

REFUGEE ACT REAUTHORIZATION: ADMISSIONS AND RESETTLEMENT ISSUES

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ISSUE DEFINITION

The authorization for Federal refugee resettlement assistance provided by the Refugee Act of 1980 expires Sept. 30, 1983. The 97th Congress had extended this assistance authority for one year only pending a more thorough review of the entire Refugee Act including its admissions provisions. Admissions issues that have been of interest to Congress include the role of Congress and the executive branch in establishing annual numerical limits on refugee admissions, and the interpretation of the definition of refugee. A new block grant refugee assistance program proposed by the Reagan Administration was addressed in hearings on the reauthorization of resettlement assistance; other continuing concerns are refugee dependency on cash assistance and the geographic distribution of refugees in the United States. H.R. 3729, the "Refugee Assistance Extension Act of 1983," authorizing the extension of refugee resettlement assistance through FY85, was reported with amendments by the House Judiciary Committee on Oct. 5, 1983 (H.Rept. 98-404), and passed the House by a roll call vote of 300 to 99 on Nov. 14, 1983. The refugee resettlement assistance program is currently operating under the authority of P.L. 98-151, the FY84 further continuing appropriations resolution.

BACKGROUND AND POLICY ANALYSIS

The Refugee Act of 1980 (P.L. 96-212; 94 Stat. 102) was enacted Mar. 17, 1980, as a major amendment to the basic U.S. immigration law, the Immigration and Nationality Act, as amended (8 U.S.C. 1101, et seq.). The Refugee Act has two basic purposes: (1) to provide a procedure for the annual admission of refugees into the United States, and for their admission in emergency situations; and (2) to authorize Federal assistance to resettle refugees admitted to the United States and to promote their self-sufficiency. The intent of the legislation was to end an ad hoc approach to refugee admissions and resettlement that had characterized U.S. refugee policy since World War II.

Refugee Admissions

Under the Refugee Act's definition, a refugee is a person who is outside his native country or country of habitual residence and who fears return to the country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. In certain circumstances designated by the President after consultation with Congress, persons within their native countries may qualify as refugees if persecuted. Refugee status is not available to persons who have been involved in the persecution of others.

The Refugee Act establishes a procedure under which an annual numerical limit on refugee admissions to the U.S. and its allocation among refugee groups are established by the President after consultation with Congress. The Act also authorizes the President to designate an additional number of refugee entries in emergency situations after consultation with Congress. The consultation process is formal, and its specific procedures are set forth in the refugee statute.

Primarily due to the refugee crisis in Indochina and U.S. interests in that region, this country has admitted large numbers of refugees since the enactment of the Refugee Act. Table 1 indicates admissions levels for FY80-FY84 that were established pursuant to the Act.

TABLE 1. Ceilings on Refugee Admissions to the United States
under Provisions of the Refugee Act of 1980

	FY80 <u>a/</u>	FY81 <u>b/</u>	FY82 <u>c/</u>	FY83 <u>d/</u>	FY84 <u>e/</u>
Asia			96,000	64,000	50,000
Indochina	168,000	168,000			
Other	1,200				
U.S.S.R.	33,000	33,000	20,000	15,000*	12,000*
E./ Europe	5,000	4,500	11,000		
Near East	2,500	4,500	6,500	6,000	6,000
Lat. America			3,000	2,000	1,000
Cuba	19,000	2,500			
Other	1,000	1,500			
Africa	<u>1,500</u>	<u>3,000</u>	<u>3,500</u>	<u>3,000</u>	<u>3,000</u>
Total	231,000	217,000	140,000	90,000	72,000

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- a/ Presidential Determination No. 80-17, May 1, 1980.
b/ Presidential Determination No. 80-28, Sept. 30, 1980.
c/ Presidential Determination No. 82-1, Oct. 10, 1981.
 Allocations for Asia, Eastern Europe, and Near East
 and Africa reflect changes approved by the Judiciary
 Committees in mid-1982.
d/ Presidential Determination No. 83-2, Oct. 11, 1982.
e/ Presidential Determination No. 83-11, Oct. 7, 1983.

* Includes Eastern Europe.

The reductions in refugee admissions since 1980 primarily result from reductions in Indochinese refugee admissions as influenced by several factors. The situation in Indochina has become somewhat less critical; the flow of refugees out of Vietnam, Laos and Kampuchea (Cambodia) has lowered, in part due to a deterrence policy adopted by Thailand; and third country resettlement has resulted in reduced refugee camp populations. The domestic impact of the large-scale Indochinese admissions program was also an important influence on reductions in annual admissions.

Other notable changes in admissions levels have been reductions for Latin America and the Soviet Union. In the case of Latin America, reduced levels resulted from the virtual termination of a Cuban refugee program after the 1980 boatlift from Cuba (see below); in the case of the Soviet Union, the reductions reflect the increasingly restrictive emigration policies of that nation.

The FY84 refugee level proposed by the Administration and agreed to through the Congressional consultation process is 72,000. This number is divided as follows: Africa, 3,000; East Asia, 50,000; Eastern Europe and the Soviet Union, 12,000; Latin America and the Caribbean, 1,000; and the Near East and South Asia, 6,000.

U.S. refugee admissions levels are ceilings, and actual arrivals of refugees to the U.S. from various parts of the world have been somewhat lower. In FY80 arrivals totalled about 207,000; in FY81, arrivals were about 159,000, including 131,000 Indochinese; and in FY82 arrivals were about 97,000, 74,000 of which were Indochinese. According to the recent State Department testimony, FY83 arrivals are expected to number between 60,000 and 62,000. In general, it is the policy of the Reagan Administration to manage the refugee admissions program at as low a level as possible to contain costs and other domestic consequences of high admissions.

In addition to refugees, the United States also accepted 150,000 Cuban and Haitian entrants for admission into this country in the aftermath of the 1980 boatlift from Mariel harbor in Cuba. "Cuban/Haitian Entrant (Status Pending)" is an administrative designation, not a legal term, and applies to those Cubans and Haitians who arrived at U.S. shores seeking asylum, or who were in exclusion or deportation hearings, between Apr. 20 and Oct. 10, 1980. These aliens are not refugees and are currently residing in the United States on a temporary basis under the Attorney General's parole authority pending the resolution of their immigration status.

Refugee and Entrant Assistance

A comprehensive Federal assistance program for refugees entering the United States was, for the first time, authorized by title III of the Refugee Act which established a new title IV of the Immigration and Nationality Act (8 U.S.C. 1521, et seq.). This authority expired Sept. 30, 1982, and was renewed by the 97th Congress through Sept. 30, 1983 by the Refugee Assistance Amendments (P.L. 97-363). H.R. 3729, legislation passed by the House, would extend it through Sept. 30, 1985.

Since resettlement assistance was not authorized for Cuban/Haitian entrants under the terms of the Refugee Act, Congress enacted new legislation in late 1980 to provide such assistance. This legislation, popularly

referred to as the Fascell-Stone amendment, is title V of the Refugee Education Assistance Act (P.L. 96-422; 94 Stat. 1809). Fascell-Stone does not contain any authorization of appropriations, and presumably this assistance program could continue indefinitely. However, since Fascell-Stone references Refugee Act programs, the continuation of entrant assistance programs is implicitly contingent upon the continuation of refugee assistance. FY84 funds for both Fascell-Stone and the refugee resettlement assistance program are appropriated at the FY83 rate by P.L. 98-151, the FY84 further continuing appropriations resolution.

During FY83 over \$600 million in budget authority was available for domestic refugee and entrant assistance (includes reception and placement grants administered by the State Department -- see program descriptions below). The bulk of the assistance budget (62%) is devoted to cash and medical assistance for needy refugees and entrants during the first 3 years they are in the United States. A continuing high rate of welfare dependency by recent arrivals has been, consequently, a contributing factor to the program costs, and is an area of particular concern.

Several different types of Federal refugee resettlement assistance are available under the authority of the Refugee Act and Fascell-Stone. Most of the programs are administered by the Office of Refugee Resettlement (ORR) which was established by the Refugee Act and is part of the Social Security Administration at the Department of Health and Human Services (HHS).

The justification for Federal assistance is that most refugees are temporarily dependent and, regardless of country of origin, should be provided some transitional help to become self-sufficient. Also, the Refugee Act recognizes a responsibility of the Federal Government to relieve State and local governments of the financial burdens that they incur from refugee arrivals which result from Federal policy decisions. Refugee Act authority is purposefully broad to allow for a variety of assistance activities to meet different needs. The following summarizes assistance currently being provided refugees and entrants.

1. Reception and Placement Grants

The Department of State's Bureau of Refugee Programs enters into grant agreements with a number of private voluntary agencies to obtain U.S. sponsors for refugees resettling in the United States. Under the agreements, the agencies also must assure that they will provide certain essential core services for the refugees upon their entry into this country, including housing and food for at least a month following their arrival. The reception and placement grants are made on a per capita basis according to the number of refugees resettled by the agency. The average per capita grant for Indochinese refugees is \$525; the average grant for Soviets and Eastern Europeans is \$395.

2. Cash and Medical Assistance

The Office of Refugee Resettlement (ORR) reimburses States for up to 100% of the costs of providing refugees with cash and medical assistance during their first 36 months in the United States, as well as for related administrative costs. Refugees who otherwise qualify for their State Aid to Families with Dependent Children (AFDC) program, the Supplemental Security Income for the Aged, Blind and Disabled (SSI) program, or Medicaid may receive benefits under these programs with the Federal refugee program reimbursing States 100% for any non-Federal costs, including any SSI

supplemental payments, for up to 36 months.

Refugees who are not eligible for AFDC or SSI because of those programs' categorical requirements, but who are needy by State AFDC standards may receive special "refugee cash assistance" with benefits at the State's AFDC levels. Similarly, needy refugees ineligible for Medicaid may receive "refugee medical assistance" with benefits similar to those provided by the Medicaid program, or to those otherwise available to needy citizens in the State. This assistance is also totally reimbursed by the Federal Government.

Under a regulation effective Apr. 1, 1982, these special refugee cash and medical assistance benefits, which had been available for a full 36 months, became available for 18 months only. After those 18 months, if the refugee qualifies for a State or locally financed general assistance program, he or she could receive benefits under that program for an additional 18 months that would be 100% federally reimbursed. The new rule eliminated the applicability of a \$30 plus one-third income disregard in effect for the AFDC program that also had applied for purposes of determining need to establish eligibility for refugee cash and medical assistance.

3. Refugee Social Services

ORR provides funds to States for refugee social services of the types authorized by Title XX of the Social Security Act, but with particular emphasis on English language and vocational training, employment counseling, and case management. The social services funds are designed to help refugees become self-sufficient, and avoid long-term welfare dependency. On Aug. 1, 1983, ORR issued its final notice for the allocation of \$80 million in FY83 funds for refugee and entrant social services (Federal Register, v. 48, Aug. 1, 1983: 34809). Under the proposal, approximately \$54 million would be allocated among the States for refugee social services under a formula primarily based on the number of refugees in the U.S. three years or less; \$9 million would be distributed on a per capita basis among those States participating in the Cuban/Haitian entrant program for social services (see below); and the remaining funds would be available primarily on a discretionary basis to meet the unmet needs of earlier refugees, for case management, and for other purposes.

4. Refugee Education Assistance

The refugee program has provided grants to school districts with large numbers of refugee children for educational services to meet their transitional needs. Although the assistance is budgeted through ORR, the Department of Education has been responsible for administering the grants through an interagency agreement.

5. Voluntary Agency Programs

Since 1979, a voluntary agency assistance program has been available for the resettlement of Soviet Jews and other non-Indochinese and non-Cuban refugees. Popularly known as the "Soviet and Other" program, this assistance is available to certain voluntary agencies under contract with ORR, and acts as an alternative to the previously mentioned cash and medical assistance and social services programs. The program provides up to \$1,000 per refugee resettled to participating voluntary agencies which is matched by the agency on a dollar-for-dollar basis.

6. Preventive Health

The Center for Disease Control administers a small grant program to help support State and local health agencies which conduct health assessments and provide immediate followup care for refugees suffering from such conditions as skin infections, intestinal parasites, malnutrition and anemia. The Refugee Assistance Amendments of 1982 specifically authorized such a grant program, and earmarked \$14 million for these purposes (see below).

7. Cuban and Haitian Entrant Domestic Assistance

Under provisions of the Fascell-Stone amendment (Sec 501(a)(1)), Cuban and Haitian entrants are eligible for the same types of assistance that are being made available for refugees. This has included placement grants, cash and medical assistance and reimbursement for State administrative costs, social services funding, and education assistance.

8. Targeted Assistance

During FY82, HHS announced a \$35 million discretionary grant program, financed from previously unobligated funds, to provide supplementary resources to areas with high concentrations of Cuban and Haitian entrants. This program was designed to partially offset the impact of the change in cash and medical assistance policy. For FY83, the program has been extended to include areas with large numbers of refugees. Notices of availability of targeted assistance for areas with refugees and for areas with entrants have been issued in the Federal Register. (For refugees, v. 48, no. 108, June 3, 1983: 24986; for entrants v. 48, no. 145, July 27, 1983: 34127.)

Refugee Program Budget

The Office of Refugee Resettlement (ORR) is the agency primarily responsible for domestic refugee assistance programs and entrant assistance. Actually, the ORR budget comprises only about half of the total estimated annual costs to the Federal Government relating to the movement of refugees to the United States and their resettlement here.

The FY83 ORR budget level established under the continuing resolution (P.L. 97-377) was \$585 million, significantly lower than its high of \$902 million in FY81. Reductions were possible because of the lower number of refugee arrivals, the diminishing impact of the entrant population, and changes in cash and medical assistance policies that have effectively shrunk the number of refugees and entrants eligible for assistance. Also, the FY81 budget included \$157 million for the processing and initial care of entrants, an account that has since been reduced considerably, and transferred to the Department of Justice.

Table 2 summarizes ORR's budget authority for FY83 including the allocation of funding among various program areas.

TABLE 2. Office of Refugee Resettlement
Fiscal Year 1983 Budget Authority
(in million of dollars)

Cash and medical assistance,	
State administration	\$390.5
Social services	80.0
Targeted assistance	75.0
(General)	(70.0)
(Education grants for entrants)	(5.0)
Voluntary agency grants	11.0 <u>a/</u>
Federal administration	5.9
Preventive health	6.0
Refugee education grants	<u>16.5</u>
 Total	 \$585.0

Source: U.S. Department of Health and Human Services,
Office of Refugee Resettlement.

a/ HHS had proposed the transfer of \$7 million from this account on grounds that it would not be needed: \$6.5 million would have been made available to other HHS agencies and \$0.5 million to ORR's "Federal administration" account.

Both the House and Senate Appropriations Committees disapproved the transfer in their reports accompanying H.R. 3069, the FY83 supplemental appropriations bill, P.L. 98-63. The committees indicated that any excess funds available from the voluntary agency account should be transferred to "targeted assistance."

For FY84, the Reagan Administration requested \$485.3 million for ORR, a 17% reduction from the FY83 budget. The FY84 funding would be available for obligation through FY85. The refugee program is currently operating under the terms of P.L. 98-151, the further continuing resolution for FY84 signed by the President on Nov. 14, 1983. The further continuing resolution provides for the operation of the program at the FY83 rate through FY84.

The FY84 budget request included a proposal for a \$270 million block grant program integrating funding for refugee cash and medical assistance (for refugees only, and only for those refugees not otherwise qualifying for AFDC, SSI, or Medicaid), social services, targeted assistance and education grants

into a single grant to each State. The funding for this program would be a \$84 million decrease from the FY83 budget for the same activities. According to the administration, the reductions are possible because of fewer anticipated refugee arrivals (the request is based on 82,000 refugee entries in FY84), further reductions in the population eligible for assistance, and the "carry over capacity" of excess funding for social services and targeted assistance that had been provided over the President's budget in FY83. P.L. 98-151 specifically prohibits the distribution of funds made available under it for refugee or entrant assistance through any administratively proposed block grant or per capita grant program. The House-passed H.R. 3729 contains a similar prohibition.

Other domestic assistance provided to refugees pursuant to the Refugee Act are reception and placement grants. During FY83, the budget for this activity was \$47.8 million; the budget request for FY84 was \$33.3 million.

Issues Before the 98th Congress

The impact of recent refugee arrivals on the United States has led some to question our admissions and assistance policies and the provisions of the Refugee Act under which they are formulated. At the end of the 97th Congress, the expiring authority for refugee resettlement assistance was renewed for one year only -- through FY83 -- pending a closer examination of both assistance and admissions issues by the 98th Congress. Legislation providing a simple 3-year program reauthorization was introduced by Representative Romano Mazzoli as H.R. 3195 on June 2, 1983. Mr. Mazzoli, who is chairman of the House Subcommittee on Immigration, Refugees, and International Law, stated that the legislation was a vehicle for hearings and that his final view on the reauthorization would be developed after the hearings. Rep. Mazzoli subsequently introduced H.R. 3729, a clean bill resulting from his subcommittee's markup of H.R. 3195. This legislation would reauthorize the refugee assistance program for two years, with several amendments. The Administration supports a 3-year reauthorization with no amendments. H.R. 3729 was reported with amendments by the full House Judiciary Committee on Oct. 5, 1983, and passed by the House unamended on Nov. 14, 1983 by a vote of 300-99.

Due to concerns that economic migrants rather than bona fide political refugees might enter the United States under the refugee admissions program, the definition of refugee has developed into an important issue. It was explored by the House and Senate Judiciary Committees during consideration of the reauthorization of the Refugee Act this Congress.

The Refugee Act definition does not include any reference to the alien's initial motive for flight from his native country, but is confined to a persons's being outside his native country and fearing return because of persecution. At issue is whether persons who fled their native countries primarily for economic reasons but who have reason to fear return because of persecution for the act of leaving are eligible for refugee status.

When the U.S. definition of refugee was written in 1980, it was intended to conform to the United Nations' definition of the term. At that time, the UN definition was interpreted to include as a refugee any person outside his country of nationality and fearing return to his country because of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. Since that time, some have questioned this interpretation of the UN definition as well as the U.S.

definition, arguing that persons leaving their countries for purely economic reasons are not, but should be, clearly excluded from eligibility for refugee status, even if they have reason to fear return to their countries.

Some have suggested an amendment to the Refugee Act to narrow the definition of refugee to specify that persons migrating for economic reasons are ineligible for refugee status. In contrast, others would broaden the U.S. definition to extend refugee status to persons forced to leave their country during civil war or foreign occupation. However, most appear to support the retention of the current language of the U.S. definition, believing that it conforms to the U.N. definition and is sufficient to exclude so-called economic migrants from refugee status. Supporters of the existing language argue that flexibility concerning economic motivations is necessary because economics and politics are often intertwined; and that we do not want to permanently exclude some persons from eligibility for refugee status who may have legitimate claims to such status. In hearings this Congress on the definition of "refugee," Administration officials supported the existing statutory language. The Administration believes that a change is not warranted in the definition because of the confusion that has arisen over its application, and that any alteration would uncouple the U.S. definition from that of the U.N. H.R. 3729, the bill reported by the House Judiciary Committee and passed by the House, would not make any changes in the definition.

Closely related to the above issue has been the question of presumptive eligibility for refugee status applied to aliens fleeing certain nations. Until the fall of 1981, the U.S. followed a policy of presumptive refugee eligibility for persons fleeing Vietnam, Laos, and Kampuchea. This became controversial when the Immigration and Naturalization Service (INS) identified a number of emigres from these countries as economic migrants and deferred their approval for refugee status. In accord with a legal opinion issued by the Office of Legal Counsel (OLC) at the Department of Justice, the Attorney General concluded that case-by-case determinations of Indochinese eligibility for refugee status were appropriate, and initiated processing on this basis in FY82. However, the OLC opinion did not preclude the use of presumptive eligibility in the future in certain situations such as emergencies.

After case-by-case processing was initiated, controversy developed over the number of disapprovals of refugee applications from Cambodians by INS field personnel in Thailand. Some believed that INS decisions were unreasonably restrictive and arbitrary concerning Cambodian emigres, and that a number of bona fide refugees who met U.S. guidelines for admission were being turned away. In response, INS sent a team from the United States to Thailand to review cases that had been rejected and about 180 out of 825 cases that were reviewed were overturned.

In May 1983, President Reagan issued a directive to the Attorney General: (1) to determine whether certain categories of persons share common characteristics identifying them as targets of persecution; and (2) to improve case decision monitoring systems. INS Commissioner Alan Nelson testified that the Directive and the resulting INS guidelines are not inconsistent with the principle of case-by-case processing which will be maintained in the implementation of the Directive.

Refugee resettlement issues have been receiving considerable attention by Congress since the Refugee Act was enacted. The proposal of the Reagan Administration to consolidate funding for some refugee assistance activities

into a block grant has been a focus of concern during congressional consideration of the reauthorizing legislation this year.

As previously mentioned, the Administration proposed the block grant program, which it has designated the "per capita grant program," in its 1984 budget request for ORR. The program would replace separate funding currently provided States for refugee cash assistance and refugee medical assistance, social services, targeted assistance, and educational assistance for refugee children. The Administration believes that the proposal will give States maximum flexibility to direct resources so that refugees may obtain self-sufficiency as soon as possible, and to respond to the needs of refugees according to local conditions.

The Administration proposed to initiate the block grant program by regulation. A notice of proposed rule-making to implement the consolidated grant program was published in the Federal Register on Sept. 14 (pp. 41187-41199), with public comments due by Oct. 31, 1983.

In hearings before the House and Senate Judiciary Committees, there was virtually no support for the Administration's per capita grant program. Witnesses included representatives of the National Governors Association, the National Association of Counties and voluntary agencies, among others. The major argument against the proposal is that States would have to bear the full cost of any assistance exceeding the block grant allocation. This would represent a shift in responsibility from the Federal Government to State and local governments because the Federal Government currently provides 100% of the funding for refugee cash assistance and refugee medical assistance on an unlimited basis. Other arguments presented against the proposal were that the reallocation of resources for refugees in various States might encourage secondary migration; that there may be insufficient funding for unexpected migrations of refugees into a State; and that there would be disruptive competition among States, localities, VOLAGS, and private service providers for limited funds. In summary, witnesses argued for stability in the existing refugee assistance program. The House-passed H.R. 3729 would prohibit the initiation of a block grant structure for the refugee assistance program. The refugee assistance program is currently operating under the authority of P.L. 98-151, the FY84 further continuing appropriations resolution, which also prohibits the use of funds appropriated under it "to implement any administratively proposed block grant, per capita grant, or similar consolidation of the Refugee Resettlement Program."

Other resettlement issues that have been continuing concerns are the dependency of refugees on cash assistance and the geographic distribution of refugees in the United States.

ORR studies indicate that 54% of Indochinese refugees who have been in the United States three years or less are dependent on cash assistance. This dependency rate may be in part a function of the large number of relatively uneducated and unskilled Indochinese who have been arriving in the United States since 1979; it is also influenced by an extremely high dependency rate in California -- 83% -- where there is the largest refugee population. Nevertheless, most agree that the rate is unacceptably high. A general concern is that the refugee resettlement program is building a welfare mentality in otherwise capable and industrious peoples, and is actually hampering their progress towards self-sufficiency.

The Refugee Assistance Amendments made certain changes to restrict the eligibility of refugees for cash assistance. They repealed a 60-day delay in

the work registration requirement for refugees receiving cash assistance. They required refugees receiving such assistance to participate in language and work training if available and appropriate; they prohibited cash assistance for full-time students in higher education programs; and they terminated cash and medical assistance to refugees refusing an appropriate employment offer. The 1982 legislation also requires voluntary agencies to report to local welfare agencies when a refugee under their supervision receives a job offer, and requires welfare agencies to notify the voluntary agency when a refugee applies for cash assistance.

Some have suggested that refugee resettlement assistance be removed from the public welfare system altogether, and that some alternative form of interim support be provided new refugee arrivals. Others suggest adoption a case-management approach to refugee resettlement, such as has been used for the Soviet Jewish refugees, to reduce reliance on cash and medical assistance. Another suggestion has been to separate eligibility for medical assistance from that for cash assistance, because some believe that this would encourage refugees to take low-paying jobs that they may be refusing because those jobs do not provide health benefits. In response, H.R. 3729 would make several major changes in cash and medical assistance available to refugees. An amendment adopted by the subcommittee and subsequently deleted during full Judiciary Committee markup would have prohibited refugees from receiving any federally funded cash assistance, including AFDC and refugee cash assistance, during their first 90 days in the United States. The amendment would also have authorized States to disqualify refugees from a State or locally funded general assistance program. There could have been exception to the prohibition in cases of extreme hardship. Several concerns were apparent during the subcommittee and committee consideration of this proposal. One was whether sufficient alternative support would be available to new refugee arrivals from the sponsoring voluntary agencies. Another was that some States would be precluded by their own constitutions from denying needy refugees cash benefits, and that these States would not be reimbursed for the assistance they would be forced to provide. Finally, there were question about the equity of denying cash assistance to unemployable refugees. In place of the 90-day prohibition, amendments were adopted during full Committee markup requiring the Secretary of HHS to develop and implement alternatives to cash assistance to encourage refugee self-sufficiency; and providing for specific legal and financial obligations for refugees during their first 90 days in the United States in contracts negotiated with the voluntary agencies. It was noted during the Committee debate that the latter amendment would require additional funding.

Another amendment proposed in H.R. 3729 would require the Director of ORR, to the extent of available appropriations, to provide medical assistance to all refugees during their first year after entry into the United States. In the subcommittee there was concern that this presumptive eligibility for medical assistance would have adverse political consequences because refugees would be entitled to benefits that citizens could not receive.

The concentration of refugees and entrants in only a limited number of U.S. communities has also been an issue. Over a third of 640,000 Indochinese who have resettled here reside in California. Over two-thirds of the 150,000 Cuban and Haitian entrants live in Florida, especially in the Miami area. These concentrations have resulted from initial placement decisions that have stressed family reunification, the availability of sponsors in only some areas, and the secondary migration of refugees to areas where there are family, friends or an established ethnic community.

The clustering of refugees can be beneficial to a refugee's adjustment to life in the United States because of the support of his ethnic group. However, some areas have such large refugee populations that they have apparently overwhelmed community resources. Such areas point out that in spite of Federal assistance, they incur tremendous costs in terms of providing housing, education, health care, and a variety of community services to the refugee population. Such situations can also ill-serve refugees who must compete among themselves and with citizens for limited jobs and benefits.

Some State and local governments argued for impact-aid type of Federal assistance to provide them with additional reimbursements for community costs incurred from large refugee populations. Others are concerned that such a program would open a "Pandora's Box" and would be difficult to monitor. The 1982 Refugee Assistance Amendments required the Director of ORR to study the feasibility of various impact aid alternatives and report to the Congress by Jan. 1, 1983. This report was submitted to Congress on May 3, 1983. Also, the targeted assistance program initiated by the Administration in FY82 is in some respects a response to such a proposition. H.R. 3729 would specifically authorize targeted assistance for refugees and provide an authorization of \$50 million for the program.

The 1982 Refugee Assistance Amendments required ORR to implement a specific policy to place some new refugee arrivals without family ties away from areas with high impact. ORR is currently operating under a placement policy it developed in 1982. Because family reunification will continue to be stressed in placements, most believe that the new policy will have limited results.

Medical screening of Indochinese refugees and follow up care in the United States have also been a concern. After an investigation it conducted for the House Judiciary Committee, the General Accounting Office (GAO) concluded that overseas medical screening of Southeast Asian refugees is inadequate. GAO recommended against the existing policy to admit these refugees with excludable medical conditions such as tuberculosis, particularly because of the difficulties and costs of providing followup medical care in the United States. On Dec. 1, 1982, the United States instituted new procedures regarding the medical screening of Indochinese refugees. After that date, all Indochinese over age one will receive x-ray examinations, and any with active noninfectious tuberculosis must complete their TB treatment prior to entry into the U.S.

The 1982 Refugee Assistance Amendments required the voluntary agencies to notify health agencies when refugees will require followup health care. The legislation also authorized \$14 million for health screening activities by State and local governments. In its FY84 budget the Administration proposed a new \$2.9 million program to provide followup care for refugees with tuberculosis.

LEGISLATION

P.L. 98-151, H.J.Res. 413

Further Continuing Appropriations, FY84. Includes FY84 appropriation at the current rate for refugee resettlement assistance and for assistance to Cuban and Haitian entrants, with the provision that the funds may not be distributed through block or per capita grants. Passed House on Nov. 10 and

Senate on Nov. 11, 1983; House and Senate agreed to conference report (H.Rept. 98-540) and amendments on Nov. 12; signed by the President on Nov. 14, 1983.

H.R. 3729 (Mazzoli et al.)

Refugee Assistance Extension Act of 1983. Reauthorizes refugee assistance programs through FY85 at the following annual levels: \$100 million for social services; \$14 million for health screening activities; \$50 million for targeted assistance; and such sums as are necessary for other refugee assistance programs. Requires Secretary of HHS to develop and implement alternatives to refugee cash assistance. Provides for specific legal and financial obligations for refugees during first 90 days in voluntary agency contracts. Authorizes appropriations for partial reimbursement of States and counties for certain incarcerated Cuban entrants. Provides for the termination of cash assistance for refugees refusing appropriate job offers, refusing to participate in a social service or targeted assistance program, or refusing to be interviewed for a job. To the extent of available appropriations, provides that medical assistance be made available to refugees for the first year they are in the United States. Prohibits the distribution of refugee assistance in block grants. Authorizes targeted assistance to areas with high concentrations of refugees. Requires the General Accounting Office to monitor reception and placement grants annually, and sets forth certain conditions for the grants. Establishes the Office of Refugee Resettlement in the Office of the Secretary at the Department of Health and Human Services. Provides for the administration of refugee education assistance by the Department of Education. Introduced Aug. 1, 1983; referred to the Committee on the Judiciary. Ordered reported by the Committee on the Judiciary Sept. 27, 1983. Reported Oct. 5, 1983 (H.Rept. 98-404). Passed House without amendment on Nov. 14, 1983 by a vote of 300 to 99.

HEARINGS

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