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Fernando De Baca

A STUDY OF THE IMPACT OF
ILLEGAL ALIENS ON THE COUNTY
OF SAN DIEGO ON SPECIFIC
SOCIOECONOMIC AREAS

San Diego County, Human Resources Agency
San Diego California, 92101

November 5, 1975





236-2888

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Fernando:

1. First report of its type by any govt. municipality — its most revealing.
2. We need your assist. in implementing some of the recommendations — see #10. Also, I would like to have a symposium in S.D. on undocumented aliens & have some heavies in this area attend.
3. Tell the president to be very cautious of the research study being done by Lesko for INS on illegal aliens — these guys never left D.C. & yet they calculated a nation figure of I/As to be about 9 million. They never traveled to data banks on borders to do a scientific study. The word has it that Chapman is doing it to justify his budget position.
4. I feel Recomend'n. #6 is a good one. If it comes about, I would like a chance to head it up. I'll have my P.H.D. in April 1976 & I qualify for GS-14, 15, 16, & 17. I've been certified.



5. The report is statistical, so I could not editorialize on the aspects of the real cause of the problem & solutions that are really beyond local gov't. — and, can only be effectuated by heads of state & the resources that they are empowered to use.

— I hope to be able to dialogue my perspectives, and those shared by Bustamante, Galarza, Corwin, Williams, Briggs — etc. — in subsequent reports.

6. Different Subj.:

(a) It's probably just as well Kessinger selected Stabler to be ambassador to Spain rather than me.... the way things in Spain now, Stabler might get his ass shot off.

(b) Lilia Lopez sends her love.

To Amigo Villalpando



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Vic Villalpando
Project Coordinator



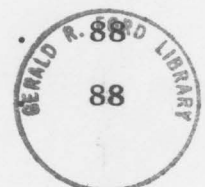
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ABSTRACT

On July 15, 1975, the County Board of Supervisors approved the accomplishment of a special research study that would determine the socioeconomic impact of illegal aliens on the County of San Diego. More specifically, the focus of the study was to address itself to the cost impact of illegal aliens on the welfare and education systems, health care providers, law enforcement agencies, and on-the-job market of San Diego. In this regard, data was to be gathered, compiled, analyzed and a report completed for submittal to the Board of Supervisors. The report was able to include such other areas as immigration from a historical aspect, federal legislation on immigration laws, and a brief rendering of procedures that affect public service agencies as they relate to the issue of the illegal alien. Additionally, the study encompasses the extent of spending by Baja Californians in San Diego in order to better understand the relative economic interdependency between border neighbors. And finally, the study was able to develop a list of Chicano concerns on alleged abuse of illegal aliens by some employers.

In this regard, the report is completed and duly docketed with the Clerk of the Board, County of San Diego, on this date, November 5, 1975. A summary of the findings follow:

1. An estimated 800,000 illegal aliens were apprehended in the United States in fiscal year ending June 30, 1974. Immigration and Naturalization Service (INS) officials estimate that 3-4 million illegal aliens might be residing illegally in the U.S., and the present U.S. INS Commissioner estimates



that the number of illegal aliens residing in the country might be as high as 12 million.

2. A total of 203,786 illegal aliens were apprehended in the San Diego area in FY 1974-75; 186,089 of the total figure were apprehended by the Border Patrol, and the balance of 17,697 illegal aliens were intercepted while attempting to enter through the Port of Entry Station at San Ysidro. San Diego Border Patrol Officials estimate that only one-half of all illegal aliens that enter through the 70-mile border area of San Diego are detected and apprehended.
3. The Southern California INS Assistant District Director estimates that about 50,000 illegal aliens reside in the County of San Diego, of which 9,000 are estimated to be holding job slots.
4. 10,000 legal Mexican aliens commute to jobs daily in the San Diego area. Additionally, 5,500 legal Mexican Seasonal Workers work within the County of San Diego for an average of six months during the year.
5. Of the total 203,786 illegal aliens apprehended and intercepted in FY 1974-75 in San Diego, 97.5 percent were Mexican Nationals. Mexico, El Salvador, and Guatemala account for 99 percent of illegal alien interceptions at the San Ysidro Port of Entry.
6. 87 percent of illegal aliens apprehended by Border Patrol

Officials are Mexican males, while 75 percent of the illegal aliens intercepted at the San Ysidro Border crossing are Mexican females.

7. WR-6 forms are utilized by welfare departments for determining legal residency of welfare applicants by clearing the WR-6's through the INS. A review of 9,132 WR-6 cases during the period March 12 - September 16, 1975, by the San Diego County Welfare Department revealed that only 10 illegal aliens were found to be receiving welfare benefits, however, the 10 were determined to be eligible for benefits under existing regulations. A similar investigation of 1,400 cases by the County of Los Angeles found only 56 illegal aliens were receiving welfare benefits, of which only 2 were found to be ineligible for aid.
8. Part of the cost for processing the 9,132 WR-6 forms by the San Diego Welfare Department was estimated to be \$9,497 ($\$1.04 \times 9,132$), while the estimated total yearly cost for providing welfare aid to the 10 illegal aliens is \$13,608. The projected cost of processing WR-6 forms for a one year period is estimated to be \$16,300; this indicates a greater cost of processing WR-6 forms than the direct aid grant of \$13,608 to the 10 illegal aliens.
9. On August 12, 1975, Homer Detrich, County Welfare Director, submitted a letter to Marion Woods, State Director of Payments, requesting that San Diego be allowed to discontinue

the procedure of having to process Form WR-6 as a means of determining eligibility based on legal residency. WR-6 forms would be used only on specific cases.

10. Research of other welfare services indicates that illegal aliens did not have a cost impact on General Relief, Food Stamps, Homemaker Services. However, adoption services did report an estimated yearly cost impact of approximately \$1,200. Therefore, the present annual total cost impact by illegal aliens on the Welfare Department is estimated to be \$24,305.
11. Nonimmigrant (NI) pupils are legally immigrated children who attend a San Diego school as students, and noncitizen (NC) pupils are students without proper documentation to prove his/her legal residency in San Diego; schools are reimbursed by the County of San Diego for educating these students. Total claims for reimbursement for the education of NI/NC children in the San Diego area schools has increased over the last five years from \$106,937 in the 1970-71 school year to \$227,733 in 1974-75.
12. The Pauma Elementary School District led in claims for reimbursement in 1973-74 with 62 NI/NC students, and leads in 1974-75 with 46 claims. Among the Unified School Districts, the San Diego Unified School District led in claims in 1973-74 with 199 NI/NC students, and leads in 1974-75 with 196 claims for reimbursement.

13. It is estimated that \$266,900 will be spent on reimbursement claims for the education of NI/NC students in the 1975-76 school years, and it is estimated that this figure will increase to \$299,000 in 1976-77.
14. Two out of every four NI/NC students in San Diego are from Mexico, the rest are from a myriad of other countries.
15. Enrollment of NI students over NC students had increased from 31 percent of the "reimbursable student population" to 75 percent.
16. High school enrollment of NI/NC students increased from 40 percent of the NI/NC population to 50 percent; this indicates that half of all NI/NC students are enrolled in high schools.
17. Present law stipulates that a school district is required to provide a full-time education to the children of aliens who have been lawfully or unlawfully admitted into the U.S. if the alien children are of compulsory school attendance age and live within the school district.
18. During FY 1974-75, the cost of the inpatient medical care paid to University Hospital by the County of San Diego for treatment to illegal aliens and other ineligible Mexican Nationals in cases where cost was not recovered, was \$513,063; the cost was incurred by 287 patients. This figure is comprised of 66 illegal aliens, 111 72-hour pass holders, 89 newborn babies, and 19 A-Card holders residing in Mexico (Commuter Workers).



19. The County Board of Supervisors ~~has~~ the prerogative to provide or not to provide medical services for non-residents of San Diego County, including aliens. Courts have no authority to interfere with the legal exercise of such discretion (Patten v. San Diego, 1951, 235 P.2d 217).
20. During a 20 month period (March 1, 1974 to September 10, 1975), the San Diego County jail recorded a total of 107,563 bookings of which 601 bookings were classified as illegal aliens. The present cost of maintaining an inmate at the County jail runs about \$14.76 per day, therefore, the cost impact of the 601 illegal aliens on the County jail is estimated to be \$8,871. The cost for a one year period (September 1974 to September 1975) is computed to be \$8,428 (571 illegal alien bookings).
21. A study of the Juvenile Probation Department revealed that 234 illegal alien juveniles were served by the County of San Diego during the period of June 6, 1974, through July 21, 1975. The estimated cost of processing and maintaining one illegal alien case is \$372.00 and, therefore, the total cost impact of illegal aliens on the Juvenile Probation Department is estimated to be \$87,048 over a one year period. The areas with the highest criminal involvement are general burglaries, auto theft, and petty theft.
22. Of the eleven law enforcement agencies surveyed, only three reported having written procedures on the method of

handling and processing illegal aliens; these agencies are the Chula Vista City Police, the Escondido City Police, and the County Sheriff. The remaining eight law enforcement agencies operate on an understanding defined by their respective administration.

23. The top four law enforcement agencies making the greatest number of original contacts with illegal aliens that resulted in jail bookings are: (1) San Diego Police Department--325, (2) County Sheriff--90 (3) California Highway Patrol--57, and the (4) Chula Vista Police Department--41.
24. The top five criminal categories most violated by illegal aliens are: (1) Vehicle theft--82, (2) driving while under the influence of alcohol--63, (3) First degree burglary--57, (4) petty theft--46, and (5) possession of marijuana--40.
25. Of the total 601 jail bookings identified as illegal aliens, 576 noted Mexico as their country of origin.
26. The total estimated cost impact of illegal aliens on the judicial and law enforcement system (i.e., County jail, youth probation, police departments, County Sheriff, CHP, County District Attorney, etc.), is estimated to be \$106,910 calculated on a yearly basis.
27. INS officials feel that of an estimated 1,350,000 illegal aliens believed to be residing in California, an estimated total of 251,000 are believed to be holding jobs; in San Diego, the estimated illegal alien job holders are believed to number 9,000.

28. It is estimated that employed illegal aliens earn an average hourly wage of \$2.00. In this regard, total wages earned by 9,000 illegal aliens are estimated to total \$34,560,000 over a one year period.
29. Since it is estimated that each illegal alien earns an average yearly income of \$3,840, they would not be required to pay any state or federal taxes as a result of the low income bracket.
30. Mexican government officials estimate that Mexican Nationals living adjacent to, and in the proximity of the U.S.-Mexico border spend approximately 60 percent of their income in the United States. The same estimate was calculated for illegal aliens even though the factor is believed to be higher since illegals spend a greater percent of their working time in the U.S. In this instance, the 9,000 estimated illegal aliens believed working in San Diego and who earn an estimated \$34,560,000 in wages, spend about \$20,736,000 in the County of San Diego. The remaining \$13,824,000 is believed to leave the country and thus affects the U.S. balance of payment.
31. IRS and San Diego Farm Labor Bureau officials feel that most employers do collect state and federal taxes from the wages of illegal aliens. They concur that illegal aliens do pay sales taxes on purchased goods, and they would also contribute to the renter tax credit base since most of them would live in rented housing. In this regard, it is estimated that the wages (\$34,560,000) of 9,000 working illegal aliens in San Diego would contribute a total of \$6,768,000 in federal and state income taxes,

state and local sales taxes, and renter tax credits on property taxes. Furthermore, the County General Fund would benefit by \$643,500 (based on 26% of property taxes). Property taxes are estimated at 25 percent of \$100 per month rent and \$25 renter tax credit per employed person.

32. 10,000 Commuter Workers that travel to work daily in San Diego are estimated to earn an average hourly wage of \$2.50. The estimated yearly wages earned by the 10,000 Commuter Workers is \$48,000,000. Since Mexican government officials estimate that 60 percent of these wages are spent in San Diego, this indicates that an estimated \$28,800,000 is left in the San Diego economy, while the remainder (\$19,200,000) affects the U.S. balance of payments.
33. INS records indicate that 5,500 Seasonal Workers working in the County of San Diego earn a combined estimated salary of \$13,200,000 yearly; Seasonal Workers are estimated to earn an average hourly salary wage of \$2.50.
34. San Diego labor union officials estimate that Seasonal Workers spend about 80 percent of their wages in the U.S. due to the nature of their work and duration of time in one general area. Therefore, it is estimated that Seasonal Workers spend \$10,560,000 locally and the balance of \$2,640,000 affects the U.S. balance of payments.

35. INS officials maintain that by improving immigration enforcement programs, an estimated 1,000,000 jobs may be made readily available to unemployed U.S. workers on a nation-wide basis. This perspective of jobs becoming available as a result of illegal aliens vacating job slots is difficult to calculate since a program conducted in Los Angeles after 2,154 illegal aliens were apprehended on the job has failed to provide local residents of Los Angeles with employment. Contributing factors to the failure by HRD officials to replace the ousted illegal aliens with local job applicants were, (a) employers offered to pay less than the minimum wage rate, (b) job applicants would not work for the low wages offered, and (c) applicants were discouraged by the difficulty of some of the jobs and the substandard working conditions of many of the job sites. Therefore, allegations that illegal aliens take jobs away from local citizens are questionable.

36. In 1973, a total number of 136 Twin-Plants operating in Tecate, Tijuana, and Ensenada employed a total number of 17,191 Mexican workers at a yearly estimated payroll of \$47,091,132 American dollars. \$28.3 million of this amount re-enters San Diego since it is estimated that Mexican Nationals residing in the proximity of the border spend 60 percent of their yearly income in San Diego.
37. Some local economic development specialists maintain that the program of Twin-Plant operations in Mexico and the U.S. attracts businesses to San Diego that would not have otherwise given any consideration to locate in this area.
38. San Diego and Baja California border cities not only share a common air basin but, they also enjoy a common economic interdependency. The study revealed that from 1965 to 1974, a total estimated number of 147.6 million Mexican visitors crossed the border to purchase goods and services in San Diego and they spent an estimated \$902.7 million over the ten-year period. In 1974, Mexican visitors are estimated to have spent \$119.4 million in San Diego. These figures include only the Mexican visitors entering San Diego County by way of the border crossing at San Ysidro.

39. "Operation Intercept" by the U.S. Treasury Department in September 1969 for the purpose of detecting and intercepting illegal aliens, and also to discourage the traffic of contraband, resulted in a tremendous economic loss of millions of dollars to San Diego. "Operation Intercept" greatly restricted the travel of Mexican visitors to San Diego.
 40. In retaliation for implementation of "Operation Intercept" by the U.S. government, the government of Mexico established "Operation Health." This project greatly hampered tourist traffic into Tijuana and their economic base was also adversely impacted.
 41. The loss of revenue from the lack of Mexican visitors spending became so acute in the Southbay area that merchants and businessmen met with representatives of the local U.S. Treasury Department to discuss the economic dilemma created by "Operation Intercept." As a result of these meetings, the U.S. and Mexican governments initiated "Operation Cooperation." This cooperative effort restored the general level of spending by Mexican visitors in San Diego, and the economic interdependency between both border cities was recognized.
 42. Chicanos and active-concerned citizens interviewed for the purpose of this study allege exploitation of the illegal alien by some employers, and they cite numerous cases to support their contention.
- Refer to Chapters 1 and 2 of this text for detailed data on the points covered on the abstract.

RECOMMENDATIONS

The purpose of the study was to determine the impact of illegal aliens on specific socioeconomic areas in the County of San Diego. From the findings based on data researched, compiled, and analyzed, the following recommendations are hereby presented for consideration and implementation. It is therefore recommended that the County Board of Supervisors should:

1. Direct the appropriate San Diego County agencies to develop a recording system to account for services rendered to illegal aliens.
2. That the County Board of Supervisors urge other local public and private agencies (i.e., school districts, hospitals, police departments, INS, labor unions, etc.) to initiate recording systems that will document and account for services rendered to illegal aliens.
3. Resolve that the responsibility of addressing the socioeconomic needs of the illegal aliens rests solely with the federal government, and not with county governments. In this regard, the County Board of Supervisors should, in concert with NACO and CSAC, prompt federal actions on the establishment of clearly defined policies and procedures that would identify the roles of federal, state, and local governments as they relate to the illegal aliens.
4. That the San Diego County Board of Supervisors should move to convene a special meeting of the National Association of Counties (NACO), and the County Supervisors' Association of California (CSAC) for the purpose of addressing the illegal

alien issue, and to seek immediate remedy through federal legislation on reimbursement for the costs of providing services to illegal aliens.

5. That the County Board of Supervisors independently seek reimbursement from the federal government for readily identifiable County expenditures incurred in providing services to illegal aliens and to any other foreign Nationals whose debts become uncollectible.
6. That the County Board of Supervisors should direct the Assistant Chief Administrative Officer, Human Resources, to forward copies of the study to local, state and federal legislators, and to the President's Council on Illegal Aliens. Additionally, that a copy of the study be submitted to the Federal Department of the Interior, and to the Federal Department of Health, Education and Welfare, with recommendations that consideration be given to the establishment of a special permanent department within the federal government system that would address the socio-economic impact of illegal aliens on local governments and the private sector.
7. That the Board of Supervisors should urge the California Legislature and the State Department of Education to effectuate legislation that will establish and outline standard procedures that clearly define policies for identifying, documenting, and the accounting of nonimmigrant and noncitizen pupils enrolled in school.

8. That the Board of Supervisors request the San Diego County Superintendent of Schools to forward the names and addresses of nonimmigrant and noncitizen children to the Board of Supervisors in compliance with the California Education Code.
9. That the Assistant Chief Administrative Officer, Human Resources, be directed to continue the present research effort on illegal aliens in order to update the data, and to accomplish additional research in areas requiring further investigation.
10. In consideration of San Diego's proximity to a major access point for illegal aliens, request the federal government to designate San Diego County as a high priority research area in regard to illegal aliens, and direct staff to solicit federal assistance to fund a research project in San Diego County.

Chapter 1
INTRODUCTION

On August 20, 1974, the San Diego County Board of Supervisors approved the establishment of a multi-government and citizen participation task force whose primary responsibilities would be to ascertain the socioeconomic impact of the illegal alien on the County of San Diego resulting from the presence of aliens in this area, to seek solutions to these problems, and to make appropriate recommendations to the Board of Supervisors. Subsequently, the San Diego County Immigration Council was created and established to function for one year, during which time it would work cooperatively with government agencies and community persons in an effort to identify and address socioeconomic problems relating to illegal aliens.

On July 15, 1975, the Board of Supervisors extended the life of the Council and also approved a proposed study on illegal aliens and their socioeconomic impact on the County of San Diego. The County's Research Group on Illegal Aliens, comprised of the research coordinator from the County Office of Community Affairs and research assistants, were authorized to conduct the special study. Members of the research group were directed to coordinate their effort with the Council's membership which include expertise in the areas of immigration, welfare, education, health care, law enforcement, labor, and Chicano community affairs.



The development of demographic data and a special report on the abuse of illegal aliens was also an essential element of the study. The principal objectives of the Research Group were to provide up-to-date description of the problem and its socioeconomic effect on selected government and private agencies within the County; to determine procedures and policies in effect in the various public and private institutions relating to their respective contacts with illegal aliens; to determine the validity of data sources and assess the effectiveness of their data collection system on illegal aliens; and to explore areas for cooperative efforts with the federal government and the government of Mexico.

In fulfilling the directive of the Board of Supervisors, members of the Research Group have consulted intensively with the official members of the San Diego County Immigration Council (SDCIC), whose area of responsibility and expertise is immigration and customs, law enforcement, health care, education, welfare, employment, and community affairs relating to the issue of illegal aliens in San Diego County. In addition, representatives of the Research Group held formal discussions with members of the various Chambers of Commerce in the County of San Diego, other city and county municipalities, and with such organizations as Fronteras, the Commission of the Californias, and Mexican officials in Tijuana, Mexicali, and Mexico City. Personal interviews were also conducted with individual members of Chicano groups and community organizations

for the purpose of determining the nature and extent of exploitation of illegal aliens by employers and landlords. These interviews were extremely valuable sources for gaining perspectives in areas of interest and concern of the Chicano and Latino community on the subject.

Recognizing that a study of this magnitude is the first of its kind to be accomplished in the County of San Diego and perhaps by any local government anywhere else in the United States, and having determined that data on illegal aliens is most limited and deficient, members of the County Research Group on Illegal Aliens endeavored to obtain whatever information was available in order to complete the report within the allotted time frame of four months.

Purpose and Scope of the Study

This involves the County of San Diego, and was undertaken for the purpose of: (1) determining the policies used by hospitals and clinics, school districts, the County Department of Public Welfare, law enforcement agencies, the Immigration and Naturalization Services (INS), and other public and private agencies in handling the issues of illegal aliens, (2) calculating the economic and social impact of legal and illegal aliens on the County based on available demographic data, social indicators and other statistical data projected on commercial trends, (3) documenting the various classifications of aliens and noting the restrictions of their status and their rights under the law, (4) identifying whatever

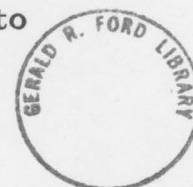
statistical data is available from public and private organizations regarding illegal aliens, and (5) expressing the life-style ramifications for illegal aliens living or working in the United States.

It is anticipated that a clearer understanding of the impact of the illegal alien on the County of San Diego will result. Additionally, a better perspective will be gained by government officials, public administrators, and the general public, as to how public and private service agencies address the issue, and how San Diego compares to other parts of the nation on the subject of illegal aliens. Such an analysis might be useful in determining social service needs and priorities based on migration trends and human behavior problems created by international economic and political aspects. And utmost, it is the intent of this study to not only determine the economic impact of the illegal aliens on the San Diego taxpayer, but attempt to determine the underlying political factors that make this problem so hard to address and solve at a local level.

Cause For the Study

It is believed that the concern on the issue of illegal aliens grows out of public reaction to news media reports on the subject of aliens and to the response of public officials to community pressures from concerned citizens.

In this regard, consideration has been given to the notion that news stories may sometimes be postulated to



support a certain point of view. Therefore, the study will also concern itself with the validity of materials on illegal aliens presented through the press. This is considered essential since much data being delivered on illegal aliens is predicated on estimates and assumptions, and consideration needs to be given to whether such unqualified estimates are appropriate in light of the influence they appear to exert on public and private attitudes. The charges against the illegal aliens may very well be true, but it is perhaps a matter of degree which this study considers and questions, as well as the motives and underlying issues which may have propelled this once seemingly benign dilemma to a new considered, "national crisis."

Historical Perspective of Migration
Patterns To The U. S. From Mexico

Migration has been such a universal phenomenon that some scholars have speculated that it is instinctive in man as it is in many of nature's animals.

The world has experienced numerous types of migration over several million years of its history. Of significance to this report is not the mass movement from Europe overseas to the United States which spanned one century (1830 to 1930), during which time some 60,000,000 persons left Europe to make America their homeland¹ but instead, the migration

¹Franklin D. Scott, World Migration In Modern Times. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968, p. 3.

aspects of the Mexican citizens who crossed the Southwestern border of the U.S. freely into California, Arizona, New Mexico, Colorado, and Texas. In actuality, Mexicans commuted without restrictions into the United States up until 1921, at which time numerical quotas were placed on Mexican and Canadian immigration to America.² Because of these conditions and circumstances, the survey and the report will primarily address the illegal alien from Mexico as the population to be researched in determining the impact of the illegal alien on the County of San Diego, even though the issue of illegal entry into the United States is not restricted to Latin American countries, but includes citizens of practically every nation in the world.

Basic to an understanding of the issue of Mexican immigration into the United States is a knowledge of the nature of the border between the two nations. The problem is further complicated by the fact that the entire region which now encompasses this boundary once belonged to Spain and later to Mexico. Originally explored and colonized by Spanish-speaking people, it was developed by them for almost three hundred years before a definite boundary was drawn giving to the United States that portion generally north of the Rio Grande. The border, arbitrarily established without regard to either the

²Select Commission on Western Hemisphere Immigration, Hearings on the Impact of Commuter Aliens Along the Mexican and Canadian Borders, Report II: U.S. Department of Justice: Washington, D.C.: Government Printing Office, February, 1968.

ethnic composition or the economy of the people within the region, has been called "one of the most unrealistic borders to be found in the Western Hemisphere."³

Immigration has been defined as "the passing or removing into a country with a purpose of permanent residence."⁴ If this definition, which has been accepted legally, is applied to the border region, complications in arriving at accurate computations are multiplied. The place of residence is the region, and thousands of Mexican people have been accustomed to live in the area for generations. The permanence of residence is not destroyed by the mere crossing of a line which is for the most part imaginary, regardless of the side of that line upon which one happened to be born.

The Mexican immigrant, unlike those from Europe and the rest of the world, has no great psychological obstacles in the path of his migration. No oceans have to be crossed, no roots have to be torn up, and there is no reason for a "sense of severance" such as is associated with a trip from Europe. One can travel from Chihuahua to Santa Fe with very little feeling of abrupt change in the physical environment. He may

³Carry McWilliams, North From Mexico. Philadelphia, Pennsylvania: J. B. Lippincott & Company, 1948, p. 50.

⁴Helen Silving, Immigration Laws of the United States, The Legal Almanac. New York, New York: Oceana Publications, 1948, p. 4.

travel over trails rooted deep in the history and tradition of a Spanish past, speak Spanish all the way and seldom be outside the environs of Spanish culture. Mexicans have not emigrated to this region but rather they have returned. The process has been more akin to "visiting relatives" than to establishing immigrant colonies in a new country, as is the case with the Europeans.⁵ Geographically as well as economically the northern states of the republic of Mexico are more closely allied to the southwest region of this country than to Mexico.

Immigration And The Mexican Migrant

A point of reference most appropriate to gaining a perspective of Mexican migration, both legal and illegal, into the United States is to first study the issue of immigration from a national and international aspect. Therefore, federal legislation was first evaluated in order to better comprehend the basis behind governmental mandates that shape present policy and attitudes on illegal aliens, and to better understand the implications of these laws on the local region of San Diego.

The starting point in this case would be to gain an understanding of immigration policies from a historical vantage. Therefore, the following is a brief analysis of specific Mexican migration trends in the Southwestern States of the U.S.,

⁵ Carry McWilliams, op. cit., p. 58.

and also of the conditions that draw illegal migrants to the employment markets of America.

In this regard, the issue of a substantial undocumented population in the United States has existed for a good many years but, as a result of prosperous times this issue was of little concern to the general American public, and any discussion on illegal aliens was only on a passing note. However, in the last four years our society has begun to experience the adverse effects of a faltering economy, and the illegal alien topic has started to obtrude itself on the Nation's awareness with alarming interest. Increasing unemployment and the general uncertainty of the American economy are focusing major attention on the illegal alien. The Congressional Digest of January 1975, noted that an estimated 800,000 illegal aliens were apprehended in the fiscal year ending June 30, 1974. The Congressional Digest further notes that an estimated four to twelve million illegal aliens are believed to be residing in the United States undetected. The primary motivation of these illegal aliens to enter the U.S. by stealth is attributed mostly to economic opportunities absent in their country of origin.

Chiefly involved in this issue are Nationals of mostly Western Hemisphere countries. Accordingly, the former INS Commissioner, Raymond Farrel, stated that 97 percent of the undocumented aliens apprehended were Mexican Nationals who were detected mostly along the Southwestern border of the

United States.⁶ More recently, however, the illegal alien problem has become national in scope, and as such, the illegal alien from Latin America is increasingly found working in practically every state in the union.

From a historical perspective, the territories of California, Arizona, New Mexico, Texas, Colorado, and some portions of Nevada, the Dakotas, and Montana were once part of Mexico, but these lands were surrendered to the United States as a result of the American-Mexican War of 1846-48. The Treaty that culminated that war guaranteed those Mexican citizens who suddenly found themselves to be American citizens, certain basic rights -- one being unrestricted travel between the United States and Mexico. And, as a result of this circumstance, for many years no one bothered to count migrants from Mexico.

The first notable immigration from Mexico occurred during the period of 1909 and 1930 during which time an estimated 750,000 Mexican Nationals legally entered the United States. The cause of this migration shift is basically attributed to the violence of the Mexican Civil War (1910-1919), and the labor shortage in the United States associated with the events of World War I.⁷

⁶Committee on the Judiciary House of Representatives, "A Review of Hearing Conducted During the 92nd Congress," Illegal Aliens, Report Serial No. 12, PTS. 1-5 Subcommittee No. 1. Washington, D.C.: U.S. Government Printing Office, 1973.

⁷Vernon M. Briggs, Jr., The Mexico-United States Border: Public Policy and Chicano Economic Welfare. Austin, Texas: University of Texas at Austin, July 1974.

In comparison, immigration from Asia had been curtailed through the legislation of the Chinese Exclusion Act of 1882 and the Gentlemen's Agreement with Japan of 1907. Relatively speaking, the mass of European immigration to the U.S. ceased as a result of World War I and was further restricted by U.S. immigration policies imposed in 1921; these policies later became permanent immigration law with the adoption of the National Origin Act of 1924. Immigrants from Mexico, however, were exempt from the provisions of the Act.⁸ In this case, legal immigration from Mexico was numerically restricted until 1968, at which time Mexican citizens became part of the present quota system which allows 120,000 immigrants per year to enter the U.S. from any Western Hemisphere nation.

In the late 1920's and the early 1930's, America suffered the economic dilemma of the Great Depression. This condition caused tremendous unemployment among Americans, and so a policy of forced repatriation of Mexican Nationals was implemented by the American Government. The purpose of this action was to make room for the unemployed American citizen. This policy was intended to apply to Mexican Nationals living in this country who had not officially filed, and who had not completed immigration and naturalization papers. Unfortunately, political expediency, not principal, carried out the law. In this case, Mexican Nationals who had married American citizens and who had American born children were given no

⁸Ibid., p. 5.



consideration and they too were forced to leave the country and return to Mexico.

Within the period of 1938-39-40, a situation in the nation's political posture changed that caused greater emphases on manufactured products, and which conversely developed a manpower shortage in the agriculture sector. This condition caused United States farmers to eye the pool of cheap labor in Mexico as a source of manpower to harvest the crops of the American Southwest. In 1940, the U.S. growers first petitioned the government for a contracted Mexican labor program, however, their initial request was denied in 1941.⁹

On December 7, 1941, the United States became involved in World War II. This situation placed a great strain on the American labor as means to fill a serious manpower deficit. Subsequently, in August 1942, a formal agreement between Mexico and the United States was negotiated and the action launched the Mexican Labor Program; the program later became better known as the "bracero program." The terms of the Bracero Program were to provide Mexican labor to the American agricultural industry in order to enhance the manpower shortage caused by World War II. Provisions of the contract stipulated that workers were to be afforded numerous protections with respect to housing, transportation, food, medical services, and wage rights. These stipulations, however, were known to

⁹Briggs, op. cit., p. 7.

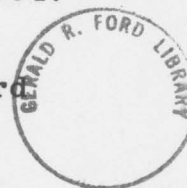
have been violated in some instances, and the Mexican government took steps to correct some of the violations of the contract by prohibiting Mexican Nationals from working in the State of Texas in 1943.¹⁰

The Bracero Program was to terminate in 1947, however, the program was continued informally until 1951. In that year, the Bracero Program was formalized as Public Law 78, and the agreement for Mexico to provide laborers to work in the American rural labor markets remained in effect until it was terminated on December 31, 1964.

In 1973 the government of Mexico expressed a desire to negotiate a new farm labor program with the United States. The issue was discussed by both countries but no agreement was formalized. In 1974, the issue of a Mexican labor agreement with the United States was again a main topic between both countries.¹¹ The proposal by Mexico was offered as a possible solution to the undocumented Mexican alien to the U.S. The new program as presented by Mexico stipulates that contract workers would be paid wages comparable to those of the U.S. Farm workers; a situation that is unlikely to receive grower support since presently, the illegal alien is filling the labor demand at a much lower wage rate and at a higher profit margin to the American employer. In this regard, a new labor agreement between Mexico and the United States

¹⁰Ernesto Galarza Merchants of Labor: The Mexican Bracero Story. Charlotte, North Carolina: McNally and Loftin, 1964. p. 45.

¹¹Los Angeles Times, "Echeverria Expected to Press For Today on Bracero Issue," October 21, 1974.



appears mostly unlikely.

The absence of an agreement between Mexico and the U.S. whereby Mexico would provide a contracted labor force, indicates that the Mexican National will continue to travel to the U. S. in search of employment and opportunity as a result of the depressed economics in the Mexican Republic. To San Diego, this means that its 70-mile border front to Mexico will continue to be used as a corridor by illegal aliens seeking employment and subsistence for themselves and their families.¹² Because of San Diego's unique geographic location as a border barrier to Baja California, the area will be used extensively as a traffic lane for illegal aliens. Some illegal aliens will remain here and others will merely pass through and continue to northern cities or eastern towns.

Statistics indicate that even though San Diego comprises but 3 percent of the border front to Mexico, San Diego County accounts for 33 percent of the total apprehensions of illegal aliens along the entire Southwest border, and additionally, San Diego accounts for 25 percent of all apprehensions in the entire nation.¹³

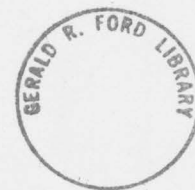
¹²David S. North, The Border Crossers: People Who Live in Mexico and Work in the United States. Washington, D.C.: Trans-Century Corporation, 1970.

¹³Data provided by Richard Batchelor, Deputy Chief Patrol Agent, INS, Chula Vista Border Patrol Sector, Chula Vista, California

The above noted statistics, the proximity of San Diego to the Mexican border, the aspect that this area is used as a point of entry by countless illegal aliens, the fact that San Diego has 10,000 Mexican Nationals who commute to work in San Diego from Tijuana on a daily basis and also 5,500 seasonal workers who enter San Diego from Mexico and work the crops for an average period of six months, and that an average 19,900,000 Mexican visitors crossed the border to purchase goods and services in San Diego last year, make the County of San Diego a unique case in relation to other areas in the nation on the issue of illegal aliens.

Limitations Of The Study

The study was limited to determining the socioeconomic impact of illegal aliens on the County of San Diego. The areas of research include immigration/demographics, welfare, education, health care, law enforcement, employment, commerce, and the life-style ramifications of illegal aliens living or working in San Diego. And, while the issue of illegal aliens is inclusive along national basis, this study is limited to aliens of Latin American countries since San Diego's proximity to the United States - Mexico border warrants prime consideration to this specific population. Broader scope data such as the participation of the Mexican visitor in the economics of San Diego is used in the report for the purpose of comparative analysis.



The delimitations of the study includes a limited time schedule of four months allotted for the development of a study of such complexity and magnitude and, limited and deficient data on illegal aliens. Additionally, since only University Hospital was used as a resource base for determining the impact of illegal aliens on health care facilities, the conclusions in this area warrant further study.

Chapter 2

FINDINGS AND ANALYSIS OF THE DATA

In this chapter, a summary of findings is presented along with an analysis of the implications of the findings. The data is presented in seven basic categories, they are:

(I) Immigration and Demography, (II) Welfare, (III) Education, (IV) Health Care, (V) Law Enforcement, (VI) Employment and Commerce, and (VII) Lifestyle Ramifications of Being an Illegal Alien. These categories are presented as the seven major sections of Chapter 2.

SECTION I

IMMIGRATION AND DEMOGRAPHY

According to the Immigration and Naturalization Service (INS), 203,786 illegal aliens were apprehended in the San Diego area in FY 1974-75. This figure represents 186,089¹⁴ illegal aliens that were apprehended by Border Patrol Officers while on duty in the field throughout the area of San Diego, and 17,697¹⁵ illegals were apprehended while attempting to enter through the Port of Entry Station at San Ysidro. These figures are assumed to be overstated since the present method of recording apprehensions is based on a straight incident rate without regard for repeat offenders. In this case, some individuals may be apprehended two or three times within a 72-hour period. Border Patrol Officials estimated that they apprehend one-half of all illegal aliens attempting to enter the County.¹⁶ This would indicate that another 203,786 or 407,572 illegal aliens might have entered San Diego during the last fiscal year and evaded apprehension.

¹⁴Statistics provided by Robert McCord, Assistant Chief Patrol Agent, INS, San Ysidro, California. Personal interview, August 19, 1975.

¹⁵Ibid.

¹⁶Ibid.

INS Officials state that detections of illegal aliens at the Port of Entry Station at San Ysidro decreased 30 percent from FY 1972-73 to FY 1974-75.¹⁷ Officials attribute the decrease to two factors: (1) a manpower shortage at the Border and, (2) double-duty work shifts which were instituted.¹⁸ Double-duty work shifts mean that personnel from another agency may be on duty in place of an Immigration Official due to manpower shortage. It is acknowledged that other personnel are not as well trained in the detection of illegal aliens which may result in less detections.

Border Patrol Officials maintain that even though many illegal aliens enter San Diego County, most do not remain in the area, but instead proceed to northern locations.¹⁹ In this regard, Officials estimate that 45,000²⁰ to 50,000²¹ illegal aliens remain and reside in San Diego County.

¹⁷Data provided by Tony Clayton and Louis Werne, Immigration Administrative Officers, San Ysidro, California. Personal interview, August 26, 1975.

¹⁸Ibid.

¹⁹Robert McCord, op.cit.

²⁰Mass Transit Magazine, "U.S. Border Crossing Traffic: How Many Unknown," September 1974.

²¹San Diego Union, "Illegal Alien Bill Spurs Clash In Local Panel," April 1, 1975. Statement by Donald Day, Assistant District Director, Immigration and Naturalization Service, Los Angeles-San Diego District.

INS Officials estimate that of the 50,000 illegal aliens residing in the County of San Diego, 9,000 hold job slots.^{22, 23, 24}

The equation constructed to arrive at this figure is demonstrated in Section VI of the report.

INS Officials have also identified approximately 10,000 legal Mexican aliens who commute to jobs daily in the San Diego area. Additionally, Officials have identified about 5,500 legal Mexican seasonal workers who work in or pass through the County of San Diego.

The economic impact of the aforementioned 9,000 illegal aliens holding jobs in the County of San Diego, the 10,000 Commuter Workers, and the 5,500 Seasonal Workers, is presented in detail in Section VI of the report.

Who Are The Illegal Aliens?

In 1973, the U.S. Department of Justice conducted a survey for the purpose of determining the origin of illegal aliens. The report noted that, of the 505,949 illegal aliens apprehended

²²Data provided by Richard Batchelor, Deputy Chief Patrol Agent, INS, Chula Vista Border Patrol Sector, Chula Vista, California.

²³Data provided by Robert J. Seitz, Public Information Officer, Office of the Regional Commissioner, INS, San Pedro, California.

²⁴Data provided by James Tilson, Officer in Charge, INS, San Diego Office, San Diego, California.

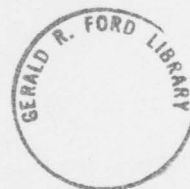
in fiscal year 1972, 95 percent entered by one of the following methods: (1) 398,290 sneaked into the country -- 79 percent, (2) 64,547 initially entered as legal visitors, but violated their visa by overstaying -- 13 percent, and (3) 19,257 entered the United States as ship crewmen -- 3 percent.²⁵

Of the 398,290 who sneaked in, 391,887 were Mexican Nationals and 3,662 were Canadians; the majority of whom claimed they crossed over the land borders. Of the 64,547 who entered as visitors, 53,052 were either Mexican Nationals, Canadians, or from other Western Hemisphere nations. The crewmen were mainly Greeks, Scandinavians, Chinese, and other oriental extraction.²⁶

In San Diego, a total number of 203,786 illegal aliens were apprehended in FY 1974-75 of which 198,665 were Mexican Nationals -- 97.5 percent, and the balance of 5,121 were identified as coming from a myriad of other countries. A more detailed perspective of this figure can be realized by noting that 98 percent (182,002) of the illegal aliens apprehended by the Border Patrol on patrol missions throughout the County of San Diego were Mexican Nationals, 94 percent (16,663) of the illegal aliens detected and apprehended at the Port of Entry crossing at San Ysidro were similarly of Mexican origin.

²⁵ Comptroller General of the United States, "More Needs to be Done to Reduce the Number and Adverse Impact of Illegal Aliens in the United States," A Report To Congress. Washington, D.C.

²⁶ Ibid.



Three Latin American countries account for 99 percent of all illegal alien detections at the San Ysidro Port of Entry; these countries are Mexico, El Salvador, and Guatemala. Table 1 provides a detailed breakdown of illegal aliens apprehended at the San Ysidro Port of Entry.

Apprehensions of illegal aliens by Border Patrol Officials are separated into three basic categories; they are: (1) Mexican male, (2) Mexican females and children, and (3) Other. Of the 186,089 illegal aliens apprehended by the Border Patrol (excludes apprehensions at San Ysidro Port of Entry) in the County of San Diego, 162,464 were Mexican males, 19,538 were Mexican females and children, and 4,087 were classified as being other than Mexican Nationals. Of the total 17,697 illegal aliens apprehended at San Ysidro Port of Entry, INS officials estimate that 13,273 -- 75 percent were Mexican females. In total, 87 percent of all illegal aliens apprehended are estimated to be Mexican males.²⁷ Border Patrol Officials estimate that the majority of Mexican males apprehended are between the ages of 18 to 35.²⁸

²⁷ Statistics provided by Tony Clayton and Louis Werne, Immigration Administrative Officers, San Ysidro, California, personal interview, August 7, 1975.

²⁸ Information provided by Robert McCord, Assistant Chief Patrol Agent, INS, San Ysidro, California, personal interview, August 26, 1975.

Table 1

Country of Origin of Illegal Aliens
Intercepted at the San Ysidro Port of Entry
Fiscal Year 1974-75

Country of Origin	Number of Illegal Aliens	Percent of Total
Mexico	16,663	94.14
El Salvador	421	2.36
Guatemala	390	2.20
Belize	89	.54
Ecuador	26	.13
Colombia	20	.11
Nicaragua	20	.11
Rep. of Honduras	12	.06
Panama	11	.06
Argentina	5	.03
Philippines	4	.02
France	4	.02
Taiwan	4	.02
Peru	3	.02
Cuba	3	.02
Bolivia	3	.02
Jamaica	3	.02
Japan	2	.01
Nigeria	2	.01
Venezuela	2	.01
Chile	2	.01
Haiti	1	.01
Poland	1	.01
Trinidad	1	.01
Costa Rica	1	.01
England	1	.01
Syria	1	.01
Australia	1	.01
Israel	1	.01
Monthly Totals	17,697	100.00

Source: Immigration and Naturalization Service, San Ysidro, California. Courtesy of Robert McCord, Assistant Chief Patrol Agent, San Ysidro, California.

For a more detailed presentation of the the status of illegal aliens on a national basis, a better understanding of the role of the INS, and of legislation on immigration, refer to Appendix A.

SECTION II

WELFARE

There have been numerous allegations by the general public concerning abuse of the welfare system by illegal aliens, and yet, in a review of 5,894 cases in San Diego County, only 10 illegal aliens were found to be on the welfare rolls.²⁹

Further investigation revealed that these 10 cases were determined to be eligible for benefits under existing regulations.³⁰

In a similar investigation of 14,000 cases in Los Angeles found only 56 illegal aliens were determined receiving welfare benefits, of which only 2 were found to be ineligible for public assistance.³¹

In San Diego, the cost of processing 5,894 WR-6 forms by the County Welfare Department to determine the eligibility for benefits of suspected illegal aliens was determined to be \$6,120.34 for the period of March 12 - July 31, 1975. In commenting on the cost to detect the presence of illegal aliens on the welfare rolls, Homer Detrich stated that, "it hardly justifies the expenditure."

²⁹ Letter from Homer E. Detrich, Director, County of San Diego, Department of Public Welfare to Marion Woods, Director, State Department of Benefit Payments, dated August 12, 1975.

³⁰ Ibid.

³¹ Los Angeles Times, "Few Aliens on Welfare Illegally, Study Indicates" July 3, 1975.

Through further analysis of WR-6 forms, the previous study was updated through September 16, 1975. The study established that a total of 9,132 WR-6's were processed from March 12, 1975 to September 16, 1975. Considering that it costs the Welfare Department approximately \$1.04 to handle each WR-6 form, the total cost to process the 9,132 WR-6 forms in that period. (March 12, 1975 - September 16, 1975) was \$9,497. It should be recognized that this \$9,497 ($\$1.04 \times 9,132$) figure includes only the salary time of two County aids who were assigned to full-time to the INS office to process WR-6 referrals made by County Welfare eligibility workers. Initially this was to be a temporary assignment intended to clear up a sizeable backlog of WR-6's which INS had been unable to process due to staffing problems. This figure does not include any material or any other resources expended by the two County aids in this line of duty, nor does it include any other administrative costs associated with standard staff functions and/or routine operating procedures at any level of contact. The responsibility for clearing those referrals is assumed to belong to the INS. However, INS in San Diego has stated that with its current staffing problems it could not process the Welfare Department's backlogged referrals, current referrals or future WR-6 referrals should the County withdraw its staff.

Additionally, it is recognized that independent of the \$9,497 figure, the INS incurs additional costs in processing

WR-6 referrals. Since these costs were undeterminable at the time of the study, the costs are not included as part of this report but, this area could be the topic for further research.

Taking into account that 10 illegal residents were in fact granted aid because they were not under orders for deportation, a cost of \$13,608 for providing welfare aid to the illegal aliens should be considered as an additional impact to the Welfare Department. The \$13,608 represents \$1,134 total cash benefits for the 10 illegal aliens for one month, then multiplied by twelve months. Therefore, a minimum total of \$23,105 is determined to be the impact on Welfare (Income Maintenance) by illegal aliens, it should be noted however, that only \$13,608 was for direct case assistance to these clients, the balance of \$9,497 was for administrative procedures involved in handling 9,132 WR-6 forms.

Relative to the processing of WR-6 forms by the Welfare Department as an effort to detect illegal aliens and preclude them from aid, Homer Detrich, County Welfare Director, submitted a letter on August 12, 1975 to Marion Woods, State Director of Payments, requesting that San Diego be allowed to discontinue the procedure of having to process Form WR-6 as a means of determining eligibility based on legal residency. Homer Detrich's contention was that the procedure can be costly, non-productive and therefore an unjustified expense.

The position of the County Welfare Director appears sound,

since the cost of processing WR-6 forms over a seven-month period was \$9,497; an additional five-month cost of handling WR-6's at this rate could increase to an estimated yearly total of \$16,300. This administrative cost is greater than the direct aid grant of \$13,608 to the 10 illegal eligible residents over a one-year period. What must also be considered is that the processing of WR-6's at substantial expense has apparently not reduced abuse of the Welfare System since no WR-6 inquiries have been found to be ineligible under present law criteria. Additionally, due to the time lapse caused by the backlog of referrals an illegal ineligible alien could conceivably receive welfare benefits and then withdraw from a program before a response can be communicated to the agency conducting the inquiry.

This is not to say that the Welfare System does not need safeguards to protect it from fraud, but rather, that the WR-6 "referral check system" be maintained "as is" with special emphasis on the "Target group." It is the experience of the Research Group that the "Alien population" as a whole should not be processed, but rather the effort should be centered on those members of the "alien population who do not possess a valid resident citizen identification card." By isolating this group and, concentrating referral investigations almost exclusively to them, it is felt that all agencies involved will be more efficient and effective in the course of screening for ineligibles.

The Impact of Illegal Aliens
On Other Welfare Departments

The County Research Group surveyed other welfare services such as the General Relief Program, Food Stamps, Homemaker Services, Adoption Services, and children services, in order to determine the full cost impact of illegal aliens on the Welfare Department. In the area of Food Stamps, there is no record of illegal aliens receiving Food Stamps. Verification of citizenship or alien status is required in questionable cases, the qualifying process precludes this type of ineligible applicants from receiving food stamps. In the area of Homemaker Services, the Homemaker Division estimates that there have been only one or two instances in the past five years in which there was question of illegal status, so no cost impact was provided. The Adoption Services Division could not recall providing service to any illegal alien children or their parents, however, they did remember providing services to 25 permanent resident aliens last year; these cases are of no consequence to this report.

No cost impact on General Relief by illegal aliens was found to exist. For an alien to receive a General Relief Grant, he must first provide documentation that he is a "Permanent Resident Alien," or that he has resided in the U.S. for five years or more. This residency requirement precludes most illegal aliens from receiving General Relief. If there is any doubt as to the legal residence of an alien, aid is

denied pending verification from INS. This procedure is valid and is applied in this instance since the Varela vs Swoap court decision does not apply to the General Relief Program.

Children's Services estimates that approximately 11 man hours per month are used to provide services to illegal aliens with an annual cost of approximately \$1,200. Therefore, the present annual total cost impact of illegal aliens on the Welfare Department is estimated to be \$24,305. This figure is comprised of the cost of \$9,497 for the processing of WR-6 forms, \$13,608 for direct aid to 10 illegal aliens, and the \$1,200 noted above for the estimated cost incurred by Children's Services over an average year period.

For a brief review of welfare procedures, and state and federal regulations which relate to the issue of public assistance and the illegal residents, refer to Appendix B.

SECTION III

EDUCATION

In recent years, concerned citizens, educators, and law makers have become increasingly aware of the large number of nonimmigrant/noncitizen children attending school in San Diego, and other areas in California at local taxpayers expense.

This section addresses itself to children who are illegal entrants to the United States, who established residence in San Diego County, and who attend school. It should be noted that these children often require special study programs and special services as a result of a language barrier. Therefore, the purpose of this study is to determine the socioeconomic impact of nonimmigrant/noncitizen children attending the various school districts in San Diego County. The main objectives of this study are as follows:

1. An examination of existing administrative regulations, procedures, and legislation dealing with the reporting of enrolling by nonimmigrant/noncitizen children;
2. A preparation of demographic data of nonimmigrant/noncitizen pupil enrollment in both elementary and secondary schools in San Diego County; and
3. A comprehensive assessment of the nature and extent of nonimmigrant/noncitizen pupil enrollment.

The study required a careful review of sections of the California Education Code pertaining to the enrollment of nonimmigrant/noncitizen children; a review and evaluation of procedures and regulations used for enrolling nonimmigrant/noncitizen children; the collection of base line data such as census statistics, ethnic school enrollments, and compilations

of fiscal reports; the collection of Federal, State, County legislation and related legal opinions relative to nonimmigrant/noncitizen children; and, a review of the documentation of school districts filing claims for reimbursement for the cost of educating nonimmigrant/noncitizen children attending schools in San Diego County.

Definitions of Terms Used

The following terms are used in this study as they are defined by the California Education Code Section 6950.

Nonimmigrant Child - An alien child having residence in a foreign country which he has no intention of abandoning, who is legally admitted to the United States as a non-immigrant student or visitor, and who seeks to pursue a course of study in the public schools of this state. He must have one of the following documents:

1. Immigration Form F1-186 (nonresident alien border crossing card)
2. B-2 Visa (Visitor status)
3. F-1 Visa (Student status)
4. G Visa (Diplomatic status - family)
5. J-2 Visa (Exchange status)
6. P and NP Visas (immigration classifications)

Noncitizen Child - A child living in the United States who is not a citizen of the United States and who is without documentary evidence of United States immigration status, and who seeks to pursue or is pursuing a course of study in the public schools of California.

Policy On Illegal Resident Students
Education Code Section 6950

For years, the Federal and State governments have given little attention to the problem posed by the large number of nonimmigrant/noncitizen children who are enrolled in the public schools in California. This situation has resulted in school districts having to cope by themselves with the problem of the nonimmigrant/noncitizen children (will be referred to as NI/NC children).

Education Code Section 6950 stipulates that whenever a school district provides an education in kindergarten through grade twelve (K-12) for NI/NC children, the school district shall be reimbursed by the County for the cost of educating such children. The school district determines the local cost of educating NI/NC children by deducting from current district costs, all state and federal monies received. Each district reports its respective claim for reimbursement to their County superintendent of schools, who in turn forwards the names and addresses of NI/NC children to the County Board of Supervisors for approval of payment.

In 1973 the California Legislature recognized the need for statistics indicating the number of NI/NC children receiving an education in California school districts. In this regard, it approved Assembly Resolution 104 which directed the State Department of Education to conduct a study to determine the amount of NI/NC children who were enrolled in the California

public schools.

Table 2 indicates the results of the study. It notes that a total of 9,818 NI/NC children were enrolled during the school year 1971-72, and the total reimbursable cost to the school districts for educating their children was \$4,386,017.49. It should be noted that research analysts for the California State Department of Education had originally estimated and had anticipated the total number of NI/NC children to be 43,126 for the study period, however, only 9,818 were reported for claims. School and State Department of Education officials believed that the disparity between the anticipated NI/NC student attendance of 43,126 and the actually reported number of 9,818, to exist as a result of reporting confusion on the part of the school districts. Officials believe that the prime reason for the variance between the figures is attributed to the attitude of most school officials relative to reporting NI/NC students to the INS. The reason is that some school officials feel that the school systems should not be responsible for jurisdictions that, under law, belong to the Federal Department of Justice. Summarily, 32,598 NI/NC students believed to be in school were not reported during 1971-72, and therefore, no reimbursement was effectuated. According to Table 2, San Diego reported a total of 289 NI/NC students in 1971-72, and the various San Diego school districts were therefore reimbursed \$117,330.93 by the County of San Diego.

Education Code Section 12101 provides that each person between the ages of 6 and 18 is subject to compulsory full-time

Table 2
Claims For Reimbursement As A Result
Of Educating Nonimmigrant
And Noncitizen Pupils,
By Counties In California, 1971-72

County	Claim	Number of pupils
Alameda	\$ 202,839.92	306
Contra Costa	287,348.51	480
Humboldt	19,475.91	6
Kern	1,033.00	5
Los Angeles	1,971,214.85	4,849
Marin	14,671.83	33
Monterey	13,740.84	77
Orange	587,171.00	1,022
Riverside	69,280.21	160
Sacramento	17,516.65	44
San Bernardino	112,344.74	238
San Diego	117,330.93	289
San Francisco	361,480.00	460
San Joaquin	9,622.00	30
San Mateo	235,716.00	300
Santa Barbara	57,042.33	76
Santa Cruz	7,344.00	432
Sonoma	5,061.62	63
Stanislaus	237,393.06	816
Ventura	58,390.09	132
	<u>\$4,386,017.49</u>	<u>9,818</u>

SOURCE: California State Department of Education.



education. It makes no provision to exempt children because of their immigration status. Therefore if any child lives in the district, the child is entitled to an education whether that child is a citizen, alien, nonimmigrant, or a noncitizen. The State Department of Education feels that the only role of the school relative to enrollment is to determine whether the child is living in the district and, if the applicant is of compulsory attendance age, and to ensure that the child attends school. San Diego County Counsel's opinion number 4, dated February 16, 1970 states:

If any child lives in the district, he is entitled to, and must attend the schools of the district, without payment, and he may be counted for ADA purposes regardless of his legal residence.

Since the enforcement of immigration laws and procedures is within the jurisdiction of the federal government, it is the generally accepted policy among school districts not to review a child's immigration status. If the parent, sponsor, or legal guardian of the child does not offer any information regarding the child's immigration status, the school will not withhold enrollment provided the child and the parent, sponsor, or guardian lives within the boundaries of the district and proof of age is presented.

California Legislative Counsel's opinion of May 2, 1974, compliments the above noted position by the San Diego County Counsel by stating:

A school district is required to provide a full-time education to the children of aliens who have been lawfully or unlawfully admitted into the United States if the alien children are of compulsory school attendance age and live within the school district.

The 1969 California Legislature, in Assembly Bill 1410, approved a measure clarifying the attendance of children from Mexico in school districts within close proximity of the International border. AB 1410 recognized for the first time the existence of noncitizen children without immigration status by providing equal treatment for NI/NC children from Mexico as had always been accorded to NI/NC children from other countries. Additionally, it clarified that the enforcement of immigration law was not the responsibility of school officials. Additionally, the law delegated the responsibility of reporting the names of NI/NC children enrolled in California schools to immigration authorities to the County Board of Supervisors.

Present criteria followed by San Diego School Districts was established by the County Board of Education on June 6, 1972.

The basic stipulations are:

1. Citizenship is not a factor in determining eligibility to claim state apportionment or charge tuition.
2. A claim for the local cost of education can be filed with the County for the support of NI/NC pupils.
3. "Living" in the district is the prime criteria by which a school district is authorized to claim state apportionment.
4. To meet the definition of "living", a child should remain in the district at least during the majority of a school week.
5. Students not meeting the "living" criteria, specifically those who regularly return to Mexico within a 24-hour period, shall be admitted only on the basis of a tuition agreement.

School Enrollment Of Nonimmigrant
And Noncitizen Children In San Diego County

Total claims for reimbursement for the education of NI/NC :

children in San Diego County for the last 5 years have increased from \$107,000 in 1970-71 to \$228,000 in 1974-75. The cost of educating NI/NC children has doubled over the last 5 years (mainly due to inflation), and the enrollment of NI/NC children has increased by 41 percent. Table 3 provides a breakdown of these figures by school site in the County of San Diego.

Although Table 3 reflects the total number of NI/NC children claimed for reimbursement in San Diego County, the data is misleading for it does not indicate the exact number of estimated NI/NC children believed to exist in the school districts of San Diego County. This situation is caused by districts who do not feel it is necessary to file a claim for reimbursement since all NI/NC children are automatically included in the total district enrollment computed for state apportionment monies.. Additionally, many districts are reluctant to file claims for reimbursement because of the problems that might arise with the INS as a result of having to provide names and addresses of NI/NC children to the U.S. Immigration and Naturalization Service. Furthermore, numerous school administrators question the ill defined procedures used in identifying NI/NC student children.

According to Table 3, the Pauma Elementary School District led in claims for reimbursements in 1973-74 with 62 NI/NC children, and leads in 1974-75 with 46 claims. Among the Unified School Districts, the San Diego Unified School District indicates a high claim cost of \$122,121 for reimbursement in 1974-75; this denotes a sharp increase of 47 percent over the claims for the 1973-74 school year. And, while the cost

Table 3

Claims For Reimbursement For The Cost Of
Educating Nonimmigrant And Noncitizen
Pupils In San Diego County

Elementary School District	No. \$ Claim 1970-1971	No. \$ Claim 1971-1972	No. \$ Claim 1972-1973	No. \$ Claim 1973-1974	No. \$ Claim 1974-1975
Alpine Union				-0-	-0-
Bonsall				12 7,013	13 8,690
Cajon Valley	5	10	2	5 1,200	3 820
Cardiff				-0-	-0-
Chula Vista		4		9 995	13 2,373
Dehesa				-0-	-0-
Del Mar				-0-	-0-
Encinitas				-0-	-0-
Escondido			5	9 3,440	15 6,458
Fallbrook					2 764
Jamul - Las Flores				-0-	-0-
Julian				-0-	-0-
Lakeside				-0-	-0-
La Mesa Spring Valley	21	10		-0-	-0-
Lemon Grove				-0-	-0-
National	8	7	10	7 936	4 963
Pauma				62 51,713	46 39,188
Rancho Santa Fe				-0-	-0-
Rich Mar				-0-	-0-
San Pasqual				-0-	-0-
Santee				-0-	-0-
San Ysidro		3	4	1	1 569
Solana Beach				-0-	-0-
South Bay				-0-	-0-
Spencer Valley			1	-0-	-0-
Vallecitos				-0-	-0-
Valley Center	1	1		2 986	
Warner Union				-0-	-0-

UNIFIED (K-12)

Borrego Springs				-0-	-0-
Carlsbad			16	12 10,739	9 8,116
Coronado				-0-	-0-
Mountain Empire	3			-0-	-0-
Oceanside		11	9	13 3,456	22 9,760
Poway			32	11 2,585	13 3,932
Ramona	4	6	6	15 4,459	13 4,946
San Diego	182	185	198	199 82,834	196 122,121
Vista	14	9	33	38 10,208	10 1,832

High Schools

Escondido Union	19	16	58	18 6,520	28 15,762
Fallbrook Union				-0-	-0-
Grossmont Union	31	16	18	9 4,114	14 6,043
Julian Union	1	3	2	-0-	2 944
San Dieguito Union	8	8	5	5 3,982	11 8,544
Sweetwater Union				6 1,315	6 1,649

Total	297 \$106,937	289 \$117,330	400 \$204,981	432 \$196,502	420 \$227,733
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Source: San Diego County Department of Education

increased, the number of children enrolled in the San Diego District decreased by almost 2 percent from the previous school year.

Table 4 indicates the relationship between total claims for reimbursement and the total number of NI/NC pupil enrollments for the last 5 school years.

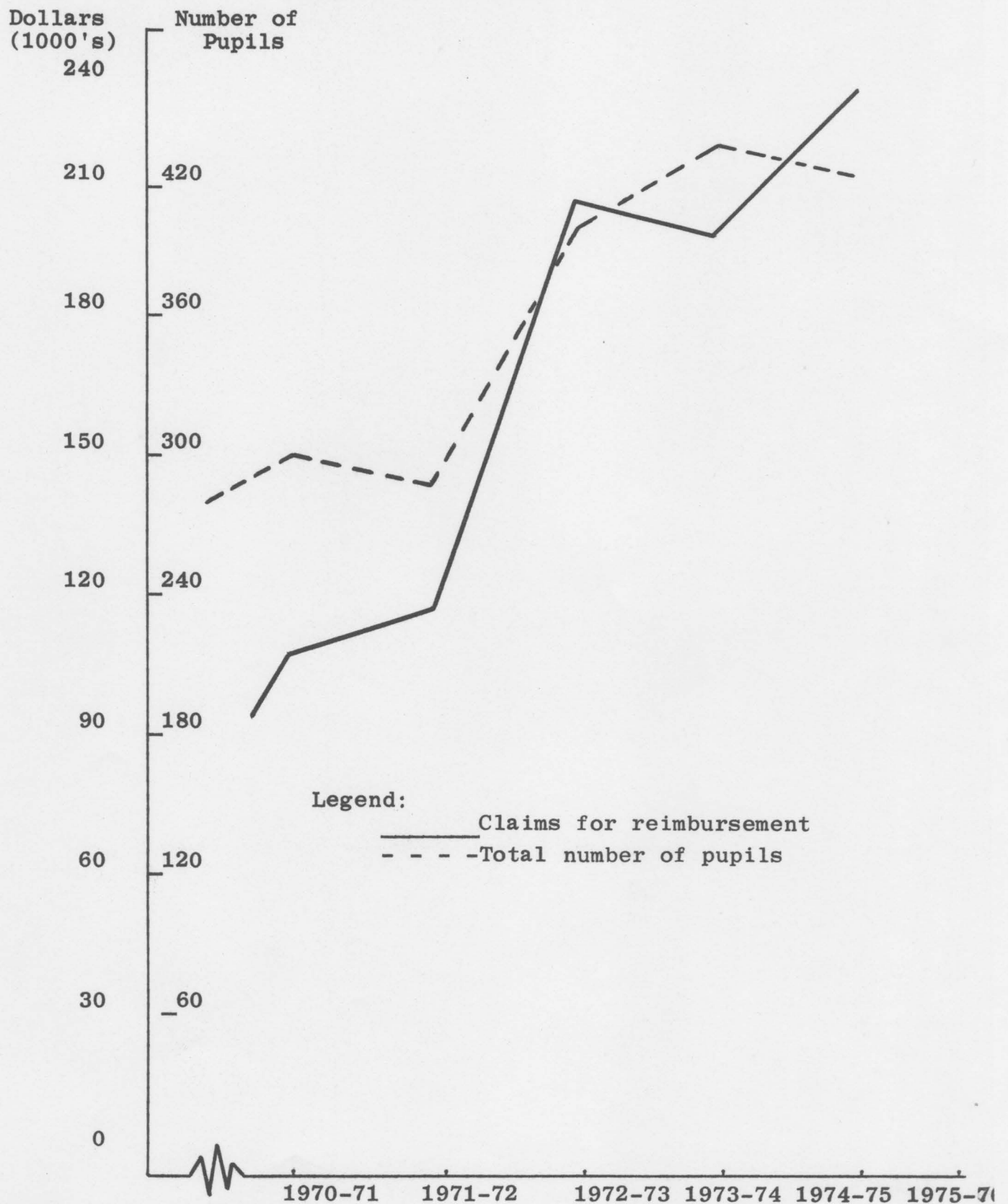
A regression analysis using the least squares method projects the total claims for reimbursements to be \$266,900 for the 1975-76 school year, and also projects an additional increase to \$299,000 in the 1976-77 school year. A graphical presentation of the regression analysis is provided on Table 5.

Characteristics Of The
Nonimmigrant/Noncitizen Students
In San Diego County Schools

Research of records of all claims for reimbursement for the education of NI/NC students by San Diego schools for school years 1973-74 and 1974-75, indicates that 2 out of every 4 NI/NC students are from Mexico, and enrollment of NC (Noncitizen) students in comparison to NI (Nonimmigrant) students has increased from 31 percent of the "reimbursable student population" to 75 percent; this denotes that 3 out of every 4 NI/NC claims for reimbursement are NC claims. Additionally, the study revealed the high school enrollment of NI/NC students increased from

Table 4

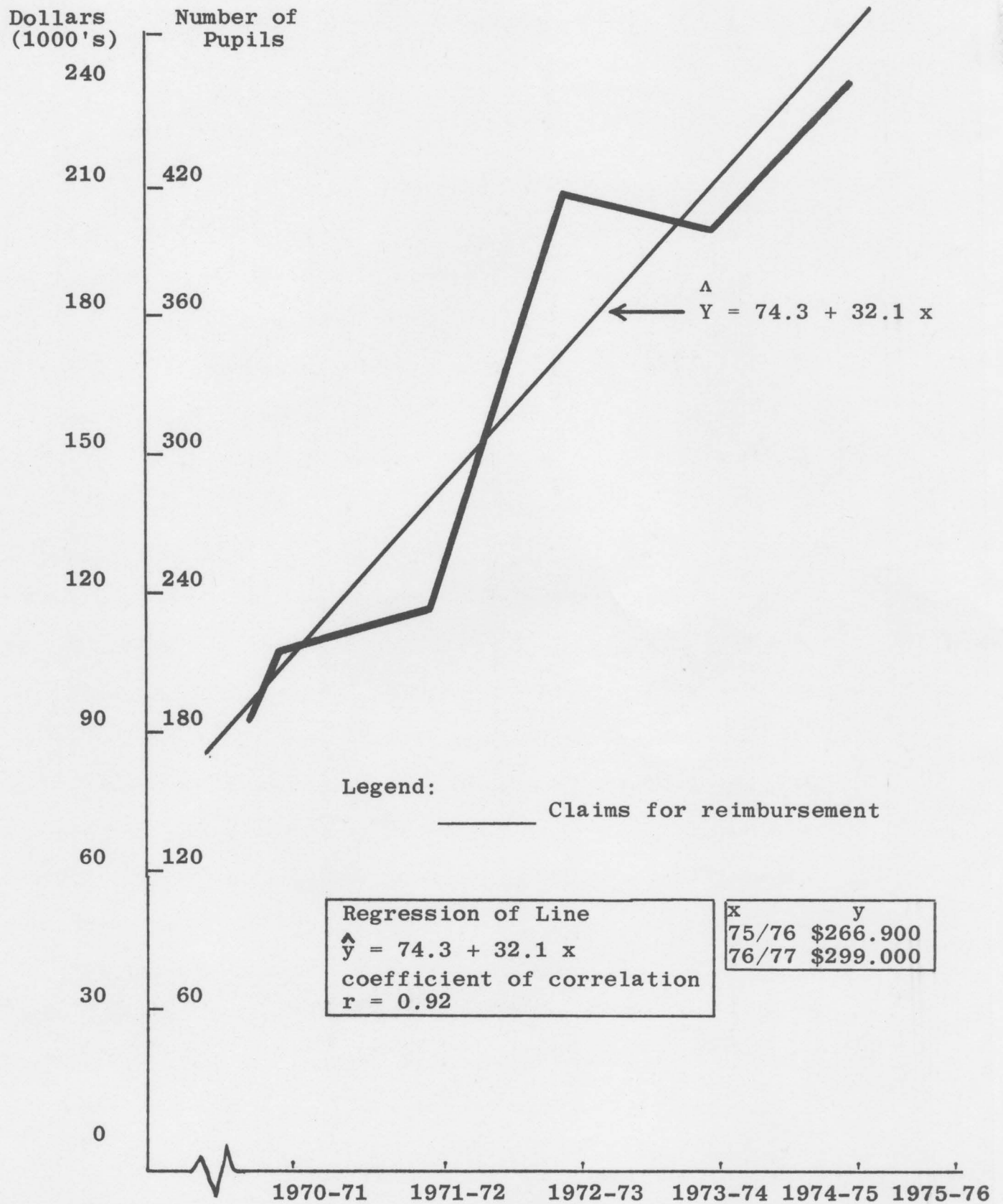
The Relationship Between Total Claims For
Reimbursements And The Total Number Of
Nonimmigrant And Noncitizen Pupils
For The Last 5 Years



Source: San Diego County Board of Education

Table 5

Regression Analysis Projecting The Total Claims
For Reimbursement For School Years 1976-77



Source: San Diego County Board of Education

40 percent of the NI/NC pupil population, to 50 percent; this indicates that half of all NI/NC students are enrolled in high schools throughout the County of San Diego.

Reimbursement Claims Of Reporting
Procedures For Nonimmigrant/Noncitizen Students

The Education Code Section 6950 providing for the funding of claims for reimbursement for the education of NI/NC pupils does not require the districts to report NI/NC pupils for reimbursement. The intent of Section 6950 is to provide for reimbursement of actual cost of educating NI/NC pupils for the purpose of maintaining special programs to meet the educational needs of these students. School districts may integrate NI/NC pupils into their regular accounting process by including them in the total number of pupils that are reported for state apportionment. However, educational code 6950 stipulates that school districts filing claims for reimbursement for the education of NI/NC children must submit the names and addresses of NI/NC children to the County Superintendent of Schools who, in turn, must forward the names to the County Board of Supervisors; the County Supervisors, in turn, forward the names of the NI/NC students to the U.S. Immigration and Naturalization Service. The study indicated that these procedures have not been followed.

The funding budget to cover the cost impact of NI/NC students by the County of San Diego is established by levying a tax in the County at a rate of .018 per \$100 valuation in each school district, and the collected amount is combined in the existing fund titled,

"Education of Pupils Residing in Children's Institutions or Family Homes." The budget under this heading for 1973-74 was \$625,000, and is \$913,000 for the 1974-75 school year; keeping in mind that both claims for the education of children in children's institutions, and claims for the education of NI/NC children are reimbursed out of this special fund.

While many school districts do not have or claim any NI/NC children, each district is nonetheless assessed this special tax. In this case, the total cost accrued for the education of NI/NC children is shared among all the school districts in the County.



SECTION IV

HEALTH CARE

The Federal House Committee on the Judiciary has special jurisdiction over immigration and nationality matters. The complex problem of the illegal alien was the subject of a comprehensive series of hearings conducted by a special subcommittee which commenced May 5, 1971 and concluded March 24, 1972. During this period the subcommittee heard a total of 186 witnesses in Washington, Los Angeles, Denver, El Paso, Chicago, Detroit, and New York. The intent of the subcommittee was to listen to the viewpoints of all parties involved, including Government officials, employers, labor representatives, immigration lawyers, health care administrators, and both legal and illegal aliens.

During one of the hearings, Dr. Clifton Govan of the Colorado Department of Health testified that:

Last year the illegal aliens we assume used between a sixth and a fifth of our health money. This year it appears that more illegal aliens are in the States and will use a larger portion of our funds.³²

Dr. Peter Dans, former chairman of the Migrant Coalition, told the subcommittee that data on illegal aliens was very difficult to obtain. Dr. Dans pointed out that illegal aliens

³² Committee on the Judiciary House of Representatives, A Review of Hearings Conducted During the 92nd Congress, "Illegal Aliens," Report Serial No. 13, PTS. 1-5, Subcommittee No. 1. Washington, D.C., U.S. Government Printing Office, 1973, p. 18.

do compete unfairly with migrant workers, rural poor, small farmers, and other rural residents for an already inadequate health system.³³

On a local level, the charges against illegal aliens imposing on health facilities run much the same as the national allegations. The Los Angeles County Board of Supervisors sued the federal government in an attempt to recover the \$7 million it lost last year in providing free or subsidized medical care to aliens.³⁴ In San Diego, two hospitals reported spending \$1.9 million last year between them on treating illegal aliens.³⁵ More recently, the San Diego County Grand Jury expressed concern over reports that \$600,000 had been spent in 1974 on medical care for aliens, including \$34,448 for one patient alone.³⁶

In this regard, the study attempts to present the extent to which illegal aliens impact health care providers in the County of San Diego. The statistics contained in this section are based on the findings of the San Diego Immigration Council's Health-Care Subcommittee.

³³
Ibid.

³⁴ National City Star News, "Illegal Aliens: Can The Country Continue To Cope With Them," December 5, 1974.

³⁵
Ibid.

³⁶ Daily Transcript, "Grand Jury Is 'Shocked' By Link Of Crime, Drugs; Urges Priority On Pushers," July 1, 1975.

Background

Prior to July 1, 1966, the County of San Diego operated the San Diego County General Hospital as the official county hospital. Medical care was provided therein by the County, and in fulfillment of its duties under the general relief provisions of the Welfare and Institutions Code, the County absorbed the cost of care provided to indigent County residents.³⁷

On July 1, 1966 the Regents of the University of California, pursuant to an Operating Agreement entered into between the County and the University, assumed exclusive responsibility for the operation of the hospital. Subsequently, in 1968, a Second Operating Agreement was entered into between the County and the University. This agreement presently controls the operation of the hospital by the University.

Although the University assumed responsibility for the operation of the hospital, the County was not relieved of its duty to provide medical care to resident indigents. Therefore, provision was made in the agreement for the County to reimburse the University for the cost of services provided to those patients for whose care the County was responsible.

³⁷ An indigent person is one who has insufficient means to pay for his maintenance in a private hospital after providing for those who legally claim his support (Goodall v. Brite, 1936, 11 Cal. App. 2d 540). It should be noted in this regard that citizenship is not the test, merely residency. (Welf. and Inst. Code § 17100.)

The primary qualification for county aid and relief to its indigents, sick and poor, is residence, not citizenship. The alien therefore of the County, who is sick and is seeking hospitalization, and who qualifies for admission to the county institution under existing laws and rules, in our opinion is not to be discriminated against by the institution either in its reception of him, his care, treatment, or accountability for reimbursement of hospital costs incurred by him, over any other citizen patient of the hospital. Citizenship is not the test for receiving the county's services in this regard or having to pay for them, but residence and the ability to pay, i.e. indigency, with the exceptions and qualifications as noted in the rules.

An eligible person for health care is defined to be:

County patient: A person, (1) declared eligible either by reason of an emergency or financial status by DMI (Director of Medical Institutions of the County of San Diego) or his representative in accordance with County policy as it exists at the time of the consummation of this agreement or as such policy may be modified by change or changes in applicable laws of the State of California, and (2) deemed medically admissible by DHC (Director of Hospitals and Clinics, University of California, San Diego) or his representative for medical care at Hospital.

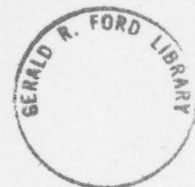
It is our understanding that determination as to the eligibility of a person as a County patient is made prior to the provision of care in those cases where the care is of an elective or nonemergency nature. The individual has, therefore, either been certified or denied certification as a County patient before the University incurs expenses in treating him. However, in emergency cases, the care is provided first, and the

determination of eligibility for certification as a County patient is made later.

As a result of this policy, emergency care is, in some cases, provided at the hospital to individuals who are indigent, but who, because they do not reside in the County, are not eligible to be certified as a County patient. The County is therefore not legally obligated to pay for their care. The County has, however, adopted a policy under which it will reimburse the University for emergency care rendered to non-resident indigents if prior to the University's assuming responsibility for operating the hospital, the County would have had to absorb the cost as a practical if not legal matter. The bills of these patients are certified to County authorities for payment at public expense, and the County then attempts to collect from the patients the money paid to the University.

The statutory "public charge" basis does not specifically apply to temporary visitors. In United States v. Phelps, 14 F.2d 679, 681 (D.Vt. 1926) the court stated that the ground presupposed immigration and that there was "no provision for keeping out visitors or tourists because they may become public charges while visiting."

The word "public charge" has been defined to mean " . . . a money charge upon, or an expense to, the public for support and care. . . ." (Ex parte Kichmirantz, 283 Fed. 697, 698 (N.D. Cal. 1922).) And a "person likely to become a public charge" has been defined as "one whom it may be necessary to support at public expense by reason of poverty, insanity and poverty, disease and poverty, or idiocy and poverty." (Wallis v United States, 273 Fed. 509, 511 (2d Cir. 1921).)



Research Methodology

Public concern expressed over the impact that illegal aliens have on San Diego County health facilities has conversely caused the County Board of Supervisors to react to the issue. Consequently, the SDCIC (San Diego County Immigration Council) was directed to appoint a Health Care Subcommittee to study the impact the illegal alien has on health care services in San Diego County and to determine the appropriate recommendation.

Three attempts were made to ascertain the impact illegal aliens have on San Diego County health care facilities, as well as to determine the policies and procedures employed by health care providers in addressing the health needs of the illegal alien. The first attempt was made by means of a questionnaire originated by the SDCIC and to numerous health care providers throughout the County. This effort met with little success. The second attempt was made by members of the Health Care Subcommittee who developed a questionnaire that was for a short time at one health facility. The results of this questionnaire were non-conclusive and therefore discontinued. The third attempt came in June 1975. The Hospital Council of San Diego and Imperial Counties elected to conduct its own independent survey and study on general health care aspects of the San Diego community, of which one area was to deal with illegal and ineligible aliens. The findings of the Hospital Council's study were expected to be a large contribution to this report. In this regard, since the hospital files contained the core of

data necessary for this report, it was felt the Hospital Council would be best suited to collect the desired information that would be required to define and measure the scope of the ineligible alien problem. During the survey process, each hospital staff conducted their own respective study and forwarded the findings to the Hospital Council for compilation of the data. In turn, the Hospital Council shared with the County Researchers that data the Council would consider appropriate for this report. The Hospital Council's study was able to quantify the total dollar impact of the medically indigent on San Diego County Hospitals. Unfortunately, the member hospitals were unable to identify specifically the dollar impact of the ineligible aliens on health care resources. The only hospital that provided data on the illegal alien was University Hospital.

As a result of the two attempts outlined above, the Health Care Subcommittee concluded that none of the hospitals in San Diego County, other than University Hospital, maintained records for bad debts or uncollectibles specifically categorized as illegal aliens. Furthermore, it was determined that this data could not be retrieved through a questionnaire but, it will require an indepth analysis on a case by case basis. Therefore, the recommendation of the Subcommittee is that three or four appropriate hospitals be selected to undertake, with adequate staff assistance, an indepth review of the illegal alien impact in the following manner:

1. Identify the case at the point of first contact.
2. Follow the case through hospital discharge, and the billing cycle.
3. Develop a profile that outlines the individuals residency status, the cost of care provided, and how the care was funded or whether the cost for care became uncollectible.

Cost Of Inpatient Medical Care Paid To University Hospital By
County Of San Diego For Treatment To Mexican Nationals In
Cases Where Cost Was Not Recovered

The following is a breakdown of the total costs reimbursed by the County of San Diego to University Hospital for health care provided to ineligible Mexican Nationals (including illegal aliens) for fiscal years 1971-1972 through 1974-1975.

Fiscal Year 1971-1972

First quarter.	72,426.27
Second quarter	66,311.20
Third quarter.	99,140.28
Fourth quarter	83,739.20
	Total \$321,616.95
	Total Patient Days 1806

Total Number of Patients	201
72 hour pass holders	148
Illegal Aliens	13
A-Card Holders Residing in Mexico- Commuters.	40

Fiscal Year 1972-1973

First quarter.	164,914.63
Second quarter	147,237.74
Third quarter.	130,491.48
Fourth quarter	155,071.93
	Total \$595,723.35
	Total Patient Days 3136

Total Number of Patients	224
72 hour pass holders	102
Illegal Aliens	65
A-Card Holders Residing in Mexico- Commuters.	57

Fiscal Year 1973-1974

First quarter	156,978.59
Second quarter	99,076.52
Third quarter	153,205.82
Fourth quarter	169,046.41
	Total \$578,307.34
	Total Patient Days 2980

Total Number of Patients	337
72 hour pass holders	117
Illegal Aliens	91
A-Card Holders Residing in Mexico-	
Commuters	36
Newborn Babies	87
Held over from 1972-73	6

Fiscal Year 1974-1975

First quarter	157,183.00
Second quarter	144,716.00
Third quarter	122,580.00
Fourth quarter	88,584.00
	Total \$513,063.00
	Total Patient Days 2303

Total Number of Patients	287
72 hour pass holders	111
Illegal Aliens	66
A-Card Holders Residing in Mexico-	
Commuters	19
Newborn Babies	89

The above totals do not include cost of emergency room treatment which is paid to University Hospital for care to some of the noted groups. Records on emergency room treatment are not available, but the cost is believed to be substantial. A system for maintaining cost records on emergency-room treatment is being developed. Furthermore, the above totals do not include the cost of emergency care provided by University Hospital for which the County does not reimburse the hospital. This too is believed to be substantial.

The total cost reimbursed by the County of San Diego to University Hospital for providing health care treatment to

Mexican Nationals and illegal aliens for fiscal years 1971-72 through 1974-75 is \$2,008,710.64. According to the Hospital Council, all other San Diego Hospitals surveyed could not provide data on medical services to illegal aliens because:

(1) statistics are not kept relative to the nationality of patients; (2) false addresses provided by patients at intake make detection impossible for the hospital until the billing is returned unpaid; and, (3) persons definitely determined to be illegal residents and not eligible to receive Medi-Care or Medi-Cal are not admitted to the hospital, except in cases of extreme emergency in which instance the hospital absorbs the cost.

Those persons who are determined to be illegal residents or nonresident Mexican Nationals that do not require emergency assistance are referred to medical care facilities in Tijuana, Baja California, Mexico.

Hospital And County Statutory Obligation
To Provide Health Care Services

There are lawful statutory obligations that have provisions for the care of emergency patients. California Health and Safety Code, Section 1407.5 stipulates that:

....every hospital is required to provide emergency service and care to any person for any condition in which the person is in danger of loss of life, or serious injury or illness....

It should be noted that the above statute makes no mention of residency or citizenship requirements. On the other hand,

California State Welfare and Institutions Code, Section 1700 states that:

....Every county and every city shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions....

Section 17101 of the Welfare and Institutions Code defines residence as,

the residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

Although an illegal alien may be a resident, it is unlikely that an illegal alien would be classified as lawfully residing within a county. Case law seems to indicate that the phrase "legal resident" imports something of expected permanence in the way of personal presence. An illegal alien is subject to deportation by Federal authorities and can have no reasonable expected permanence in the way of personal presence.

Section 17003 of the Welfare and Institutions Code does, however, authorize an exception to the general residency rule in stating:

Every county may give such emergency relief to dependent nonresidents as the respective boards of supervisors deem necessary.

With regard to the specific question of emergency medical care, the San Diego County Board of Supervisors has provided as follows in Section 194 of the Administrative Code:

Emergency care consisting of measures to (a) prevent infection, (b) relieve pain, (c) control hemorrhage, (d) immobilize a fracture, and (e) treat shock will be given to any person brought to the emergency department of any division of the Department of Medical Institutions.

In view of the authority above discussed in Section 17003 of the Welfare and Institutions Code, there appears to be no legal impediment to the County's continuing to certify the bills for emergency treatment to nonresident indigents at that hospital for payment at public expense and seeking repayment from the patients receiving the treatment.

All statutory codes notwithstanding, County Administrators have the prerogative to provide or not provide medical services for nonresidents of San Diego County, including aliens. In this case, the whole notion of health care to nonresidents becomes an issue of financial dimensions weighted against a moral consideration. This is particularly true when noted that the courts have no authority to interfere with the legal exercise of such discretion. Patten v San Diego City, (1951), 235 p. 2d 217.

Preventive Cost Less Measures

The County Department of Medical Institutions (DMI) has employed procedures for screening the classification of emergency treatment to illegal aliens and non-resident Mexican aliens at University Hospital that may prove to be significant in reducing County reimbursement to University Hospital by 44 to 54 percent. It should be noted however, that the procedures will not decrease the incidence rate of cases at all. The only visible change that has occurred by employing the mentioned screening procedures is that a smaller percentage of the alien population will qualify for "emergency status" for which the County will reimburse the University Hospital.

In this situation the County pays only for those cases that qualify as a result of the screening procedure, and so costs incurred outside of the DMI guidelines are absorbed by the hospital.

SECTION V
LAW ENFORCEMENT

During Federal Judiciary House Committee Hearings conducted by the Department of Justice in 1972, numerous witnesses from various parts of the country testified that it was their experience that illegal aliens were not involved to a large degree in criminal activities.³⁸ Comments, supporting this position, were also made by Raymond Ferrell, former INS Commissioner, during the same hearings.³⁹ In this regard, the purpose of this study is to determine the impact and extent of the impact that illegal aliens might have on law enforcement agencies on the County of San Diego. Additionally, the study attempts to determine policies and procedures that law enforcement agencies employ in handling issues that involve illegal aliens.

Research Methodology

The Special Research Group conducted personal interviews with County Sheriff officers, San Diego police, with members of the office of the District Attorney, the FBI, Highway Patrol officers, officials of the Metropolitan Correctional Center, and the Police Chiefs of eleven (11) cities in the County of San Diego. Additional research was accomplished by surveying arrest records located at the County jails and performing general library research.

³⁸ Committee on the Judiciary House of Representatives "A Review of Hearings conducted during the 92nd Congress," Illegal Aliens, Report serial No. 13, PTS. 1-5, Subcommittee No. 1. Washington, D.C.: U.S. Government Printing Office, 1973, p. 10.

³⁹ Ibid.

Delimitation of the Study

Other than lacking sufficient data on illegal aliens, the major delimitation of the study rests in the aspect that many law enforcement officers interviewed appeared to be reluctant to share data or information with the Special Research Group. The data obtained and presented in this section is most significant and could have been more complete had some law agency officials not felt that the data they were releasing might be used inappropriately against the law agency at a later date.

San Diego Bookings - County Jail

107,563 total general citizenry bookings were made at the County jail over a 20 month period (March 1, 1974 to September 10, 1975), of which 601 bookings were classified as illegal aliens; this denotes a .005 percent of the total bookings. Table 6 is presented on page 76 in order to provide the type of offenses for which the illegal aliens were charged. The present cost of maintaining an inmate at the County jail runs \$14.76 per day (does not include court costs or witness fees), so the total cost to the County is estimated to be \$8,871. Jail officials estimated that illegal aliens are usually kept in jail no longer than one day. The total budget allocated for maintenance of the San Diego County Jail for FY 1974-75 is \$6,264,174. In this regard, illegal aliens booked over a one-year period (September 10, 1974 to September 10, 1975), total 571, and factor to a yearly cost of \$8,428 to the jail. This indicates that illegal aliens affected the County jail budget

Table 6

Arrest Records of Illegal Aliens
by Category of Offense
March 1, 1974 to September 10, 1975

Category of Offense	Period					Total
	3/1/74	7/1/74	10/1/74	2/1/75	6/1/75	
	6/30/74	9/30/74	1/31/75	5/30/75	9/10/75	
Assault and Battery		2	1		1	4
Assault on a Police Officer			1			1
Assault with a Deadly Weapon			5	3	3	11
Assault with Intent to Rape			1			1
Attempted Rape	1			1		2
Battery						
Burglary, 1st Degree	3	5	30	17	2	57
Burglary, 2nd Degree	2	2	2	2	2	10
Carrying a Concealed Weapon	1	2	1	1	2	7
Child Molest		1	1	4	1	7
Conspiracy	1					1
Conspiracy to Burglary					1	1
Conspiracy to Robbery	1					1
Counterfeit I-151 in possession		1	4	1		6
Cultivating Marijuana					2	2
Disorderly Conduct		2				2
Driving under the Influence of Alcohol	4	11	15	15	18	63
Driving under the Influence of Drugs		1				1
Drunk	3	6	3	5	17	34
Escape			1		1	2
Failure to Appear		1	4	3	3	11
Failure to Appear, Vehicle Code	1			2		3
Failure to Indentify			1			1
Forgery			1	1		2
Grand Theft Auto		1	3	1	1	6
Grand Theft Person		3	5	11	2	21
Grand Theft Property				1	1	2
Hit and Run	1		2		3	6
Illegal Entry				2	1	3
Joy Riding	1					1
Lewd Conduct			1		2	3
Malicious Mischief					1	1
No Driver's License	1	3	4	4	8	20

(Continued)

Table 6
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Category of Offense	Period					Total
	3/1/74	7/1/74	10/1/74	2/1/75	6/1/75	
	6/30/74	7/30/74	1/31/75	5/30/75	9/10/75	
No Driver's License	1	3	4	4	8	20
No Vehicle Registration	1		2			3
Open Container of Alcohol in Auto				2		2
Parole Detention					1	1
Parole Violation		1	1			2
Petty Theft	5	13	9	7	12	46
Possession of Controlled Substance	1		3			4
Possession of Dangerous Drug for Sale				1		1
Possession of Deadly Weapon	1	2	1	1	3	8
Possession of Hashish				1		1
Possession of Heroin	1		1	1		3
Possession of Marijuana	1	9	6	12	12	40
Possession of Marijuana for Sale		2	2	2	1	7
Possession of Marijuana with Intent to Distribute		1		1		2
Possession of Narcotics for Sale	1					1
Possession of Narcotics Paraphanelia					1	1
Possession of Restricted Dangerous Drug	1	1	5		2	9
Prowling			2		2	4
Public Drunk	2	2			1	5
Rape			2	2		4
Receiving Stolen Property	1	2	6	4	2	15
Reckless Driving	1	1	1			3
Resisting Arrest				1		1
Robbery			2	5	3	10
Sale of Heroin			1			1
Sale of Marijuana		1		1		2
Sale of Narcotics	1					1
Sex Perversion				1		1
Shoplifting	1		4	1	1	7
Smuggling					1	1
Smuggling Marijuana	6	6	1		2	15
Smuggling Restricted Dangerous Drugs						
Sodomy		1				1
Soliciting Lewd Acts			1			1
Spitting in a Public Place			1			1

Category of Offense	Period					Total
	3/1/74 6/30/74	7/1/74 7/30/74	10/1/74 1/31/75	2/1/75 5/30/75	6/1/75 9/10/75	
Strong Arm Robbery	1		1	3	1	1
Tampering with a Vehicle		2		1		3
Traffic Warrants		1				1
Under the Influence of Narcotics			1			1
U.S.I.N.S. Detention		1			1	2
Vehicle Equipment			1		1	2
Vehicle Theft	6	15	19	18	24	82
Wildcatting					1	1
Conspiracy to Possess Marijuana	1					1
Violation		1	1			2
Position of Stolen Property				3		3
T o t a l s	52	103	158	143	145	601

Source: San Diego County Jail. Courtesy of the Sheriffs' Department.

by a factor of .0013 percent. The cost incurred by illegal aliens does not include court costs. Court costs were undeterminable, and this area could be the topic for further research.

In order to present a more comprehensive scope of the illegal alien who is charged by law enforcement officers and booked at the San Diego County Jail, Table 7 is provided for the purpose of illustrating the country of origin of each illegal alien arrested. Table 8 is also provided for the purpose of gaining a better understanding of the issue of the illegal alien as it relates to local law enforcement agencies. This table demonstrates the agencies that came in contact with the illegal alien and who handled the arrest.

Probation Department

A study of the Juvenile Probation Department revealed that 234 illegal alien juveniles were served by the County during the period of June 6, 1974 through July 21, 1975. The Probation Department estimates that it costs the department approximately \$372.00 to process and maintain one illegal alien case. Therefore, the cost impact by 234 illegal alien juveniles is estimated to be a total of \$87,048 over a one-year period.

In order to present a more comprehensive profile of the illegal alien juvenile processed in San Diego, a random sample of 31 cases were surveyed for the purpose of determining the areas of criminal involvement.⁴⁰ A breakdown of the charges is: 18 burglaries, 4 auto thefts, 3 petty thefts, 2 assaults with a deadly weapon, 2 grand

⁴⁰Data provided by the County Probation Department, August 5, 1975.

Country of Origin of 601 Illegal Aliens Arrested during March 1,
1974 - September 10, 1975.

State of Origin	Number of Arrests
BAHAMAS	1
BRITISH HONDURAS	1
CANADA (Generally)	2
British Columbia	2
Ontario	1
Quebec	6
Saskatchewan	2
COSTA RICA	11
HONDURAS	1
MEXICO (Generally)	9
Aguas Calientes	2
Baja California Norte	260
Chihuahua	12
Coahila	4
Coalcalco	1
Colima	4
Durango	22
Guanajuato	12
Guerrero	8
Hidalgo	1
Jalisco	73
Leon	1
Mexico, D.F.	35
Michoacan	32
Nayarit	18
Nuevo Leon	2
Obregon	1
Puebla	1
Queretaro	3
San Luis Potosi	3
Sinaloa	17
Sonora	34
Tamaulipas	3
Tlaxcala	1
Veracruz	11
Yucatan	1
Zacatecas	5

(Continued)

Table 7
Con't from page

State of Origin	Number of Arrests
PANAMA	1
PERU	1
POLAND	1
UNITED STATES	
California	1
Texas	2
WEST GERMANY	1
YUGOSLAVIA	1
T o t a l	601

Source: Data obtained from the records of the San Diego County Jail. Courtesy of the Sheriff's Department.

Table 8

Law Enforcement Agencies Making Original Contact with the 601
Illegal Aliens Booked at the San Diego County Jail During the
Period of March 1, 1974 to September 10, 1975.

Law Enforcement Agency	Number of Illegal Aliens
Bureau of Narcotics Enforcement (BNE)	1
California Highway Patrol (CHP)	57
Carlsbad Police Department	2
Chula Vista Police Department	41
Coronado Police Department	7
Drug Enforcement Administration (DEA)	18
El Cajon Police Department	7
Escondido Police Department	4
Federal Bureau of Investigation (FBI)	3
Imperial Beach Police Department	4
La Mesa Police Department	2
Narcotics Task Force (NTF)	6
National City Police Department	5
San Diego Harbor Police	2
San Diego Marshall's Office	23
San Diego Police Department	325
San Diego Sheriff's Office	90
United States Border Patrol	1
T o t a l	601

Source: Data obtained from the records of the San Diego
County Jail. Courtesy of the Sheriff's Department.

thefts, 1 drinking and resisting arrest, and, 1 possession of marijuana. Of the 31 arrested, 28 were booked into Juvenile Hall for further investigation and arraignment. Thirteen (13) of the 28 illegal alien juveniles were scheduled for official court action, and 7 of the 13 were detained pending a regular court hearing. Consequently, 3 of the 7 were committed to the California Youth Authority.

Police Departments

The following data represents a cursory profile of those police departments surveyed for the purpose of determining the amount of involvement experienced by each municipality relative to illegal aliens. The information provided also notes the type of policies followed by each police department in addressing the issue of the illegal alien.

City of San Diego

Two and a half years ago, the San Diego Police Department issued a policy memo on illegal aliens which became highly controversial in the Mexican-American community. As a result of the reaction from the Chicano community, provisions of the memo were discontinued. Presently the S.D.P.D. contends that they have no established policies on illegal aliens. It is reported that when a patrolman comes in contact with a suspected illegal alien, the suspect is stopped only if a crime has been committed in that general geographical area, or there is reason to believe that the suspect has committed a crime.

Suspected illegal aliens are not detained on the mere notion that they might be illegal aliens; this responsibility is said to be the duty of the INS.

The San Diego Police Department reported no statistics on illegal aliens. Officials maintained that their recording tools are not structured to record the nationality of law violators. In this regard, research conducted at the County jail of booking records revealed that 325 illegal aliens were charged by the San Diego Police Department and delivered to the County jail for processing.

National City

The National City Police Department will detain an illegal alien only after a formal complaint has been pressed against the suspect on criminal charges, but police will not stop an individual on suspicion that he might be an illegal alien. If a law breaker is found to be an illegal alien, the INS is contacted and informed about the case. Unless the INS requests detention, the illegal alien is released (assuming the person is not charged with a serious crime). The National City Police Department reported that 232 illegal aliens have been released to INS in 1974-75.

Coronado

The Coronado Police Department reported that it has no written policies relating to the handling of illegal aliens. However, Coronado Police officials stated that if the detained person is found to be an illegal alien, the INS is contacted and the suspected

illegal alien is detained on request of the INS.

The Coronado Police estimate that they handle about 75-100 cases a year that involve illegal aliens; the total estimated cost is \$1,400.

Chula Vista

The City of Chula Vista Police Department has a written policy (Administrative Order No. 72-14) to deal with illegal aliens. According to the procedure, persons suspected of being illegal aliens are not stopped or questioned merely on the notion that they are suspected illegal aliens because of their outward appearance. They are not stopped unless seen breaking the law, or are found in an area where a crime has been reported. If the patrolman has no reason to stop an individual other than because of the officer's suspicion that the suspect is an illegal alien, the patrolman has the option to ignore his suspicion or to inform the INS of his observance.

Chula Vista Police estimate that they handle about 160 cases involving illegal aliens, at an estimated cost of \$4,900 a year to the department.

El Cajon

The El Cajon Police Department does not maintain written policies on how to address the issue of illegal aliens. The informal procedures followed by the El Cajon police appear to be much like those of National City, Coronado, and the City of San Diego. El Cajon handled 10 cases involving illegal aliens in fiscal year 1974-75, the estimated cost is \$770.

La Mesa

Like most of the other police departments in the County of San Diego, the La Mesa Police Department has not written procedures on the handling of illegal aliens. Illegal aliens are not picked up on mere suspicion that the individual may be an illegal alien. In situations where a law violator is determined to be an illegal alien, the person is reported to the INS. Officials reported that incidents are so rare that no record on aliens is maintained or cost calculated.

Escondido

The Escondido Police Department has written procedures for the purpose of relating to the illegal alien. Procedures stipulate that illegal aliens will not be stopped merely on the notion that a person appears to be an illegal alien, but rather, on the basis that the person is seen to, or believed to have, committed a crime.

The Escondido Police Department estimates that about 670 illegal aliens were detained in 1974 and turned over to the INS, but no cost factor was provided.

Oceanside

Police officers of Oceanside observe mostly oral policies in handling illegal aliens in the absence of a written procedure. The informal procedure is similar to that of other municipalities--much like that of the city of Coronado.

Oceanside Police handled 271 cases involving illegal aliens (69.5 man-hours) at an estimated dollar value of \$1,050.

Carlsbad

The City of Carlsbad Police Department have no written policy on the apprehension of illegal aliens, however, there is an understanding by patrolmen that suspected illegal aliens will be left alone unless they are seen or known to have committed a crime. In situations where an illegal alien is known to have committed a crime, the INS is notified. Carlsbad Police have a well established method of maintaining records on crime incidents and their files noted that Carlsbad Police handled a total of 356 cases involving illegal aliens. Their files indicated the following breakdown: January 1975--44, February--61, March--73, April--27, May--30, June--40, July--23, and August--58.

Police administrators estimate that each contact costs them about \$10.00 a case. They maintain that the average yearly cost of processing illegal aliens runs about \$6,000.

Sheriff's Department

The Sheriff's Department of San Diego was criticized in 1974 by some members of the community as a result of written policies by the Sheriff relating to the handling of illegal aliens. As a result of the controversy, the procedures have been modified to some extent, however, the Sheriff's position remains consistent to his obligation to uphold the law in any case where a violation of the law exists. Officials report that patrol officers do not stop persons on the mere suspicion that an individual appears to be an illegal alien, however, the Sheriff maintains that he has the authority to do so if the situation warrants it. He cites Penal Code

Section 836 as the statute that gives him the authority to apprehend illegal aliens.

District Attorney

The office of the District Attorney does not maintain records as to costs incurred in prosecuting cases involving illegal alien defendants. Since illegal entry is a federal violation, these cases are tried by federal officials. Sources, however, indicate that an undeterminable amount of money is spent on prosecuting illegal alien defendants, as well as prosecuting persons who commit crimes against illegal aliens.

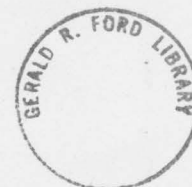
The California Highway Patrol

The guidelines followed by the California Highway Patrol (CHP) in dealing with illegal aliens, is that no arrests are made unless the individual is known to have committed a crime (a crime other than having violated the federal immigration law). The CHP has no readily available detention facilities so this policy is pretty well observed. On arrest cases involving an illegal alien who has committed a crime, the CHP informs the INS and will release the illegal alien to the Border Patrol upon request.

The CHP estimated that they handle about 180 criminal cases a year involving illegal aliens. The estimated cost of handling these cases is \$460 per year.

Operation "POLLERO"

"Pollero" is a Spanish term meaning a flock of baby chicks.



It is used by Mexican law enforcement officers to refer to bands of Mexican illegal aliens crossing the border following a guide in the manner that baby chicks follow the mother hen.

Due to alleged increase in crimes along the United States-Mexico border, Operation "Pollero" was carried out over the last Labor Day weekend. The operation involved a joint task force of Mexican and local INS officials. A unique feature of Operation Pollero was that local police agencies were asked to participate.

A total of 407 illegal aliens were taken into custody North of the border during the four-day period of the operation and another fifty were arrested in Mexico. Of the total 457 apprehended, 150 were held by the Baja California Judicial Police since they were determined to be wanted by Mexican authorities for crimes committed within Mexican national boundaries.

The success of Operation "Pollero" was attributed to the cooperation between international governments and local police departments. This was the first time such a project was carried out by the two countries. Officials maintain that this operation will form the basis for future joint projects to curb the flow of illegal aliens into the United States and also for apprehending fugitives wanted by Mexican authorities.

SECTION VI

MANPOWER AND COMMERCE

The areas of study covered by this section of the report include the employment of Illegal Aliens, Green Carders, Non-immigrants Visitors and Twin Plants Program.

While the Twin-Plants Programs appears to take jobs away from local workers, the aspect of the program appears to draw industry into San Diego that might otherwise not have been based here. And while many local residents may object to the Nonimmigrant Mexican visitor, statistics indicate that the Mexican visitor is a vital factor to the San Diego economy. In considering the "Green Carder," recognition must be given to the fact that these persons are, to some degree, fulfilling the intent of "contracted foreign labor" as was the case during the "bracero" program that operated from 1942 to 1964. The Seasonal Worker and the Commuter, which are commonly referred to as the Green Carder, appear to fill a manpower gap that is most essential to San Diego.

The impact of the above noted categories of aliens on the San Diego economy was experienced during the U.S. implementation of Operation Intercept in 1970-71. This project greatly restricted commuter and general visitor movement to San Diego, and the economic ramifications cost San Diego millions of dollars, as will be demonstrated in this section of the report. The issue of illegal aliens will also be covered in this chapter, even though statistics on this specific population in San Diego are deficient.

Employment And The Illegal Aliens

Based on estimates by Robert J. Seitz,⁴¹ Public Information Officer, Office of the Regional Commissioner, San Pedro,⁴² and Richard Batchelor, Deputy Chief Patrol Agent, Chula Vista Border Patrol Sector, approximately 9,000 illegal aliens hold jobs in San Diego County. This figure was determined by denoting that 18 percent is the factor when considering that an estimated 251,500 illegal aliens hold jobs in California out of a total 1,350,000 illegal alien population estimated to be residing in California. Applying⁴³ the 18 percent factor to the estimated 50,000 illegal aliens believed to be residing in the County of San Diego, the amount is 9,000. This amount was cross referenced to the calculation of 8,500 estimated by Richard Batchelor, and concurred to by Jim Tilson, Officer in Charge of the San Diego Office. The figure of 8,500 was considered in a ratio to the 50,000 illegal alien estimated total, and the factor calculated is 17 percent. Therefore, since the estimated 17 percent factor for San Diego of 8,500 illegal aliens holding job slots in San Diego is in close consonance to the 18 percent figure determined

⁴¹ Letter and document from Robert J. Seitz, dated August 28, 1975.

⁴² Data provided by Richard Batchelor, during interview of October 1, 1975.

⁴³ Data provided by Donald Day, Assistant District Director, INS, San Ysidro, California.

for the State of California, it was decided to use the estimated total of 9,000 since INS Officials in San Diego believe this figure to be reasonable.

The 9,000 figure factors to a wage earned total of \$34,560,000 by illegal aliens in the County San Diego. The total of \$34,560,000 is determined by assuming that each illegal alien earns a yearly salary of \$3,840 based on an hourly averaged wage rate of \$2.00. This wage rate was used as a result of personal interviews with apprehended illegal aliens by Border Patrol agents, and also as a result of a study conducted by the Los Angeles Border Patrol District Office (see Table 9), and varified with Nelson McClaugherty, San Diego County Farm Labor Representative.

Table 9 indicates that 63 percent of aliens apprehended on the job earn less than \$2.50. The wage input obtained from illegal aliens interviewed by the San Diego Border Patrol officials averaged \$2.00 per hour, and in this regard, the \$2.00 wage rate was utilized to calculate the \$34,560,000. Also, a consideration in using \$2.00 as the average houly wage rate earned by illegal aliens was influenced by the aspect of exploitation. For instance, there are numerous cases of exploitation where illegal aliens are paid \$5.00 a day and less to perform difficult and dangerous tasks. Joe Alcoser, Vice President, AFL/CIO, Laborers' Local Union No. 89, cites examples of labor law abuse in cases where illegal aliens are paid \$1.25 per hour and less, when the prevailing wage for like

Table 9

Illegal Aliens Employed at the Time of Arrest
by Los Angeles Immigration District in Los
Angeles, Orange County, and San Diego Metro-
politan Areas. January - June, 1975

Category	Hr. Rate \$6.50 plus	\$4.50 6.49	\$2.50 4.49	Less than \$2.50	TOTAL
Heavy Industry	22	96	90	52	260
Light Industry	75	420	1978	4436	6909
Agriculture	2	33	42	280	357
Construction	16	61	34	41	152
Services	<u>24</u>	<u>99</u>	<u>621</u>	<u>1185</u>	<u>1929</u>
Totals	139	709	2765	5994	9607

Source: Immigration and Naturalization Service, Southwest Region, San Pedro, California. Courtesy of Robert J. Seitz, Public Information Officer, INS.

work is \$6.63 an hour. A more comprehensive accounting of labor and wage abuse of the illegal alien is covered in Section VII of this report.

Taxes, Wages and the Illegal Alien

The current income poverty level for a non-farm family of five residing in all states, except Alaska or Hawaii, is \$5,290. The majority of illegal aliens are working for below poverty level wages. A welfare recipient for a family of five would receive approximately \$4,800 annually. It is unlikely that persons eligible for welfare benefits would work for the wages that the majority of illegal aliens receive when the applicant can receive as much or more annual welfare payments by applying for public assistance; particularly since welfare payments are not considered taxable income.

Illegal aliens employed in agriculture or domestic service in a private home are exempt from state and federal withholding taxes. Conversely, the income of an illegal alien employed in industry might be subject to withholding tax regulations if in fact he is paid the prevailing wage for that category. In this regard, the only individual that is subject to withholding taxes would be a single person claiming himself as a dependent and using the Wage Bracket Table Method. This individual would owe the state less than \$1 a week. The Exact Calculation Method and the Single Rate Method show that no taxes would be withheld from an individual earning

\$4,000 - \$5,000 a year whether married or single; in the case of an illegal alien, the estimated yearly income is \$3,840. In this case, it appears that the majority of illegal aliens would owe government units little or no taxes at all if they would in fact declare at the end of the year. However, IRS Officials believe that illegal aliens do pay their share of taxes since it appears that most employers in San Diego do apply the appropriate taxation to illegal alien wages;⁴⁴ this perspective is shared by the San Diego Farm Labor Bureau. Both maintain that it behooves the employers to impose the appropriate tax structure, otherwise the employer is liable for any deficiencies.

In an effort to more thoroughly understand the impact of the illegal alien on the tax structure of the economy of San Diego, the Special Research Group contacted Los Angeles on this issue. In response to the San Diego inquiry, a letter dated September 2, 1975, was received from Gerald A. Ross, Principal Administrative Analyst, Office of the Chief Administrative Officer (CAO); County of Los Angeles, that cited a study accomplished by their CAO for Supervisor Edelman on the tax contributions made by illegal aliens to the County of Los Angeles.

In attempting to develop estimates on the tax contributions made by illegal aliens, Los Angeles County contacted a

⁴⁴

Information provided by Robert Morales, IRS, San Diego, California.

number of State and Federal agencies, and the INS; none of the agencies could provide any definitive data on the tax subject or on the number of illegal aliens residing in Los Angeles County. Admittedly, the office of the Los Angeles CAO conceded that the wide disparity in the population estimates of illegal aliens and the absence of reliable data on the employment status of illegal aliens made any projections highly speculative. This position of course, applies to San Diego as well.

Notwithstanding the problem associated with the non-availability of data, Los Angeles did prepare an estimate of possible tax factors made by illegal aliens. They based their calculation on the range of illegal populations expressed in various news articles, and considered the principle types of direct taxes paid by consumers such as income, sales, property, and gasoline taxes; the base factor used was the estimated number of employed illegal aliens.

In the case of San Diego, since 9,000 is the estimated number of employed illegal aliens, it is estimated that employed illegal aliens might contribute \$6,768,000 in total taxes based on current rates. Table 10 details the estimated tax contributions based on the estimated 9,000 employed illegal aliens. Assuming that this case was correct, the contribution by the employed illegal alien to the County's general fund would be \$643,500.

Table 10

Estimated Tax Contribution
by Illegal Aliens

TAXPAYER PROFILE: Single, earning \$2.00 per hour¹ and working 40 hours per week; living in rented housing and paying rent commensurate with the General Relief Allowance.

Estimated Number of Illegal Aliens in San Diego County (9,000).²

Estimated Individual Annual Income for Employed Illegal Aliens \$ 3,840

Total Estimated Annual Income for Employed Illegal Aliens in San Diego County \$34,560,000

ESTIMATED TAXES PAID:

Federal Income (Standard Deduction) at \$381 Per Person \$ 3,429,000

State Income (Standard Deduction) at \$19 Per Person \$ 171,000

State and Local Sales (IRS Allowance) at \$77 Per Person \$ 693,000

Property Taxes (All Jurisdictions)⁴ estimated at 25% of \$100 Per Month Rent and \$25 Renter Tax Credit Per Employed Person \$ 2,475,000

Total Taxes Paid \$ 6,768,000

County General Fund Property Taxes⁵ 26% of Total Property Taxes \$ 643,500

Source: Formula for table provided by Lynn Kirkhofer, Research Analyst, Office of the Chief Administrative Officer, County of Los Angeles.

¹Data by Richard Batchelor, INS, San Diego and Nelson MacClagherty, San Diego Farm Labor Bureau.

²Data by Donald Day, Assistant Regional Director, INS, San Ysidro, California.

³Data by Robert Morales, IRS, San Diego, California.

⁴Data obtained from the office of the San Diego County Tax Assessor.

⁵Ibid. San Diego County Property Evaluations and Tax Rates - FY June 30, 1975.

Job Slots Held By Illegal Aliens

Nationwide, 1 million jobs held by illegal aliens are identified (see Table 11). The INS believes that by apprehending these 1 million employed illegal aliens, 1 million job slots will become available to resident citizens. In San Diego, number of available jobs would be 9,000.

The perspective of jobs becoming available as a result of illegal aliens vacating job slots has failed to materialize as has been the case in a program conducted in Los Angeles when 2,154 illegal aliens were apprehended on the job.⁴⁵

The State Human Resources Development (HRD) agency identified the newly created job slots and attempted to fill the 2,154 vacancies with citizen residents. The effort failed.⁴⁶ Some of the reasons for the failure were: (1) employers paid less than the minimum wage rate, (2) applicants were not willing to work for the low wages offered, and (3) applicants were discouraged by the low wages, the difficulty of the job, and the substandard working conditions.

Table 11 on page 99 is presented to show the estimated number of job slots that might be created in various cities throughout the United States if an improved program in immigration enforcement could be effectuated, as calculated by the INS.

⁴⁵

Los Angeles Times, "Bid to Give Illegal Aliens' Jobs to Americans Failing," July 1, 1975.

⁴⁶

Ibid.



Table 11

Projection of Jobs which could be created by
Improvement in Immigration Enforcement Programs

Location	Agriculture	Heavy Industry	Light Industry	Service	Total
Northeast Region	1,000	35,000	58,000	72,000	166,000
Boston, Massachusetts		2,000	2,000	2,500	6,500
Hartford, Connecticut		750	1,250	3,000	5,000
Newark, New Jersey		5,000	14,000	6,000	25,000
New York, New York		24,000	32,000	50,000	106,000
Other	1,000	3,250	8,750	10,500	23,500
Southeast Region	30,000	15,000	25,000	49,000	120,000
Miami, Florida	13,000	6,000	12,000	21,000	52,000
San Juan, Puerto Rico		1,500	3,500	8,000	13,000
Philadelphia, Pennsylvania		2,000	3,000	4,000	9,000
Washington, D. C.		2,500	3,000	6,000	11,500
Other	17,000	3,000	4,500	10,000	34,500
Northwest Region	56,000	25,000	30,000	45,000	156,000
Chicago, Illinois	8,500	19,000	21,000	31,000	79,500
Detroit, Michigan	4,200	2,500	4,000	9,000	19,700
Kansas City, Missouri	2,000	1,500	1,500	2,000	7,000
Helena, Montana	9,500		,500	1,000	11,000
Havre, Montana	15,000				15,000
Other	16,800	2,000	3,000	2,000	23,800
Southwest Region	248,000	75,000	100,000	135,000	558,000
Denver, Colorado	15,000	3,000	3,000	7,000	28,000
Livermore, California	100,000	2,000	3,000	5,000	110,000
Los Angeles, California	6,000	29,000	50,000	50,000	135,000
Dallas, Texas	2,500	10,000	10,000	30,000	52,500
San Francisco, California	1,500	1,000	2,000	2,000	6,500
Border Cities	100,000	20,000	30,000	40,000	190,000
Other	23,000	10,000	2,000	1,000	36,000
California only	107,500	32,000	55,000	57,000	251,500
U. S. Total	335,000	150,000	214,000	301,000	1,000,000

Source: U.S. Department of Justice, Immigration and Naturalization Service, Southwest Region, San Pedro, California. Courtesy of Robert J. Seitz, Public Information Officer, INS.

The Green Carders: Commuters
And The Seasonal Workers

The Commuter Worker

The INS calculates that there are 10,000 persons living on the Mexican side of the border who commute to work in San Diego. Most of these individuals are Mexican Nationals who possess a permit to enter the U.S. to work. There is also a small number of American citizens who live south of the border and also commute daily. Opponents of the commuter program argue that these foreign workers are displacing American workers and contribute to the unemployment problem and affect the U.S. balance of payments.

Because of the legitimacy of the position held by the Commuter Worker as opposed to that held by the illegal alien, it is estimated that 10,000 Commuters earn an hourly averaged wage rate of \$2.50,⁴⁷ for an estimated yearly total of \$48,000,000. This does not indicate however, that this total sum is lost from the San Diego economy because, in 1969, the Mexican Federal Government performed a random sample survey of households in Northern Baja California in order to gauge the spending patterns of Mexican citizens along the Border Cities, and the study revealed that Mexicans spent over 60 percent of their income in the United States. In this case,

⁴⁷ The hourly factor of \$2.50 wage rate for Commuters was established as a result of interviews with union officials of Laborers Local 89 of San Diego, Mexican Government Officials, Mexicali, Mexico, and the San Diego County Farm Labor Bureau.

if the spending habits of Commuter Workers can be assumed to be the same as those revealed in the 1969 sample, then 60 percent of their total earnings will be spent in the U.S. This indicates that an estimated \$28,800,000 of the total \$48,000,000 earned in San Diego is spent in San Diego, while the difference of \$19,200,000 affects the U.S. balance of payments.

The Seasonal Worker

The "Green Carders" are permanent resident immigrants who INS records indicate that 5,500 Seasonal Workers are registered with the San Diego office, but they do not necessarily work in the San Diego County area as a result of their migrant profession. No statistics are available on Seasonal Workers as to their impact on the economics of the County of San Diego, however, union labor officials⁴⁸ feel that Seasonal Workers expend about 80 percent of their low wages in the United States, and the remaining 20 percent is sent out of the country. This figure is believed to be reasonable, based on the contention that the wages of Seasonal Workers are relatively low, and the greatest percent of their income is spent on daily subsistence.⁴⁹

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Interview with Joe Alcocer, Vice President, San Diego Laborers Local 89, San Diego, California.

⁴⁹ Ibid.

In this regard, it is estimated that 5,500 Seasonal Workers earn a total yearly income of \$26,400,000, however, this is decreased to \$13,200,000 since Seasonal Workers are estimated to be in the County only six months out of the year. In computing this total, it was determined that Seasonal Workers earn an hourly averaged wage of \$2.50,⁵⁰ which factors to a yearly wage total of \$4,800 per worker. Therefore, if Seasonal Workers are assumed to spend 80 percent of their earned wages (\$13,200,000 for one yearly season) on local purchases, it is estimated that Seasonal Workers spend \$10,560,000 of their seasonal income of \$13,200,000 in San Diego County. The balance of \$2,640,000 affects the U.S. balance of payments.

Opponents of the Commuter Program and the Seasonal Worker Program argue that these foreign workers are displacing American workers and contribute to the unemployment problem and affect the U.S. balance of payments. While this point may be correct, attention is invited to preceding portions of this section which illustrates that an estimated 60-80 percent of the money earned by Mexican Nationals in the United States is believed to be spent in this country, and also that aliens normally hold jobs that Americans will not take or consider. Additionally, it has been pointed out that illegal

⁵⁰ Data provided by Nelson McClaugherty, San Diego Farm Labor Bureau, San Marcos, California.

aliens do contribute to the tax base of San Diego, the state, and the federal government, as a result of purchases made on taxable items. This same rationale is applicable to the economics of the Commuter and Seasonal Worker. And, according to Dr. Tore Tjersland,⁵¹ California Western University, consideration should always be given to the interdependencies of a system in relations existing among industries and between industries and consumers. In this case, Dr. Tjersland maintains that for every 100 persons employed in agriculture, 12 additional new jobs are created in other job market sectors. Therefore, an estimated 2,940 new jobs may have been generated as a result of the activity of 9,000 estimated illegal aliens, 10,000 Commuter Workers, and 5,500 Seasonal Workers.

The "inverse coefficient" of 100-12 applies only to the sector of agriculture, and the factor varies with the type of industry involved. In this regard, the factor relative to agriculture was used as an average since it is estimated that most jobs held be illegal aliens, Season Workers, and Commuters, are in the agriculture field.

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Tore Tjersland, "Input-Out Analysis Of The Economic Structure of San Diego, "San Diego Economics Development Research Program; An Update Of The Original 1966 Study. San Diego California: Economic Research Bureau of San Diego, August 1970.

Border Industrialization Program
And Its Impact On the
County Of San Diego

The Twin-Plants program was begun by the Mexican government in 1965 in order to offset the cessation of the U.S. braceros program in 1964, which resulted in a great loss of employment among Mexican farm workers who lived near the U.S. border and depended on the economy generated by the Bracero Program. The Twin-Plants program was designed specifically to attract foreign manufacturing facilities-- particularly those involving assembly operations, to Mexican Border Cities. Although the program was open to nationals of all countries, most of the foreign firms involved are U.S. concerns.

Under this program U.S. manufacturers are, in essence, subcontracting with the workers of the Mexican border communities for low or semi-skilled labor to be accomplished in a Mexican plant. The savings which accrue to U.S. firms in wages more than offset the cost of the transportation of materials, equipment, and products. This situation also compensates for the extensive negotiations and registration procedures otherwise required by the Mexican government before plant operations can begin. The payment of duty on materials and products transported across the border is not a major expense because these materials enter Mexico duty-free if the product is to be exported, and the semi-processed or finished products reentering the United States are dutiable only on the basis of value added (cost of labor) provided the nature of the item

has not been changed. In all aspects, these benefits are mostly to foreign investors.

Officials of the Mexican Government have stated that it is official policy to encourage U.S. concerns to shift their entire production process to the Mexican border area. Rather, it is contended, that the program tends to enhance the establishment of complementary production operations on both sides of the border and to have encouraged the location in nearby Mexico of processing facilities that would otherwise have been shifted to lower-wage countries of the Far East.⁵²

Research was conducted to determine the number of Twin-Plants operating in relation to the San Diego border region. The survey revealed that current data on Twin-Plants is not available, and the only reliable data available refers to the period of 1973. This survey was believed necessary because of its relative affect and effect on the San Diego side of the Border. Table 12 notes a total number of 136 Twin-Plants operating in Tecate, Tijuana, and Ensenada that employ a total of 17,191 workers, at a yearly payroll of \$47,091,132 American dollars.

As previously stated, in 1969, the government of Mexico, under federal auspices, performed a study of Mexican cities along the U.S. - Mexico border in order to determine the spending patterns of its citizenry. The study revealed that

⁵² Information provided by the United States Tariff Commission, September 1975.

Table 12
Baja California Twin Plants - 1973

Plant Location	Number of Factories	Labor Force Total	Total Wages and Salaries in Pesos	Equivalent in Dollars
Tecate	15	1,623	29,867,937.66	2,389,435.00
Tijuana	114	15,226	548,500,000.00	43,880,000.00
Ensenada	7	342	10,271,219.00	821,697.00
Totals	136	17,191	₱588,639,156.66	\$47,091,132.00

Source: Statistics provided by the State Department of Economic Development of the Baja California, Mexicali, Mexico. Data not available for 1974-75.

Mexican Nationals living along the U.S. - Mexico border spend over 60 percent of their income in the United States. Based on the 60 percent spending factor by border area Mexican citizens, this would indicate that of the total \$47.1 million in wages earned in 1973 by Twin-Plant workers, \$28.3 million was spent in San Diego or a neighboring U.S. county. In this case, the variance of \$18.8 million is considered to affect the balance of payments since \$28.3 million reenters the United States for gain and circulation.

An interview with the Manager of the San Diego Economic Development Corporation revealed that he has a Springfield, Massachusetts electronic manufacturing client whom he is assisting in relocating to the San Diego area. This firm will employ approximately 50 to 100 persons in San Diego and will use a Twin-Plant operation on the Mexico side of the Border.

The Manager of the San Diego Economic Development Corporation believes that if it had not been for the Twin-Plant operation sponsored by the Government of Mexico, it would have been more economically judicial for a Massachusetts company to have relocated in the Los Angeles area in order to be nearer the majority of its customers.

The Effects Of Mexican Visitor Spending
In San Diego

Just as the population of San Diego share a common air basin with the peoples of Tijuana and other parts of Baja

California, previous documentation noted in this section of the report indicates that this geographical area as a whole, shares a common economic interdependency. As American industry seems to depend on Mexican labor to meet consumer demands and generate the profit that stimulates the San Diego economy, so is Mexico dependent on American labor markets to relieve its high unemployment rate, and also to inject cash flow into a depressed economy through a system of tourism. Other than the environmental commonality, the economic interdependency between both communities is obvious and blunt. One such interdependency is that of tourism and general merchandising. This study did not delve into the effect of the American dollar on the Mexican economy, however, since the survey did concern itself in determining the impact of Mexico on San Diego, the affects and effects of Mexican Visitor spending was notable and warrants consideration.

Figures provided by the San Diego Chamber of Commerce, and the San Diego Convention and Visitors Bureau, indicate that Mexican Visitors from Baja California spent an estimated \$119.4 million in 1974 in the County of San Diego. Additionally, the data provided by the Chamber of Commerce, and the Visitors Bureau note that Mexican Visitors on 72-hour passes have spent an estimated total of \$902.7 million in San Diego. Table 13 indicates by year the dollar amount contributed by the Mexican Visitor to the San Diego economy, and also shows the number of Mexican Visitors that cross the border at San Ysidro on

a yearly basis, to spend their money in San Diego. The total number of Mexican Visitors on 72-hour pass permits for the years 1965 through 1974 is estimated to be 147.6 million; this calculates to a yearly average of 14.8 million visitors.

The Relation Between The Mexican Visitor And
The Illegal Alien

As noted by Table 13, the Mexican Visitors spend an average yearly dollar value of \$90.3 million in San Diego. This relation between San Diego and Baja California is advantageous for the U.S. since it favorably affects the San Diego community. However, this condition can be jeopardized as was the situation in 1970-71-72 as a result of Operation Intercept. Operation Intercept was implemented by the United States government in September 1969, and was intended to apprehend illegal aliens and contraband. This effort by the U.S. government to deal with the illegal alien issue caused certain measures to be taken against the illegal alien; steps which subsequently had an adverse effect on all border crossings. The consequence was not only an inconvenience for Mexican Nationals wishing to enter San Diego but, many Mexican Visitors, Commuter Workers, and Seasonal Workers, perceived Operation Intercept as abusive and a personal affront.

In retaliation for the embarrassment caused Mexican Nationals by Operation Intercept, the Mexican Government

Table 13
Mexican Visitor Spending in
San Diego County for 1965 Through 1974

Year	Amount of spending in millions of dol- lars rounded to near- est hundred thousand	Change from previous year (%)	Mexican visitor border crossings in millions rounded to nearest hundred thousand (*)
1974	119.4	+ 7.2	19.9
1973	112.2	+28.2	18.7
1972	84.0	+ 5.4	14.0
1971	78.6	-15.3	13.1
1970	93.9	-14.5	15.0
1969	108.4	+13.9	16.8
1968	94.5	+17.3	15.3
1967	77.2	+ 5.7	12.3
1966	71.5	+ 8.5	11.9
1965	63.0	+ 3.0	10.6
Totals	902.7		147.6
Averages	90.3		14.8

Source: San Diego Chamber of Commerce, and the San Diego Convention and Visitors Bureau, August 1975. Courtesy of Lucille Mortimer, Director, Economic Research Bureau of San Diego, California.

Note (*) These figures include only the Mexican Visitors entering San Diego County through the border crossing at San Ysidro.

initiated "Operation Health." The action by the Mexican government deterred many would-be-visitors from the United States to Mexico. This situation, however, also had an adverse economic impact on the City of Tijuana. The extent of the impact of Operation Health on the Tijuana economy is not noted in this report since it was not the concern of the study. The main point of this analogy was to basically identify an economic interdependency, and to primarily determine the economic impact of the Mexican Visitor on the County of San Diego.

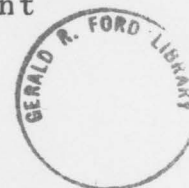
The Impact Of "Operation Intercept" On The
San Diego Economy

Table 13 indicates that spending by Mexican Visitors in San Diego increased in 1965 from \$63.0 million to \$108.4 million in 1969. The spending curve had been rising steadily since 1969, and the spending pattern by Mexican Visitors was expected to increase based on the activity of the previous years. However, in September of 1969, the U.S. Treasury Department implemented "Operation Intercept," and the increase did not actualize. The intention of the project was to discourage entry into the U.S. by illegal aliens, and also to curb the import of contraband at the San Ysidro port of entry. In this case, the INS believes that the results of the project in relation to its intent was significant, but it also admits the economic ramifications due to restricted traffic from Tijuana to San Diego. Table 13 notes that the spending

activity by Mexican Visitors in San Diego decreased measurably during the period of Operation Intercept. This situation caused a significant adverse impact on the San Diego economy --principally on businesses in the Southbay area of the County.

According to Gayle Sonora, San Diego Chamber of Commerce, the drop in the 1970 spending level was directly attributable to the drop in the number of border crossings for that year as a result of "Operation Intercept." In 1971, the number of Mexican Visitors to San Diego decreased, and spending decreased proportionately. Nick Sljeik, Chula Vista Chamber of Commerce, stated that Mexican visitors crossing the border at San Ysidro to shop in San Diego provide between 40 to 60 percent of all the spending in retail stores in the Chula Vista area. He further commented that Mexican purchases are as much as 60 percent of the sales at department stores such as J. C. Penney and Sears, and that their level of spending is also high at drug stores and food markets throughout the Southbay area. Such high levels of spending by residents of Baja are attributed to extensive advertising by San Diego merchants in Tijuana. In such stores as the Broadway, Nick Sljeik estimates that Mexican visitors average about 40 percent of the sales.

Nick Sljeik of the Chula Vista Chamber of Commerce recalled receiving numerous complaints from seriously affected merchants stemming from Operation Intercept. The pressure of merchant



complaints eventually resulted in meetings between the local U.S. Treasury Department representatives and the business sector of Southbay. As a result of these meetings, the United States government and the Mexican government initiated "Operation Cooperation." Upon the implementation of this project, sales attributed to Mexican spending increased to their previous standard, and the Southbay economy was stabilized.

As in the case of "Operation Intercept." "Operation Health," and "Operation Cooperation," the issue of economic interdependency between San Diego and Baja California was clearly exemplified. Considering each issue independently, "Operation Intercept" caused Mexican Visitor spending in San Diego to decrease from \$108.4 million in the latter part of September of 1969 to \$78.6 million in 1971 (with indications that the economic decline might have continued had the project not been terminated). "Operation Health," promulgated by the Mexican government in retaliation against the American project, caused economic ramifications on the Mexican economy. And, the effect of "Operation Cooperation" by both national governments caused favorable conditions to exist on both sides of the International Border.

SECTION VII

EXPLOITATION

The political boundaries of a modern nation form the foundation for the study of economic policy making. Borders represent the element that unifies and distinguishes a particular economy. Within the prescribed parameters, the movement of labor, products, and money and the performance of services are relatively unimpaired. They are uniformly governed by the prevailing internal economic policies of the given nation. At a border, however, a separate battery of economic policies prevails. Border policies are more diverse than those governing internal economic relations. Usually they are designed to impede both the flow of commerce and the movement of people unless it is in the country's self-interest to do otherwise.

Nowhere within the community of nations does a boundary separate two nations with greater economic disparity than that between Mexico and the United States.⁵³

In global terms, the American-Mexican labor market is the largest two-nation exchange of labor for wages in the world. It is about half the size of the eleven-country Western European international labor market in which the number of foreign workers was in August, 1973, then estimated to be about 8,000,000.⁵⁴

By mere virtue of volume, the Mexico-to-United States labor market warrants attention. Of more ominous concern is the illegality that stamps the system, from labor recruitment practices, to border crossing, to employment arrangements, and to wage levels and living conditions of the employee. The

⁵³ Vernon M. Briggs, Jr., The Mexico-United States Border: Public Policy and Chicano Economic Welfare. Austin, Texas: University of Austin, Texas, Bureau of Business Research, July, 1974, p. 3.

⁵⁴ Richard W. Sterling, International Labor Markets. Hanover, New Hampshire, Dartmouth College, Department of Government, September, 1974.

violation and debasement of law in this massive and unique economic transaction between Americans and Mexicans unavoidably debase those involved in the exchange. With no precise laws to govern them, the relationships between alien immigrants, whether legal or illegal, are ones of radical inequality, exploitation, fear, and endemic hostility.⁵⁵

The presence of so large a Mexican labor force in the United States makes evident the interdependence between the two countries. For Mexico, it is an escape valve for an underdeveloped economic system burdened by an unemployment rate calculated at 52 percent.⁵⁶ For the United States, it fills a manpower gap and satisfies a profit motive. But it is clear that for Mexico the interdependence is one of thralldom; only harshest necessity makes the terms of that interdependence bearable. In this regard, then what is at stake is the quality of interdependence between the United States and Mexico--and, whether policies can be devised to translate that interdependence into one of mutual benefit and equality based both in domestic legislation and treaty law.

In narrowing the scope to San Diego, it is conceded that numerous Mexican Nationals enter this area without permission of immigration law for the purpose of joining their families or to seek employment leading to a better life. There are many who

⁵⁵ Ibid.

⁵⁶ Committee on the Judiciary House of Representatives, op.cit., p. 14.

find employment and who remain undetected long enough to work a couple of hours, a day, several weeks, and some for a year or so. Much has been said and written about the illegal alien fugitive, but mostly from the perspective that he is a burden on welfare rolls and that he deprives legal unemployed residents the benefit of gainful employment by filling a job slot otherwise open to the local citizenry. Other than in a passing notion, little is ever said about the actual life-style ramifications of a person in this country illegally, and more so, little is ever mentioned about the abuse experienced by the illegal aliens.

In a news article of December 5, 1974, the National City Star News noted that, illegal aliens, because of their status, are forced to take menial, low-paying jobs that legal residents often shun because of the working conditions and the physical demand of the work. The Star News additionally quoted Al Piliod, INS Associate Commissioner for Enforcement, as stating that, "illegal aliens are bled by all kinds of people. Landlords overcharge them, knowing that they are illegals. Employers pay them low wages, make them work overtime without pay or benefit of a vacation."

The purpose of this study then is, to survey cases of abuse and exploitation of illegal aliens by some employers that operate within the County of San Diego. Additionally, the report intends to present the seemingly limitless forms of exploitation that befall illegal aliens.

Limitations of the Study

The prime limitation of the study is the short time allotted for conducting research on such a controversial topic and one of such political proportions. The other limitation rests in the lack of written material on cases of exploitation since issues of this sort occur out of the sight of the public, and only on rare occasions are they ever documented. The extent of the cases of abuse contained in this report are the result of personal interviews.

The delimitation of the study hinges on the aspect that many persons interviewed volunteered information on the condition that names and locations not be cited in print because of possible ramifications against the person named or against the interviewee providing the data. In cases with no restrictions, all the data obtained is presented.

Abuse and Exploitation of the Illegal Alien In San Diego County

The following information is a series of cases relative to the exploitation of illegal aliens as determined by personal interview of resource persons who volunteered the data. As previously stated, some interviewees preferred to remain anonymous while others chose to only withhold the name of the exploited person or the name of the exploiter for fear of ramifications.

Case 1: Phil Soto, Administrative Aid, North County Chicano Federation, during an interview on September 10, 1975, estimated

that more than \$20,000 is owed in back-wages to some illegal aliens by flower and citrus growers in the North County for work performed by the aliens over the past two years.

He stated that most of the cases that came to his attention were of illegal aliens who were either deported just prior to pay day, or were threatened with deportation if they insisted on receiving the total wages owed them. Soto suspects that employers tip-off the Border Patrol about the illegal aliens just prior to pay day.

Case 2: Mike Nava of the Centro de Familia, located in the Chicano Federation Building, spoke of an incident that occurred in the Otay area where several illegal aliens were deported at the time that they were each owed over \$400 in back-wages. On being interviewed by Mike Nava, the illegal aliens being deported stated that many employers make it a practice to purposely withhold back pay for the intended reason of having the aliens deported while the wages are still unpaid.

Both Mike Nava and Phil Soto stated that they feel powerless in not being able to render assistance to the illegal alien who complains. For, if they confront the employer on behalf of the illegal alien, the alien gets fired. And, if they communicate with the authorities, the exploited alien gets deported.

Case 3: Jose Galvan, North County Centro de Informacion, recalled an incident where an illegal alien suffered three heart attacks while working for a flower firm in Encinitas. The illegal alien was denied permission to visit a doctor for treatment. When the

illegal alien secretly visited a doctor for medical care, and subsequently asked the foreman for a list of hospital benefits offered by the flower firm since money was deducted for a health care plan from the aliens monthly wages, the foreman fired the illegal alien. Interview conducted on September 15, 1975.

Case 4: Joseph Smith, United Farmworkers Union in San Diego, speaks of his experience with several citrus and avocado ranchers in Fallbrook who were paying each illegal alien \$15.00 for a 40-hour work week. Interview conducted on September 11, 1975.

Case 5: Marina Sanchez, Director, North County Chicano Federation, cites the case of a family of three illegal aliens who worked all day cutting flowers only to find out that at the end of the day they owed the employer not only their entire wages for that day, but also an additional \$1.50 in cash. The employer claimed that the young son had cut the flowers slightly short, and the employer would not be able to sell them. In this case, he factored the retail price of the flowers and subtracted the amount from their wages. This particular flower grower is reputed to employ various methods of a sort in order to deny wages owed for honest work by illegal aliens. Interview conducted on September 10, 1975.

Case 6: A particular employer in the Carlsbad area is known to employ about 500 workers of which 80 percent are estimated to be illegal aliens. An illegal alien worker named Francisco was killed on the job as he was driving a tractor and trailer

on the freeway. The equipment on which Francisco was riding was dismantled and it disappeared within forty-eight hours of the accident.

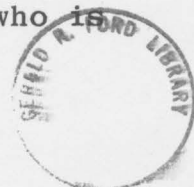
Francisco's wife was told that since Francisco's check did not provide for Social Security deductions, that she had no benefits due her from any group or agency. She solicited the assistance of Attorney Fred Hetter, San Ysidro, who applied for the death benefits of \$28,000. Subsequently, Workman's Compensation attempted to give Francisco's wife only 50 cents on the dollar since Francisco was known to be an illegal alien and therefore should not be considered as eligible for all the rights granted to a regular citizen.

Attorney Hetter was able to secure the full benefits for Francisco's wife, but he reported experiencing a most difficult time in settling the case. Interview conducted on September 5, 1975.

Case 7: Mike Nava of the Centro de Familia, and Marina Sanchez of the North County Chicano Federation, recall numerous incidents of abusive sexual exploitation by employers against young female domestic helpers who were illegal aliens and who would undoubtedly not report the abuse.

Case 8: A local attorney is presently handling a case for an illegal alien that has been working as a professional butcher for two years, but has been paid only \$1.00 an hour.

Case 9: Mike Nava spoke with an illegal alien who works as a cook for a highly reputable restaurant in La Jolla, and who is



made to work 14 hours a day not only cooking, but performing janitorial work as well for a salary of \$1.25 an hour.

Case 10: A local attorney commented about illegal aliens who have been injured on the job while working for some local garment manufacturing firms in San Diego. As a result of their injury they wished to file a claim for benefits and, because of a language barrier they asked for assistance in order to complete the form. The company, on providing assistance, coached the applicant to respond "NO" to the question that asks if the injury occurred on the job. Normally, this will preclude the claimant from receiving proper settlement or will complicate the issue to such an extent, that the applicants become discouraged and do not pursue their claim.

Case 11: David Martinez, Director, North County Centro De Informacion, provided information on several cases where illegal aliens have excessive, and unexplainable amounts of monies deducted from their pay checks. The illegal aliens allege that the "field boss" receives a "kick-back" from their salaries, that excessive deductions are made for their room and board, to the extent that they receive but 22 percent of their gross wages. The field boss is referred to as a "coyote" by the illegal aliens.

This interview was conducted on September 15, 1975, and David Martinez also provided a news article that appeared in El Malcriado of October 31, 1974. The article was titled, "The Illegals and the Growers," and the text of the article exposed cases of the type mentioned by Martinez.

Case 12: Joe Alcoser, Vice President, AFL/CIO Laborers' Union Local 89, commented about a demolition company located in San Marcos that hired some illegal aliens to perform very hard and highly dangerous work for \$5.00 a day. Interview conducted on October 1, 1975.

Case 13: Jose Galvan, North County Centro de Informacion, spoke of a ranch in Vista that charges each illegal alien \$10 for a ride into town for provisions.

Case 14: Attorney Peter Schey relates that some notary publics have greatly exploited the illegal alien by charging them exorbitant fees for a fairly simple administrative task. Attorney Schey further comments that it is common practice by some notary publics and persons referring to themselves as immigration consultants, to take hundreds of dollars from both legal and illegal aliens by promising them papers that will not only help them legalize their status in this country but, will also help them get their families legally into the United States. In many cases of this sort, the immigration consultants and notaries were frauds and the alien was exploited. Attorney Schey attributes this exploitation to the lack of proper monitoring of notary publics by the appropriate responsible government agencies.⁵⁷ Interview conducted on September 15, 1975.

⁵⁷ Peter Schey is the author of an article titled, "Immigration Counseling: Notarial No-Man's Land," The National Notary, July 1975.

Case 15: Ernie Azhocar, Director, Servicios de Inmigración, reports that his office has worked on numerous cases where illegal aliens have been charged \$500 to \$1,000 by notary publics and immigration consultants who promised much, but delivered nothing. Azhocar points out that in most of these types of cases, the exploiter has demanded \$25 from the illegal alien for the first visit. This interview was conducted on August 27, 1975.

Case 16: Alien smuggling has become a highly lucrative and profitable business. According to Vic Murphy of the San Diego Union (December 23, 1974), illegal aliens pay smuggling rings from \$150 to \$1,000 to handle one illegal entrant.

Case 17: Joe Alcoser makes mention of landscaping firms that pay illegal aliens \$1.25 when the prevailing wage rate for like work is \$6.63. Alcoser further adds that he is aware of some growers and nursery firms who charge illegal aliens \$10 a week for the privilege of sleeping under a tree or in a hole somewhere on the growers' or nursery property.

Case 18: Scott Washburn, United Farm Workers Union, notes that many illegal aliens do not live in houses, and adds that some of them sleep under trees, in open fields, holes in the ground, and that many are forced to drink the water from polluted irrigation ditches--a situation that consequently causes them to become ill.

Marina Sanchez points out that those illegal aliens who do

live in a sheltered unit are obliged to pay \$150 to \$200 for a small two-room unit with faulty plumbing, a leaky roof, broken windows, lacking heat, and bug infested.

A Chicano Perspective

As a result of the nature of their work, the cases cited above were provided by persons who are in a position to be in contact with illegal aliens. The majority of the persons who volunteered information on illegal alien cases work for community based organizations that exist primarily to serve a Spanish-speaking constituency.

Other than the concerns expressed by the individuals who provided the data contained in this section of the report, there were four major issues that most interviewees expressed with some deliberate forethought and conviction. Most presentations by the interviewees appeared to be out of a sense of frustration, and their positions were extrapolated from existing notions that in fact influence many of the perspectives that the general public has of the illegal alien. The four positions on the issue of the illegal aliens more discussed by those persons interviewed are:

1. It should not be illegal for non-documented aliens to hold a legally existing job, since it is not illegal for employers to hire illegal aliens;
2. If abuse and exploitation of the illegal alien is acknowledged to exist but goes unpunished, then the granting of amnesty to those illegal aliens who can prove residency in the United States for a designated period of time should receive consideration;

3. If illegal aliens are to be consistently criticized for allegedly impacting social services, then an over-riding consideration should be given to the illegal alien for working at a job that the local citizenry will not accept because of "status" and "low wage rates;" and
4. If illegal aliens are to be criticized for affecting the United States' balance of payments, then equal consideration must be given to the fact that many employers do deduct taxes from employee wages that the alien never recovers, that the work output of 100 illegal aliens creates 12 new job slots in a new business sector, and that the cheap labor provided by the work of illegal aliens keeps down the price of agricultural products for the United States consumer.

APPENDIX

APPENDIX A

Federal Legislation On Immigration Law
And The Illegal Alien In The U.S.

APPENDIX A

Federal Legislation on Immigration Law
and the Illegal Alien in the U.S.

Leonard F. Chapman is presently the U.S. Commissioner of the Immigration and Naturalization Service. In a November 1974 address in Baltimore, Commissioner Chapman estimated that the illegal aliens population in the United States numbered at least 6 to 7 million, and added that the number could be as high as 10 to 12 million,⁵⁸ but that no one knows for certain as to the exact number of illegal aliens in the U.S.

How many illegal aliens hold jobs is similarly unknown with any precision. Figures presented by INS before a Committee of the House of Representatives in September 1974 estimated that one million jobs presently held by illegal aliens could become available to citizens if immigration enforcement were improved. Some 364,000 such jobs were identified as being in industry, 335,000 in agriculture, and 301,000 in service occupations. Geographically, INS reported that the largest number of illegally-employed aliens are in the southwestern United States--approximately 558,000; 166,000 in the northeast; 156,000 in the northwest; and 120,000 in the southeast.

Cities in which INS reports large concentrations of illegal aliens holding jobs include, in descending order, Los Angeles,

⁵⁸ Congressional Digest Controversy Over Proposals to Reduce the Number of Illegal Aliens in the U.S., Washington, D.C.: The Congressional Digest Corporation, January 1975.

135,000; Dallas, 52,500; Miami, 52,000; Denver, 28,000; and Newark, N.J., 25,000;⁵⁹ no figure was cited for San Diego.

The Commissioner estimates that ten or fifteen years ago there were only a few thousand illegals in this country, nearly all in agriculture jobs in the southwest. He calculates that if the situation is not controlled, the number will increase to 13 or 15 million within the next three to four years, and they will be found in every aspect of the job market and not merely confined to agriculture. He added that, in 1974, 800,000 foreigners who entered the country illegally were caught and deported, however, it was his estimate that the figure was only one-third to half of the total number that actually came in and was apprehended.

Commissioner Chapman concluded by remarking that most illegal entrants evade detection by swimming across the Rio Grande into Texas, while other walk overland across the 2,000-mile Southwestern national border into California, Arizona, and Texas.⁶⁰

The Present U.S. Immigration Law and
the Immigration and Naturalization Service

The aforementioned presents a series of statistical data that provides a general accounting of illegal aliens apprehended and estimates of how many enter the United States and remain undetected. While this data is of prime relevancy to the report, the facet of immigration law and policies must be considered in

⁵⁹ Ibid.

⁶⁰ Ibid.

order to present U.S. immigration law and the INS as an agency is presented for the purpose of providing a more comprehensive understanding on the issue of immigration and illegal aliens.

The County Research Group notes particular credit to the Congressional Digest and its publishers (Congressional Digest Corporation) for the fine analysis they accomplished on the present U.S. Immigration law and on the role of the INS. In this regard, the following script is adopted from the Congressional Digest because of its indepth treatment and concise rendering.

Early General Laws Restricting U.S. Immigration

In the colonial period, each American colony set up its own standards for selection and acceptance of immigrants, and policies varied from colony to colony. After American independence, despite expressions of concern over unrestricted immigration by such Founding Fathers as Benjamin Franklin, Thomas Jefferson, and George Washington, the United States had no law governing admission of aliens for almost a hundred years.

With regard to aliens already in the United States, Congress in 1798 enacted the Alien Act which empowered the President to order any alien he deemed dangerous to this country to depart from it. This law expired, however, after two years.

In 1864, Congress authorized an Immigration Bureau in the Department of State, an agency which functioned until 1868. During this period various States passed immigration laws of their own, most designed to deny admission to aliens likely to become public charges. These laws were subsequently declared unconstitutional

by the U.S. Supreme Court, whereupon the States chiefly affected called upon Congress to enact similar federal statutes.

Congressional reaction was forthcoming in limited degree passage of a law in 1875 denied entry to persons suffering from certain physical and mental weaknesses.

It was not until 1882 that the first general immigration statute was enacted--a measure providing for a head tax of 50 cents and barring admission of convicts, mental incompetents, and persons otherwise considered likely to become public charges.

In the same year Congress passed the Chinese Exclusion Act. A large increase in Chinese immigration after 1850, a result of famine in the Canton region of China and demand for labor following discovery of gold in California, met growing opposition from labor groups. This became particularly intensive after Chinese labor moved into the railroad-building field, with the result that Congress acted.

Congress subsequently (in 1885) adopted the first contract labor law, designed to protect the pay scale of American labor by preventing importation of cheap foreign labor.

Legislation Enacted During the Peak U.S. Immigration Years

Between the peak immigration years of 1880 to 1920, Congress acted on several occasions with regard to U.S. immigration policy. A general immigration law adopted in 1891 provided for medical inspection of all arriving aliens; barred entry of paupers, polygamists, and those suffering from certain diseases; and called for deportation of all aliens who had entered the United States illegally.

In 1893, Congress established boards of special inquiry which conducted hearings in the cases of aliens thought to be inadmissible under the law. This law also required shipping companies to furnish passenger lists to the Federal Government.

Ten years later, in 1903, a Federal law excluded the insane, professional beggars, and anarchists. This law was broadened in 1907 to bar entry of the feeble-minded, those with disabilities making them unable to work, and individuals who had committed certain crimes. Children under 16, not accompanied by their parents, were also barred under the law.

During the exceptionally heavy immigration years of 1905-1914, public sentiment grew for a more selective U.S. immigration policy, and a commission appointed in 1907 to study the problem issued its findings--the "Dillingham Report"--in 1911.

No selective immigration legislation was passed until 1917, however. The act adopted in that year included all previous grounds for barring entry of certain aliens, and in addition barred from entry those persons coming from a geographical area known as the "Asiatic Barred Zone." The Barred Zone included most of Asia and the Pacific islands. Other provisions of the 1917 Act required that immigrants must be able to read and write, and provided for the deportation of aliens who had entered the United States illegally or committed certain crimes.

Adoption of an Immigration Quota System

Continuing immigration at high levels prompted Congress in 1921 to pass a quota law--the first legislation placing a limit

on the number of immigrants who could enter the United States. The quota in the act was based on the 1910 census; under it, some 350,000 persons were to be admitted to the U.S. annually. (In contrast, more than one million persons a year had been admitted in each of 1905, 1906, 1907, 1910, 1913, and 1914; in the overall 1905-1914 period a total of 10,121,940 immigrants entered the country.)

In 1924, expanding on the 1917 quota law, the Congress adopted a permanent quota immigration statute. Quotas for the 1924-1929 period were based on two percent of the foreign-born residents of the U.S. in 1890--a formula which reduced the yearly quota to 164,667 persons.

The "national origins" provisions of the 1924 law became effective in 1929, after which time allowable immigration was based on a system which established for each nationality a quota set at a certain percentage of foreign-born persons of that nationality resident in the United States in 1920. After the national origins provisions became effective, the annual quota for 1929 became 153,714.

"Nonquota" immigrants were provided for in the 1924 Act, with those born in Western Hemisphere countries admitted without regard to quota (but subject to other generally applicable eligibility requirements). Other nonquota immigrants allowable under the 1924 law included wives, husbands, and children of U.S. citizens, clergymen and their families, and persons who previously had been American citizens. Under the Act, aliens who sought to enter the U.S. were required first to obtain

immigration visas from a U.S. consular officer abroad (rather than simply arriving at the U.S. border and presenting themselves for admittance, as theretofore).

Changes in U.S. Laws During the Postwar Period

At the height of World War II, in part as a result of the U.S.-Chinese alliance against the Japanese, Congress in 1943 repealed previous Chinese exclusionary provisions of immigration law, establishing a Chinese quota of 105 persons annually, and declared Chinese immigrants eligible for naturalization.

Shortly after the war, a 1946 Presidential proclamation increased the Philippine quota from 50 to 100 and declared Philippine immigrants also eligible for naturalization. In the same years, Congress extended naturalization privileges to Indian and racial groups and made such persons eligible to participate in the quota of 100 established for India.

The "War Brides Act" of December 1945 facilitated the admission of alien wives and husbands of U.S. Armed Forces personnel and their children by waiving some of the excluding provisions of the 1924 Act, such as certain visa and physical requirements. A 1946 Act subsequently admitted as nonimmigrants, the alien fiances and fiancées of U.S. military personnel and made them permanent residents upon their subsequent marriage to U.S. citizens. Both laws expired in 1948, although Congress extended their benefits briefly in 1949.

Displaced persons and refugees comprised a major portion of the 3.9 million immigrants who came to the U.S. between 1946 and 1962--more than 700,000. In June 1948, Congress authorized

the admission of over 400,000 displaced persons. Since the quota would have limited the number of entries, the law provided that future quotas could be charged for current admissions. These "mortgaged" quota numbers were subsequently reinstated by Congress in 1957.

The law also required that a job and housing should be available to the immigrant. Ninety percent of the 406,026 immigrants subsequently admitted to the United States under this law came under the auspices of religious and social agencies. Others were provided homes and jobs by private citizens--often relatives.

Later legislation continued the special immigration treatment accorded certain classes of refugees or displaced persons. The Refugee Relief Act of 1953 replaced the Displaced Persons Act of 1948, and legislation in 1957, 1958, 1959, 1960, and 1961 similarly had impact on the admission to this country and the subsequent status of refugees from World War II as well as from the Cold War developments (such as the revolt in Hungary in 1956) which followed.

The McCarran-Walter Act

On December 24, 1952, the Immigration and Nationality Act became effective. Known also as the McCarran-Walter Act, after its chief Senate and House sponsors, it had been passed over President Harry Truman's veto.

It repealed most existing immigration and nationality laws, and constituted a complete revision and codification of such laws. The law codified the principal classes of excluded aliens, and added additional ones, including narcotic drug addicts, persons convicted of two or more offenses if the total

sentence was five or more years of confinement, and certain classes of immoral persons.

The Act specified for the first time the administrative process by which the deportation of aliens was determined, and modified the admission and exclusion process. It retained the quota system based on national origins of the U.S. population in 1920. Also retained was the nonquota treatment for qualified immigrants from the Western Hemisphere.

The law set priorities within each country's quota for the granting of visas: the first 50 percent could go, on petition, to those highly skilled or educated persons whose immigration would be beneficial to the economic or cultural interests of the U.S. The remaining 50 percent was made available, on petition, to designated close relatives of citizens or lawfully admitted aliens. Unfilled quotas were then open to other preference categories.

Grounds for excluding or deporting aliens were expanded by the law. Naturalized citizens convicted for contempt for refusing to testify before a Congressional committee with regard to subversive activities could--if they were within ten years of having been naturalized--have their citizenship revoked.

Passage of the Present Basic Immigration Law

Passage in 1965 of legislation abolishing the national origins system established, in Public Law 89-236, the amended Immigration and Nationality Act, a drastically revised basis for determining the numbers and types of aliens eligible for admission to the United States as legal immigrants.

The new system became fully effective in 1968 after a three-year transition period. For those countries (non-Western

Hemisphere) previously governed by the national origins quota system, an over-all quota of 170,000 annual immigrants was established. A series of preference categories exists under which applications are accepted from individuals without regard to their race or country of origin.

First preference (20 percent of the 170,000 total) is assigned to adult, unmarried children of U.S. citizens--a provision designed to unite families. Remaining preferences would go to: (1) other persons related to U.S. citizens or legal alien residents; (2) persons in possession of special skills or who are otherwise needed to fill labor shortages in this country; and (3) refugees or other persons displaced as a result of political, religious, or racial persecution.

Of the 170,000 non-western Hemisphere quota of immigrants allowable each year under the present law, no more than 20,000 may come from any single country.

In the Western Hemisphere, the new law establishes an over-all limit of 120,000 immigrants a year from all independent and self-governing countries combined. Applications are handled on a first-come, first-served basis, without categorical preference or without limit as to how many persons may come from a given country.

Revised provisions to strengthen safeguards in existing immigration law for American workers against job competition from immigrants are included, as also are revised interpretations of birth/nationality rules.



The Role Of The U.S. Immigration
Agency

Policing the Nation's borders to admit to this country those entitled to entry and to prevent the entry of those not so entitled is, in the present era of high personal mobility, a Federal activity of major proportions. In Fiscal 1973, the last year for which complete statistics are available, the U.S. Immigration and Naturalization Service processed more than 250 million persons entering the United States from abroad.

Four agencies are chiefly involved at the various U.S. ports of entry. Two are concerned fundamentally with eligibility for admittance of the individual who presents himself for entry at U.S. borders. The INS is concerned with eligibility of the entrant for admittance under U.S. immigration laws. The U.S. Public Health Service is concerned with preventing admission of (or quarantining) otherwise eligible entrants who have communicable diseases or pose other possible threats to the public health.

Two other agencies--the Bureau of the Customs and the Agricultural Research Service--are concerned primarily with protecting the U.S. borders against the importation of forbidden or harmful items. Customs is concerned with enforcing the U.S. tariff laws, insuring that legal duties are paid on liable items crossing U.S. borders into this country. Agriculture is concerned with preventing the importation of dangerous or harmful agricultural products and with safeguarding U.S. agriculture from the introduction of insect pests or other threats.

A fifth Federal agency, the State Department's Bureau of Security and Consular Affairs, has numerous responsibilities with regard to immigration into the U.S. Among them are administration of refugee and migration programs, issuance of visas abroad, and the conduct of necessary investigations incident to such issuance.

Role of the INS

Both in administering the process of admitting aliens to the United States and in preventing illegal entry, the principal Federal agency involved is the Immigration and Naturalization Service. A part of the U.S. Department of Justice, INS was created in 1891, and is charged with carrying out the immigration and naturalization laws relating to the admission, exclusion, deportation, and naturalization of aliens. Among INS personnel are approximately 3,800 persons classified as immigration officers--members of the Border Patrol, investigators, inspectors, and naturalizers.

Of the 250 million persons entering the United States processed by INS in Fiscal 1973, some 57 percent--148 million--were aliens. Taken by itself, the figure is misleading as an index of migration since it includes each instance of border-crossing into the U.S. by Canadian and Mexican nationals who legally commute--frequently daily--to jobs in this country, or for other purposes.

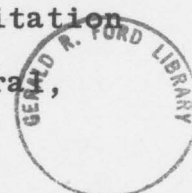
A more meaningful statistics is the number of aliens admitted as long-term visitors or as permanent immigrants. In Fiscal 1973,

some 400,063 persons were admitted to the U.S. as new immigrants--persons legally admitted to U.S. residence under provisions of the 1965 Immigration and Nationality Act. (This level, generally constant in recent years, currently provides about 20 percent of annual U.S. population growth.)

By far the largest single group of non-commuting aliens entering the U.S.--totaling in Fiscal 1973 4,086,966 persons--is classified as "nonimmigrant." Persons included in this category include diplomats and representatives to international organizations and their families, employees, attendants, servants, and personal employees; visitors for business or pleasure; persons transiting the United States; treaty traders and treaty investors; students; temporary workers or trainees; representatives of foreign information media; exchange visitors; fiances or fiancées of U.S. citizens; intra-company transfers; and NATO representatives. Of these nonimmigrant arriving aliens, the greatest number are tourists, followed by returning alien residents previously admitted, and temporary visitors for business.

Status and Citizenship Options of Legal Immigrants

Once legally admitted to the United States as an immigrant granted permanent residence in this country, an alien is subject to few requirements other than normal observance of the laws. As a noncitizen he is, of course, ineligible to vote, and is in some instances by local business practice or policy of individual government agencies barred from certain types of employment, although no provision of immigration law imposes any such limitation on him. If he is employed in the U.S., he is liable for federal



state, and local income taxation, and is liable for other forms of taxation in the same manner as a citizen.

He is subject to only one requirement related to his status as an alien. Under Federal law, any alien in the United States on the first day of January must by the last day of January file with INS a notification of his U.S. address. While this provision of law is applicable, with few exceptions, to nonimmigrant aliens as well as those granted landed immigrant status, it is directed primarily at those aliens residing in the United States rather than those legally visiting on the alien notification date.

When an alien immigrant has been a continuous resident in the United States for a period of time ranging from three to five years (depending on his relationship, if any, to a U.S. citizen) he may apply for naturalization as a U.S. citizen. Requirements, in addition to the period of U.S. residence, include ability to read, write, and speak the English language; demonstration of an effort to acquire knowledge of the U.S. system of government; and proof of good moral character.

(Testimony in this regard is required of two witnesses who have known the applicant for a significant length of time and who are themselves U.S. citizens of good character.) The applicant for citizenship is orally examined before an official of the INS and, if citizenship requirements have been met, is granted that status upon taking an oath of allegiance.

Adjustment of Status

While most legal aliens in the United States, at any given time may be classed as either immigrant or nonimmigrants,

provisions of the basic U.S. immigration law provide for the presence of certain other classes of persons, chiefly refugees, whose status falls clearly into neither of these two groups. INS administers special provisions of U.S. law which provide for the adjustment of status of alien persons legally in this country who do not have permanent resident status.

In Fiscal 1973, approximately 21,000 Cuban refugees in the U.S. had their non-resident status adjusted to permanent resident. The Immigration and Nationality Act of 1965 also authorizes natives of Eastern Hemisphere countries (other than crewmen who have been inspected and admitted or paroled into the U.S.) to apply for adjustment of status while in the United States. Applicants must meet the qualifications for permanent residence, and, with the exception of visa petitions filed by U.S. citizens for immediate relatives who are exempt from the numerical limitations, visa numbers must be available to them. During Fiscal 1973, 59,450 persons were adjusted to permanent resident status in this manner.

Naturalization Processed by Immigration
and Naturalization Service

The granting of U.S. citizenship to legally resident aliens, the process known as naturalization, in Fiscal 1973 affected 120,740 persons. The majority of persons accorded American citizenship attained it through general provisions of U.S. immigration law--94,039 persons. The remaining 26,701 persons admitted to citizenship under special provisions of U.S. law included 13,380 who received citizenship through marriage to

U.S. citizens, and 7,782 aliens who served in the U.S. armed forces during the major U.S. wars from World War I through Vietnam. Third most numerous were children, including adopted children, of U.S. citizen parents. Women naturalized in Fiscal 1973 outnumbered men, 63,839 to 56,901.

Geographically, citizenships awarded to aliens in Fiscal 1973 were to persons whose places of birth included, in descending order: West Indies, 21,170; Cuba, 17,415; China and Taiwan, 9,056; Italy, 8,902; Philippines, 8,149; United Kingdom, 7,589; Germany, 6,670; Mexico, 5,507; Greece, 5,423; Canada, 4,739; Korea, 3,562; and Poland, 3,323.

Legal aliens residing in the United States--some 4.6 million at the January 1973 annual registration--are found in all 50 States, although California, with 24.7 percent of the total, has by far the greatest number. Other states with major concentrations of legally-resident aliens include New York (17.3 percent of the total), Florida (7.7 percent), Texas (6.4 percent), Illinois (6.2 percent), and New Jersey, (5.9 percent).

APPENDIX B

**Procedures That Guide The San
Diego County Welfare Department
On Illegal Aliens**

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Procedures that Guide the
San Diego County Welfare Department
on Illegal Aliens

The Department of Public Welfare exists to assist people in need. Based on State and Federal laws, the Department determines eligibility and authorizes financial aid and medical assistance to needy persons. Welfare aid to the needy included services to the aged, the blind, to children, and to the disabled, and also provides such services as hospital intake, general relief, shelters, adoptions, employment training, foster homes, and commodity distribution (food stamps). In fiscal year 1974-75, the cost of providing these services to San Diego County residents was \$144,316,412.

The issue that complicates the application of the welfare system in some specific cases is the confusing federal, state and local laws requiring an applicant to be a U.S. citizen or a legal resident alien in order to be eligible to receive public assistance. In most States, all that must be established is need and residency within the State. Further, in a 1971 decision, Graham v. Richardson, 403 U.S. 365 (1971), the U.S. Supreme Court ruled that a permanent resident alien could not be denied a particular benefit simply because he is a noncitizen. While there are many unanswered questions about this decision, of much significance is the fact that the Court failed to distinguish between legal and illegal aliens in writing its decision.

EAS Manual regulations require that DPW verify the INS

status of all persons applying for AFDC and/or medical who are not citizens of the United States. Exceptions of this requirement are made only for aliens with a "resident citizen identification card" issued by INS; unwed, pregnant women who are involved in adoption planning, and American Samoans who can prove their status by birth certificate or passport. Referrals to INS are made on state approved form WR-6 ("Alien Status Verification") at the time of intake and upon redetermination of eligibility.

The usage of WR-6 forms by the welfare department to determine the eligibility of aliens to receive welfare benefits has been revised as a result of a recent court decision, Rafaela Varela vs. David Swoap, December 1974. The court ruled in favor of Varela by stating that:

The public assistance eligibility of an alien who has completed an Alien Status Verification form (WR-6) shall not be terminated solely because the Immigration and Naturalization Service has been unable to identify any record relating to such alien. Any recipient who has been terminated solely for such reason since February 5, 1975, shall have his public assistance eligibility restored, retroactive to the date the eligibility was terminated, and the current Alien Status Verification (WR-6) shall be continued in use until it is revised, but no alien applicant or recipient shall be requested to complete this form until it is modified by deleting the words "is in the country legally."

In ruling against the State Department of Welfare, the Court contended that the Department had exceeded the authority granted to it by the Legislature to implement and apply the statute by requiring an alien to certify that he is in the

country legally. The court further postulated that since it is easy to misplace or lose a record in our gigantic bureaucracy, the inability to locate a record of itself should not and does not overcome a positive certification.

Denial of Application for Aid to Families with Dependent Children (AFDC) and General Relief (GR)

According to federal, state and county policy, a number of reasons exist for denying assistance. The most frequent reasons have been listed and coded. Codes for denial are keyed into the computer in AFDC and GR. In Food Stamps, codes are keyed only in conjunction with granted cases. Consequently, only the denials relating to AFDC and GR are examined.

The two codes which might include persons who do not have legal residence are 118 - non-resident and 119 - illegal aliens.

The non-residence category of denials 118 may include some other persons who are not in the country legally, however, there is no way of isolating these without going through each case individually. However, in interviews with the Department of Public Welfare staff and in a review of a number of limited cases, few if any persons who were "non-resident" could have been identified as illegal aliens.

Table 14 on the following page includes persons who were denied AFDC and GR on the basis of code 119, "illegal alien."

During fiscal year 1974-75, there were 18 denials out of 65,361 applications under the code 119 - "illegal aliens." Seventeen of these denials fell under the AFDC Program and one

TABLE 14

Denials for AFDC and GR Grants
under Code Number 119-Illegal Alien
Fiscal Year 1974-75

PROGRAM	MONTH	TOTAL
AFDC	March, 1975	1
AFDC	February, 1975	2
AFDC	January, 1975	3
GR	January, 1975	1
AFDC	December, 1974	2
AFDC	October, 1974	2
AFDC	September, 1974	2
AFDC	August, 1974	1
AFDC	July, 1974	4
TOTAL		18

Source: County Department of Welfare.

denial fell under General Relief Program. Thirteen of the eighteen cases denied were listed under Spanish surnames, the five remaining comprised an assortment of European surnames. As noted on the chart, there have been no denials under code 119, illegal alien since March, 1975, probably because of the impact of the Varela vs. Swoap decision which states, "The public assistance eligibility of an alien who has completed an Alien Status Verification form (WR-6) shall not be terminated solely because the Immigration and Naturalization Service has been an inability to locate and/or identify any record relating to the applicant alien." In other words, the alien must be confirmed as "under order for deportation" and not simply "subject to deportation" before public assistance can be denied.

Withdrawals

Some people voluntarily withdraw from AFDC or GR and the reason for the withdrawal is not recorded except in the case record. It is anticipated that some of these people withdraw because they are not in the country legally. It would be extremely time consuming to attempt a sample case review to examine the reasons for withdrawal. From opinions gathered from the Department of Public Welfare staff and from limited case observations, it appears that very few people are withdrawing because they are illegally residing in the United States, however, this should not be misconstrued as indicating a trend.

Appeals

Persons who are denied public assistance, and who disagree with the reason for denial, may initiate an appeal process. In FY 1974-75 there were four appeals which dealt with denial on the basis of possible illegal residency. In each instance, the opinion of the Department of Public Welfare was reversed by the Appeals Board and assistance was granted. In one case Varela vs. Swoap was cited, stating that the only evidence necessary to establish eligibility for assistance was the signed WR-6. Other cases cited the claimant as being in the county "under color of law"⁶¹ and not under order for deportation.

It is significant that out of about 3,750 appeals for fiscal year 1974-75, only four were regarding possible illegal residence of the applicant for assistance.

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"Under Color of Law" is defined as a person who entered the United States before July, 1948, and who may be eligible for admission for permanent residence at the discretion of the Attorney General under section 1259 of Title 8 of the U.S. Code.



APPENDIX C
Definition Of Terms

APPENDIX C

Definition of Terms

Alien: Any person not a citizen of the United States, or an unauthorized foreign resident (although commonly accepted, the term has become generic).

Illegal Alien: Any alien who enters this country either by stealth or fraudulent means in violation of national immigration policies. An illegal alien is also an alien who enters the country legally but who violates the condition of legal entry by over-staying the limitations and conditions of the permit.

Non-immigrant Alien: Any alien who is legally admitted for temporary residence or transit such as students, ambassadors, consular staff, etc.

Non-immigrant Visitor: Any non-immigrant alien legally admitted to the U.S. for a period not to exceed 72 hours. Such travel is limited to a distance of 25 miles from the Border.

Permanent Resident Immigrant: Any immigrant legally admitted into the U.S. for permanent residency. Within this category are two special categories relevant to this study, normally referred to as "Green Carders" even though these cards are now blue in color. All permanent resident immigrants are issued a Form I-151 (Alien Registration Receipt Card). However, some persons admitted for permanent residency choose to maintain residency in Mexico (or other foreign Country). In these cases, additional forms are issued. The I-94 permits

the person to reside in Mexico and enter the U.S. periodically (or seasonally) for employment. To clarify the residency status of these aliens, in 1929 the U.S. Supreme Court ruled that "employment equals residency" in Karnuth vs. Albro, 279 U.S. 231. Thus these "Green Carders" differ from other permanent resident immigrants in that they:

- a. are not required to reside in the U.S.,
- b. may not be unemployed for more than 6 months,
- c. may not serve as a strike breaker, and
- d. cannot count the time lived outside the U.S. toward the residency requirement for citizenship application. However, they have the same rights as other Permanent Resident Immigrants.

Special Consideration

The County Research Group was most sensitive to the issue of selecting the appropriate term to identify a person who comes to the United States strictly in search of opportunity for the purpose of providing a decent living for his or her family, and not for the explicit reason of violating immigration law. The County Research Group recognizes that the decision of illegal aliens to leave their families, their friends, their culture, and their country is a traumatic experience, and their decision to enter this country is a moral judgment based on the quest for economic security. In this regard, semantical consideration was given to the usage of, "illegal

immigrant" or "undocumented resident" as opposed to the use of "illegal alien" in this study, since the latter term has acquired debatable and pejorative connotations. After extensive deliberation it was generally agreed that for the purpose of this study, the term "illegal alien" would be used. This decision was made not from a point of insensitivity but, from a perspective that the term is more universal than the alternatives considered.