July 6, 1954

Dear Senator:

As Chairman of the Committee on Migration and Refugee Problems of the American Council of Voluntary Agencies for Foreign Service, which comprises twenty-eight American voluntary agencies engaged, over many years, in the field of immigration and resettlement, I am authorized to write to you in their name. Because of their work with immigrants and aliens, the agencies are concerned that legislation to be enacted shall, to the extent that it is possible, safeguard the aliens' interests and afford them opportunities for protection.

As social agencies we have a natural concern with the general welfare of people and therefore wish to express our feeling of encouragement with the provisions contained in the proposed new legislation dealing with Social Security amendments as provided for in Bill H.R. 9366, 1954. However, we take the liberty of writing to you with regard to specific provisions, namely, Sections 107(a) and 108(a) because we are concerned about the effect of these on aliens and their citizen or legally resident spouses and children.

Section 107(a) - Deletion of Earnings During Unlawful Residence in the United States

While the provisions in this section are substantially limited to unlawful resident aliens, the agencies, which are dealing on a day to day basis with technical problems of the immigration law, would like to call to your attention the fact that within the immigration law, both as provided for under the 1924 Act and as contained in the current Immigration and Nationality Act of 1952, it is possible to obtain adjustment of status of persons unlawfully resident within certain categories and specific regulations. In some instances adjustment of status, when effected, relates back to the date of the original arrival of the alien and retroactively corrects his illegal status, and in other instances it is not retroactively adjusted. Also, from time to time members of Congress introduce private bills for the benefit of aliens which effect the same results. There is still another group which presents a further complication in terms of the provisions in the Bill, H.R. 9366, i.e., there are large numbers of people who have lived in this country for years but who, because of inability to locate the original record of their entry, remain in a position of not being able to have their status clarified. This creates a situation whereby it is impossible for such persons to establish their legal entry because of the absence of necessary documents. This fact will be readily understood when it is brought to your attention that a fire which occurred in 1906 on Ellis Island destroyed all records prior to that date. The language in the bill would undoubtedly affect aliens falling within the groups mentioned.
The voluntary agencies whose concern with the pending bill motivates this letter have been informed that provisions in the sections named were intended as a deterrent to wet-back immigration. While we are wholeheartedly in favor of the stoppage of illegal immigration, it is our belief that the provisions referred to in the Social Security amendments would not be an effective way of accomplishing such a result; there are more direct methods which can be employed to obtain this objective, among which, we may say, are various bills pending in Congress on this very issue.

In addition, we would like to say that it is recognized by social agencies that the extension of Social Security benefits is designed to transfer the burden of compensation for loss of wages on to insurance programs rather than to the public assistance rolls. It is our belief, therefore, that the provisions referred to would be entirely inconsistent with the high purpose of the bill since it can be readily foreseen that individuals might have their earnings deleted, directly depriving not only these aliens but their survivors and dependents from the insurance benefits, many of whom in all probability would be American citizens or legally resident aliens. This would have the effect of placing an additional burden on public assistance agencies for their means of subsistence.

Section 108(a) - Termination of Benefits Upon Deportation

The provisions in this section would create hardship for the person deported who leaves behind a wife and children whose benefits would be terminated. Further, in the case of the provision that there be no lump sum death payment for any individual who dies on or after the month of his deportation, the effect would be the same with regard to the wife and children who survive. Again, it should be here stated that the great likelihood is that the spouse and children are citizens and that certain children in most instances would be native born, but nonetheless would be deprived of the protection of the Social Security Act.

The Committee on Migration and Refugee Problems respectfully urges that this letter be received by you as a Member of the Senate Finance Committee and be given consideration by all members of your Committee. A letter has also been addressed to the Chairman of your Committee, Senator Millikin.

Sincerely yours,

(Rt. Rev. Msgr.) Edward E. Swanstrom
Chairman,
Committee on Migration
and Refugee Problems