those people to become permanent residents after
16 they were here generally now it is one year. At that time
17 there was a three year wait from 1975 to 1978 before the
18 proper legislation was in place with the early refugees to
19 gain permanent residency. But we did all of the paperwork.
20 We set up the interviews. The immigration adjudicator
21 actually came over to our office and processed numerous,
22 up to a hundred refugees at a time for permanent residency.

23 In 1985 part of all of those services that we
24 were providing to refugees and other services provided in our
25 general immigration program we were granted that accredita-

1 tion that is so important.

2 Through our resettlement program and the
3 immigration program we are affiliated with the United States
4 Catholic Conference : nationally, their migration and refugee
5 services offers us constant updated materials, informational
6 materials and technical assistance. We have accessed two
7 attorneys through their clinic program which is the Catholic
8 National Program for Immigration Services.

9 Before the Immigration Legalization Program
10 began we were granted status as a qualified designated
11 entity and were able to provide services to those who could
12 benefit from the IRCA law. We sent twelve representatives
13 both staff and volunteers to Las Vegas for training to gain
14 information on the law and on the implementation of the
15 program in Utah. When we returned from there that was in
16 April of 1987 we set up a program that was structured with
17 staff people at the local level staff in Salt Lake City to
18 supervise outreach offices in five communities. We had an
19 office an outreach office staffed by a volunteer coordinator
20 in Price which assisted people from Halper and Green River
21 areas also. We had an office ² in Provo which covered
22 Cason, Alberta, Genola. We had an office in ³ Ogeden which
23 covered Brigham City, Treemonten, Logan and Wendover. In
24 addition to that ⁴ one office in Richfield that was coordinated
25 by a catholic nun assisted 107 people who completed all

1 their work in 24 different communities throughout central
2 and southeastern Utah. Our aim again was to reach as many
3 people as possible who could benefit from the law and to
4 provide low cost or in some cases no cost assistance. In
5 addition through private catholic foundations we were able
6 to offer loans to people who were totally unable to pay the
7 fee that was required by the Immigration and Naturalization.

8 We did charge fees to those who were able to pay
9 them. We charged \$75.00 per person or up to \$250.00 per
10 family. We felt that that was a nominal fee. It was asked in
11 the form of a donation. If people simply could not pay we
12 tried to provide that service.

13 Right now we are still assisting people who have
14 applied and who are in the appeal process. We worked all the
15 way from May 5, 1987 through November 30, 1988 with setting
16 up the appointments and participating at the interview with
17 the client. Now the appeals are still going in. And the
18 people when they are notified that they are denied have
19 thirty days to appeal the case to the Lincoln, Nebraska
20 Regional Office.

21 In addition to that we are providing english
22 language and civics history training in the Wendover area
23 again through a catholic nun who is teaching 150 students.

24 We have seen -- Mr. Pilla asked us to note any
25 problems that we saw. Our main problems are lack of funding.

1 Now that the application process is completed on the first
2 phase we don't have the income coming in and our director
3 who worked in the program from July of 1987 through November
4 through the deadline of November 30, 1988 has resigned. So
5 we are left with just these people to do the work. There is
6 still confusion over the requirements for the completion of
7 the process. We are trying to educate the people. Immigration
8 will send out their notices. But there is still a lot
9 of confusion as to what is required as far as the english
10 language training and the civi's, the test that the people
11 have to take at Immigration. There's a great deal of confu-
12 sion over the public benefits and whether accepting any form
13 of public benefit will jeopardize their permanent residency.
14 The decision on that.

15 The gentleman from Employment Security talked
16 about the I-9 process. And we noted in the refugee program
17 that it was very difficult to get our refugees into early
18 employment because they did not have access to a picture
19 I.D. card until the social security card arrived. And with
20 all of the confusion of the applicants for amnesty applying
21 for social security and also the income tax law that required
22 everyone to have a social security number last year it was
23 taking up to three months for a refugee to get a social
24 security card. Therefore, it was difficult to keep them
25 from trying to access public assistance because we could not

1 get them into work even though they were employable and
2 willing to work. Thank you. Paco Rueda will tell you about
3 the process we use and where we are headed.

3a
3b
4 MR. RUEDA: Let me talk about the process and how
5 it follows. The first step is the intake which is the first
6 visit of the new client to our office. In that step we fill
7 out what we call an eligibility preform in order to see
8 under which program the applicant or client falls under.
9 At the same time we inform the client about all the
10 documentation needed for this file to be presented to INS.

11 In the next few visits the client brings, starts
12 bringing documents to prove employment, residence and I.D.
13 and at the same time we start taking pictures, fingerprints
14 and medical exams. After that we check, we review all the
15 documents against a checklist and we do a final review
16 we check about the translation of all the documents in
17 spanish have been translated into english. And that all
18 forms has been signed by the clients. Then we can if we
19 have all the documentation completed we can go to the
20 Immigration Office and bring the case in and obtain an
21 interview for the client. We let the client know about the
22 interview by mail or by phone. And finally we accompany the
23 client before the INS and we serve there if needed.

24 In the interview at the INS office the client
25 can be approved, can be sent for more documentation or can be

1 denied. In the case of more documentation needed the client
2 is provided with two or three more weeks to obtain those
3 documents and go back to immigration. And in the case that
4 the case is denied then the client has thirty days to appeal
5 the decision before the original processing facility in
6 Lincoln, Nebraska.

7 If the person let's those thirty days go and
8 doesn't do anything then the case is automatically closed.
9 So we urge people to apply in those thirty days following
10 the denial.

11 In the process of appealing the applicant has
12 to get documentation in order to overcome the reasons of the
13 denial. So that's the main purpose of the appeal is to
14 obtain documentation, proof in any form in order to overcome
15 the reasons for the denial. And then the case is submitted
16 to Lincoln for the reconsideration. That's a long process.
17 It could take months. It could take more than a year. We
18 can't tell. Many of the clients, many of the applicants
19 they ask us how many months is it going to take. We don't
20 know. That's a long process. That's how our involvement is
21 in the legalization process.

22 Talking about some statistics our committee
23 has submitted around 1,000 cases to the INS office here in
24 Salt Lake City from all over the State of Utah, from the
25 State of Idaho and Wyoming. From these 1,000 cases there is

1 55% of the cases belong into the Special Agricultural
2 Workers or SAW's and the other 45% is regular amnesty or
3 people who came before 1982.

4 I've got another statistic of people coming
5 from different countries. There is 94% of people from
6 Mexico who applied under our agency. And the other 6% is
7 composed by Iran and Latin American people. I would say
8 that from our experience and to the present because we still
9 have one-and-a-half months to go until the final interviews
10 in our office there is a 65% of cases approved and 35% of
11 cases denied.

12 Now considering the denial cases 80% of the
13 denial cases are SAW's and 20% are amnesty or regular
14 legalization cases.

15 I think we have a few minutes to talk about
16 what the impact of the law in different people. First for
17 the people who obtained their employment permit the impact
18 has been positive they can go to work, they can go to school.
19 But for the people who haven't the impact has been very
20 negative and they don't know what to do. Some of them who
21 have been denied they have returned to their country. Some
22 other ones they are trying to get the documentation for the
23 appeals. And the main problem that we see is that people
24 who have been denied either locally or by the regional
25 processing facility they can not work any longer. And at the

employ

1 same time they do not want to leave the country. The problem
2 is that how can they support themselves?

3 Another problem is the split of families. There
4 is a lot of families in which one spouse has obtained
5 legalization or is in the process and the other spouse and
6 the children have not. So they are in this limbo situation
7 where they don't know what's going to happen later. If
8 they're going to have to separate families, children from
9 parents, et cetera.

10 Talking about the second phase of the legaliza-
11 tion process there is a lot of people who are attending to
12 school and they are attending on a very regular basis. But
13 at the same time there is some reluctance from older people.
14 They feel like they are not able to start learning a new
15 language now. And that's why they have fear to go to school.
16 In a few areas there is a lack of schools near towns. In some
17 remote points in Utah for example people have to travel
18 long distances in order to get to school in order to get
19 near some classes.

20 The reaction to the second phase is generally
21 positive with people even though they have to get some
22 more photographs, they have to 'ay a \$90.00 money order as a
23 fee and have to school or/and they have to get the H&P test
24 done.

25 If you have any questions? Yes?

1 MR. CHENG: How did you get your referrals in the
2 process of people applying? Do they come to you voluntarily
3 through outreach to reach them?

4 MR. RUEDA: Our agency or through the state is
5 very well known all over the State of Utah. Besides I
6 think through the church they know about the agency and they
7 get referred by you know the church or people in general.

8 MR. MARTINEZ: Mr. Chairman? I have a question.
9 I'm trying to get an indication for how many people did not
10 come in soon enough. Have you kept track of the number of
11 people that are coming in after the deadline in terms of
12 applications? Is there a large number? Are most of those
13 people have qualified if they have come in to you before
14 November or whenever it was?

15 MR. RUEDA: Yeah. After the deadline in November
16 30th we have had some people coming to our office asking for
17 services. Not many. And most of them we always sit down
18 with them and explain about the deadline and the requirements.
19 But most of them they do not qualify.

20 MR. MARTINEZ: They do not?

21 MR. RUEDA: No. Under any of the two programs.

22 CHAIRMAN RIGGS: You have indicated you have
23 processed about 1,000 cases. This morning we heard some
24 figures, either five or six thousand aliens in Utah. I'm
25 not quite sure how those two relate. You of course haven't

1 handled them all. But I thought you had handled more than
2 anybody?

3 MR. RUEDA: Well --

4 CHAIRMAN RIGGS: Does that mean that four or five
5 thousand are not qualified?

6 MR. RUEDA: There is other agencies besides
7 Catholic Community Services you know which are not present
8 here like Bureau of Development with the County. The Farm
9 Bureau of Utah they have processes a lot of cases too. And
10 I know the Farm Bureau for example they process a lot of
11 people through their agency.

12 CHAIRMAN RIGGS: I was under the impression there
13 were about six immigration projects in Utah and you had run
14 four of them. But maybe that.

15 MR. RUEDA: We've got different offices in remote
16 points of Utah. But all the cases come to Salt Lake City
17 and then we get the cases through the INS to get the
18 interview.

19 MR. MARTINEZ: There were also a number of people
20 that used private attorneys or other people that went with
21 them too. So not necessarily all of them came through --

22 MR. RUEDA: No. No.

23 MR. MARTINEZ: Is that correct?

24 MR. RUEDA: They don't have to.

25 MR. MECHAM: What is your experience with the

1 Phase II aspect of this? Are people going to be completing
2 that on time and are they in the process now?

3 MR. RUEDA: Well they've changed the law now.
4 At the beginning they had to wait eighteen months after they
5 their card in order to apply for permanent residency. Now
6 they can apply any time after they have the temporary
7 residence. And they are very happy to know that and they can
8 apply. They are going to school. Every day they are
9 attending school. Or some of the people they don't need to
10 go to school they can prepare to take the test you know the
11 one hundred questions.

12 MR. MECHAM: One of the questions that came up
13 earlier regarded funding and the level of funding for
14 the classroom work. And it was mentioned earlier by Joan
15 that funding had been a problem. Would you care to elaborate
16 on that? Do you have sufficient funding to handle the
17 classroom work?

18 MS. GARDNER: We are receiving SLIAG funds for
19 the classroom hours that students are putting in. That's
20 all documented by their eligibility and the number of
21 classroom hours. So there is a reimbursement that flows out
22 there through that project. But the catholic sister was
23 supported by her order. So she lived a long time without any
24 supplemental funding.

25 MR. MECHAM: So the answer to the question is

1 that the funding is adequate given the current mode of
2 operation --

3 MS. GARDNER: Right. Right.

4 MR. MECHAM: Which is one where you provide
5 the funding basically?

6 MS. GARDNER: Right. If we were to be providing
7 a classroom on our own and paying teachers a high salary,
8 whatever, we would not be able to maintain that outreach
9 facility for school.

10 MR. CHENG: According to your experience this
11 afternoon one of the Pacific Islander representatives was
12 saying that they really have very little information regarding
13 the first phase of the legalization process which is the
14 application. . If that is true how do you think that has
15 been or was resolved? Was there any efforts besides your
16 agency any other programs able to include populations that
17 are maybe less in numbers to be involved with the first phase
18 of the legalization process?

19 MS. GARDNER: There were lots of media announce-
20 ments done by local agencies and by INS. Whether they were
21 given in native languages around the world I don't know. One
22 of the statistics I saw in a national report was that people
23 from 170 different countries applied for amnesty through the
24 legalization program nationally. So somehow that word did
25 get out to some of the countries besides the Mexican people.

phase
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1 It was very difficult. And the time frame was
2 very short. And I think as Mr. Martinez pointed out. A lot
3 of people did not come forth in the beginning. There was a
4 great deal of fear. The undocumented were not a population
5 that rose up and ran to immigration readily. I must say that
6 immigration tried very, very hard and established a separate
7 legalization office. They moved their office away from the
8 downtown facility to try to make the population more
9 comfortable in coming forward.

10 CHAIRMAN RIGGS: Did Miss Stevens have a report?

11 MS. STEVENS: Excuse me?

12 CHAIRMAN RIGGS: I'm sorry. Did you have a
13 report or statement that you wanted to make?

14 MS. STEVENS: I only want to say that there are
15 many, many other people still in their countries around the
16 world that couldn't come to the United States to apply for
17 legalization. People who work in agriculture maybe during
18 the period time and they couldn't afford to come to the
19 United States to apply. I have many, many cases in Mexico
20 for example and other countries too.

21 Another thing is I don't know if you're aware that
22 people can not be legalized only through the IRCA law under
23 the two programs which is the amnesty and the legalization
24 law are the sole programs. There are people who have been
25 legalized who are already naturalized citizens through

1 spouses, U.S. citizen children, U.S. citizen parents. And
2 many of the people who had immigration benefits available
3 through those relatives prefer to apply under this amnesty
4 law for some reason. We don't know. So the other part of the
5 immigration was to start a list in our agency now that it's
6 slowed down a little bit. Now people who couldn't apply or
7 were not eligible to apply under this amnesty law are trying
8 to apply through wives or children or parents or brothers
9 or sisters. There's still chances for many, many people.

10 CHAIRMAN RIGGS: Well thank you. Are there any
11 other questions to direct to the Catholic Community Services?

12 (No response.)

13 CHAIRMAN RIGGS: We appreciate your coming here
14 today. And frankly we're impressed with the work you've
15 been doing for the last few years. Thank you. You've
16 been very helpful.

17 At this point we're about two minutes ahead of
18 schedule. But perhaps Mr. Rogers, Mr. Speirs won't mind.
19 We're now ready to hear from Mr. Meryl Rogers, the officer
20 in charge of the Immigration and Naturalization Service.
21 We've been talking about them all day. And now they have
22 an opportunity to come and speak for themselves. After that
23 we'll hear from Mr. Allan Speirs who is the chief legaliza-
24 tion officer of INS in Salt Lake.

25 VOICE FROM AUDIENCE: (Unintelligible).

1 CHAIRMAN RIGGS: I think the odds are good that
2 we will be able to give you five minutes. May I raise the
3 question now. Is Dr. Dave Ramos here?

4 VOICE FROM AUDIENCE: (Unintelligible).

5 CHAIRMAN RIGGS: We did have an open session
6 scheduled after Mr. Ramos spoke. But I take it you would
7 like to have five minutes in close proximity to what Mr.
8 Speirs has to say?

9 VOICE FROM AUDIENCE: Yes.

10 CHAIRMAN RIGGS: All right. I think we can
11 arrange that. And we'll ask you when you speak to come over
12 here or somewhere at the table so you can speak into one of
13 the microphones and have your comments recorded. First now
14 let's hear from Mr. Rogers.

15 MR. ROGERS: Thank you, ladies and gentlemen,
16 I appreciate the opportunity to talk to you about the
17 Immigration Reform and Control Act of 1986.

18 As you are well aware we in government consider
19 this to be watershed legislation. It represents the first
20 measure of reform in our immigration laws in decades. And
21 I'd like to give you our views on why it was enacted, what
22 it's implications are and how we intend to implement it.

23 There's many, many have thought this bill would
24 not see the light of day. Many others criticized it as far
25 from perfect. But I question whether any bill can perfectly

1 represent the wishes of all those effected by it. This bill
2 touches many levels of our society and of our economy. Many
3 have asked why we needed such a piece of legislation. And
4 I'd like to mention a few of the reasons that seem important
5 to those of us who are implementing the law.

6 In terms of the U.S. economy we ^{INS)} believe that this
7 law will make tens of thousands of jobs available to
8 American citizens and to aliens who are authorized to work
9 in our country. Simultaneously because the Act makes it
10 unlawful to hire illegal aliens the bright promise of
11 employment will no longer dazzle the eyes of persons who
12 might seek to enter the U.S. illegally. And we see this as
13 a deterrent to unlawful border crossings and an incentive
14 for unauthorized persons now here to return home. In short
15 we believe the law will help us regain control of our
16 borders. But it also takes into account the needs and
17 problems of aliens who have long resided in the shadows and
18 provides them an opportunity to legalize their status.

19 I hope you would agree that these reasons
20 represent more than sufficient grounds for enactment of the
21 law. So let's turn now to precisely what the law provides.
22 Since the amnesty part of the law is virtually completed I
23 want to concentrate only on the sanctions which deal with
24 the imposition of fines on employers who knowingly hire
25 unauthorized workers.

1 First I want to say that we're confident the
2 great majority of employers will wish to comply with all
3 aspects of the Immigration Reform and Control Act just as
4 they do with other laws. But they may not yet have a clear
5 idea of precisely what they must do when they hire a new
6 employee. We hope to make the process as simple and as clear
7 as possible. To be eligible for hiring an applicant must
8 provide evidence of "identity and eligibility for employment".
9 In many cases a single document will serve both purposes.
10 A U.S. passport, a certificate of naturalization would
11 suffice for an American citizen. An alien registration card
12 or a valid foreign passport with work authorization would
13 be acceptable for an alien. When papers such as these are
14 not available applicants must provide one document to
15 establish identity and another for employment eligibility
16 such as a valid state drivers license or a social security
17 card.

18 Some of the items deemed satisfactory for
19 establishing work authorization are social security cards,
20 U.S. birth certificates, an Immigration Form I-9 form which
21 includes an employment authorization stamp, U.S. military
22 I.D. cards or reports of U.S. citizens born abroad. This is
23 not an all inclusive list. The various documents I've
24 mentioned are simply representative examples taken from a
25 laundry list which has been provided to employers in a hand-

Exception

1 book through mass mailings.

2 In addition to presenting these necessary
3 documents to their employers for examinations all persons
4 entering employment must also complete a new form developed
5 by the Immigration and Naturalization Service. This form
6 is called the I-9. This form provides biographic information
7 concerning the job applicant and attests to the applicants
8 U.S. citizenship or status as a legally authorized alien
9 worker. The I-9 must be completed and supported and
10 provided within supporting documents provided within 72
11 hours after the commencement of employment.

12 An exception for persons who have applied for
13 documents but have not received them can be made if they
14 present to the employer a receipt for their application for
15 these items. They will then have a 21 day grace period
16 in which to produce the documents. The employer or anyone
17 referring or recruiting an employee for a fee must also
18 complete a portion of the I-9 certifying that he or she has
19 examined the evidence submitted by the applicant. Copies of
20 the document examined may be attached to the I-9 form if
21 desired. These forms must be made available after three
22 days notice for inspection by officers of the INS or
23 Department of Labor and must be maintained for three years
24 after the date of hiring or one year after the date of an
25 employees termination whichever is later. In other words,

1 the form must be kept for a minimum of three years even if
2 the employee resigns after three days. And if the employee
3 remains longer than three years the form must be kept one
4 year beyond the date the employment ended. } E-9

5 This is the essence of what the law requires the
6 employers to do. We're confident that the great majority will
7 do it. But what happens if they don't? The law provides
8 both civil and criminal penalties in that case. The civil
9 penalties are fines on a graduated scale. For the first
10 offense from \$250.00 to \$2,000.00 for each unauthorized
11 alien. For the second offense it rises to two to five
12 thousand for each unauthorized alien. And for a third
13 offense the fine is three to ten thousand dollars per alien.

14 Criminal penalties are imposed in cases of
15 pattern or practice violations which are defined as regular,
16 repeated and intentional activities. In addition to a fine
17 of \$3,000.00 for each unauthorized alien a prison term of
18 six months may also result.

19 The new law also contains certain prohibitions
20 against discrimination and hiring. The major purpose of
21 these provisions is to reduce the possibility that employer
22 sanctions will result in increased national origin and
23 alienage discrimination and to provide a remedy if the
24 enforcement of the law does have that effect.

25 Briefly the law states that it is unfair, an

1 unfair immigration related employment practice to discriminate
2 against individuals in hiring, recruitment or referral
3 solely on the basis of alienage or citizenship status and
4 for the sole purpose of evading the law and if any
5 individual is otherwise authorized to be employed in the
6 United States. It is not an unfair practice for an employer
7 to prefer U.S. citizen applicants over aliens if the
8 individuals are equally qualified. To enforce the anti-
9 discrimination provisions of IRCA a special counsel has
10 been appointed to investigate charges under that provision
11 of the law.

12 This pretty much sums up the sanctions provided
13 by the Immigration Reform and Control Act for employers who
14 do not comply with the law. Those of us at INS hope to
15 establish a cooperative relationship with employers whereby
16 rather than invoking the administrative and criminal
17 provisions of the law. That we can simply assist employers
18 in understanding the provisions of the law. And hope that
19 they will in turn voluntarily comply with it. We will
20 approach this task in a cooperative and not a punitive
21 spirit. And quite frankly we need all the help we can get
22 in successfully implementing this law. We have asked civic
23 community groups to assist us in communicating with their
24 members. The cooperation of labor, management and profession-
25 al organizations will be crucial and will be greatly

1 appreciated. I've attempted to tell you what the law is,
 2 where it's implementation now stands and where we're going.
 3 One thing should be apparent. We won't go anywhere without
 4 cooperation. And we at INS are determined to carry out our
 5 mission in a manner which results in voluntary cooperative
 6 compliance with the law. We sincerely ask that you too be
 7 active participants in this endeavor. Thank you. Are
 8 there any questions? Yes, sir.

9 MR. COHNE: In your experience since the law
 10 has been passed what has been the impact on the border
 11 crossings?

12 MR. ROGERS: Well the statistics that I receive
 13 is that border ^{apprehensions} crossings have gradually fallen off to roughly
 14 fifty percent of what they ^{the} once were. I don't really have
 15 any ready statistics on hand year by year. But the graphs
 16 I've seen show a drop over I think a high point ^{of over 1 million} in 1985.
 17 You know we have had other things that have driven some
 18 recent unlawful border crossings such as Central Americans
 19 coming into South Texas to apply for asylum which is kind of
 20 a separate phenomenon that I don't think IRCA really has any
 21 effect on. The statistics that have been furnished to me
 22 indicate that.

23 MR. COHNE: So that aspect of the law has been
 24 met as far as INS is concerned?

25 MR. ROGERS: Well I guess I could go so far as to

1 say that it appears to be having some effect.

2 MR. MECHAM: I may address the question to you
3 that I addressed earlier to the gentleman from the
4 Employment Security Office. And that regards the number of
5 employers who have actually been apprehended for violation of
6 the law in the area. Have the numbers in terms of numbers of
7 employees and so forth where are we at?

8 MR. ROGERS: We've issued twenty notices of
9 intent to fine in Utah since June 1st of 1987 when we began
10 vigorously pursuing the sanctions.

11 CHAIRMAN RIGGS: Excuse me. I could hardly hear
12 you.

13 MR. ROGERS: Oh, I'm sorry. I think we've
14 issued something like sixteen or seventeen citations or
15 warnings which don't carry a monetary fine. Most of those
16 businesses geographically have been located in the Salt Lake
17 Valley. One is located near Price, Utah. We have one in
18 Park City. I think we have one up in Ogden. Most of the
19 businesses are pretty close to Salt Lake City. Our first
20 fine that we issued was against Salt Lake Community College
21 which is a large state government institution with presumably
22 thousands of employees. We have fined other businesses that
23 are probably small businesses between fifteen and thirty
24 employees. The total amount of money collected thus far from
25 finances is about \$20,000.00.

1 MR. MECHAM: Could you tell me what the effects
2 on compliance are on these actions?

3 MR. ROGERS: It's been in our experience in
4 follow up as to businesses that have been fined that there
5 are no further violations encountered. We have not followed
6 up with each and every business that we have fined. Some of
7 the fines have been very recent. So follow up really isn't
8 appropriate. But we have never opened a case here on what
9 we call a second tier violation which would be the second
10 time around with an employer. All the follow up visits have
11 shown compliance. It's our general feeling in enforcing the
12 law that we are obtaining overwhelming voluntary compliance.
13 We have visited many businesses for the purpose of
14 conducting audits of the employees and their paperwork and
15 find them in complete compliance. Probably ninety percent
16 of the businesses we visit are in compliance or if they are
17 not in compliance they are minor paperwork mistakes that are
18 a reflection of a need for instruction rather than any
19 willful violation of the law.

20 Yes, sir.

21 MR. MARTINEZ: We were told this morning that
22 there is about 6,000 eligible legalized aliens. And maybe
23 that's not the right number. But that's the figure I think
24 we picked up. Could you give us an indication of where those
25 6,000 are or whatever that number is in terms of --

1 MR. SPEIRS: Maybe you should hold your questions
2 for me. That's my area of expertise.

3 MR. ROGERS: Mr. Speirs will pretty much address
4 the legalization part of IRCA and I'll try my best to take
5 care of the employer sanctions part here.

6 CHAIRMAN RIGGS: Did you systematically visit
7 employers to audit their performance under the Act?

8 MR. ROGERS: Well we have two methods that we
9 use to open employer cases. The first is we open cases on
10 the basis of reliable information received that indicates
11 a given employer probably is in violation of IRCA. The
12 second method that we use is called a general audit
13 procedure in which we receive lists of employers randomly
14 selected by a computer. Aside from those two methods we
15 don't employ any other method for selecting employers for
16 audit. We don't just drive down the street and decide to
17 audit somebody that we don't like their sign or something.
18 Those are the only two methods used. And the fines almost
19 universally developed from the former method working the
20 information. The general audit inspections have thus far
21 not resulted in any fines.

22 MS. STOVALL: Have you discovered cases of the
23 exploitation of the workers who have not qualified for the
24 system? One of the people who testified this morning told
25 us that she had found cases of undocumented workers who had

Audit

1 been hired in agriculture and had not been paid because they
2 could not produce permits.

3 MR. ROGERS: Well I can't say that we've
4 encountered any cases of that in the course of our work. But
5 I certainly don't question the authenticity of something like
6 that. That's the big advantage of illegal alien labor is
7 that it's exploitable. And believe me there are a lot of
8 employers who don't hesitate to take advantage of it. That
9 actually is one of the big benefits that I see of IRCA and
10 the employer sanctions law. This undoubtedly causes some
11 hardship to some people who can't qualify for legalization.
12 And it certainly stops many people from entering the country
13 who might have otherwise entered illegally in the past. But
14 employers won't have any incentive to improve working wages
15 and working conditions of their employees until that group
16 of exploitable labor is taken away from them.

17 MR. COHNE: Has any study been done on the
18 costs and management? What are the additional costs of an
19 employer in complying with the law?

20 MR. ROGERS: I don't believe any studies have
21 been done on that. I myself had to complete I-9's on people
22 I hire. And I haven't found that in any give and take case
23 it's ever taken me more than five minutes. We see it as an
24 essentially simple forms or documents that can be used to
25 support a claim of authorization to work in the U.S. as being

1 pretty well listed in the employer handbook. We of course
2 at the beginning that was the major complaint that we
3 heard from employers is that this is another bunch of
4 paperwork that's going to cost me money and take time.
5 However, I don't think I've heard that complaint for about a
6 year now. I just don't in my own personal opinion see how
7 filling out an I-9 could be very difficult or time consuming.
8 And I haven't heard any complaints from employers on it in
9 quite some time either.

10 MR. CHENG: I have a two part question really
11 related to the anti-discrimination provision of the law.
12 Besides having wordings in the legislation that involve
13 yourself and besides educational campaign that we have
14 conducted in conjunction maybe with job service are there
15 other efforts that you have done or conducted that will either
16 collect information on whether or not discrimination is
17 happening or actually providing help to individuals that has
18 been having some problems regarding that? And that's my
19 first part of the question. The second part is, what is your
20 experience either locally or nationally in terms of this
21 discrimination provision? How is it working? Is it
22 effecting the targeted population that was mentioned?

23 MR. ROGER: Well dealing with the first part of
24 your question one of the big efforts that we have undertaken
25 is that we as part of our employer sanctions program we try

1 to visit as many employers as we can preferably large
2 employers to explain the provisions of the sanctions law
3 to them. And as part of those visits we now include an
4 explanation of the anti-discrimination provisions. We have a
5 booklet that we pass out that I brought with me here today.
6 You're welcome to it if you want called your job and your
7 rights which I think pretty well explains what the anti-
8 discrimination provisions of IRCA are all about. It's
9 actually it's a very common sense thing. What we're asking
10 the employer to do is to make his decision whether to hire or
11 not to hire on the basis of documentation and not on a
12 person's appearance, appearing to be foreign or appearing
13 to not know english or whatever. We're asking, we're just
14 saying employers don't make your decision to hire or not to
15 hire based on that. Make your decision based on documents
16 presented to you. And I think in that sense we've been
17 pretty successful in getting across the idea of the anti-
18 discrimination provisions. It's perfectly all right not to
19 hire somebody who's not authorized to work. It's not all
20 right to hire somebody just because they appear to be
21 Hispanic or Asian or some other ethnic group.

22 To answer the second part of your question our
23 office will if somebody we've had thus far we've only had
24 about two or three people come in wanting to lodge a
25 discrimination complaint. We will furnish them with all the

*Discrim.
Complaint.*

1 forms necessary to file that complaint and tell them where to
2 send it. Actually my office does not have any role in
3 investigating the complaint or in taking follow up action.
4 That's all done by the special counsel in Washington, D.C.
5 that's been appointed to it. I would suspect that this law
6 would probably in certain isolated cases produce some
7 discrimination mainly because employers don't understand
8 not all employers understand that simple distinction that I
9 just explained to make their decision based upon documents
10 rather than the person appearing in their opinion not to be
11 a citizen. I think as the real intent of the anti-discrimina-
12 tion provisions of IRCA become more well known and when
13 employers begin to be able to make that simple distinction
14 that I don't think there should be any discrimination. If
15 there is it would be it would be willful on an employers
16 part you know to make the decision on his own to ignore the
17 anti-discrimination provisions. But I guess just based on
18 the numbers of complaints that we have received in my
19 office I don't think that it's producing very much
20 discrimination in Utah. I've heard three people come in and
21 complain. Of those three two have had valid complaints.
22 The third one I thought was just frivolous. But of course
23 it's not my decision to rule on it either.

24 CHAIRMAN RIGGS: Thank you. Mr. Speirs?

25 MR. SPEIRS: As the Chief Legalization Officer

1 for immigration in Salt Lake City I very much appreciate this
2 opportunity to talk with you from my perspective about some
3 aspects of the Immigration Reform and Control Act of 1986.

4 Mr. Rogers has spoken more about aspects of the
5 law concerning enforcement of employer sanctions and how
6 we believe the law will help us regain control of our borders.
7 As Mr. Rogers said this law also took into account the needs
8 and problems of aliens who have long resided in the shadows
9 and provided them an opportunity to legalize their status.
10 So let us now turn to what the law provided for them.

11 Looking first at legalization popularly known
12 as amnesty we find provisions which allow the granting of
13 legal temporary resident status to persons who continuously
14 resided illegally in the United States since before January
15 1, 1982. provided of course that they were not inadmissible
16 as immigrants on other grounds such as having a criminal
17 record. We began accepting applications from those persons
18 on May 5, 1987. And they had twelve months in which to
19 submit the necessary papers in order to effect their change
20 of status. Our officers acted rapidly on those requests and
21 forwarded them to Lincoln, Nebraska, the Regional Office,
22 for further processing. Voluntary agencies, labor, community
23 and other groups came forward to counsel the applicants and
24 assist them with their paperwork. To accommodate what turned
25 out to be nearly three million applicants INS opened more than

1 one hundred special legalization offices around the country.
2 Here in Salt Lake where the established INS office had been
3 operating on Fourth South for a number of years we had the
4 problem of locating a second site. Within an extremely
5 short timeframe an office was essentially rebuilt to INS
6 specifications at 2990 South Main Street and we had to work
7 quickly to hire and train an initial staff of thirteen
8 employees in order to open on time. We processed nearly
9 three thousand amnesty applicants and over 4,500 Special
10 Agricultural Worker or SAW applicants for an approximate
11 total of 7,500 who applied in Salt Lake City under the
12 provisions of the Immigration and Reform Act.

13 This figure differs somewhat from the Eligible
14 Legalized Aliens figure because that figure is come about
15 by computer from Washington, D.C. based upon area code and
16 specifically refers only to those who live in the State of
17 Utah. So the 6,000 figure would be only those in Utah who
18 applied in our office. However, as far as the Denver
19 District we were taking applications. We were -- People were
20 eligible to apply in our office if they lived in Utah,
21 Colorado or Wyoming. So we did have a number of applications
22 from those areas as well. Also under the Agricultural Worker
23 program we could take applications from even beyond the
24 borders of the Denver District.

25 The law contains special provisions for

1 agricultural workers. Aliens who could establish that they
2 performed qualifying agricultural field labor in the U.S.
3 for at least ninety man days during the twelve months ending
4 May 1, 1986 could apply for temporary resident status during
5 the eighteen month application period which lasted from
6 June 1, 1987 until November 30, 1988. Aliens who were
7 granted temporary status through the SAW program may become
8 permanent residents two years after the close of the
9 application period. Additionally not more than 350,000
10 nationally of these SAW's who have also worked in agriculture
11 for ninety days in each of the two years prior to May 1, 1985
12 may adjust to permanent status one year after the close of the
13 application period. Only a handful of the applicants in this
14 area qualified under this provision. It was so much easier
15 just to show the single year qualification.

16 Any alien acquiring legal status by properly
17 filing during the application period is not required to work
18 in agriculture thereafter. Special agriculture worker
19 applicants were processed in the same facilities and generally
20 in the same manner as other legalization applicants. These
21 legalization actions were carried out because it was not the
22 intent of Congress that this Act should uproot those who have
23 already spent a number of years in working, contributing
24 and becoming a part of our communities. Nor was it their
25 intent to needlessly disrupt the economy of our country. In

1 fact, with a view toward averting future labor shortages in
2 the agriculture sector the law provides the beginning of
3 fiscal year 1990 and for four years additional alien farm
4 laborers called Replenishment Agricultural Workers or RAW's
5 may be granted temporary residence if there is a scarcity of
6 agricultural workers. These aliens must maintain their
7 status by performing field labor for at least ninety days a
8 year for three years after which they may become permanent
9 residents.

10 To further expedite the availability of SAW
11 workers INS did accept applications from candidates outside
12 the U.S. who did not have documents supporting their claims
13 as long as the applications clearly indicated the
14 qualifying employment details. Those workers were admitted
15 to the U.S. with employment authorization and were given
16 ninety days to collect the supporting documentation of
17 previous agricultural work in this country. INS urged grow-
18 ers, freight associations to cooperate in providing the
19 papers those workers needed to prove their eligibility.

20 Before leaving the subject of Special Agricultural
21 Workers it is worth noting that the law is quite specific
22 in regard to precisely what sort of agricultural work made a
23 person eligible. Field work is specified. This means that
24 persons who worked in packing sheds, in canning factories
25 were not eligible. The law also specifies the types of

1 products which conferred eligibility. These were fruits,
 2 vegetables and other perishable commodities. The U.S.
 3 Department of Agriculture has issued regulations which
 4 further define those products. As a general rule that
 5 definition includes all plant crops grown for human food
 6 with the exception of sugar cane, dairy products, poultry and
 7 livestock were not included. But christmas trees and tobacco
 8 were. That sums it up as far as Special Agricultural
 9 Workers are concerned. But you should also be aware that our
 10 new law does contain provisions for an H-2A visa program
 11 designed to assist growers in obtaining necessary farm
 12 labor when a petitioning employer meets wage, housing and
 13 other standards and the Department of Labor has certified
 14 the domestic workers are not available to provide those
 15 needed services.

16 To encourage the maximum number ~~of those who~~
 17 were previously in an illegal status in the U.S. ~~to come~~
 18 forward, ~~to be legalized~~ information submitted in support of
 19 a legalization application could not by statute be used for
 20 the purpose of deportation. In fact, the law that's written
 21 so strongly that the aspects of confidentiality ^(was) are such that
 22 I ^{would} can not tell Mr. Rogers about particular cases under
 23 penalty of law in that I, ^{of legalization office} my employees would be subject to
 24 fines even imprisonment for improperly divulging information
 25 provided in these ^{is process} programs.

1 INS sought to make this clear to the public
2 through as many means as possible including press interviews,
3 radio and t.v. appearances, information supplied through the
4 Spanish speaking media and various ethnic and support
5 organizations so that those who truly might qualify could
6 derive benefits from the program. And there were benefits
7 to be derived. In the long term legalization can lead toward
8 eventual citizenship and full participation in the life of
9 our country. But the immediate result was authorization to
10 work in a legal status in the form of a clearly identifiable
11 photo I.D. card issued by INS itself which could be used to
12 easily satisfy the I-9 documentary requirements of the Act.

13 Another immediate result was the peace of mind
14 that comes with the knowledge that deportation no longer
15 looks around the next corner. All that was accomplished
16 under phase one of the legalization program. We are now into
17 phase two, the path to permanent residency. This applies to
18 those granted legalization under the amnesty or Section
19 245(a) provisions not to those under the SAW program or
20 Section 210. Those applicants who have been temporary
21 residents for eighteen months become eligible for permanent
22 residency beginning with the nineteenth month after they
23 originally filed for temporary residency. In most cases
24 this coincides with the issue date on their temporary
25 resident cards the Form I-688. And when you're speaking of

Phase II

1 Eligible Legalized Aliens they are all eligible to take the
2 classes but only the ones under Section 245(a), the amnesty
3 types who have been here since before 1982 are required to do
4 so. The farm worker types are not required to do so. And
5 when you look at the Form I-688 issued by INS, the temporary
6 resident card they're directly identifiable because the
7 amnesty types will say in the middle towards the front of the
8 card say Section 245(a). The SAW's or Special Agricultural
9 Workers the card will look exactly the same except it will
10 say Section 210.

11 Mr. Rueda from Catholic Community Services said
12 that there was a change in the regulation. That is true.
13 They may submit their application for phase two as soon as
14 they are granted temporary resident status. But they are
15 still not eligible until the eighteen months have gone by
16 in their nineteenth month. So what would happen in that
17 case in our office here they are required to send their
18 applications to the Regional Office in Lincoln, Nebraska.
19 It will be held in suspense in Lincoln, Nebraska until they
20 are eligible and then it will go into operation. So it's
21 just a question of whether they want to wait themselves and
22 mail it through timely close to when they are eligible or
23 if they just want to get it out of their hands and have it
24 waiting. If they're sure they're not going to be moving
25 around a lot gonna have a problem with communications and

1 addresses and so on. By the way this is one of the key
2 things. These people must keep immigration informed of
3 their addresses. Otherwise we're not going to be able to
4 inform them of where they stand. And so much of this phase
5 two is being computerized and being set up so that the only
6 way they'll have their notice for their appointments will be
7 if they have the correct address with us. So as I've said
8 they can either hold their application or wait until they
9 are eligible, submit it timely or they can submit it under
10 the current regulations as soon as they have the temporary
11 resident alien card for it to be held awaiting their
12 awaiting their eligibility date.

13 They do have twelve months after their
14 eligibility date. The cards are good for thirty months
15 total from the date they're originally provided. That gives
16 them the eighteen months to be on status plus the twelve
17 month window. Thirty months total. But if they do not
18 apply to become permanent residents in that twelve month
19 window they will revert to being illegal aliens again.

20 With a few exceptions the law states that they
21 must meet an education requirement regarding english and
22 knowledge of history and government of the United States.
23 There are two basic ways to satisfy the requirement. Either
24 attend an INS approved class or pass an INS test. The Utah
25 State Department of Education is administering the education

1 component of the state legalization impact assistance
2 grants. And we at INS have worked with them to see that
3 there are now more than thirty sites operating INS approved
4 educational courses throughout the State of Utah.

5 We have seen our role at INS as contributing to
6 the expansion of the legitimate work force in america. A
7 work force made up of U.S. citizens and of aliens authorized
8 to work in our country. Aliens who need no longer fear
9 deportation who are preparing themselves to better
10 participate in american society. Thank you. I'm open to
11 questions.

12 CHAIRMAN RIGGS: One small question. I under-
13 stood you to say that the people under the SAW's program
14 were not required to take the forty hours of class work.
15 Then at the end I thought you said nearly everybody is
16 required to meet the --

17 MR. SPEIRS: No. They are eligible to take the
18 classes if they desire. They are not required to do so. *SAWs*
19 Only the 245(a) amnesty types are required to do so.

20 CHAIRMAN RIGGS: And they may become citizens
21 subsequently without having taken the course?

22 MR. SPEIRS: Well citizenship is another area.
23 See this is the path to permanent residency.

24 CHAIRMAN RIGGS: Then they may become permanent
25 residents?

1 MR. SPEIRS: Let's back up. Temporary resident
2 alien status never existed in law prior to the passage of
3 this law. This is something new that Congress enacted;
4 temporary resident alien class. Now for the SAW's they
5 didn't tack on any special requirements for them. They
6 were very liberal. The farm lobby must have got their
7 kicks in you know and they said we're going to make it as
8 easy as possible for the farm workers. And they're
9 weren't required to. But the people that have been here for
10 at least five years Congress said we're expanding, we're
11 opening our arms. We're giving you this special status.
12 But we're going to put a special requirement on it. We want
13 you to be able to work your way into the main fabric of
14 american society. So we're going to say that you can either
15 show that you're already becoming proficient in english and
16 knowledge of history of U.S., knowledge of the history and
17 government of the United States or you can be satisfactorily
18 pursuing a course of study which in the regulations ending
19 up being defined as completing of forty hours of a sixty
20 hour course. Okay. So they said we've given you the
21 special status. We're putting some special requirements
22 on it.

23 Now, once they become a permanent resident both
24 the amnesty types that come through our process and those
25 SAW types who will farther down the road become permanent

1 residents that means after that they have to be at least
2 five years in the status as a permanent resident before
3 they can be eligible to ask for citizenship with the
4 exception of if they marry a U.S. citizen. Three years of
5 marriage to a U.S. citizen then they can ask for U.S.
6 citizenship. The people who opt for and actually pass the
7 INS administered test which will consist of out of a set list
8 of one hundred questions regarding U.S. history and
9 government we can ask them ten questions. If they answer
10 six of them correctly they will have passed that. That will
11 be entered in the computer. And they will have already
12 passed that component of the citizenship test five years down
13 the road when they're eligible. In a lot of cases this will
14 be an advantage to them because they will have recently
15 taken classes or have had it fresh in their mind. They've
16 got it out of the way. Five years from now they don't have
17 to worry about it. Those who merely are satisfactorily
18 pursuing a course of study do not have that advantage. They
19 will have to pass the test for citizenship five years down
20 the road. And so all the SAW types who maintain five years
21 of permanent residency who wish to become citizens will have
22 to pass the INS test. At that time they will have to
23 demonstrate capability in reading, writing and speaking
24 english and will have to answer at least ten, answer at
25 least six out of ten questions correctly. Does that answer

1 your question?

2 CHAIRMAN RIGGS: That answers it. Thank you.

3 MR. MARTINEZ: Mr. Chairman, can I go back to
4 my question that I asked the speaker before? One of the
5 things that we're trying to figure out here how well is how
6 well the second phase is working. Do you have an indication
7 of the 6,000 or the 7,500, whichever one it is --

8 MR. SPEIRS: Well actually now remember the
9 6,000 to 7,500 figure includes both the amnesty and the SAW
10 types. So the in phase two the ones that we're going to be
11 seeing that will have to be tested will only be about 3,000
12 in the State of Utah.

13 MR. MARTINEZ: Do you have an indication of how
14 many of those have already cleared their phase two
15 requirements?

16 MR. SPEIRS: Well it only began in February of
17 this year did I start seeing our first cases. It's a very
18 high rate of approval so far because we've made it so easy
19 on either passing the test or if they fail the test they can
20 always take the course. And some are already coming in with
21 the certificates that they've taken the course. They might
22 as well try the test because as I was explaining they have
23 the extra benefits if they pass that test. So but if they
24 fail they've already got the course. So they're ready for
25 permanent residency anyway. Nationwide I've seen a report

1 that there has not been one final denial of phase two
2 nationwide yet. Of course like I'm saying we are very early
3 in the program.

4 MR. MARTINEZ: When will the thirtieth month
5 be up?

6 MR. SPEIRS: Thirty months from when they first
7 applied. And the first applications were taken in May 5th
8 of 1987.

9 MR. MARTINEZ: So it would be?

10 MR. SPEIRS: So two-and-a-half years from that
11 would be the first ones. The last applications were taken on
12 May 4th of 1988. So they would be eligible or they would
13 have their window until two-and-a-half years after that.

14 MR. MARTINEZ: Thank you.

15 MR. SPEIRS: Further questions? Paco?

16 MR. RUEDA: Is there anyway to expedite the
17 process of reviewing the appealing?

18 MR. SPEIRS: No. They have thousands of --

19 CHAIRMAN RIGGS: Would you repeat his question?

20 MR. SPEIRS: You're talking about denial cases?

21 MR. RUEDA: Yeah.

22 CHAIRMAN RIGGS: Excuse me. Would you repeat
23 his question, please?

24 MR. SPEIRS: Okay. Mr. Rueda from Catholic
25 Community Services has inquired if there is any way of

Fraud in SAWs

1 speeding up the process of review on the denial. And there
2 was so much fraud in the Special Agricultural Workers
3 program. Apparently Congress made it so easy that the
4 people who are inclined to take advantage of situations
5 were out there selling documents to people said ah, this is
6 so easy. We'll have them forge a few signatures and get
7 in there. And in fact we've had a case in Idaho where the
8 man was convicted of selling 300. And we've had a case in
9 Utah where we believe the man sold 200 SAW fraudulently signed
10 support documents. So in the Regional Office they have
11 thousands upon thousands of cases which many of which are
12 highly suspected of being fraudulent many of which were
13 denied. And there may have been a few good cases amongst
14 those denials. But they are mixed in with all these others.
15 And there is no way that the manpower can get around to
16 those any quicker than they are. They are doing it as
17 quickly as they possibly can. But it's just too monstrous
18 a task.

19 VOICE FROM AUDIENCE: (Unintelligible).

20 MR. ROGERS: Well I'd like to begin my answer
21 by saying that very few of us in the field offices are
22 statisticians. We leave that to the statistical branch of
23 our service which is in Washington, D.C. They provide us
24 with statistics which we frequently just keep available to
25 give to interested people in the media. I don't know what

1 an average flow was. The number of illegal border crossings
2 has been building steadily each year I believe since the
3 mid-1960's. I believe that the total number of apprehensions
4 during that 1985 exceeded one million along the southern
5 border. You know what that means in terms of flow I don't
6 know. Were we catching ten percent, were we catching
7 twenty percent. Who knows. As I said I don't really
8 follow statistics closely. I just remember seeing certain
9 charts and graphs that indicated to me that since the
10 passage of IRCA that illegal border crossings have fallen
11 off by about fifty percent. Really if you want to pursue
12 the point precisely I guess I would invite you to come to
13 my office and I would try to get you precise statistics
14 because I just don't carry them around with me most of the
15 time.

16 VOICE FROM AUDIENCE: (Unintelligible).

17 MR. ROGERS: Well perhaps no like I said I'm
18 not I don't carry statistics around. I don't I'm not that
19 interested in them only to the extent that they show whether
20 or not we're doing our job. Maybe I should clarify all this
21 by saying I don't know what illegal border crossings were
22 at any time. Nobody knows that for sure. Guesstimates could
23 be made. I guess all I could say is that our apprehensions
24 fell by fifty percent after the passage if IRCA.

25 VOICE FROM AUDIENCE: (Unintelligible).

1 MR. ROGERS: I guess you could extrapolate that
2 and maybe say that maybe illegal entries were falling off
3 by fifty percent. But I can't answer it for sure.

4 VOICE FROM AUDIENCE: (Unintelligible).

5 MR. SPEIRS: With and there is one exception
6 and that's when fraud is involved. We were able to turn
7 information over in fraudulent cases for enforcement to be
8 carried out on that. But if somebody did not lie to us
9 they had nothing to fear about.

10 VOICE FROM AUDIENCE: (Unintelligible).

11 MR. SPEIRS: Yeah. Let's have Mr. Rogers talk
12 about the enforcement side of things because we have had
13 court cases that have ensued related from information that
14 we have turned over.

15 MR. ROGERS: Most of the cases that come to us
16 from legalization don't result in legalization scrutiny
17 of documents and a conclusion of fraud being reached and then
18 the case is being passed on to us. They have come to us
19 because we have developed the case independent of any
20 information furnished in legalization. We've learned about
21 the applications of certain individuals. We know they're
22 fraudulent. And then we ask Mr. Speirs for the case at that
23 point. I can assure you unequivocally that there has been
24 no breach in this office of the confidentiality law contained
25 in IRCA. We've gone to great lengths there. We've even

1 foregone investigations on some promising looking cases
2 because we were uncertain as to whether or not our actions
3 might constitute a breach of that confidentiality provision.
4 Thus far we've had four individuals indicted on felony
5 SAW fraud charges for facilitating a submission of large
6 numbers of fraudulent applications. These indictments don't
7 involve individual applicants for SAW status. They involve
8 third parties who are soliciting business for fraudulent
9 affidavits of farm labor employment. I don't think an
10 indicted we've got an indicted individual yet where we've
11 found that they've executed less than one hundred of these
12 fraudulent affidavits. We have several other individuals
13 that are probably going to be indicted. We've had I believe
14 three individuals sentenced thus far and a fourth awaiting
15 sentencing after having pled guilty.

16 As Mr. Speirs explained the lax nature of the
17 SAW requirements were such that it just about invited
18 fraud. And having invited it it got plenty of takers I can
19 tell you.

20 CHAIRMAN RIGGS: We have run well past our
21 break time. But we had one gentleman back there who wanted
22 to ask a question and this man here wanted his five minutes
23 in front of the microphone.

24 VOICE FROM AUDIENCE: (Unintelligible).

25 CHAIRMAN RIGGS: Excuse me. Could you come here

1 and make your statement into the mic if you would?

2 MR. COOPER: I've been down in California
3 teaching. And I have an interest in what's going on here
4 and some of the problems. But anyway what I wanted to know,
5 how many legal aliens are in the country now including the
6 ones that's come under amnesty? You know they're not
7 citizens but they're here legally. And I understand they're
8 designated as aliens. Do you have that figure?

9 MR. ROGERS: Well again with statistics I
10 suppose I could go back for the last twenty years and see
11 the number of people lawfully admitted to the United States
12 as resident aliens and try to add it up and give you a
13 figure based on that. But I don't have those statistics.
14 I can tell you that the last figures that I saw indicated
15 that roughly 600,000 people a year were being admitted to the
16 United States as lawful resident aliens in various
17 capacities. Probably beyond that another 100,000 are being
18 admitted as refugees. And those people will eventually
19 acquire lawful permanent resident status and citizenship
20 status.

21 VOICE FROM AUDIENCE: (Unintelligible).

22 MR. ROGERS: Well that's per year.

23 VOICE FROM AUDIENCE: (Unintelligible).

24 MR. ROGERS: Every year.

25 VOICE FROM AUDIENCE: (Unintelligible).

1 MR. ROGERS: That's what we can't answer. I
2 suppose there might be a methodology for arriving at that
3 figure. But it would have to be something that would
4 almost have to be done by computer. You could take the
5 number of people admitted over the last twenty or thirty
6 years, subtract the number of people who have naturalized,
7 figure out how many might have died. It's hard to tell.
8 In addition --

9 VOICE FROM AUDIENCE: (Unintelligible).

10 CHAIRMAN RIGGS: You'll have to take that up
11 with Congress.

12 VOICE FROM AUDIENCE: (Unintelligible).

13 MR. ROGERS: Well we wouldn't want to you know
14 indicate that we don't want to respond to that. But as
15 Mr. Speirs said it's beyond our level of expertise. We're
16 just hired to enforce and apply the laws enacted by Congress.
17 And that enters into the area of philosophy that should be
18 debated between members of Congress at the political level.

19 VOICE FROM AUDIENCE: (Unintelligible).

20 MR. ROGERS: Certainly --

21 VOICE FROM AUDIENCE: (Unintelligible).

22 MR. SPEIRS: I'll be giving one of those
23 statistical abstracts. See if it's in there.

24 MR. ROGERS: I tell you that would be a hard
25 figure to come up with if you wanted an accurate figure. But

1 we'll give you our statistical yearbook to go through if
2 you'd like to pull out of there what you --

3 CHAIRMAN RIGGS: Mr. Cheng, do you have a quick
4 question?

5 MR. CHENG: Yes, thank you, Mr. Chairman. I have
6 a very quick question. This morning there were several
7 source people testifying indicating that there is inadequate
8 outreach to either bring these people to the phase one or
9 phase two program. And especially like reaching out for
10 them to take them into classrooms and other things. Well I
11 think the fact that there's no provision as far as funds to
12 help with those individuals. Is that true?

13 MR. SPEIRS: You can lead a horse to water but
14 you can't make him drink. We're in a country which is based
15 upon individualism. We try to get the word out as much as
16 we can. But we can't force people to come. We can't go out
17 and lead them all by hand. The government has tried as
18 much as possible. As much publicity getting the word. As
19 many sources we hired, We put the word out urging people
20 to come forward. There were volunteers to become QDA's.
21 Anybody that was an applicant for groups they were welcome
22 to come in and apply to become QDA's. But we didn't get as
23 many as we had hoped for. But as it turns out not as many
24 people went through the organizations as came directly to INS.
25 If they had this great fear of INS how come 80% of them came

1 directly to use without going through the attorneys and QDA's^E
2 and so on. I think this is a bit of a -- It's over blown.
3 You get the word out as much as you can. You're not going
4 to have a hundred percent compliance. But I think the
5 government made an outstanding effort in trying to get the
6 word out. And people that were wanting to help them they
7 were welcome to come in and spread the word as much as
8 possible.

9 CHAIRMAN RIGGS: Well thank you very much.
10 Obviously we could go on questioning these well informed
11 gentlemen for a long time. But we thank you again for
12 coming.

13 Would you give us your name also before you give
14 us your statement? I think after this last exchange takes
15 place that we will have a five minutes break. And we'll
16 genuinely try to start in five minutes. I think we need
17 that break after this statement before we hear from the
18 [?] Illiterate Development Corporation.

19 MR. ROGERS: We have these pamphlets on the IRCA
20 provisions if anyone wants to take a look at them.

21 CHAIRMAN RIGGS: Thank you.

22 MR. RENTERIA: First of all, thank you for
23 this opportunity. And what I'm doing is rather than I had
24 planned to express myself openly and just out --

25 CHAIRMAN RIGGS: Give us your name. I'm going

1 to stop you in five minutes.

2 MR. RENTERIA: My name is John Renteria. And
3 I happen to work with the Migrant Seasonal Worker Program
4 with also the Office of Regional Rehab Services. And we
5 currently serve the five county Wasatch area and have been
6 doing this type of work for the past two years. So this
7 pertains to a lot of what I've gotten feedback on in that
8 duration.

9 Anyway, I'm not here you'll forgive me for
10 reading but I'd rather just say this out. I'm just too
11 emotional from the experience that I just had yesterday. I'm
12 not here to enlighten you with the complicated matter regard-
13 ing some of the important issues addressed to this
14 distinguished committee by other notables this morning and
15 afternoon. Rather I'm surprised to even have this opportunity
16 since I only anticipated attending this program or this
17 forum as an observer. I have a complaint to register about
18 the conduct of the local INS processing office workers.

19 If my experience yesterday was indicative of a
20 routine work day at INS then we've got a serious problem.
21 Myself and a rehab counselor accompanied two of our clients
22 undergoing legalization yesterday to assist them in
23 straightening out their individual situations since they
24 both unfortunately through no fault of their own denied.

25 MR. SPEIRS: Excuse me. Don't --

1 MR. RENTERIA: Let me just finish. Just let me
2 finish my --

3 MR. SPEIRS: Is this an appropriate place to
4 discuss individual cases particularly concerning the fact
5 that we're operating under confidentiality rules --

6 MR. RENTERIA: I'm not going to divulge any
7 confidential --

8 MR. SPEIRS: And I don't know if this is an
9 appropriate forum for a particular case to be talked about.

10 MR. RENTERIA: It's not a particular case --

11 CHAIRMAN RIGGS: We will not ask him or permit
12 him to mention specific names. But I think whether or not
13 you may find his comments accurate or --

14 MR. RENTERIA: I've intentionally omitted names --

15 CHAIRMAN RIGGS: Or poorly based I think it's
16 probably appropriate to hear a complaint about the way the
17 system operates. So if you'll leave the names out of it
18 then --

19 MR. RENTERIA: Yes. That's already been taken
20 care of.

21 CHAIRMAN RIGGS: Go ahead.

22 MR. RENTERIA: We've also heard complaints by
23 many we serve of the indignity, rudeness, humiliation and
24 indifference exhibited by INS staff here locally. Until
25 yesterday however we really brushed those comments and

1 remarks aside.

2 INS counselors, excuse me, a receptionist should
3 be some what of a friendly receptionist. Shouldn't she or
4 he? And INS counselors should also be considerate and
5 friendly. Shouldn't they? Well unless this committee
6 requests which obviously it won't details of our experience
7 I will omit those specifics for the time being and also
8 for time sake I will omit details of them literally
9 trembling anger I felt and guilt as we had our public
10 exchanges in front of this area in the witness of ten to
11 twelve awaiting clients for almost thirty minutes yesterday
12 morning.

13 Clarification of our clients claims were given
14 publicly. An option remained that we learned will be
15 exercised to assist their successful processing for legal
16 residency. These people are at a serious disadvantage for a
17 number of obvious reasons. Unfortunately it may be a
18 question of funding that limits INS ability to better serve
19 with interpreters or support staff. And unless this entire
20 population deserves respect from a caring and polite staff
21 that better understands and appreciates their predicament.

22 I wish to attract the Advisory Committee's
23 attention of this matter locally because it could be more
24 widespread than we understand. I also encourage the
25 committee's ability or authority to convey this matter

1 appropriately to possibly influence the necessary legislation
2 inviting policy or regulations better befitting the advantage
3 of these many disadvantaged workers.

4 For example as Mr. Rueda alluded to earlier
5 and I'm sure it had something to do with his presence here
6 yesterday morning designated expedite the resolution of
7 denials entered on the local level but as a result closed
8 by the state's DOE's or ODE's, whatever you call them or
9 unscrupulous practices by private representation. The
10 telephone system is a dehumanizing system as it presently is
11 set up.

12 Perhaps it seems appropriate that Mr. Speirs
13 follows and I had hoped that I would say this earlier.
14 Therefore, that's kind of off there. Mr. Speirs follows
15 and comment briefly if possible to my shared concerns since
16 DRS since I and DRS counsel will be formally filing a
17 complaint also for the record protesting the conduct
18 displayed. And hopefully they were not privy to our
19 respective employers blessing. There is a great deal of
20 growing consensus in the Hispanic community about this
21 growing and sincere problem and serious problem. Not to
22 mention the fact that I have also I happen to agree with
23 Mr. Gubler's remarks. And to quote him dealing with
24 people's lives here. It's a pretty serious thing. And not
25 to mention also some of our more distinguished leaders,

1 Hispanic community leaders also share this view. And like
2 them the system as presently set up not to mention the
3 enforcement aspect of it with a Gestapo type of --

4 CHAIRMAN RIGGS: I think your five minutes is
5 up now. And your point has surely been made although it's
6 a fairly general kind of thing. I'm not sure how I respond
7 to it. Thank you for the opportunity.

8 VOICE FROM AUDIENCE: (Unintelligible).

9 MR. ROGERS: Well I'll respond to that by saying
10 John you said it all when you said we're dealing with
11 people's lives. We know we're dealing with people's lives.
12 And because of that reason I believe that sometimes people
13 interpret our official behavior as rude or inappropriate.
14 I'm always willing to entertain a person's complaint that
15 they've received rude treatment in our lobby, either
16 downstairs or up in the legalization office. And I would
17 invite you to come into my office and discuss this matter.
18 I frequently stand in our lobby where I can ^{not} be seen by
19 employees to see how they're treating the population. And
20 I have experienced some instances where I thought that our
21 employees were not being as polite to people as they could
22 have.

23 I'd like to emphasize one thing though. We
24 deal with a tremendous number of people in our office. We
25 normally have two people on our front desk working as

1 information officers. One of those people died about a month
2 ago. So we only have one person right now until we can
3 fill the position. I don't in any way excuse rude or
4 impolite or unprofessional behavior. And I'd like to hear
5 about any instance of it that you know of. But in thier
6 behalf I'd also like to say that sometimes that office that
7 front desk can become a real pressure situation. And those
8 people who are out there are as human as anybody else. I
9 think Mr. Speirs can attest to the fact that I care a lot
10 about the people coming into our office be treated in a
11 dignified fashion. Even if we're saying no to people that
12 doesn't mean that we in any way tend to denigrate them or
13 make them feel that they aren't entitled to a life of
14 professional treatment.

15 So I guess my response would be since we can't
16 discuss the specifics here is to come to my office with the
17 specifics. We'll find out what happened. And we'll take
18 whatever action is required. Okay?

19 CHAIRMAN RIGGS: Thank you very much. We'll
20 take five minutes now. Off the record.

21 (Whereupon, a short recess ensued.)

22 CHAIRMAN RIGGS: On the record. We will have
23 as our next and as our final presenters Mr. Rogilio Garza
24 who represents the Ayuda Rural Development Corporation. We
25 will now turn the mic over to him.

1 MR. GARZA: Honorable Chairperson and Committee
2 members my name is indeed Rogilio Garza. I work for the
3 Utah Rural Development Corporation. We're a statewide,
4 private, non-profit organization. We exclusively serve the
5 farm worker population but also rural and some urban clients
6 as well. We offer employment training services, health
7 living services, limited emergency services. And we also
8 were a formalized designated -- I have problems with the
9 abbreviation. I have a threefold presentation to make to
10 you. I missed the introduction in the morning and was
11 wondering if the Chairperson would be kind enough to tell
12 me authority caused you to have this hearing?

13 CHAIRMAN RIGGS: By what authority?

14 MR. GARZA: Yes, sir.

15 CHAIRMAN RIGGS: Well the United States
16 Commission on Civil Rights as established by act of
17 Congress under the same Act. They create an advisory
18 committee in each state. And we are the state advisory
19 committee. And as part of our mandate or function under
20 that statute with the help of the staff we're required to
21 look into areas relating to civil rights. And so that's
22 the general authority for it. The particular reason for it
23 is that we were discussing the various topics that might
24 be of interest and current and useable and we came upon this
25 one. And in particular the United States Commission has

1 been urging the state advisory committee to consider this.
2 They thought it was useful because they're very interested
3 in getting feedback from many states on the operation of the
4 program. So for those reasons it seemed to be of some
5 interest and current. We chose the subject. But what we're
6 doing is we do under authority of an Act of Congress. And
7 it's simply in an advisory capacity.

8 We advise the United States Civil Rights
9 Commission and then they make a report also to Congress.

10 MR. GARZA: I was wondering. And so are you
11 still requesting I was wondering if because of provisions
12 of the Immigration Reform and Control Act you were taking
13 the responsibility of fulfilling some of the sections that
14 are reflected on the Act itself. And one or two of them
15 have to do with assessing the impact of this law and given
16 impact. I can not remember if it's either to Congress and/or
17 the presidential administration at all.

18 CHAIRMAN RIGGS: The provisions of the Act
19 place that mandate upon somebody else but not upon us. We
20 are certainly viewing it independently under our mandate
21 as a state advisory committee.

22 MR. GARZA: I'm very happy that I asked those
23 two questions because of the following. My points of view
24 are pre-enactment of the IRCA and post-enactment of IRCA,
25 In the Hispanic community and in particular in the farm

1 worker community when we saw that the enactment of this law
2 was going to take place it culminated decades of
3 (unintelligible) in terms of the fact that it had been
4 that long that revision of immigration laws have been
5 discussed and in particular and then they are in fact have
6 been an issue and is still an issue that is very dear to our
7 hearts as Hispanics or as farm workers.

Phase I

8 We felt pre-enactment of IRCA that the
9 legislation being proposed was unrealistic, ~~it was~~
10 repressive ~~and would~~ ~~it was to be administratively ineffective.~~ And
11 these were the reasons that we felt we have dissented. The
12 intent the public was informed of this law was to stop the
13 flow of undocumented workers to this country. Undocumented
14 workers that are literally impoverished or under siege. And
15 what I mean by that is that we have a lot of people that
16 come to this country because in the countries that they
17 originated there is either civil or military countries. And
18 so we have that there will not be possible to enact a law
19 that would stop the entering of undocumented workers to the
20 country.

21 We felt that what would be more meaningful would
22 be a law that maybe goes slow, a bit slow. It addressed
23 economic development or the democratization of government
24 from the countries where we get the predominant amounts of
25 workers into our country.

1 Back then in 1986 poor the communists of Mexico
2 and South America were in a poor state. The governments
3 as a whole were perhaps more stable. Meaning to say there
4 was less civil and military surprise than there is now.
5 In terms of our perspective of the law being unrealistic
6 in terms of it being repressive we felt that the law had the
7 potential to divide families and to ferment discrimination.
8 In particular as to how national identification was being
9 discussed in the early stages of the first proposals. Let
10 me state there were proposals being discussed in the early
11 1980's. The national identification issue evolved into the
12 I-9 card that we are now working with. We felt that because
13 deception dealt with too many agencies in terms of it's
14 enforcement the law enforcement it would be ineffective in
15 being administered.

16 The term pre-enactment perception existed back
17 then. Our post-enactment perception is the following. The
18 families of the countries that I have already mentioned are
19 on that worse now than they were before. From our point of
20 view there are less democratic governments in those
21 countries for whatever reason. Some are Marxist. Others
22 are dictatorial. Nevertheless, they are more repressive.
23 So it is our contention that the main intent of the law
24 was never that. It is our contention as human service
25 providers, as people that work with people that there are more

1 undocumented workers now than there were before. The
2 currencies of the majority of the countries that I have
3 mentioned specifically Mexico, Peru and others have been
4 many times devalued. Until economic development reaches some
5 type of parity with those undeveloped countries where there
6 are developed countries surrounded by undeveloped countries
7 you will always have an oppression of people from the less
8 powerful to the most powerful.

9 In a twisted and ironic and a horrible sort of
10 way our fight against crime and specifically against drugs
11 in countries like Perus, Bolivia, those countries that grow
12 poppy and marijuana are run by extremely impoverished
13 farmers. In our war against drugs then we have to eradicate
14 the only source of income for some people that are not
15 insulated. And I am certain now will cross over our border
16 and become part of our underground labor force.

17 I do not mean to imply that there should not be
18 an anti-drug war. There must be. It effects not only the
19 United States but the country as a whole. I'm just highlight-
20 ing how perverse fate is sometimes for people. Our fears of
21 developing unrealistic for them (unintelligible). Our
22 fears that the law will be repressive and divide families
23 have been confirmed. I wish that although the context that
24 you have formulated here was supposed to be non adversarial
25 that it indeed all those presenters that have addressed you

1 who have come forth to you from the same implied or real
2 sense of what the status of the issue of the undocumented
3 workers is. But the real issue does not accommodate
4 social or political conveniences. I'm not a person on the
5 committee for commenting that or meaning to expedite that.
6 On the contrary I'm mindful extremely of what your mission
7 is and your authority is. And I appreciate very much so
8 that your authority is not necessarily in what I've seen in
9 the Act itself. And so my presentation any more appropriate
10 you know. It's emotion. This assessment takes place. Okay?
11 So I apologize for that. However, it's too important an
12 opportunity to present to you information that would belie
13 what we feel in the farm worker and the Hispanic community
14 to be the real status of the issue of undocumented workers
15 in the country.

16 Anyway the reason in issue how families the
17 separation of families the discrimination that we thought
18 would be propogated by the development of a national
19 identification system has somewhat not materialized the way
20 we thought. And we were very happy for that. The I-9 process
21 seems to be universally applied supposedly you know equally
22 you know. Everybody walks into an employment place should
23 be asked is demanded that they be stamped. Whether it's
24 necessary to verify that you're here legally. We appreciate
25 that. However, another source of discrimination evolved.

1 And that sort of discrimination that has evolved is the
2 discrimination of either denying or excluding. And the
3 section that particularly I highlighted that for you this
4 morning in a non-adversarial fashion was the testimony
5 presented to you by the social services, the Department of
6 Education and the Department of Health presenters.

7 The discrimination I'm talking about here is
8 the denial and/or exclusion either by statute or by
9 prohibition because no outreach capability was given to the
10 administrators of this resource that's authorized by this
11 section then these new populace this law is legalizing is
12 discriminated upon. It has denied something that should
13 humanely and morally we should now feel more ethically
14 obligated because now they are legal than before. And so
15 that kind of discrimination has indeed materialized.

16 The I-9 card has done the following though. It
17 has made those that are here and that are undocumented and
18 there are large amounts of undocumented workers here, more
19 underground than the pre-IRCA undocumented worker. Because
20 now employers have a way of flushing out whether you have
21 what is required to prove that you are here legally or not.
22 And so then you are more at the mercy you know of unscrupu-
23 lous employers who take advantage of your legal status. Of
24 that we are very certain.

25 We feel that when the was put together after

1 much compromising by various interested parties both
2 Congress democrats and republicans, the Whitehouse and
3 the Immigration and Naturalization Service those that were
4 going to be burdened by now having to provide services
5 human services to a new target population, Department of
6 Health, Social Services, et cetera, farm workers, Hispanics,
7 labor, union farm workers et cetera realized that at a
8 certain point there will be new legislation enacted.

9 When that reality hit us we saw the Congress
10 had a general and more positive attitude of what the intent
11 of this law was to generate. We interpreted that their
12 intent was meant to liberalize legalization processes.
13 However, that was a pre-enactment. Post-enactment what we
14 saw then was that the players the authority, authority and
15 responsibility of the players evolved from Congress of course
16 the policy making body, a legislative making body to the
17 administrative bodies. In this case INS as an example. We
18 felt that the intent changed from a more positive or somewhat
19 positive stage to a negative stage in that INS interpreted
20 the law to be an enforcement tool. To allow accidents like
21 the one that was presented here in general terms when
22 Mr. Renteria to these things. (Unintelligible) by Catholic
23 Community Services and immoral (unintelligible) I would also
24 you know attempt to impress it that way.

25 The other evolution from a new tool or a some-

1 what positive to a negative you know stage was that of human
2 service agencies that took the law in lieu of provisions
3 more than statutes and allowed and used that as a pretext
4 to in effect maximize discrimination through denial or
5 exclusion in this case of human services. It's beyond me
6 as a very modest human service provider to see mega human
7 service providers tell us that they have resources financial
8 but they do not have the human resources to match those
9 to this new population that we have created. It is beyond
10 imagination, political, social and/or theoretical.

11 I would like to begin my wrap up here. I hope
12 that the committee allows in all of us to follow our presen-
13 tation by sharing with you more meaningful in this case what
14 I mean is hard data. Court cases that have been decided,
15 already as they relate to the various sections of the law.
16 Court cases that are making decisions. We would like to
17 submit to you information that relates to some of these
18 sections. And in particular this one that deals with SLIAG
19 as people you know call it. And in particular information
20 related to the points that relate to the agricultural worker
21 section and appeal processes and the other parts of the
22 section. I hope you allow us that. We're a statewide
23 organization. We have other projects here in Utah. And
24 we're also affiliated to a number of national entities, the
25 Association of Farm Worker Programs, the Committee for Farm

1 Workers, the National Council of La Raza. And we will not
2 come to deny ourselves of a feeling to you to allow us to
3 submit to you in a heartbeat in addition to what I'm
4 presenting to you.

5 CHAIRMAN RIGGS: You certainly may. Anyone
6 may submit any written report or information that you would
7 care to.

8 MR. GARZA: Thank you, sir. I would like to wrap
9 up now this way. We have a modest legalization project.
10 We have 6,700 participants. Of those 450 very directly and
11 75% of those were SAW's and the other 25% were amnesty
12 participants. The dimension that we're having the most
13 difficulty with is what we view as capricious unobjective
14 process of appeal procedures. And I'll computer you know
15 my reference to that one mention of services that we provide
16 to Utah Rural Development Corporation. I want to wrap up
17 this way. Pre-enactment of IRCA that players that I've
18 already mentioned and there's many more we used to work
19 very well one with the other. We feel that since the
20 enactment of the law we have at least had to work together
21 more. And as a consequence we still may see our see
22 adversarily on some matters but perhaps non adversarily on
23 others. Then with that mindset then I conclude. I would
24 like to invite ourselves, those of us from Utah that are
25 involved in entities that effect this particular population

1 to conference informally and/or formally and address matters
2 of concern to this population. I would like to suggest that
3 there are a number of things that we might be able to
4 effect. Identify which are perceived and which are real
5 problems or misunderstandings. Like the situation we just
6 had that evolved here, materialized here. Secondly, explore
7 sections of the law amongst all of ourselves and see what
8 is expected there and mandated and what is provisionally
9 mandated. And what I mean by that is that some things are
10 set in concrete we've got to do. Some things there's room
11 for free activity bureaucratic or otherwise to be applied
12 and make our lives in particular the lives of these people
13 less filled with negatives.

14 I would like for us to get together and see if
15 we can create through the resources that some of us have
16 for example job service administrators sections of the job and
17 training partnership act. I would want to think that it may
18 be possible to develop outreach staffing capability for those
19 that have resources and they're not able to distribute it
20 by taking advantage of some of those programs. There is
21 federal interagency precedent for that. In previous years
22 the Department of Labor has had what they call interagency
23 initiatives to create more housing with the Farmers Home
24 Administration as an example. They have entered initiatives
25 U.S.D.O.L. again with Health and Human Services to train more

1 people in the health careers professions. So those ideas
2 have been already activized by government agencies. In some
3 cases some of them have either direct or peripheral
4 responsibility for the administration of this law.

5 We hope that IRCA in it's present shape is here
6 with us temporarily. We are the proponents of the people
7 that are effected by this law hope that the law gets
8 amended or revised because in short it cries for improvement.

9 I appreciate the oppportunity of having addressed
10 all of you. And we'll keep in touch.

11 CHAIRMAN RIGGS: Are there any questions?

12 MR. MECHAM: I would like to ask one question.
13 You have expressed considerable dissatisfaction with the
14 impact of the law on people who are here in an undocumented
15 status. What is the impact of the law on those who are now
16 documented?

17 MR. GARZA: What is the impact of the law?

18 MR. MECHAM: Yes.

19 MR. GARZA: The most obvious one is that they're
20 driven into a deeper underground than their the previous
21 generations. And what I mean by that is prior to the
22 enactment of IRCA there were no employer sanctions. So
23 employers were not did not have a threat of being penalized
24 for employing undocumented people. Besides there was a
25 freer labor market for that particular human population.

1 Post-IRCA there are sanctions that can be imposed on employers.
2 So now there is more a negative incentive for abuse to take
3 place. And that is the concern that we have. But more
4 generally speaking the concern is intervention. As long as
5 the countries where these people come from or the desire to
6 change a dream we will always have people coming here.
7 Unless we have INS patrolmen standing shoulder to shoulder
8 you know from one side of the border to the other we will
9 not be able to stop that.

10 MR. MECHAM: What is the general sense of the
11 community that has now achieved permanent resident status?

12 MR. GARZA: They're most happy.

13 MR. MECHAM: They're a very happy group compared
14 to the ones to what they used to be. So in that respect --

15 MR. GARZA: Immeasurable. In that respect
16 the impact in terms of the positive indicators is immeasur-
17 able. They're no longer underground. They're free in that
18 sense.

19 MR. MECHAM: So there are some positives to the
20 law as well as the negatives?

21 MR. GARZA: Yes. And I'm sorry that I did not
22 you know that I am sorry about that. But that is the most
23 obvious one.

24 CHAIRMAN RIGGS: Thank you very much. I think
25 that's been an appropriate final presentation. We do have

1 scheduled here an open session. If there is anyone who
2 would like to make a statement you are now invited to do so.

3 MR. COOPER: I am Grant Cooper. And I've been
4 with California of Utah originally and educated and have
5 been down there twenty-seven years in all. I came back once.
6 But anyway I just came from there last Fall. I broke my
7 leg so we do have some family up here. So I came back to
8 rehabilitate. And I'll get to the point here. But anyway
9 I'm back in Utah. But I'm very concerned about the caliber
10 of service that we're giving our citizens. And if you're
11 in California and see the impact of the illegal aliens
12 now which many of them have become documented we indicate
13 these people are coming in immigrants. What bothers me is
14 that I feel for sorry for everyone in the world that's
15 having problems economically or for food. But where is the
16 point that we expect to keep some type of standard of living
17 in america and still help everyone.

18 Now some information passed over my desk last
19 year that there was two-and-a-half million children in the
20 Western United States that couldn't read in either english
21 or in their own language. The point I'm trying to make in
22 some way we're letting all these people into the country
23 but we're not giving the american service that they should
24 have. So I think we've got to take a look at how many
25 people that we can service and take care of in relation to

1 economics and money. These some of these schools are
2 becoming most difficult to teach in.

3 You go to Southern California and you become
4 very upset about what you see. The congregation of the
5 immigrants are going to be in the Los Angeles area according
6 to studies, Chicago, New York and Atlanta. There's about
7 41 million if I have the figures straight. What we classify
8 as minorities now there will be soon 71 million. And they
9 will be concentrated in those areas. And many of them are
10 unemployed. So I think if you have any input to legislature
11 some way they've got to correlate money to take care of these
12 people and education and other services or do something
13 about stopping it.

14 And I'm an immigrant. And everytime you talk
15 about stopping immigration into the country you get a
16 backlash because everybody says we're immigrants. But some
17 way the system won't stand this situation. It's getting
18 to the point now if you're involved in it directly it's
19 really quite scary. Now I'm not coming here to say that
20 it can't be resolved. But there's some minorities in the
21 country that are sixty percent unemployed. And we no one
22 wants taxes raised. How are we going to take care of them?

23 So the thing that I'm proposing to you people if
24 you have any input to Congressional legislation then I would
25 surely indicate that. Because the people here need help.

1 And it's of great concern. And another thing is if you have
2 any input there's 262,000 foreign students in our country
3 now majoring mainly in sciences. Most of them are staying
4 here. Now we loan money to the countries they're coming
5 from. Then they send them here and pay them and then we
6 pay for their education and then they're staying here. And
7 I've been a teacher in a college. I have many young people
8 who would like to go on to med school, dental school and
9 other services. Many of them can't get in because of
10 foreign students taking their positions.

11 Now the idea of them coming here for their
12 education is good if they go back to help the country they
13 come from. But they're not going back. We loan the
14 country, give the countries money. They send them here and
15 pay them themselves. Then we educate them and pay for their
16 schooling and the college. That would be equivalent to
17 twenty-six universities like Utah State of foreign students.
18 Now how are you going to help the country that they come
19 from if they don't go back? I mean what do you understand
20 what I'm saying? The students in my classes in school are
21 beginning they've seen this for years and they're quite
22 alarmed about it. And they have a right to be. Shouldn't
23 we take care of the people here in america including the
24 immigrants and all the ones that we have first or do we keep
25 loading up the system and not taking care of everybody.

1 They're just not appropriating enough money for education in
2 the -- Look at Utah. They're having problems. Every
3 state's having problems to get enough money to educate these
4 people. To bring them up to the level so that they can work
5 in our system.

6 It's not like when I got out of high school
7 down in Central Utah you could go work in a potato patch
8 you know if you didn't have an education. But now you've
9 got to have an education. And you ought to teach in these
10 high schools and see many of these immigrants are coming.
11 Some of them are undocumented. I have them in classes. And
12 you ought to see the problems. What are we going to do
13 about it? Is there any way that we can get to our
14 government about this? What's the answer?

15 CHAIRMAN RIGGS: I think we'll probably take
16 this as a statement rather than a --

17 MR. COOPER: Well that's more like it. These
18 things I think are real problems. And I don't mean to
19 labor on them. But I think somebody needs to address them.
20 If you have any influence I'd appreciate it. Thanks very
21 much. I appreciate it.

22 CHAIRMAN RIGGS: Thank you, Mr. Cooper. Is there
23 anyone else here to make a statement? Yes?

24 MR. GARZA: (Unintelligible).

25 CHAIRMAN RIGGS: Pardon?

1 VOICE FROM AUDIENCE: He needs a translator.

2 MR. ESQUIVEL: This is a personal case that he
3 has. And it relates to I believe the appeal process of one
4 of the sections of IRCA. And he's grateful that you allow
5 him the opportunity to express himself here.

6 His name is Miguel Esquivel. He came here in
7 1985 and worked in the field, agricultural field. Since
8 then he has not gone back to Mexico. In 1985 he left Utah
9 for California. His family lives in California. Being here
10 undocumented he worked in various job settings without
11 document support. He found out while in L.A. that he could
12 pick up agricultural employment. And that he didn't say this
13 but obviously there was a lot because they are from the time
14 that we initiated our compensation could be eligible for
15 again one of the sections of IRCA. He has resided here one
16 year. It was the purpose of attempting to be declared
17 eligible. He has witnessed discrimination from INS from his
18 own experience.

19 He's making a statement that he is here because
20 he feels that he has a right to eligibility or at least
21 presumed eligibility. He did not use the word presumed. For
22 the section again of IRCA. That it's his point of view that
23 depending on how a person appears then the treatment that he
24 will receive. His point of view is that when he went to
25 initiate this process to INS it's his point of view that the

1 agent that assisted him expected to see a humble mexican
2 purpose, humble mexican person. And in that context referred
3 to as sombrero and the type of traditional shoe wear that
4 people use in rural settings.

5 And he's making a connection here to the fact
6 that he has a higher education from Mexico in the area of
7 psychology with a doctorate on that emphasis. And so it
8 would be illogical then that his appearance would compliment
9 that of the humble person I depicted earlier. He found out
10 about this meeting today in a hispanic publication.

11 MR. MARTINEZ: A point of clarification just so
12 that for the record. One of the things that he stated is
13 that he has a doctorate in psychology. And that was not
14 mentioned. I just wanted for the translation.

15 MS. ORTIZ: He finished college. And that he
16 understands more than he is able to speak.

17 MR. ESQUIVEL: He read about this meeting in this
18 hispanic publication. The publication I think is a little
19 bit more elaborate. I'm trying to remember if you also had
20 a release on the treatment of the desiree? Did you?

21 VOICE FROM AUDIENCE: Yes.

22 MR. ESQUIVEL: Of this meeting?

23 MR. GARZA: It's a little more expanded on. Okay?
24 So then the expectation that he derives and that he expresses
25 here is based on what he's read here. Okay? And this is

1 what he's expressing. It was my understanding from what I
2 read on this publication that there will be a dialogue
3 setting. And one of the agencies that's who works you know
4 alluded to us and presented here is INS. So he anticipated
5 that there would be dialogue in terms of his point of view
6 with you know the representation of that agency. But they're
7 gone. So he's saying obviously they don't want to dialogue
8 because you know they have left. Okay?

9 CHAIRMAN RIGGS: Also normally we would keep
10 these statements to about five minutes. And of course it
11 takes a little longer since it has to be said twice.

12 MR. GARZA: Yes.

13 CHAIRMAN RIGGS: But perhaps through his
14 employer he can reach and make it as quickly as possible.

15 MR. ESQUIVEL: Okay. He's expressing sentiments
16 of by comparison that he feels pressured in having to
17 present his point of view when there's a time limitation.

18 CHAIRMAN RIGGS: Excuse me. Perhaps he could
19 write it up and hand it in. It's necessary to have a time
20 limitation. We've been here since about 9:00 this morning.
21 And although I'm sure he feels very strongly about it he
22 can probably get fuller consideration if he really has a lot
23 to say by writing it out rather than going on. If he can't
24 finish making his point. This is really not for consideration
25 of individual cases you understand. That's really what we

1 have here. And obviously in an individual case it provides
2 some illustrations of what's going on in the system. But we
3 simply don't have the time here to hear the whole thing out.

4 MR. ESQUIVEL: In attempting to establish his
5 eligibility he has been interviewed and the interviewee from
6 INS has requested information that is impossible for him to
7 acquire. And it has to do with employment verification. She
8 is demanding that he must provide income verification from
9 a farmer for whom we worked, he worked, excuse me. However,
10 many farmers use middle persons. In this case we call them
11 contractors, contratistas. Often farmers will give a sum
12 payment to a contratista and then cash that check and then
13 give and then distribute cash payments to his workers. That's
14 the situation that he has. And so it is impossible for him
15 to provide that kind of documentation.

16 MS. ORTIZ: Excuse me. I would like to say
17 something for the record. He says that he's required
18 apparently he only required one letter. But as a personal
19 preference of the person doing the interview she said now
20 because I won I want you to bring three letters.

21 MR. ESQUIVEL: So his point of view generally
22 speaking is that it is his impression that the official then
23 is being subjective in terms of what she is requiring you
24 know to confirm his eligibility.

25 CHAIRMAN RIGGS: I'm sorry I have to interrupt.

1 This is turning into the nature of an individual case. And
2 if we were an appeal body we would of course hear his
3 complaints and do something if we were able. I think the
4 nature of the problem that has clearly emerged. And I don't
5 see that anything useful can be served now as far as I'm
6 concerned in hearing this thing out to this conclusion because
7 when he gets through we can't do anything about it. But if
8 he would like us to have information I suggest that he
9 submit it in writing. So I don't want to be abrupt about
10 cutting it off. But I think this has really gone as far
11 as it can go in the context of the kind of meeting that
12 we're holding here. And tell him thank you very much for his
13 presentation.

14 Thank you very much and thank everyone who has
15 been here today and received information on the impact in
16 Utah of the implementation of IRCA. We've heard from
17 representatives of the public and private groups and
18 organizations and some individuals knowledgeable about
19 the issues we've been considering. The advisory committee
20 will review the transcript of this meeting and any written
21 materials that may be submitted and prepare a summary for
22 the United States Commission on Civil Rights. We certainly
23 wish to thank everyone who came, those who participated and
24 those who sat and listened. The meeting will now stand
25 adjourned.

1 MR. MARTINEZ: Could I, I'd like to make one
2 comment a quick one before we close. And that is that I
3 think as I'd like to go on record as a member of the
4 committee that I think we need to encourage entities such as
5 the educational system to find that flexibility that is going
6 to be required to serve the people that are most in need.
7 Again what Mr. Garza said that we have found that we can not
8 get to people I think is a real is a real shame.

9 The other part of my comment is that we need to
10 encourage the State of Utah and other states to take a
11 responsibility. Because these are folks that have been here
12 forever. Have been taxpayers and will continue to do so. And
13 federal funding is going to run out. What is going to
14 happen after that? And that is my comment that I think we
15 have a responsibility to as a state to do something about
16 this issue. Thank you, Mr. Chairman.

17 (Whereupon, at 5:15 p.m. the forum was concluded.)
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CERTIFICATE OF REPORTER

This is to certify that the attached proceedings
before: UNITED STATES COMMISSION ON CIVIL RIGHTS

In the Matter of:

Forum on the Impact in Utah of IRCA

Docket No:

Place: Salt Lake City, Utah

Date: May 18, 1989

were held as herein appears, and that this is the
ORIGINAL transcript thereof for the files of the
Department.

Mirra Kaner

Reporter