

MEMORANDUM

DADE COUNTY FORM 107.07-17A

TO The Honorable Mayor and Members
Board of County Commissioners

DATE

SUBJECT White Paper on Immigration

FROM M. R. Stierheim
County Manager

I am attaching for your information, a comprehensive report compiled by my office on immigration issues affecting Metro-Dade County. I believe this is a powerful document that should be widely read and distributed for national review.

This "White Paper" was compiled at the direct request of Commissioner Harvey Ruvlin, Senator Lawton Chiles, and other members of our Congressional Delegation. In fact, the Mayor and all members of the Commission have periodically expressed concern over the magnitude of refugee impact on this community.

Included in this report, is a fiscal impact analysis which identifies those costs which have not been reimbursed by the federal government. In addition, three major issues reflecting our concerns with current federal immigration policies are enumerated.

I want to acknowledge Assistant to County Manager Eileen Maloney's superlative effort in researching and preparing the substance of this report.

Attachment

RECEIVED
FEB 22 1985
WASHINGTON OFFICE

EXECUTIVE SUMMARY

INTRODUCTION

- This report was prepared by the Office of the Dade County Manager in February 1985, in response to requests made by the County Commission, Senators, and Congressmen regarding Metropolitan Dade County's fiscal posture, continuing problems, and concerns relative to federal immigration policy. (Page 1)

HISTORICAL PERSPECTIVE

- There have been three major waves of immigration as well as significant other influxes into the Dade County Area over the past 20 years. As immigration has increased, the federal government's active acceptance of responsibility has declined. As a result, a permanent stigma regarding new immigration into Dade County has been created. (Page 2)

FISCAL ANALYSIS

- The lack of a cohesive federal financial mechanism to deal with immigration emergencies was illustrated by the numerous federal agencies which responded with partial funding or reimbursement for costs associated with the Mariel Boatlift. (Pages 3-5)
- Even with the milieu of federal financial resources provided, Metro Dade County can document, most conservatively, costs incurred and unreimbursed since 1980 in the range of \$41,802,713 - \$45,645,433. This contrasts with the \$51,909,753 of federal financial assistance received by Metro Dade County exclusively, since 1980. (Pages 6-12)
- All costs incurred cannot be documented. No attempt was made to extrapolate the indirect costs associated with 150,000 people impacting the infrastructure and service delivery system of Metropolitan Dade County and its cities. This impact is demonstrable and undeniable. The impact on the local infrastructure of 150,000 new residents, in 18 months, is the equivalent of the entire population of a Gary, Indiana, or a Raleigh, North Carolina, or a Providence, Rhode Island moving to Dade County. The annual budgets of these cities range from \$46.1 million - \$131.1 million. (Page 6)
- The costs incurred and unreimbursed are equivalent to one mill in identified property taxes to residents of Dade County whose county faces the stark reality of reaching its constitutionally established 10 mill cap in FY 85-86. (Page 12)

ISSUES

- Communication. Based upon the availability of local expertise, in immigration, probably unequalled in the nation, as illustrated by Commissioner Harvey Ruvin's Chairmanship of a National Task Force on Immigration and Refugee Policy and Sergio Pereira's, Assistant County Manager, federal appointment to manage, nationally, the aftermath of the

Mariel Boatlift, Metro-Dade County specifically requests that lines of communication be opened and attempts be made to cooperatively plan for future immigration. As of this date, there has been no communication with Metropolitan Dade County. (Pages 13 - 14)

- Criminal Justice. We have determined that the issue of funding for all criminal justice expenditures and services to entrants must be elevated to a number one priority, equal to that of health care, based upon the following facts: (Pages 14 - 16)
 - 1) We have documented, on separate occasions, anywhere from 274-368 entrant inmates in our local correctional system alone.
 - 2) Less than 1/4 of our local criminal justice costs have been federally funded or reimbursed, regardless of attempts to share information with the federal government illustrating local criminal justice needs.
 - 3) The federal administrative dislike for the local criminal justice program has heightened to the point that funding will, in all likelihood, be discontinued.

- New Immigration. The implementation of the Cuban Adjustment Act and the reestablishment of normal immigration with Cuba, although welcome, creates an anomaly in immigration policy, in that one particular jurisdiction in the nation will be directly affected. The implementation of these policies raises numerous questions regarding the status of the Cuban entrants and the new arrivals from Cuba, the planned immigration flow, and its overall management. Metropolitan Dade County specifically requests that information regarding this new immigration be shared, and our involvement be required in order that this government and the community it represents can plan accordingly. (Pages 16 - 18)

INTRODUCTION

Over the past several months, a variety of actions have been taken by the Federal government that will have a direct or indirect impact on Metropolitan Dade County and its citizens. Several of these actions have been well publicized such as the adjustment of status of the 125,000 Cuban Entrants who arrived in this country in the Mariel Boatlift; the negotiated agreement with the Cuban government regarding the return of those Cuban Entrants who are in federal custody; the release of certain Cuban political prisoners and their families; and a normalization of immigration procedures between Cuba and the United States.

In addition to these highly visible actions, there has been a series of administrative actions taken by certain federal agencies, less visible perhaps, but no less important to the Dade County community. These included a dramatic decrease in the social service allocation to the State of Florida for refugees/entrants resulting from a formula developed which questionably increased funding substantially in other states; a continued reluctance on the part of the federal government to fund the County's criminal justice program that deals directly with the entrant population regardless of the documentation of need provided by the County; and a deterioration in the County's relationship with INS which continues to be unwilling or unable to respond to the County's requests for information, or to acknowledge the County's established administrative mechanism for dealing with immigration matters that have a direct impact on the community or county agencies. As a result of these actions and at the request of our Senators and Representatives, it was determined that a "white paper" be prepared to assist all interested parties in securing a federal response to the serious issues facing this community.

Therefore, this paper has been developed by Metropolitan Dade County government to accomplish the following purposes:

- 1) To aggregate, describe, and detail this government's and community's historical involvement in immigration, the impacts associated with immigration, and the issues and questions that arise as a result of new federal policies regarding immigration.
- 2) To provide a document which serves as a foundation for resolving the many issues that face this community and the State resulting from federal immigration policy.

Metropolitan Dade County's Board of County Commissioners and its administration have consistently gone on record in support of a Federal Immigration Policy that is orderly, planned, fiscally responsible, and implemented in a manner that is fair and equitable to all.

This paper is not intended to negate the benefits the County has received as a result of immigration nor is it an attempt to lay blame on any particular entity. It is simply, and for all intent and purposes, a final attempt by a responsible governmental entity to clearly illustrate and document the problems, issues, and questions faced by this community in dealing with a true federal responsibility -- immigration.

HISTORICAL PERSPECTIVE

Over the past twenty years, there have been three major waves of immigration and other significant influxes of immigrants into the South Florida area. Due to its geographic location and attractive climate, the Dade County community has been the first point of arrival and residence for many of our Caribbean and South American neighbors. The community has thrived and grown as a result of this immigration but it has not been without difficulties particularly as it relates to the most recent immigration experienced locally.

Prior to 1980, the federal government recognized its role as one which was fully responsible for the effects of a stated federal policy. Provisions were made to assist newly arrived immigrants during both the 1959 - 1962 Exodus and the Freedom Flights which took place between 1965 - 1973. Care and concern was shown to the new arrivals as well as a federal financial commitment made to assure that the State and local governments would not be required to assume a significant financial burden. According to a study done by Metro-Dade County's Planning Department, 57 percent of the nation's Cuban born population resides in Dade County. This population is a direct result of initial resettlement and secondary migration, however, it represents a growth which took place over a period of 26 years. This information illustrates the impact of federal policy and highlights the success which an orderly, well planned and financed immigration policy can have. Prior to the Mariel boatlift, mutual benefit was received by both the refugees and the existing resident community. In stark contrast, the Mariel boatlift was handled amid confusion, with a federal financial commitment being secured only after numerous legislative battles. More significant was the philosophy, shared by both administrations, that Mariel was not a federal responsibility. As a result, both the Mariel entrants and the community have been disillusioned, and a permanent stigma regarding new immigration into Dade County has been created.

We believe it is unnecessary to repeat the same mistakes which occurred in 1980. However, immigration matters and policies, which have a direct impact on a local community, cannot be made in a vacuum. There is a clear role for Dade County to play and, unless we are included or informed regarding these matters, our expertise based upon 24 years of experience will be meaningless.

DESCRIPTIONS OF FEDERAL ASSISTANCE

It is important to note the differences among the various allocations the County has received for Cuban/Haitian Entrants over the years. The initial allocations in the early years, i.e. 1980-1982, were cost reimbursements under the Federal Emergency Management Agency, Title V of the Refugee Education Assistance Act (Fascell/Stone Amendment), and the Department of Justice (discretionary funds). The next funding allocation was made between June 1982, - September 30, 1983 under a program entitled IMPACT Aid. Since October 1983, funding has been received under the Targeted Assistance Program. Since each of these programs carried different requirements and provided funding for different purposes, a brief description of each is provided.

Federal Emergency Management Agency (FEMA)

FEMA is the emergency response arm of the federal government. The agency response is triggered by a declaration of disaster or emergency issued by the President of the United States based upon a formal request made by the Governor of the affected State illustrating the need for the declaration and the subsequent federal involvement. The federal declaration empowers FEMA to become involved in direct disaster management and to provide reimbursement to State and local agencies for identifiable and documentable "extraordinary costs." Extraordinary costs are those costs which, as determined by the agency, exceed those incurred under regular operational, administrative, or management duties. Each request for reimbursement must be accompanied by documentation, i.e. time sheets, job descriptions, vouchers, etc., which are then reviewed by federal and state FEMA officials for tentative approval. Up to 90% of approved costs may be reimbursed to the local agency, the remaining 10% being withheld until a formal audit is completed.

Title V, Refugee Education Assistance Act (Fascell/Stone Amendment)

This legislation, signed on October 10, 1980, provided for the following:

- 1) Treatment of Cuban-Haitian entrants as refugees for the purpose of providing them domestic assistance, i.e. cash, medical, and social services, under the terms of the Refugee Act of 1980.
- 2) Reimbursing states and local governments for up to 100% of costs associated with the provision of cash, medical, and social services.
- 3) Retroactive reimbursement to states and local governments from 10/1/79 to date of implementation of the Cuban-Haitian entrant domestic assistance program (which began January 15, 1981) for those costs incurred in the delivery of cash, medical, and social services to Cuban-Haitian entrants. All requests for reimbursement required adequate documentation and were to be reviewed and approved by the Office of Refugee Resettlement.

Department of Justice (Discretionary Funds)

These funds were remaining in the Department of Justice as a result of the close out of the old Law Enforcement Assistance Administration program.

Recognizing the serious criminal justice problems faced by local criminal justice agencies in Florida directly related to the Mariel Boatlift, the Administration made available funding to offset these local impacts.

IMPACT Aid

In April, 1982, the Office of Refugee Resettlement issued regulations which dramatically changed the manner in which the refugee cash and medical assistance program had been administered in the past. Previously, the program reimbursed states (which administered it) for 100% of the costs of cash and medical assistance provided to refugees/entrants for a full three-year period. The new regulations provided the following changes:

- 1) 100% reimbursement for cash and medical assistance for all refugees/entrants for 18 months from date of entry into United States;
- 2) 100% reimbursement only for those refugees/entrants during the second 18 months of their residence who were eligible under State guidelines for State administered/authorized cash and medical assistance programs.

As a result of these changes, more than 75% of the Cuban/Haitian entrants in the State of Florida lost their federally funded cash and medical assistance benefits beginning in April, 1982. This was due to the fact that Florida only provides cash and medical benefits to low-income single parents, or elderly, blind, or disabled individuals. The majority of Cuban/Haitian entrants were single, male, and between the ages of 25-45. This regulatory action placed the entire burden of support on County government. Congress, recognizing the adverse impact of this action on local governments throughout the country, responded through the creation of the Impact Aid program.

The funds appropriated through the Impact Aid program were directed for use by the Office of Refugee Resettlement to assist local governments with large refugee/entrant populations in offsetting severe local impacts resulting from the cutoff of benefits to their refugee/entrant populations.

Targeted Assistance Program

In Fiscal Year 83-84, the Office of Refugee Resettlement institutionalized the Impact Aid program and changed its name to the Targeted Assistance Program. The recipients remained the same, i.e. those local governments heavily impacted by refugee/entrant populations; however, the thrust of the program changed. Targeted Assistance was viewed by the Office of Refugee Resettlement as a program whose major focus was employment with the necessary health and social services to support the employment program, not as a program whose major focus was to offset local impacts of high refugee/entrant populations. This philosophical change on the part of the Office of Refugee Resettlement created serious problems for Florida in general and Dade County in particular. As a result of continued State and local opposition, certain flexibility was accorded; however, the serious philosophical chasm which continues to exist has created severe problems in local program operations, some of which are insurmountable.

Finally, it is particularly important to note, that the above descriptions of the milieu of funding sources provided since 1980 have not come as a result of an aggressive federal policy which exemplifies the federal government as the responsible entity for immigration. Rather, each appropriation and legislative initiative has been won as a result of long and arduous battles on the part of Florida's Senators and Congressmen, State and local leaders, and active involvement from the private sector. The struggle continues even now, with funding allocations, program directions and implementation, and policy initiatives directed by the federal government creating difficulties at the local level.

FISCAL IMPACT ANALYSIS

This section describes the funding received by Metropolitan Dade County for services to Cuban/Haitian Entrants since 1980. Due to the variety of funding sources and special conditions attendant to each source, the description will be made either by service or source of funding. We have included the time periods covered for each reimbursement or funding allocation. Also included are the grant awards and program descriptions for the County's Impact Aid and Targeted Assistance programs. Reference to the section on Descriptions on Federal Assistance included in this report will assist the reader in understanding the purposes and requirements of each federal funding source.

It should be noted that the transition year for entrant assistance is 1982. During that year, the program changed from one of reimbursement for documentable costs to one of grant awards to deliver services under the Impact Aid program. We have attempted to identify those costs associated with services rendered for which there is no federal funding source available, or for which there is an unfunded balance remaining.

It is impossible to calculate and document all costs incurred for services either past, present, or future. The impact of 150,000 new residents locating in one jurisdiction within an 18 month period is equivalent to the entire population of a Gary, Indiana, or a Raleigh, North Carolina, or a Providence, Rhode Island, locating its residents in Metropolitan Dade County. According to the 1984 Municipal Yearbook, these cities annual expenditures for local services ranged from \$46.1 million - \$131.1 million. It was the Grand Jury Report for the 11th Judicial Circuit filed on May 11, 1982, which reflects this impact on local infrastructure most succinctly: "How, for example, do we attach a dollar figure to the increased police protection, garbage collection, housing, transportation or other services that must be made available to 150,000 people?" To that we would add our parks, libraries, fire service, environmental impacts, and all governmental services.

I. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

TYPE: Reimbursement for extraordinary costs related to Mariel Boatlift and processing.

DESCRIPTION: Overtime, facilities, purchases, equipment, busses, supplies, etc.

REQUIREMENTS: Substantial documentation, i.e. time sheets, vouchers, purchase orders, receipts, etc.

DATES: Original claim submitted June 1980, subsequent claims submitted through December 1980, covering approximately April 1980 - October 1980. Final claim resolution - 1984.

EXPENDITURES ELIGIBLE FOR REIMBURSEMENT:	\$475,634.06
APPROVED REIMBURSEMENT:	445,976.12
<u>UNFUNDED BALANCE:</u>	<u>\$ 29,657.04</u>

II. RETROACTIVE REIMBURSEMENT UNDER TITLE V OF REFUGEE EDUCATION ASSISTANCE ACT (Fascell/Stone Amendment) Excluding Jackson Memorial Hospital

TYPE: Reimbursement for cash, medical, and social services provided to Cuban/Haitian Entrants.
 DESCRIPTION: General social services, i.e. child care, alcohol, drug abuse, placement, etc., emergency cash assistance, primary health care.
 REQUIREMENTS: Actual documentation, or legitimate and justifiable assignment of costs reviewed and approved prior to payment by ORR auditor.
 DATES: Retroactive reimbursement covered claims for the period covering 10/1/79 - 1/15/81. Final claim resolution occurred by end of calendar year 1981.

<u>AGENCY</u>	<u>SERVICES</u>	<u>RECEIVED</u>
Metro-Dade Department of Human Resources	General Social Services, Primary Health Care	\$378,751
Metro-Dade Welfare Dept.	Cash Assistance	<u>5,000</u>
	TOTAL REIMBURSEMENT	\$383,751
	<u>UNFUNDED BALANCE</u> -	<u>-0-*</u>

*NOTE: Due to the difficulty in identifying and documenting costs for social services, the request submitted reflected those costs which could be approved under ORR standards. The exceedingly low claim for cash assistance reflected the then County policy of denying benefits to entrants except when an extreme emergency existed. That policy was reversed by the courts.

III. JACKSON MEMORIAL HOSPITAL

FUNDING SOURCE(S): Public Health Service, Title V Refugee Education Assistance Act (Fascell/Stone Amendment) Impact Aid, Targeted Assistance.
 TYPE: Retroactive Reimbursement, grant award providing direct reimbursement subject to availability of funds.
 DESCRIPTION: Inpatient and outpatient health services.
 DATES: Actual costs and reimbursements cover 10/1/79 - 9/30/84. Estimates of costs and reimbursement cover 10/1/84 - 12/31/84.

OCTOBER 1, 1979 - SEPTEMBER 30, 1984

Costs	\$47,802,790
Reimbursement	<u>37,399,372</u>
<u>Unfunded Balance</u>	\$10,403,418

OCTOBER 1, 1984 - DECEMBER 31, 1984

Estimated Cost	\$2,549,550*
Estimated Reimbursement	<u>1,500,000*</u>
<u>Estimated Unfunded Balance</u>	\$1,049,550

TOTAL ESTIMATED UNFUNDED BALANCE \$11,452,968
 10/1/79 - 12/31/84

*NOTE: The calculations made to arrive at the estimated cost and reimbursement for the 3-month period covering October 1, 1984 - December 31, 1984 were developed as follows:

Average costs incurred on a monthly basis
 based upon a historical pattern:
 \$849,850/mo. @ 3 months = \$2,549,550

Allocation of \$6 million of Targeted Assistance funds
 over a 12 month period for FY 84-85 -
 \$500,000/mo. @ 3 months - \$1,500,000

The utilization of averages can be misleading since the hospital is subject to major fluctuations in patient loads throughout the year. In fact, Jackson is projecting a potential \$7 million shortfall at the end of FY 84-85 for services to Cuban/Haitian Entrants, and will deplete its targeted assistance allocation within seven months.

IV. DEPARTMENT OF JUSTICE REIMBURSEMENT

TYPE: Discretionary funds in the amount of \$3 million allocated to State for reimbursement to local governments for documentable criminal justice related expenditures.
 DESCRIPTION: Corrections costs, jail renovation to house additional entrant inmates, court costs, medical examiner costs, etc.
 REQUIREMENTS: Documentation of costs, reimbursement based upon Federal review and audit.
 DATES: Reimbursement covered time period beginning 10/1/79 - 1/15/81. Final resolution of claim occurred in 1982.

<u>AGENCY</u>	<u>SUBMITTED</u>	<u>RECEIVED</u>
Corrections	\$1,972,082	\$1,540,241
Jail Renovation	582,467	582,467
Metro-Dade Police	1,084,006	258,800
Courts	251,209	180,346
Medical Examiner	53,618	31,575
	<u>\$3,943,382</u>	<u>\$2,593,429</u>
<u>TOTAL UNFUNDED BALANCE</u>	<u>\$1,349,953</u>	

VII. IMPACT AID

TYPE: Grant to Dade County to diminish the impact of the cash and medical benefits cutoff.
 DESCRIPTION: Food assistance, housing vouchers, health care, employment services.
 REQUIREMENTS: Normal grant process, local program development, submission to State for inclusion in statewide grant application.

DATES: June 1, 1982 - September 30, 1983

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Metro-Dade Community Action Agency	Emergency Food and Shelter	\$2,000,000
Employment & Training*	ESOL, OJT, Vocational Training	9,700,000
Metro-Dade Criminal Justice Council	Identification of Incarcerated Entrants, assessment, diversion to Specially Run Programs - Alcohol, Drug Abuse, etc.	1,700,000
Jackson Memorial Hospital	Health Care	14,000,000
	TOTAL	<u>\$27,400,000</u>

VIII. TARGETED ASSISTANCE

TYPE: Grant award for specific services to Dade County for entrant population.

DESCRIPTION: Employment focus, health, social services, etc.

REQUIREMENTS: Program developed locally; submission to State for inclusion in State grant application.

DATES: October 1, 1983 - September 30, 1984 (subject to available funding some programs run on a calendar year, some for 7 months, etc.)

<u>PROGRAM/AGENCY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Employment & Training* City of Miami*	ESOL, OJT, Voc. Ed., etc. Social Services, Employment Placement	\$ 5,554,419 583,035
Florida State Employment Service*	Job Placement	499,996
Metro-Dade Day Care	Adult Day Care	25,000
Metro-Dade Child Care	Nursery, Pre school	862,225
Mental Health Board*	Mental Health Centers Inpatient/outpatient	2,000,000
Children Medical Services* Health Department*	Fla. Dept. of Health & Rehabilitative Services VD/TB, Maternal Child Health etc.	800,000 600,000
Jackson Memorial Hosp. A.G. Holly Hospital*	Inpatient/outpatient, Health Care TB Hospitalization for Dade County Entrants	5,533,241 350,000
Criminal Justice Council	Intake and Assessment, Entrant ID, Diversion to Social Services	<u>2,000,000</u>
	TOTAL	\$18,807,916

OCTOBER 1, 1984 - SEPTEMBER 30, 1985

<u>AGENCY</u>	<u>AMOUNT</u>
Metro-Dade Day Care	\$ 1,000,000
Children's Medical Services*	800,000
Employment & Training*	3,150,000
Criminal Justice Council	2,000,000
A. G. Holly Hospital*	150,000
Jackson Memorial Hospital	<u>6,000,000</u>
TOTAL	\$13,100,000

NOTE: Those programs identified by () are not included in total federal funds received by Dade County since they are not county agencies.

Projected funding - not yet approved for FY 84-85 resulting from an additional allocation based upon available funds by ORR.

<u>AGENCY</u>	<u>AMOUNT</u>
Metro-Dade Job Coordination	\$ 1,247,200
Metro-Dade Child Care	725,863
Metro-Dade Criminal Justice	711,000
Metro-Dade Com. Act. Agency	126,000
Jackson Memorial Hospital	1,500,000
Administrative Costs	<u>70,606</u>
TOTAL*	\$ 4,380,669

*NOTE: This total not included in total of federal funds received.

IX. UNFUNDED COSTS INCURRED

A. Criminal Justice

1. Incarceration Costs

When head counts and positive identifications have been made, the lowest count for the main jail only has been 274 entrant inmates. On a system-wide basis, i.e. main jail, women's detention, stockade, the number of entrant inmates was 368. Counts change daily and we are unable to afford the costly undertaking of daily counts to solely identify entrant inmates through cross checks with immigration numbers. Since we have and can positively identify those entrants in the above stated costs, we feel secure in utilizing the following range to determine an annualized cost estimate for incarceration:

FY 1984-85

A range of 274-368 entrant inmates x
annual cost per inmate of \$10,220 = \$2,800,280 - \$3,760,960

2. Court Costs

a. Estimate number of entrant felony cases processed per year of 2,727 x average cost per case of \$764 = \$2,083,428

b. Estimate number of entrant misdemeanor cases per year of 13,860 x average cost per case of \$164 = \$2,273,040

TOTAL COURT COSTS \$4,356,468
 ESTIMATE OF TOTAL ANNUAL COSTS UNFUNDED \$7,156,748 - \$8,117,428

UNFUNDED COSTS SINCE
FY 81-82 \$28,626,992 - \$32,469,712

NOTE: This figure does not include other Court related costs borne by the State through the State Attorney, Public Defender, and the Judiciary. Dade County also incurs unreimbursed costs as a result of entrant criminal activity in the areas of law enforcement, forensic mental health services, and victim services. Unfortunately, the costs in these areas are extremely difficult to define and collect.

B. Emergency Assistance

Metro-Dade County's Emergency Assistance Program provides temporary cash assistance and/or special services such as housing or clothing to individuals who are unemployable, i.e., physically or mentally unable to work and who have no other means available for support. It is a program with a limited annual budget which cannot operate once funds are depleted. It was established by the County in the 1960's to respond to the needs of citizens who were not eligible for State assistance and faced emergency conditions. In fact, today many of our clients are referred by State agencies who have determined them ineligible under State guidelines for AFDC or SSI.

FY 1982 - 83*

<u>Entrants Served</u>	<u>Type of Service</u>	<u>Cost</u>
11,786	Cash Assistance and/or Special Services (housing, clothing, etc.)	\$161,817

*NOTE: The large number of clients reflects two significant occurrences:
 1) Court order requiring Dade County to provide assistance to entrants previously denied.
 2) April 15, 1982, more than 75% of entrants lost federal benefits.

FY 1983 - 84*

<u>Entrants Served</u>	<u>Type of Service</u>	<u>Cost</u>
1,899	Same as above	\$181,326

*NOTE: Higher costs with lower client load reflects significant increase in demand/need for cash assistance rather than support services and longer periods of assistance.

X. FISCAL IMPACT CONCLUSIONS

Since 1980, Metro-Dade County Government has received \$51,909,753 from the federal government. This does not include funds received by any other service provider in the Dade County area, i.e., City of Miami, HRS, South Florida Employment & Training Consortium, Mental Health Board.

Based upon all the documentation contained herein, this report illustrates that since October 1, 1979, Metro-Dade County has incurred unreimbursed costs for certain services to Cuban/Haitian Entrants that range from \$41,802,713 - \$45,645,433.

As we approach our upcoming fiscal year 1985-86, looking squarely in the face of our constitutionally established 10 mill cap, it is staggering to reflect that those documentable unreimbursed costs are equivalent to approximately 1 mill in property taxes to Dade County residents. In addition, these do not include the costs for services which we incur but cannot directly quantify or document.

ISSUES

This section of the paper will delineate three major issues which Metropolitan Dade County Government believes must be addressed over the next several months by all levels of government in order to avoid any further misunderstandings or confusion, and to foster a mechanism through which new immigration patterns can be effectively managed and planned for by the pertinent parties affected.

Due to a basic lack of information available to this local government, one of the sections will focus primarily on questions which must be answered. It is believed that through the reading of the questions posed, the dilemmas faced by this jurisdiction will be illustrated.

Communication

Inextricably tied to all issues which follow is the apparent lack of willingness on the part of the executive branch of the federal government to effectively communicate or share, with State, local, and even on occasion Congressional representatives, pertinent information regarding decisions which will have a direct or indirect impact on a particular jurisdiction. In the area of immigration policy, the federal branch assumes the role of sole responsible agent, disregarding the fact that the ultimate responsibility for service delivery is left up to the local and/or State jurisdiction. In fact, it oftentimes appears as though the federal branch of government views its responsibility as solely in the area of policy, negotiating and reaching final decisions in a vacuum, without local input, and once these decisions have been made, viewing any other responsibility as State or local in nature.

To address the issue more specifically, both the State of Florida in general, and Metropolitan Dade County in particular, have found themselves in the unenviable posture of responding to federal immigration decisions of which they become aware through reading the paper or watching the news. The truly unfortunate aspect of these consistent occurrences is the fact that both Metropolitan Dade County and the State of Florida have identifiable staff who have a knowledge and expertise in the area of immigration which are probably unequalled in the nation. Leading examples of this resident expertise include, Dade County Commissioner Harvey Ruvin, who chaired a national task force on immigration and refugee policy; Sergio Pereira, Assistant County Manager, who was appointed by and loaned to the previous Administration to assist in the managing of the aftermath of the Mariel Boatlift; Dewey Knight, Assistant County Manager, a recognized expert on refugee matters; Eileen Maloney, Assistant to the County Manager and legislative liaison, who is an authority on immigration law and funding; and the County Manager, who, as Chief Executive Officer for Metropolitan Dade County, is responsible for and managed all operations relating to immigration and its impact on Dade County, dating back to his tenure as an Assistant City Manager for Miami during the 1959-61 Cuban exodus.

Secondly, as illustrated in this paper, Metropolitan Dade County has had more than 20 years of experience in dealing with the successes of and problems related to large scale influxes of individuals seeking refuge in the United States. Finally, and perhaps most important, Metropolitan Dade County, except when faced with overwhelming costs and the potential for serious fiscal

impact, has consistently attempted to work with the federal government with regard to immigration matters. It has only requested that, based upon past experience, any new immigration be orderly, planned, and provide sufficient time to the local community to develop the necessary capacity to service potential needs. Disparingly, these efforts and requests have, just as consistently, been ignored.

The issue of communication is clearly nonpartisan, its ineffectiveness and lack of consistency carrying over from one administration to another without regard to party affiliation. Metropolitan Dade County has never viewed its role as one which dictates or creates immigration policy. Rather, it has viewed its role as one which can provide a necessary local perspective coupled with a responsibility to its citizens to assure that their local services will not be disrupted or overburdened. The position of the federal government, which ignores these repeated requests through its actions rather than statements, and views this integral relationship as unnecessary, is indefensible and must be remedied. Therefore, we, once again, call upon the executive branch to open lines of communication, share information, and cooperatively plan for future immigration, thereby helping us to help them accomplish their policy without disruption.

Funding for Criminal Justice Services to Entrant Population

It was not until the entrant influx of 1980 that Metropolitan Dade County insisted that the federal government participate financially in the reimbursement for or development of programs and services to entrants who impacted the local criminal justice system. It was not until the 1980 influx that individuals were admitted into this country, en masse, without prior screening and evaluation. It was not until 1980, that a clearly identifiable, albeit small (estimated 10-12 percent), group of individuals with serious mental health or past criminal histories, were admitted into this country. Thus, although the federal government had never before provided refugee related funding in this area, it was viewed, and still is by this local government, as a justifiable, logical and legitimate financial endeavor for the federal government to undertake, regardless of the fact that such financial assistance had never before been provided.

It is important to note that despite the following facts: an acknowledgement by the federal government that this population exists; efforts made by this local jurisdiction to clearly document, identify and illustrate the problem; a federal court order which hangs over this jurisdiction's head with regard to jail overcrowding; anywhere between 274 - 368 actually identified and documented Cuban entrants residing within our local prison system on any given day at an annualized cost of between \$2 - \$3 million a year; estimated local court costs which average \$4 million a year; and regardless of these annualized local costs, this jurisdiction has received minimal reimbursement over a four year period for criminal justice services; the administration has consistently shown a dislike for the funding of these services, granting only tacit approval for the expenditure of funds, and continually raising roadblocks regarding the legitimacy of these expenditures. In fact, the administrative dislike for this program has heightened to the point where it is obviously intended that funding be discontinued whenever politically feasible.

This jurisdiction has recognized the dilemma faced by the Office of Refugee Resettlement in funding a criminal justice component for which there is no past precedent and, therefore, we developed a model program which utilized a variety of social services as a means to divert as many entrant inmates as possible from the jail. Thus, we believed we had accomplished a task which both served Dade County by somewhat reducing the burden on the local criminal justice system while, at the same time, funding only those services for which HHS has been historically noted, i.e. psychological assessments, mental health, alcohol, drug abuse, domestic intervention, etc. It appears, however, that because these services are targeted to the criminal justice population, ORR cannot internally legitimize the expenditures.

We cannot complain that this criminal justice component has not been funded, for it has. However, the increasing difficulties encountered by this government in operating this program, the repeated issues raised, and the ongoing demands for justification of our utilization of targeted assistance funds for nonemployment related services, have reached such a momentum whereby this jurisdiction takes the view that funding for criminal justice related services is tenuous at best. Given this local assessment, we have determined that the issue of funding for criminal justice expenditures and services to the entrant population must be elevated to a number one priority and one that includes funding for all expenditures, including special police activities necessary to address crimes committed by Mariel entrants, and not just those which can legitimately be labeled "social services." This contention can be justified by substantial documentation provided by the Metro-Dade Police Department (MDPD) which highlights the County's response through the creation of special crime suppression teams and the designation of uniformed patrol officers to address the following areas: Youth gangs, credit card rings, pickpocket activities at the airport, agricultural crimes, and a host of other criminal activities. In sum, a look at the MDPD budget in FY 1980-81 and FY 1984-85 shows a dramatic increase from \$77.4 million to \$131 million in only a 5-year period, which we contend can partially be attributed to the criminal activities of the Mariel entrants.

We have documented the fiscal impact on this government for incarceration and court related costs for the entrant population. We have compiled data on this population which presents type of crime committed, number of offenses, level of education, history of past mental health problems, current mental health problems, number of resettlements, longevity of employment, Atlanta releases, and even the prisons or other institutions in which many were detained in Cuba. We have analyzed and documented the recidivist nature of this population, and finally, we have concluded, based upon the expertise of the psychologists and treatment specialists who work in the program, that there is a specific segment of this population for which there is no cure, treatment, or program which will assist them in assimilation. This information does not rest on our shelves, we have shared it with the administration, and finally we shared it with the press, but all appears to have fallen on deaf ears. We are providing services, less than 1/4 of which have been federally funded, that are clearly and historically a federal responsibility, at local taxpayers expense.

Historically, immigration holds would be placed upon individuals who fell under INS supervision if criminal violations had been committed. However, given their inability to deport Mariel entrants, the federal government has

eluded its responsibility for utilizing federal personnel, facilities, or funds, thereby shifting the cost to local governments and states to deal with those Mariel criminals we have identified. Had the federal government assumed its legal and fiscal responsibility and taken over the care and custody of this population, the costs to the federal government would have been far higher, yet our efforts have been virtually ignored and even more importantly left uncompensated.

Even the precedent setting P.L. 98-411, the Justice Department Appropriations Act passed last year, which provided up to \$5 million for reimbursement for jailed Mariel Cubans, excluded local governments from participating in the program directly. We did not embark upon operating a criminal justice program to deal specifically with entrants without justification or direction. We had received over \$1 million in reimbursement from the federal government for documented expenditures for these services and this population's local impact was established. In addition the Grand Jury report for the Eleventh Judicial Circuit which was filed in May of 1982 contained the following specific recommendation:

- (2) "...it is futile to recommend the federal government make such a commitment (to adequately staff/fund INS) and we recommend instead that at the local level we develop a capacity for identifying illegal and dangerous entrants and...transmit the information to INS for appropriate deportation proceedings and for the placement of the individuals in federal custody."

The identification process was established and information shared. When no response was received, or action taken, we established the currently funded program of identification, assessment, diversion, and service to lower the impact on our local criminal justice system.

There reaches a point where no amount of creativity or diversity of approaches will effectively minimize local fiscal impact. There are areas of responsibility in which "public-private partnerships" cannot be negotiated. Finally, there are times when tolerance levels are reached, especially when the one programmatic effort to minimize the fiscal impact is threatened. We, therefore, ask that the federal government immediately assume its rightful responsibility for dealing with this issue. That it address the burdens and impacts faced locally in good faith, and seek whatever means necessary to compensate and alleviate Metro Dade County of this burden.

Cuban Adjustment - New Immigration

As was previously discussed in this report, the Dade County area has experienced three major periods of Cuban immigration. Prior to Mariel, the federal government assumed full financial and management responsibility for the newly arrived refugees. Over a period of years, and as a result of orderly immigration, effective resettlement, and financial assistance, a support system for the newly arrived immigrants was established and kept in place until 1980. In stark contrast was the federal response to the Mariel boatlift which left both the County and State in the position of primary manager and financier of an immigration crisis of great proportions.

The announcement of the policy permitting 125,000 Mariel entrants to utilize the Cuban Adjustment Act to achieve permanent resident status was met by this government with both a sense of relief and concern. It is generally agreed, that providing the opportunity to the 125,000 entrants to change their status thereby legally becoming residents of Dade County, will directly benefit the Cuban entrants residing here. However, a segment of this population continues to have a direct impact on our local service delivery system. It concerns us that the probability exists, that as a result of their change in status, the funding we receive from the federal government to provide necessary services to this population will be diminished if not totally eliminated. Clearly, the establishment of legal residency should not be viewed as an elimination of fiscal or service responsibility. Regardless of our position in this area, a federal policy will be established and, therefore, it necessitates an appropriate local response. We ask to be informed of the federal decision in a timely manner, one which will afford us the opportunity to present our case and plan for its local implementation.

In addition to the questions regarding the change in status of the Cuban Entrant population, are questions which arise in terms of the new Cuban immigrant population which will be arriving to the United States. The County and State governments have never moved from their position of support for continued efforts at family reunification. It is simply that numerous issues arise when one considers the potential for an influx of 20,000 - 30,000 new immigrants a year into Dade County. As was stated earlier, the federal government previously provided a support system to assist new arrivals in the assimilation process. It appears that this will not be the case in the managing of this new influx. Apparently, the federal government will treat this as normal immigration which occurs from countries throughout the world. It is our contention that it is different for a number of reasons:

- 1) It is likely that the 20,000 visas, which will be available to Cuban residents who have expressed the desire to leave the island, will be applied for.
- 2) Many of the Mariel entrants left some family in Cuba, therefore, the natural desire will be to apply to have their family join them here.
- 3) Miami's location and cosmopolitan nature creates a desire for incoming immigrants, even those without family ties, to locate in Dade County.
- 4) The affidavit of support signed by sponsors is not legally binding, thereby creating the potential for individuals in need of care or support to turn to the County.

As a result of these reasons, it is a legitimate contention that this is not "normal" immigration in the sense that it will have a direct impact on one community in this country and not necessarily be dispersed or shared throughout the nation. Therefore, we are asking that the federal government recognize the differences in this immigration and assist the County and its residents in preparing for it. We are not asking for a significant federal handout, nor are we crying wolf, we are merely requesting that an effective support system be in place so that burdens or financial crises that may arise can be properly addressed, particularly in the areas of education, health care, and other support services.

In conclusion, there are a series of questions which we feel must be addressed and we are willing to assist in the development of strategies:

- 1) What status will the new arrivals be accorded?
- 2) What status will the political prisoners and their families be accorded?
- 3) What will be the schedule of arrivals?
- 4) What is the anticipated number of all arrivals, i.e. political prisoners, immigrants, family members?
- 5) When will the process begin?
- 6) With regard to the Cuban Entrant population:
 - (a) How many have applied for residency?
 - (b) Does residency application occur on an annual basis?
 - (c) How will the background check be done, and determinations regarding past criminal involvement in the United States be made?
 - (d) Will new residents be eligible for services under the targeted assistance program and will the status change have a direct impact on funding?
- 7) Finally, what systems regarding resettlement, sponsorship, or support have been or are being considered to handle the new immigration?

Without the answers to these questions, it is impossible for this local community to effectively plan for its potential population growth. More importantly, without the necessary facts, speculation and fear will increase causing the orderly implementation and development of strategies to be impossible.