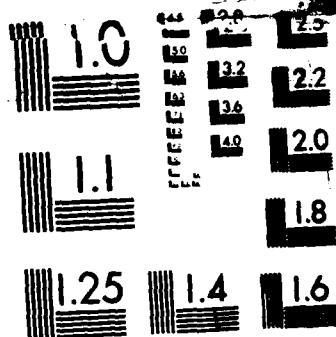


ALIEN OR AMERICAN? IMMIGRATION LAWS AND AMERASIAN
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SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

REPORT DOCUMENTATION PAGE		READ INSTRUCTIONS BEFORE COMPLETING FORM
1. REPORT NUMBER	2. GOVT ACCESSION NO.	3. RECIPIENT'S CATALOG NUMBER
4. TITLE (and Subtitle) ALIEN OR AMERICAN? IMMIGRATION LAWS AND AMERASIAN PEOPLE		5. TYPE OF REPORT & PERIOD COVERED FINAL, August, 1985
		6. PERFORMING ORG. REPORT NUMBER
7. AUTHOR(s) Jeanne M. Charbonneau, CPT, USA		8. CONTRACT OR GRANT NUMBER(s)
9. PERFORMING ORGANIZATION NAME AND ADDRESS Student HODA, MILPERCEN (DAPC-OPA-E) 200 Stovall Street Alexandria, VA 22332		10. PROGRAM ELEMENT, PROJECT, TASK AREA & WORK UNIT NUMBERS
11. CONTROLLING OFFICE NAME AND ADDRESS		12. REPORT DATE August 1985
		13. NUMBER OF PAGES 69
14. MONITORING AGENCY NAME & ADDRESS (if different from Controlling Office)		15. SECURITY CLASS. (of this report) UNCLASSIFIED
		15a. DECLASSIFICATION/DOWNGRADING SCHEDULE
16. DISTRIBUTION STATEMENT (of this Report) Approved for public release; distribution is unlimited.		
17. DISTRIBUTION STATEMENT (of the abstract entered in Block 20, if different from Report)		
18. SUPPLEMENTARY NOTES THESIS. University of Virginia Woodrow Wilson Department of Government and Foreign Affairs		
19. KEY WORDS (Continue on reverse side if necessary and identify by block number) Immigration: History Amerasian children: aid organizations Economic factors responsibility for Need for Change U.S. military fathers Political factors Public Opinion		
20. ABSTRACT (Continue on reverse side if necessary and identify by block number) American immigration laws are in need of change. The basic law, with a patchwork of amendments, dates back to the passage of the Immigration and Nationality Act in June of 1952. Three-decade old legislation is simply inadequate to meet the needs of ever-increasing levels of immigration requests that are a direct result of political and economic upheaval around the world. Reform bills have been stalled in Congress for three consecutive years because the issues of legal and illegal immigration cannot be separated. Legal		

immigration is much easier to control than illegal immigration, at which the best estimates are just that: guesses at the very extent of the problem and the subsequent costs or benefits to the society.

Amerasian children born in large numbers as the result of American involvement in both Korea and Vietnam are a special case for consideration. These people are often not children anymore, and are frequently persecuted in their own countries. Programs to assist the immigration of this subset of Asian immigrants are not sufficient to solve the broader problem of determining rightful citizenship for persons with half-American blood. American servicemen and civilians working for the government are generally the fathers of these children and as the responsible parties in the creation of these foreign families, the Armed Services can and should be involved in the long-term solution. The problem of children with mixed ethnic parentage will not simply disappear. American involvement in any part of the world presents the possibility for these families to be started and subsequently abandoned again. It has happened everywhere a United States presence has ever been established, and is likely to continue, unless the fathers of these children are educated and held responsible for the families they leave behind.

Alien or American? Immigration Laws and Amerasian People

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Final Report, August 1985

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A thesis submitted to the University of Virginia, Charlottesville, Virginia
in partial fulfillment of the requirements for the degree of Master of Arts in
Public Administration.

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ALIEN OR AMERICAN? IMMIGRATION LAWS AND AMERASIAN PEOPLE

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B.A., California State University, Long Beach, 1979

A Thesis Presented to the Graduate
Faculty of the University of Virginia
in Candidacy for the Degree of
Master of Arts

Woodrow Wilson Department
of Government and Foreign Affairs

University of Virginia

August 1985

DISTRIBUTION STATEMENT A
Approved for public release
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TABLE OF CONTENTS

Chapter

I. INTRODUCTION	1
II. POLICIES AND PRACTICES IN IMMIGRATION LAW: PAST, PRESENT, AND PROPOSED	10
History	
Political and Social Concerns	
Economics: Dollars and Jobs	
Perceptions and Public Opinion	
III. AMERASIAN IMMIGRATION: THE ISSUES, LAWS, ATTITUDES AND ORGANIZATIONS:	32
History	
Political and Social Concerns	
Public Opinion and Perceptions	
Funding and Assistance Organizations	
IV. CONCLUSION	47
.	
NOTES	59
BIBLIOGRAPHY	65

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CHAPTER I

INTRODUCTION

The immigration laws of the United States have evolved slowly and reflect in their history the changing attitudes and concerns of the American public and American policymakers. Founded by immigrants seeking new opportunities and freedom from persecution, America has a long and proud tradition of humanitarian concern which has played a significant role in immigration legislation. Ethnic groups migrated en masse to America during times of political, social, and economic crises in their respective homelands. Irish immigrants flocked to America during the potato famine of the 1840s, and Jews from all over Europe sought refuge in the United States to escape the Russian pogroms of the 1880s. History is replete with examples documenting the waves of immigrants who sought to establish new roots in the New World.

In contrast with the open door offered to European immigrants, the United States has a long tradition of institutionalized discrimination against Asians wishing to emigrate from their homelands to resettle in the United States. Asians were completely barred from legal immigration to the United States for more than eight

decades. After nearly a quarter of a million Chinese laborers had been encouraged to immigrate for the express purpose of constructing a transcontinental railroad, and the railway was complete, Congress in 1882 passed the Chinese Exclusion Act. The catalyst for this action was jobs. The Chinese moved quickly into many industries, posing a perceived threat to American workers. It was widely believed that "Wherever a pair of Chinese hands were employed, it resulted in a pair of American hands becoming idle." [1]

Legislation followed in 1907 excluding all Japanese, and in 1917 all Asians were barred from immigration. [2] The Asian bar was incorporated in total in the Immigration Act of 1924 and in the subsequent revision in 1952, the Immigration and Nationality Act. The arguments to exclude Japanese and subsequently all Asians were essentially economic with an added measure of emphasis on the problems of political and social assimilation. In a lengthy statement, Representative Miller (R-WA) articulated the commonly held belief that "there is no possibility of assimilating these Japanese. Nothing is more impossible. They live according to a different code of morals. . . . The Japanese can not be made Americans. The native born are Japanese heart, blood and soul. They never yield to the American idea of things. In their hearts they owe a

superior allegiance to the Mikado. Their national sentiment is fixed, their faith is pledged. There is no such thing as an American-Japanese; he is a Japanese, Simon pure, every inch of his body, every drop of his blood." [3]

With amendments, the law passed in 1952 continues to guide public policy as the basic immigration legislation in 1985. This history of exclusion continues to influence American public attitudes, and therefore, American public policy. Four generations of Americans brought the United States through two world wars, into an industrial and technological age, and saw the United States thrust into a position of world leadership -- all with little contact, and less knowledge of, the Asian populations.

In 1965, during an active period of civil rights legislation, the ban on Asian immigration was repealed. In the words of President Johnson "This bill says simply that from this day forth those wishing to emigrate to America shall be admitted on the basis of their skills, and their close relationship to those already here." [4] Asian immigration jumped to thirty percent of total immigration during the decade immediately following the repeal of this exclusionary provision. [5] Attitudes, however, change more slowly than the law itself. A new wave of Asian immigrants brought a resurgence of concern

for the American economic, social and political institutions.

Economic factors are always at the forefront of the debate on immigration issues. Will the new immigrants work or will they become public charges? If they work, will they displace Americans from jobs? Social concerns revolve around the question of assimilation. Will the new immigrants learn English and adapt to the American systems of law and education? Will the customs, traditions and religions of these new immigrants co-exist with those already established in America? Political concerns combine with both economic and social questions. Will the new immigrants arrive in such numbers as to be able to influence changes in the unique political system that characterizes the United States? These questions coalesce to become a public policy debate whenever a surge in immigration occurs.

A complication involving half-Asian half-American children has developed within the issue of immigration quotas for Asians. Children of mixed ethnic descent have been born in every country in which American servicemen have been stationed. As logic would dictate, more children are born where the American presence has extended over years or even decades. American involvement in two major wars, the Korean

conflict from 1950 to 1953, and the Vietnam war from 1967 to 1975 caused a virtual explosion in the numbers of Amerasian children. With American servicemen still serving in Asian countries, more children can be expected.

The plight of the Amerasians came to the attention of the American public and American policymakers largely through the refugee crisis that began in 1979. The numbers of refugees from all parts of the world suddenly soared. Political persecution in Africa, Afghanistan, and Southeast Asia swelled the numbers fleeing their homelands to an unprecedented height.[6] Desperate and courageous escapes evoked the admiration and assistance (refugee camps in Thailand and Pakistan were established with international funds and the aid of the Red Cross) of the peoples of the free world. America was no exception. That thousands of Amerasians were among those fleeing from Vietnam by boat across the turbulent South China Sea raised the sympathies and social consciousness level of many Americans.

Questions of history and responsibility emerged: Are these children a national responsibility of the United States government? Are they citizens of the United States? Do they have a birthright to the American life because of their American blood? Is there a personal, moral or political obligation to care for and raise these

children as Americans? If nothing else, is there a responsibility, personal or national, to relieve any suffering or discrimination that may occur because they have an American bloodline?

Since American policy toward Amerasian children is incorporated in American immigration laws and practices it is essential to have an overview of the general policy in order to understand the debate, the specific amendments and the attitudes pertaining to this select group. History, politics, economics and social concerns will be the factors examined, as they relate to general immigration and to the specific case of responsibility for Amerasians.

Initial consideration will be given to the controversy over general immigration policy, in terms of applicable history and the prevalent political, social, and economic arguments. An analysis of how and why this debate affects the specific issue of Amerasian immigration will follow. Strongly rooted values and historical anxieties weigh heavily in the general debate. These values and anxieties cannot help but carry-over to the debate that surrounds the specific case of Amerasians.

Some definitions are useful for clarification and continuity. Most important is the definition of the word "immigrant" and all its derivatives as it will be used in

this text. Legal immigration is the focus of the American issue, and any reference to immigrants or immigration will specifically mean those persons in a legal status -- that is, in compliance with United States law, unless specifically noted. Much controversy surrounds the issue of welcoming foreigners -- legal or illegal -- to establish permanent residence in the United States. The debate over general immigration reform, however, tends to center on the issues of illegal immigration and the perceived consequences of "uncontrolled" national borders.

Any revisions to legal immigration are deadlocked in the debate over illegal immigration.[7] Illegal immigration is a serious problem that influences the perceptions of the American public and the policies of the federal government. The combination of historically high levels of both legal and illegal immigration causes the concern. Immigrants are viewed in the aggregate; lumped together with no distinction between legal and illegal. Foreigners are lumped together with no distinction between those who are citizens, and those who are not. General perceptions are that immigration is totally out of control and that limits must be imposed. When reacting to a perceived problem, the tendency is to control first whatever can be controlled, which, in this case, is legal

immigration. The objective is to reduce the total number of immigrants entering the United States annually. Since illegal immigration is unregulated, immediate action is directed toward the only area where some degree of control exists -- legal immigration.

A distinction between "immigrant" and "refugee" should also be made. The terms are frequently, yet incorrectly, used as if they are synonymous. Immigrants seek new roots; they choose to exchange their land of birth for a new society and culture.[8] For economic, personal, religious or other reasons, immigrants leave their native lands and are generally willing to make accommodations to succeed in the country in which they choose to live and work. Refugees initially seek no such permanent relocation, although many are forced to forsake their mother countries forever. Most are motivated by events occurring within their homelands, and have a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social groups or political opinion." [9] Generally, they believe that their departure will be temporary. They do not consciously choose to become a part of another society or culture. The personal difference in perspective is crucial to understanding the enormous task of assimilation into the American melting pot. The resettlement of a

refugee turned immigrant is very difficult. Many
Amerasians are among this group.

CHAPTER II

POLICIES AND PRACTICES IN IMMIGRATION LAW: PAST, PRESENT AND PROPOSED

The decade of the 1980s has thus far seen more emigration to the United States than any period since the pre-World War I years (1905-1914), when over 10 million immigrants arrived. Fleeing political persecution and depressed economic conditions all over Europe, immigrants fled for survival to America. Similar circumstances in the 1980s are having a similar effect on immigration with one major difference: the immigrants of the 1980s are not European, they are predominately Hispanic and Asian.

Legal immigration has been exceeding 600,000 new entrants annually since 1980.[1] Illegal aliens are deported at the approximate rate of 100,000 per month.[2] The United States Census Bureau estimates that between 3.5 and 6 million illegal immigrants permanently reside in the United States.[3] The swelling numbers of both legal and illegal immigrants has made immigration reform an issue of growing concern in this decade.

Immigration is an issue that coincides with the trends of the economy. When the American economy is strong, immigration is an issue with little priority.

When the economy suffers through a period of inflation and high unemployment, immigration becomes an issue of high priority. Immigrants, very simply, are seen as a threat to American jobs, and voter pressure to curtail immigration increases.

The political, economic, and social concerns of the last century demonstrate the cyclical nature of the immigration issue. A historical perspective aids in understanding the deliberations on the reform of immigration law that began again in earnest in 1980.

History

The rapid growth in immigration at the turn of the century stimulated continuous controversy over immigration policy and led Congress to establish the first numerical limits. The Immigration Act of 1924, usually called the National Origins Act, contained three provisions that had a lasting effect on the composition of the American population. This law barred Asians completely from emigration to the United States, severely limited European immigration and established a quota system based on the 1890 Census.[4]

An attitude of general xenophobia prevailed at the

turn of the century. Institutional fear and prejudice against Asians and eastern and southern Europeans became law. John B. Trevor, an author who wrote The Century of Population Growth and testified persuasively in 1924 before the House Subcommittee on Immigration, argued that "a change in the character or composition of the population must inevitably result in the evolution of a form of government consonant with the base upon which it rests . . . If, therefore, a constitutional government is to endure, the basic strain of our population must be maintained and our economic standards preserved." [5]

Concern centered on the composition of the population. With Asians completely barred by 1917, the attention of the American people and legislators was turned to the "numberless hordes from all parts of Europe rushing to America." [6] An argument during House debates again addressed the threat to the American system of government if immigration continued unchecked.

Representative Michener (R-MI) summarized the concern: "Water seeks its level, and without a dam at the border the overflow will inundate us and the time will soon be when the salient features of our Government will be obliterated . . . Self-preservation is the first law of nature and if we are to be a distinctive nation, we must act today." [7]

The obsessive concern for maintaining an ethnic purity was rooted in the desire to preserve the established form of government. Two full days of hearings before the House on the "Biological Aspects of Immigration" demonstrate the depth of concern.[8] Harry L. Laughlin of the Eugenics Research Association defined the goal of immigration restriction as an effort to "prevent any deterioration of the American people due to the immigration of inferior human stock." [9]

Debate over this bill dominated Congressional hearings and the media for the first six months of 1924. Passed May 26, 1924, this law governed America's immigration policies for twenty-eight years, through a generation of tremendous social and political change. From the Great Depression of the 1930s through the severe labor shortage of World War II the needs of the country changed but the law did not. The post-war period thrust America into a position of world leadership, and generated renewed debate and a complete revision of immigration laws.

The Immigration and Nationality Act (McCarran-Walter Act) passed in June 1952 in response to the economic and political circumstances of the day. With a patchwork of amendments, this detailed law stands as the basic immigration legislation today.

President Truman outlined the urgent need for immigration reform in a lengthy message to Congress.[10] The United States needed agricultural workers of which a "rich surplus" existed in western Europe. The United States also needed "trained factory workers, engineers, scientific technicians and other specially qualified people whose skills can be put to good use in our economy." [11] These needs were accommodated in the reform legislation passed that year. Fifty percent of the quota for any national group would be reserved for immigrants with special education or skills determined to be beneficial to the national economy, cultural interests, or welfare of the United States.

For the first time, previously acquired skills became a factor in immigration. Later applications of this system of preferences placed Amerasian children in the lowest priority category for immigration. As a class or as individuals, they had few marketable skills. Prior to 1965 the quota for Asian immigrants, under which Amerasians applied, was negligible. After 1965, with the bar lifted, the available fifty percent of the quotas not reserved for those with special skills were filled years in advance by immediate family members -- spouses, parents and "legitimate" children.

Politics and Social Concerns

As the pre-World War I influx led to the restrictive immigration legislation, and the post-World War II need for skilled workers led to skill-specified legislation; the current high level of both legal and illegal immigration has been accompanied by a renewed effort to bring the three-decade old legislation into line with the concerns and realities of immigration in 1985.

In Congress, a harsh battle over immigration reform has ended in a stalemate three years in a row. In May of 1983, after seven days of hearings, the Senate passed a lengthy reform bill, the Immigration and Control Act, (or the Simpson-Mazzoli bill) only to see it die in committee in the House. The 1984 bill suffered the same fate. A modified version of the bill was reintroduced by Senator Simpson (R-WY) on 23 May 1985. Representative Mazzoli declined co-sponsorship of the 1985 bill indicating that the House was not eager to resume the debate after the often bitter 1984 battle.[12]

This bill is an attempt at a comprehensive reform which will address both legal and illegal immigration. The new bill before the Senate is a compromise version of the bill that passed both houses in 1983 and 1984, retaining all the major provisions but tempering the most

controversial ones dealing with employer sanctions and amnesty for illegal aliens.

The major provisions control illegal immigration through a system of employer sanctions and employee eligibility verification. The employer sanctions are primarily fines levied on an increasing scale for each violation in hiring an illegal alien. Employee verification is a proposed tamper- and forgery-proof identification card that would be required of all eligible U.S. workers. It would also establish a nine-member U.S. Immigration Board appointed by the Attorney General, and would completely restructure the methods of accounting for legal immigrants.

The new version contains an amnesty provision for illegal immigrants living in this country since 31 December 1979. Much debate surrounds this provision, and it can be blamed for the demise of the two earlier versions of the bill. Hispanic and civil rights groups are strong proponents who argue that an entire class involving millions of foreigners has emerged in the United States; people who are unprotected by the laws of the land in which they live because they are here illegally.[13] They see the most equitable solution as an amnesty program for those already here, in combination with stringent means to control the growth of a future population of

illegals. Conservatives and members from border states counter this argument and see amnesty as nothing more than a reward for illegal entry.

The current bill recommends a "triggered" amnesty program. Instead of making amnesty automatic, it would leave it up to the commission to determine when, and if, amnesty would be granted.[14] The decision would be linked directly to the successful reduction of illegal immigration intended by the sanctions provision. If the commission decides that "appropriate immigration enforcement mechanisms" are in place and having the desired effect on curbing illegal immigration, the amnesty program would begin for aliens already here.[15] The program would offer temporary resident status to illegal aliens who could prove that they lived continuously in the United States prior to 1 January 1980. Three years later they could apply to become permanent residents, but they must show minimum competence in English and have some knowledge of American history and government or be enrolled in classes on those subjects.[16]

Another concern is the increasing tendency for large populations of immigrants to isolate themselves and fail to assimilate. This argument is a revival of the xenophobic anxieties of the past. Senator Simpson fears the unity and political stability of the U.S. will be

seriously eroded and warns that "if immigration is continued at a high level and yet a substantial portion of the newcomers and their descendents do not assimilate, they may create in America some of the same social, political and economic problems which existed in the countries which they have chosen to depart." [17]

Until the arguments over illegal immigration can be resolved, changes in legal immigration will also remain undecided. The provision to restructure legal immigration in the pending bill changes the determination of who will actually be counted against the immigration quota. As written, the cap on legal immigration will be raised from the current ceiling of 270,000 to 425,000 new entrants per year. [18] This ceiling will not include refugees, the category under which most Amerasians enter this country.

The new, higher limit for legal immigrants will count family members, -- spouses, children, and parents -- who have previously been considered "exempt" and not counted against the quota. This will effectively lower the actual number of new immigrants. In 1980, the estimated number of legal immigrants was 808,000 -- almost three times the established ceiling. [19] The Refugee Act of 1980 reduced the ceiling for legal immigrants down from 290,000 to 270,000 annually, but adjusted the preference system to facilitate the entry of refugees. [20] At the time, few

could have predicted that by 1985 the world would have nearly eight million refugees and that the United States would be resettling between fifty and seventy thousand each year.[21]

The separate limit for refugees is to be proposed by the President and approved by Congress. The President's 1985 refugee admission proposal requests authorization for seventy thousand new entrants.[22] A separate ceiling of ten thousand within the ceiling of seventy thousand will be reserved specifically for use under the United Nations High Commissioner on Refugees (UNHCR) Orderly Departure Program (ODP). This program is designed specifically to relieve the critical Vietnamese refugee situation. Amerasian children are one of the prime targets and beneficiaries of this program which was negotiated with the Socialist Republic of Vietnam in December of 1980 by the UNHCR, on behalf of the U.S. Government.[23] As of 30 November 1984, 2518 refugees have departed Vietnam through this program; 593 of these people were Amerasian children. [24]

The issues of immigration reform are complex and do not lend themselves to a comfortable consensus. Unlike inflation, which affects every state and congressional district, immigration problems do not affect all parts of the country in the same manner. At the core of the

debate, and on an equal level with humanitarian concern, is the question of costs.

Economics: Dollars and Jobs

Along with increasingly high rates of immigration, the last decade has also seen record high rates of inflation and increasing economic concerns related to all programs of social welfare. These factors combine to fuel the controversy over immigration reform. Few argue the need for immigration reform; it is the cost of reform, and conversely the cost of not reforming, that is the subject of bitter dispute.

Where large numbers of immigrants are concentrated and visible, the public perception of economic impact is great. Costs are directly incurred by state and county governments, and therefore by taxpayers, in the form of transfer payments under social welfare programs (collected by both legal and illegal immigrants). Los Angeles County, for example, estimates that it spends about \$100 million a year on illegal aliens who cannot pay their hospital bills.[25]

The amnesty provision in the pending legislation is an issue of particularly vehement debate between federal and state government officials. Since no accurate

statistics exist on the numbers of illegal aliens currently residing in the United States, there is no way to determine what the true cost of amnesty would total.

Based on provisions in the 1984 bill, the Reagan Administration said amnesty would have legalized about forty-six percent of an estimated 6.25 million illegal aliens now in the country. But the Congressional Budget Office (CBO) assumed that only 4.5 million are here and that thirty-nine percent would be granted amnesty. As a result, the Administration calculated that benefits to legalized aliens would cost about \$6.8 billion over five years, while the CBO estimate was just under \$4 billion.

[26] State and local officials wanted the federal government to pay for all the benefits for which the legalized aliens would become eligible, even if the costs exceeded the \$4 billion dollar ceiling. Congress imposed a ceiling of \$4 billion dollars for federal reimbursement to state and local governments. It was this serious point of contention that finally killed the bill.

Senator Simpson's 1985 bill proposes \$600 million a year for reimbursement based on a new study issued by CBO in February 1985.[27] The report itself qualifies the figures and warns that the calculations are based on assumptions, which, if wrong, could alter the costs significantly. A change in eligibility requirements was

included in the 1985 bill to make it more palatable. Newly legalized aliens would be barred from most forms of public assistance while they are temporary residents (three years) and during their first three years of permanent residency. This six year restriction was basic to the CBO estimate.

Proponents of the legislation stress the need to "regain control of the borders," and cite the apprehension rate of known "illegals," (circa 100,000 per month). The very use of this phrase demonstrates the political sensitivities involved. Undocumented Canadians are not streaming across the northern border; the reference is obviously to the breach of the southern border, but few are willing to openly insult the government of Mexico.[28] Senator Simpson used the argument in floor debate, and was supported by then Senator Huddleston (D-KY) who further argued "there is one compelling reason why we should pass the bill, and that is jobs." [29]

Scholars and government analysts disagree on the influence of immigrants on the American job market. Especially in areas of high density resettlement, a serious employment cost is presumed. Optimistic supply-side economists purport that immigrants, especially illegal immigrants, contribute more to the economy than they receive in benefits. The theory is based on the

argument that illegal aliens create consumer demands that would otherwise not exist, usually have taxes deducted from their pay, and are frequently afraid of deportation, so they do not collect benefits for which they might be eligible.[30] At the other extreme are those who assert that aliens rob millions of citizens of jobs, depress wages and foster poor working conditions. "Today's immigrants . . . flood in at a time when the economy may be least able to absorb them . . . Because most of the immigrants -- and especially the illegals -- will compete for jobs in the marginal industries that are among the first to experience business decline, they can be expected to send unemployment rates soaring even higher." [31]

The prevalent evidence seems to show that some job displacement does occur as a result of the increasingly high levels of illegal immigration, and that social costs are higher in areas where large concentrations of illegal immigrants congregate to live and work. Another element to the job displacement equation has arisen more recently. The Asian movement to America is fueled by the educated middle class of their respective countries, and the newcomers "have compiled an astonishing record of achievement. Asians are represented far beyond their population share at virtually every top-ranking university . . . At Columbia, enrollment in the engineering school is more

than twenty percent Asian." [32] Academic achievement has helped Asians climb the economic ladder far more rapidly than any previous group of immigrants America has welcomed. The issue of job displacement may soon cross the class barrier in the United States to affect not only the poor, but the professional, as well.

The Indochinese refugees are the only group of Asians that fit the traditional profile of American immigrants. Most are poor, and most are homeless. Adaptation to the American life and language is difficult, and humanitarianism is expensive.

The Office of Refugee Resettlement (ORR) had an appropriated budget of \$541.9 million in FY 1984. These funds were distributed to states for the costs of providing cash, medical assistance and social services to eligible refugees, and for related administrative costs. Matching grant programs totalled four million dollars. Education programs received \$16.6 million dollars in FY 1984. [33] These figures do not include the money spent by voluntary agencies, church organizations, and state and local governments on programs to aid new immigrants with assimilation into the American melting pot.

The costs are undeniably high and the compelling elements of an issue with the broad scope of immigration are many. Senator Simpson and his colleagues have long

believed that Americans have reached "compassion fatigue."

[34] There are too many crises in too many countries demanding the attention and dollars of Americans.

Reaction is frequently reduced to frustrated sympathy because no evidence exists that the crises will be conquered. The faces of the starving and the oppressed fade together. Contrary to what most of the world believes "the U.S. does not have an unlimited capacity to absorb all of those who depart their homeland." [35]

Amid the cacophony of debate surrounding immigration, and the distinctions made between legal aliens, illegal aliens, and refugees, the problems on a grand scale would seem to overshadow any specifics. How and why could a relatively small group, such as the Amerasians, become an issue of separate focus within the immigration debate? Compared to the millions of refugees worldwide, it would be easy to forget a group that totals only 200,000 people and that live a half a world away. Perhaps their plight has become an issue in and of itself because it is generally easier to focus on a narrower problem. Whatever the cause, this subgroup of refugees has indeed become a public topic and a public concern, demanding special attention from lawmakers. Public opinion and the news media have been active participants in concentrating efforts to assist this special group.

Perceptions and Public Opinion

Public opinion in America plays an active role in identifying and resolving any issue. The debate among policymakers accurately reflects public perceptions, which extend across a spectrum of philosophies. Some believe the principles embodied in the words of Emma Lazarus inscribed on the Statue of Liberty should never be betrayed by either limiting or denying any entry into the United States.[36] Others believe the U.S. has reached immigration saturation, and that, despite our history as a nation of immigrants, it is time to "shut the door." [37]

General perceptions usually precede the rise of general debate. How do Americans feel about the new wave of immigrants? What factors contribute to one's support or non-support of immigration control? Should certain races or classes of people receive priority over other races and classes?

A Media General-Associated Press random poll shows that slightly more than half (55 percent) of the respondents favored tougher immigration laws, while nine percent favored more lenient laws, and twenty-four percent said they should remain the same.[38] On the question of political refugees, forty-six percent oppose giving

priority over other types of applicants while forty percent said political refugees should be given first priority. An overwhelming eighty-eight percent of respondents said the relative wealth of a person should not be considered by immigration authorities and sixty-six percent said the relative skills of a person should not be considered.[39]

The visibility of the new immigrants, demographics, economics and media attention all contribute to the formation of perceptions and public opinion on this issue. The immigrants of the last decade have been overwhelmingly Latin, Hispanic and Asian. Unlike their European predecessors of a century past, the physical characteristics of these people impede rapid assimilation into American society. The simple fact is that Latins, Hispanics and Asians look different from the native-born Americans who are predominately of European descent.

In concert with the visibility of the new immigrant, demographics play an important role. Some geographic regions have absorbed a disproportionate share of certain groups of immigrants. U.S. states that border Mexico and have a heavily agricultural economy tend to have a higher Hispanic population than northern, industrial states. Based almost exclusively on proximity, Florida has resettled the highest proportion of Cubans and Haitians.

Vietnamese tend to congregate (and are placed by voluntary agencies) by family. The extended family has always been very important for survival in Oriental cultures, and the strength of the family is the magnet that draws immigrants and refugees to the same geographic area or city. An established family member, even a distant relative by American standards, lends support and makes the transition less traumatic. Vietnamese and Southeast Asian refugees live in every State but are most heavily concentrated in California, Texas, and Washington, with thirty, eight and five percent of the total, respectively. Massachusetts and New York each support a four percent share of the total, while Illinois, Pennsylvania, Minnesota and Virginia each have approximately three percent.[40] The focus is on community, and where a Vietnamese community takes root, it will almost assuredly grow. A 1984 ORR program evaluation on resettlement patterns suggests employment and training opportunities, the pull of an established ethnic community, more generous welfare benefits, reunification with relatives, and a congenial climate as factors in resettlement preferences.[41]

Media attention, however, may be the single most important factor in strengthening perceptions and legitimizing many currently held beliefs. The economics

of the issue weigh heavy, but increased media attention in the 1980s has played a very large part.

The chaotic 1980 boatlift of 125,000 Cuban refugees gained and retained media attention and created a sense of alarm in the American public.[42] This crisis focused the attention of the nation on a problem too long ignored. Continued reports of violence and drugs within the resettlement camps, and the news that many of the refugees were criminals, mental patients and other misfits added to the general impression that the borders were indeed out of control, and that American generosity was being abused.

The tenth anniversary of the U.S. withdrawal from Vietnam served as yet another opportunity for renewed analysis of the circumstances and consequences of American involvement in Indochina. A renewed interest in virtually all aspects of that distant war was generated and reflected in all the major media. News programs featured special reports; major news magazines recognized the anniversary with the prominence of cover stories; privately funded documentaries were produced, as were commercially successful movies and television shows which focused on American involvement in Southeast Asia.[43] Much time, energy and money was devoted to increasing the level of American public awareness to the plight of those Americans who served, returned, and still suffer from the

war experience. Much was, and is, reported about the continuing plight of those remaining in the war-torn lands of Vietnam and Cambodia.

The resurgence of interest in Vietnam combined with the extraordinarily high levels of legal and illegal immigration brought a resurgence of interest in immigration policy and regulation. The two issues are related, yet an incomprehensible dichotomy exists.

As the American public views and reads about the deplorable conditions imposed by governments in foreign lands, and as the general public consciousness is raised, so do the American people increasingly demand the reform of current immigration legislation. Compassion and assistance are espoused as some proclaim that the world's fortunate have a humanitarian responsibility to assist those less fortunate. Others support the export of aid to the millions of innocent victims, but consider it essential to limit the number who may seek refuge within the United States.

Of even greater curiosity is the apparent reversal of this attitude when applied to a specific group of refugees-turned-immigrants: Amerasian children. Amid the clamor for reform to strengthen immigration laws, a special amendment was passed in 1982 to ease and assist the entry of Amerasian children into the United States.

Some piecemeal amendments to the 1952 law have been enacted to facilitate special-consideration groups. Specifically, the Refugee Act of 1980, was passed in support of the massive and dangerous exodus of Indochinese by sea, but applied generously during the wave of Cuban immigration of the same year. Public Law 97-359, signed 22 October 1982, provides for priority consideration in the immigration of Amerasian children.

It is to the specific questions and issues surrounding the circumstances of immigration for this select group that we will now turn.

CHAPTER III

AMERASIAN IMMIGRATION

THE ISSUES, LAWS, ATTITUDES, AND ORGANIZATIONS

Historically, the American welcome mat for Asian immigrants has been largely dependent on the American need for labor. Recognizing the law as discriminatory, the Immigration and Nationality Amendment of 1965 lifted the bar and awarded an equal quota for immigrants from Asia.

The unstable political situation in parts of Asia, particularly Indochina, has generated another adjustment in American policy. Mass migration has been occurring throughout East, Northeast, and South Asia as a result of political and economic turmoil and persecution. Refugee admission quotas have been raised to try to accommodate the huge numbers who are fleeing. Among those trying to depart are Amerasians -- offspring of one American and one Asian parent.

History

The long term presence of American forces in both Korea and Vietnam produced an Amerasian "baby boom." No one knows exactly how many children were left behind in

Asian countries but estimates run from 30,000 to 150,000, and more are born every year with servicemembers still stationed in Korea, Okinawa and Japan.[1] Targets of social, economic and political discrimination, Amerasians are ridiculed and ostracized within their own countries.

In Vietnam, they are called "bui doi,"[2] the dust of life, or dust children. In South Korea, the term is "twi ki" or half-breed.[3] Oriental cultures tend to be homogenous and very conscious of racial and ethnic identity; the family and social structure are paternal, built around the father, who bears sole responsibility for the child's birthright.[4] In Vietnam, these children are seen as the offspring of the enemy; reminders that their women slept with the enemy, and Vietnamese officials have said they are willing to let "the children of a former enemy go home." [5]

The prejudice runs deep. Most of the smaller countries in Asia have been subjected to centuries of invasion and extended occupation. To preserve their nations, strenuous efforts were historically undertaken to maintain purity of race.[6]

The Amerasian children are particularly visible in these relatively pure Oriental societies. Physical characteristics distinguish them as being of American heritage. Light hair, light skin, freckles, rounded eyes,

distinctly non-Asian facial characteristics in the structure of nose, cheekbones and jaw, make blending into the society much more than difficult; it is nearly impossible.

Until October 1982, Amerasians were in the lowest preference category for immigration to the United States. [7] Accepted only as routine immigrants behind family members, political refugees and immigrants with special skills, a successful application for immigration to the U.S. could take years, if a visa could be obtained at all. These children are not citizens of the United States. They must apply for immigration, obtain visas, sponsors, or must have adoptive parents awaiting their arrival. Time has further complicated the issue. Many of these children are no longer "children." They are young adults ranging from their mid-teens to their early thirties. It is an irony of the delay that most of these children are now over fourteen years old and are too old to be adopted, even by their own fathers.[8] Ignored for decades, America has taken action to recognize the "indisputable ties" that link these people with the U.S.

Political and Social Concerns

The Amerasian Immigration Amendment, sponsored by

requires "such financial support as is necessary to maintain the family in the United States of which the alien is a member at the level equal to at least 125 per centum of the current official poverty line." [10]

The McKinney amendment was passed with great fanfare. Any improvement from the position previously occupied by Amerasians as members of the lowest preference category was considered a success. However, the bureaucracy rules, and as of 7 May 1984, only fifty-five immigration visas (most from Korea) had been approved under the specific provisions of this law. [11] The law is confusing and difficult to interpret. The forms themselves are intimidating and place a burden on both the American sponsor or adopting family and on the Asian family, usually struggling with a language barrier.

The UNHCR Orderly Departure Program (ODP) was negotiated in December 1980 as a humanitarian effort in the midst of the emergency situation created by the swarms of Indochinese fleeing across the South China Sea. For the first time, the authorities of the Socialist Republic of Vietnam agreed to allow legal emigration. [12] This program has become the main avenue through which Amerasians emigrate from Vietnam. Ambassador H. Eugene Douglas, United States Coordinator for Refugee Affairs, in a statement before the Senate Judiciary Committee on

September 29, 1982 articulated the purpose of the program: "the Orderly Departure Program for Vietnam . . . we hope will be seen as an increasingly viable alternative to flight by sea." [13]

With the impetus of the 1982 law, Amerasian children are increasingly sponsored through the ODP. As of 30 November 1984, 234 Amerasian children with 359 accompanying relatives have emigrated through this program. [14] Controversy continues over the thousands remaining in Vietnam, but optimism remains high, despite limited cooperation from Hanoi in providing information on the names and whereabouts of eligible children.

At issue is the specific question of responsibility. Is the United States, as a government, responsible for the welfare of the children fathered primarily by American servicemen? Americans and American lawmakers alike generally agree that the United States has an international responsibility as a world leader for freedom, democracy, and human rights. In the words of an old cliché, does this charity begin at home? Can the United States realistically or economically assume blanket responsibility for Asian people with American blood? There is no easy answer, but there are distinct lines drawn in the argument.

Father J. Alfred Carroll, of Gonzaga University,

an activist claiming these children as American, asserts that these children are not foreigners and accuses that "we Americans have really abandoned our own sons and daughters." [15] In conjunction with the Reverend Alfred Keane, a Maryknoll priest working in an orphanage in Korea, Father Carroll has sponsored twenty half-American youths from Korea on student visas and scholarships. The expense prohibits greater numbers from entering through this avenue. He states without equivocation that "Amerasians are a national responsibility. It's a disgrace that the country has done so little." [16]

Father Carroll emphasizes that "the Amerasians are not born by accident. Ordinarily there is a stable relationship between the mother and father and a promise of marriage." [17] Research has shown that the mothers of Amerasian children are not prostitutes, illiterate or irresponsible. Letters, pictures and discarded clothing indicate the fathers spent considerable time and effort developing relationships with these women. [18]

Many of the fathers of these children want or are willing to take responsibility if their children could be located and brought to the United States. An American diplomat in Bangkok working to get Vietnamese refugees to the U.S. said about 2,000 Amerasian children were found as the result of inquiries from American fathers. [19]

If it can be verified that a child is the son or daughter of a certain man, the statutes of the state in which the father resides become the governing law. Diplomats ask the father to have his state recognize the child as legitimate. If fathers and state officials cooperate, the child can be declared a U.S. citizen. Since laws in twenty-three states recognize only the children of a legal marriage as legitimate, those who cannot be declared citizens are classified as refugees and their support is assumed by a sponsoring family or charitable/volunteer organization.[20]

John Shade, former executive director, of the Pearl S. Buck Foundation, a not-for-profit organization which aids Amerasians in Asia, summarized the situation as "a responsibility we haven't begun to meet . . . If people overseas have American blood and want to come here, they should be permitted, encouraged and supported in their efforts to do so." [21]

International refugee assistance agencies present strong arguments advocating that Amerasian children and young adults be left in their respective Asian country, or the country of first asylum (neighboring Asian countries who, because of their geographic proximity receive the major influx of refugees -- particularly in the case of Vietnam to Thailand). These people are the front line

workers managing the daily traumas of resettlement, who see slow, painful, and sometimes destructive periods of adjustment extended by the process of resettlement to a third country.

Adjustment periods are often difficult and lengthy when transplanting a child from an Asian country to America. By enabling refugees to be cared for in areas near their home countries, the need to resettle in distant places, including the United States, is reduced. The argument contends that, as a government, the United States can meet its international obligations by providing support in the forms of food, medical supplies, clothing, and money without physically relocating the child.

The continuing high volume of world-wide immigration has become a salient point. The fact that a ceiling exists on refugee admissions, even a generous ceiling, is a restatement of policy -- the U.S. cannot absorb an unlimited number of new immigrants. Limits must be observed to allow cultural, political, social, and economic assimilation -- the cornerstone to building national unity.

A slightly more abstruse argument lies in the reasoning that the government should not interfere in what is essentially a personal decision to accept or reject family responsibility. The government cannot successfully

regulate internal familial problems; in 1981, fifty-three percent of the court-awarded child support was not paid in the full amount and twenty-eight percent of awards were not paid at all.[22] We are not taking care of the children we have within our territory now, and need not look to the rest of the world to increase the burden.

Perceptions and Public Opinion

Intentionally or not, the recent craze for Vietnam history has again highlighted the questions of immigration that relate specifically to the progeny of our deployed servicemen. Enough time has now elapsed to allow the American public to face an embarrassing reality that was virtually denied for a decade.

Vietnam veterans who came home in defeat are only now being accorded the support and admiration reserved for soldiers who survive combat. The willing acceptance of Amerasian offspring appears to be another form of public cleansing and apology. Americans are embarrassed by their general behavior towards those associated with the war and seek to make amends, albeit retroactively.

Public opinion has been moved to sympathy and a feeling of responsibility through media reporting. The caption for the article on Amerasian children in the

Newsweek special report of 15 April 1985 reads "'Where is My Father'. . . They are the living legacy of the Americans, left behind like broken-down jeeps." [23] This plaintive question is presumably posed from an abandoned child, leaving the reader to draw the inference that this sorrowful question is echoed throughout Vietnam. The reference to abandonment draws a parallel from the specific to the general: America abandoned these children, just as she abandoned the country and the equipment no longer needed to fight the war. This is not neutral reporting; it is intentionally biased to evoke a humanitarian response -- and it is successful by all measures. At a time when America is clamoring for more stringent immigration standards, laws and programs have been instituted to ease the entry of "our children." [24]

This dichotomy can only be explained by considering the magnitude of the immigrant/refugee problem in total; and the circumstances of the Amerasians, singularly. Amerasians do have a bloodline to the United States through their fathers. If the country is going to accept multitudes of immigrants, it seems only just to take those with legitimate ties, before those with no bona fide bond or connection are welcomed. The philosophy can be reduced to a sense of inevitability: if immigrants are going to continue to pour across the borders and up on the shores,

it can do no harm to take immigrants that are at least half-American.

But Amerasians of American-Vietnamese descent are only a small part of the population. With American troops still stationed in Asian countries, it is estimated that one Amerasian child is born every day.[25] The problem, therefore, is not finite. Identification and release of all Amerasians in Vietnam will not solve the question of a legitimate claim to citizenship through blood.

Funding and Assistance Organizations

Bringing Amerasians to the United States is a function of the U.S. immigration laws, but finding them, maneuvering through the bureaucracies and handling the details of resettlement are responsibilities largely assumed by voluntary organizations. In structure and function they support children within their native countries, tackle the legal obstacles, and assist adoption agencies when possible.

Both religious and secular organizations provide assistance to Amerasian children and their families, both within the United States and within their Asian countries. Food, clothing, shelter, education, medical supplies and assistance with family member location are some of the

services provided. Organizations such as the World Food Program, the United Nations Children's Fund (UNICEF), the World Health Organization, the International Committee of the Red Cross (ICRC), International Christian Aid, Americans for International Aid and the Pearl S. Buck Foundation are but a few of the not-for-profit, tax-exempt organizations which aid Amerasians. The last two organizations are dedicated exclusively to the aid of Amerasian children and their families, with missions and obligations only in Asia.

Americans for International Aid consists of some 1200 airline employees and their spouses who use their travel benefits to aid Amerasians. During trips to Vietnam and Thailand they lobby and discuss specific cases with local officials. In 1982, Gerry Lamberg of North Lauderdale, Florida, enlisted the aid of this group to assist him in obtaining the release of three of his six children still remaining in Vietnam. He departed Vietnam in 1975 with three of his children; his Vietnamese wife refused to flee, and kept the other three children.[26] Mountains of bureaucratic procedure face the Amerasians wishing to depart their native countries, as well as those trying to assist them. With photographs and information supplied by Mr. Lamberg, Americans for International Aid located his children and negotiated their departure from Vietnam with

government officials. After eight years of waiting and ten months working with the volunteer mediators of the Americans for International Aid, Mr. Lamberg now has all six of his children with him.

Another organization dedicated to the assistance of Amerasians is the Pearl S. Buck Foundation. Founded in 1965, the Foundation has a stated purpose "dedicated to the material care and education of children of half-American parentage who have been born and are living in other countries." [27] Although not explicitly stated, the emphasis of the Pearl S. Buck Foundation is entirely Asian. Working closely with Asian governments, the Foundation estimates the total number of Amerasian children to be about 200,000, a figure much higher than that officially acknowledged by the U.S. government or even estimated by other aid organizations. [28]

The activity operates primarily under a sponsorship program. Individual sponsors make contributions for the support of one child. Sponsors receive photographs and progress information about their sponsored children. The working budget for the Foundation was \$1.3 million in 1977, growing to nearly \$2.5 million in 1982. The budget will continue to grow as inflation and an increased demand for the services provided drive it up. The primary source of monies is personal contributions from individual

citizens. Contributions keep organizations such as these alive. Without the generosity of the American public, many humane assistance programs would fold.

The issue of charitable contributions is extremely important to organizations such as the Pearl S. Buck Foundation because charity is their primary source of funds. Federal matching grants distributed by the ORR are awarded primarily to state and local governments as reimbursement for the civic expenses incurred in resettling refugees. Successful emigrations of Amerasians from both Vietnam and Korea depend on the assistance of these volunteer organizations. The legal provisions now exist to facilitate the immigration of Amerasians, but the law can not implement itself.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

Questions of policy are rarely clear-cut or neat, nor do they have easy "yes" or "no" answers. Finding a workable, equitable compromise solution is the goal.

Much debate has transpired over the issue of American responsibility for the children of our people in distant lands. Laws have been revised, organizations founded whose sole purpose is to aid these children, and the general consciousness of the American public on this issue has been successfully raised to new heights. People are aware that the immigration of half sons and daughters of American servicemen in Asia is indeed a public issue.

We can also be assured that the problem is not going to simply go away over time, as the current children grow up. The United States now has some 146,200 military in the Far East and Pacific. They include 48,700 in Japan and Okinawa, 38,700 in South Korea, 33,700 with the Seventh Fleet and 14,900 in the Philippines.[1] The issue will persist for many future generations. The Pearl S. Buck Foundation, with twenty years of experience and data, calculates that one Amerasian child is born every day, and they expect the current birth rate to continue.

Accepting the mixed-race offspring of Americans and

resettling these children in America is but a small question within the much broader topic which encompasses all the factors of immigration law. Since 1975, the United States has resettled almost 650,000 Indochinese, and since 1980, over 160,000 Cubans and Haitians.[2] The acceptance of this great number of refugees reflects a traditional feeling among the American people that the United States is a haven for the oppressed and a land of opportunity.

If the sentimental value of historical tradition is to guide public policy, and if the desire is to maintain the reputation of the United States as the "shelter in a storm," why then do we have limits on immigration at all? Why is such an elaborate bureaucracy struggling to keep up with the processing of requests, and enforcement of visa violations? The answer lies in the fundamental fact that the United States does not have an unlimited capacity to absorb foreigners into an already culturally and geographically diverse society, and keep pace with our own population trends. Our economy, too, has limits to what it can bear.[3]

The discussion of limits dominates the debate on immigration. Public opinion generally leans toward more restrictive measures.[4] An overall limit of 425,000 new entrants is proposed; a separate ceiling for refugees is

requested, and still another limit for Amerasians within the refugee ceiling is recommended. Among the millions of people worldwide in need of a refuge, the Amerasians are the only people to have a law passed exclusively on their behalf.

Until 1982 the abandoned Amerasian child had no priority in consideration for entrance to the United States. Public opinion and active lobbying can be credited with this success. In the distant wake of the Vietnam war an attitude of tolerance and acceptance toward combat veterans replaced an initial attitude of rejection. Americans became increasingly sympathetic to the plight of the forsaken children of American servicemen; children who were seen as victims of a destiny beyond their control.

The McKinney amendment is unique in that it attempts to address a specific problem born of a specific set of circumstances. The bill is a humanitarian measure and must be applauded for its intent, but it is a reactionary measure that is self-defeating in the policy arena because it is designed to respond only after-the-fact, and does not look to the future. The provisions of the bill have a narrow focus when the problem is broad; a classic case of providing a temporary solution for the symptoms without addressing the disease.

Volume is the issue at hand with both half-Korean and half-Vietnamese sons and daughters of Americans. However, what is to become of the isolated or infrequent cases of children born in the Middle East or Europe or of half Latin-American parentage? What if these situations escalate, and the United States ends up with a long term ground presence in any or all of the above regions? The same evolution of relationships, families, and forsaken children will occur. If the real criteria is the half-American bloodline, would these children, too, be given immigration priority? The questions of preferential consideration and entitlements via bloodline have not been adequately addressed with a view to the future.

At the core of the questions posed in the introduction are those issues on which the public debate centers: Are these children a national responsibility of the United States? Is there a personal, moral or political obligation to care for and raise these children as Americans? Certainly a personal obligation on the part of the father exists, but this is impossible to monitor and enforce if the father reneges on this responsibility. As an international leader and self-appointed watchdog for human rights the world over, the United States does have a moral responsibility to these children as human beings. Politically and legally, the United States has assumed

limited responsibility for Amerasians by acknowledging that these people have "undisputed ties to our country," [5] and by amending immigration procedures specifically to accommodate Amerasians.

The preference category established for Amerasians should be inclusive, addressing the birthright of blood. The criteria established in the current law -- birth and baptismal certificates, local civil records, photographs of and letters or proof of financial support from a putative father who is a citizen of the United States, and testimony of witnesses -- were carefully considered and have proven useful in allowing for non-traditional documentation. These same criteria could be incorporated into a law that is more generally applicable, without opening the doors to unfounded claims.

American policy and practices toward both legal and illegal immigration have come under scrutiny in the last decade because of the leap in the number of immigrants, and the subsequent concerns for the economy and polity of the United States. The sheer numbers are driving legislators to take action. Unfortunately, concrete action to effectively limit immigration has concentrated on legal, vice illegal, immigrants. Since any consensus on a means to control illegal immigration appears to be elusive, attention has been directed at the element over

which restrictive control can be exercised: legal immigration.

The activity is centered on reducing the numbers. Little debate has been generated over the provision in the pending legislation to reduce legal immigration. By eliminating the family exemption clause, and counting family members against the quota, the superficially raised quota would actually cut legal immigration almost in half.

The annual ceiling on legal immigration is 270,000 new entrants, with a special provision for 70,000 refugees annually. This total (340,000) counts only the individual who has been awarded an immigration visa. The visa-holder is then eligible to bring their immediate family members -- spouse, children, parents -- with them to the United States. These family members are in the U.S. legally, but are not counted against the immigration quotas. As a result, legal immigration actually exceeds 600,000 annually, peaking in 1980 with 808,000 immigrants.

The proposed legislation would raise the ceiling on legal immigration from 270,000 to 425,000 annually, but would eliminate the family exemption clause. Families would still be allowed to immigrate, but all family members would be counted against the immigration ceiling. Counting family members would provide the United States with a much more accurate total, but would also reduce the

legal immigration by imposing a cap that is significantly below the known rate of immigration.

The need to have limits on immigration is one of the few questions that has been resolved to the satisfaction of the majority. Conservatives and liberals agree that chaos would prevail if no limits existed. In the words of Senator Simpson, "The first duty of a sovereign state is to protect its borders." [6] Since limits are accepted as necessary, the question turns to selection. Who will be permitted to emigrate to the United States? Under the incongruous collection of amendments governing immigration, this is not an easy question to answer. The problems and circumstances of immigration in the 1980s are not adequately addressed in legislation that is more than three decades old. A comprehensive revision is needed.

To the question of illegal immigration, one recommendation is clear. The capabilities of the Immigration and Naturalization Service (INS) must be enhanced. The INS enforcement budget for 1985 came to only \$366 million for a staff of 7,599, less than a third the number of officers with the New York City police department. [7] Any system of employer sanctions is doomed to failure if the enforcement capability is inadequate. Employers who hire illegal aliens will continue to do so if they perceive the threat of sanctions to be hollow.

To the question of legal immigration two recommendations seem clearly in order. First, the fundamental structure of the proposed revision is sound. It is an exercise in futility to have a "ceiling" on immigration if all of the new immigrants are not counted. The exclusion provisions must be reviewed and severely restricted, if not eliminated. Second, the ceaseless rhetoric on the threat of "unassimilated" ethnic communities to the polity of the United States must be curtailed. Foreboding prophecies about the demise of the American institutions because immigrant groups are not assimilating are as old as the nation itself. These tales foment discrimination and racism because fear is spread about ethnic communities. Assimilation is occurring and will continue to occur because of the very institutions we seek to protect -- freedom of speech, freedom of the press, freedom of religion, and freedom to assemble. These values are deeply rooted in America, and deeply appreciated by American immigrants.

The question of forsaken, mixed-race children of American servicemen serving overseas must be managed preventatively. The prevention approach would involve tackling all of the explosive arguments already enunciated on the issue of birth control. The basic fabric of individual morality underlies these strongly held

convictions and, therefore, must be approached carefully to prevent a situation where public law dictates private morals.

Despite the demonstration that many fathers are willing to take responsibility for their children, countless Amerasians remain in their respective Asian countries after the father returns to the United States. The existence of these unclaimed children is a testimony to the circumstances of their conception -- most were unplanned, born out of wedlock, and remain destitute in their Asian country of birth.

Servicemen stationed overseas must be strongly encouraged to be responsible for the prevention of these unwanted births. The cumulative effect of so many individual acts is staggering in terms of human suffering and in terms of the time, effort, and money dedicated to relieving this suffering.

Education could improve the prospects for the future. The subject should be addressed during the unit's orientation for newly assigned personnel. In this way, at least some idea of the scope and magnitude of the problem would be conveyed to the servicemen who are largely responsible. An education program would have a limited range of effectiveness, however. In a classroom environment, the statistics may be meaningful, but it is

unlikely that the problems of social welfare and immigration quotas will be considered during an act of procreation. A more material solution is needed.

Research on a male birth-control pill has been under way for more than a decade.[8] Two drugs are available, but neither have been sufficiently tested by the Food and Drug Administration to allow marketing within the United States.[9] The overseas, male military constituency provides a pool of active case studies, and should be asked to participate, strictly on a voluntary basis, to contribute to what could be a breakthrough in both medicine and immigration.

It is not the intent of this paper to explore the ethical and moral questions that permeate the controversy over birth control. The ethical problem that does present itself is the issue of voluntary cooperation in such a medical experiment. The Department of Defense has voluntarily participated in many experimental programs, and servicemen have voluntarily served as a test population. Contrary to vague misperceptions, the precise hierarchy of authority within the military command structure presents a safeguard to coerced participation in any experiment. The lowest ranking soldier has access right up the chain of command as far as he needs to go to get a satisfactory answer. An Inspector General complaint

is always an avenue of recourse, and finally, he is always at liberty, as an American and as a member of the armed forces, to write his congressman or write the press. In this environment where the rights of the servicemember are meticulously guarded, a volunteer group would consist of true volunteers, and not "guinea pigs" assigned to the experiment.

Medical experiments are neither unethical nor dangerous if conducted by professionals, and are in the interests of better health and the community. Providing servicemen with a convenient means of controlling their own reproduction would undoubtedly reduce the number of unplanned and unwanted births. Safe, effective birth control would theoretically have the potential to reduce the problem of unwanted ethnically-mixed children born and abandoned overseas. Since research, and funding for the research, are the primary obstacles to success in this medical breakthrough, and since servicemen are the progenitors of these offspring, the military should be asked to participate in the research.[10]

No easy solutions to the complex problems of immigration exist. Political, social, and economic factors will continue to influence the patterns of migration around the globe. U.S. laws on immigration will continue to be amended to accommodate and restrict the

flow of immigrants as the economy and world situation evolve. A comprehensive revision of the immigration laws is essential, as is an expansion of the resources given to the Immigration and Naturalization Service if they are to be expected to meet the demands of the decade. Whether birth control is considered as a long term means to alleviate a minority immigration dilemma remains to be seen, but it should at least be considered.

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31. "The Economic Consequences of a New Wave," Business Week, June 23, 1980, p. 80.

32. William R. Doerner, "To America With Skills," Time, July 8, 1985, p. 44.

33. U.S. Dept., HHS, p. 1-3.

34. Marvin Stone, "Compassion Fatigue," U.S. News and World Report, February 15, 1982, p. 76.

35. "No More Room for Refugees," Time, May 10, 1982, p. 17.

36. The words are: "Give me your tired, your poor, your huddled masses/yearning to be free/the wretched refuse of your teeming shores./Send these, the homeless temptat-tost to me,/I lift my lamp beside the golden door!"

37. William L. Chaze, "Will U.S. Shut theDoor on Immigrants?" U.S. News and World Report, April 12, 1982, p. 47.

38. "Study: Illegal Aliens Hurt U.S. Economy," The Daily Progress, Charlottesville, Virginia (April 15, 1985):A3.

39. Ibid.
40. U.S. Dept., HHS, p. 8.
41. Ibid., p. 83.
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43. "Viet Nam Ten Years Later," Time, April 15, 1985, and "The Legacy of Vietnam," Newsweek, April 15, 1985.

CHAPTER 3: AMERASIAN IMMIGRATION: THE ISSUES, LAWS, ATTITUDES AND ORGANIZATIONS

1. "The Children We Left Behind," McCall's, June 82, p. 49.
2. "Vietnam's 'Dust Children' Come to America," U.S. News and World Report, May 9, 1983, p. 13.
3. Susanna McBee and Walter Taylor, "The Amerasians: Tragic Legacy of Our Far East Wars," U.S. News and World Report, May 7, 1984. p. 49.
4. Jill Bauermeister, "Amerasians in America," America, November 27, 1982, p. 332.
5. James LeMoynne and Seth Mydans, "Coming Home --At Last," Newsweek, October 11, 1982, p. 78.
6. Bauermeister, p. 332.
7. "The Children We Left Behind," p. 49.
8. Bauermeister, p. 331.
9. Amendment to the Immigration and Nationality Act, Statutes at Large 96 pt. 2, 1716 (1982).
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17. Bauermeister, p. 332.
18. Ibid.
19. McBee, p. 49
20. Ibid.
21. Ibid.
22. Jeannie Ralston, "Child Support, Getting Tough With Fathers Who Don't Pay," McCall's, February 1985, p. 69.
23. "'Where is My Father?'" Newsweek, Special Issue, April 15, 1985, p. 54.
24. LeMoyne, p. 78.
25. McBee, p. 78.
26. Ibid., p. 50.
27. "The Pearl S. Buck Foundation, Inc.," (New York: National Information Bureau, Inc., Basic Standards in Philanthropy, [1980]), p. 2.
28. McBee, p. 50.

CHAPTER 4: CONCLUSION AND RECOMMENDATIONS

1. McBee, p. 51.
2. "FY 83 Admissions," p. 59.
3. "No More Room," p. 17.
4. "Study: Aliens Hurt Economy," p. A3.
5. "FY 85 Admissions," p. 34.
6. "Should Congress Adopt?" p. 203+

7. Goodgame, p. 51.

8. Lawrence Lader, "What's Holding Up the Male Birth Control Pill?" McCall's, May 1983, pp. 158.

9. The two available drugs are LHRH and gossypol. LHRH temporarily blocks sperm production. In tests in the U.S. and abroad, it has proved effective even in large doses. Gossypol was developed in China and works by inhibiting an enzyme involved in sperm production. In test on 8,806 men, this drug has shown an efficiency rate of 99.1 percent.

10. Lader, p. 158.

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