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MR. WESLEY MCD. HOLDER
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REPLY TO:
 WASHINGTON OFFICE
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Congress of the United States
House of Representatives
Washington, D.C. 20515

May 12, 1981

Dear Colleague:

On June 20, 1980, after weeks of uncertainty and delay, the Carter Administration announced a "Cuban-Haitian entrant" program for Cuban and Haitian refugees. Congress later enacted specific language, as part of the Refugee Education Act of 1980, P.L. 96-422, which entitled Cuban and Haitian entrants to certain social welfare benefits. In line with the legislative intent and history of the Act, the Department of Health and Human Services has granted the same benefits to entrants as those granted to refugees.

The legal status of Cuban and Haitian entrants, however, still remains undecided. Entrants are currently here under the parole authority of the Attorney General until July 15, 1981. An extension of that parole authority for these entrants would unnecessarily prolong the final determination of their legal status. Further, the current policy, a holdover from the previous Administration, creates confusion and uncertainty in our refugee and immigration policies. For example, a suit was filed in Federal court on behalf of Nicaraguan nationals who charged that they were being discriminated against because they had not been allowed to participate in the Cuban-Haitian entrant program. Given the political conditions in Cuban and Haiti, Cubans and Haitians meet the legal standard for refugee status which is, "a well-founded fear of persecution upon return". By granting refugee status to Cubans and Haitians, we would eliminate charges that the entrant program discriminates against some immigrant groups in favor of others.

While the current situation is unacceptable, the failure to provide legal status to the entrants will ultimately be the responsibility of the Congress, at grave costs to our states and localities, resettlement agencies and finally, to the entrants themselves. Consequently, on May 14th, I will re-introduce my legislation, formerly H.R. 8047 in the 96th Congress, to grant refugee status to Cuban and Haitian nationals who are currently in the United States. I have included a fact sheet on this legislation on the back of this letter which I believe will address many of the questions you may have about my bill. If you would like to co-sponsor this legislation or have further questions, please contact my Legislative Assistant, Brenda Pillors at 5-6231.

Sincerely,



SHIRLEY CHISHOLM
Member of Congress

FACT SHEET

1. Granting refugee status to Cuban/Haitian entrants will not be anymore expensive than their current status. The intent of the language in the Refugee Education Act was to provide equivalent social welfare benefits to entrants with those received by refugees.
2. Essentially giving "refugee benefits" to persons, who are not refugees, raises serious public policy questions about the equity of our immigration and refugee laws.
3. A grant of refugee status is not likely to create a magnet effect for migration from the Caribbean basin. A refugee or asylum applicant must still demonstrate that they have a "well-founded fear of persecution" if returned to their homeland. Any person desiring to enter the U.S. would still have to meet this standard. Nothing in this legislation would change this present standard. Further, political conditions in one's home country, rather than any "pull" factors in the U.S., contribute much more to asylum arrivals than anything else. Further, the present status of Cuban/Haitian entrants, albeit confused, is preferential treatment for this class of aliens. Refugee status will not convey any greater immediate social benefits to these people than their current status.
4. Refugee status, unlike entrant status, conveys a known status which has clear meaning in our immigration and refugee laws. Entrant status is a term which has no known meaning in U.S. immigration law or international law.
5. This legislation would not grant refugee status to Cuban or Haitian nationals, who would otherwise not qualify for refugee status, i.e. criminals convicted of serious crimes; persons who have persecuted others in their homeland, etc.