AMNESTY FOR UNDOCUMENTED MIGRANTS
The Experience of Australia, Canada and Argentina

Desmond Storer
Freda Hawkins
S. M. Tomasi

Occasional Papers and Documentation
Center For Migration Studies
209 Flagg Place • Staten Island, N.Y. 10304
The Center for Migration Studies is an educational, nonprofit institute founded in New York in 1964 to encourage and facilitate the study of sociological, demographic, historical, legislative and pastoral aspects of human migration and ethnic group relations. The opinions expressed in this work are those of the authors.

AMNESTY FOR UNDOCUMENTED MIGRANTS

Occasional Paper # 3

Copyright © 1977 by
The Center for Migration Studies of New York, Inc.,
209 Flagg Place
Staten Island, New York 10304
ISBN 0-913256-30-7
CONTENTS

I. Amnesty in Australia, 1976
   Desmond Storer

II. Canada: The Unintended Amnesty
    Freda Hawkins

III. Argentina's Answer to Undocumented Migrants
     S. M. Tomasi

CMS OCCASIONAL PAPERS AND DOCUMENTATION SERIES

# 1 — The Disposable Worker: Historical and Comparative Perspectives on Clandestine Migration. By Charles B. Keely and S. M. Tomasi

# 2 — Resources for the Study of Italian Emigration: A Directory of Libraries and Archives in Rome and Florence. By Ralph S. della Cava
AMNESTY IN AUSTRALIA, 1976

Desmond Storer

Introduction

The United States is again concerned with the issue of "illegal aliens" or "undocumented workers." Leonard F. Chapman, Jr., the present commissioner for the I.N.S., using an analogy drawn from his 37 years in military service refers to these people as perpetrating a "silent invasion". He claims that there are some six to eight million such "invaders" in the U.S.A. at present and that the number is increasing by up to one million each year.1 Regardless of the accuracy of such figures, it is undoubtedly true that there are large numbers of illegal aliens resident in the U.S today. It is also true, as Keely and Tomasi note in their work (e.g.: Migration Today, June, 1976) that controversies over undocumented workers are neither new nor unique to the United States.

Controversies about illegal immigrants invariably rise in times of economic recessions. In Australia, as in the U.S., these controversies were more intense in the depression years of the 1930s; in the recession years of the early 1950s and early 1960s and from 1972 to the present. As Keely and Tomasi observe, in times of economic stability migrants (both legal and clandestine) are viewed as both meeting the needs of the economy of the host country and as relieving the "developmental" problems of the sending countries. We are only too well aware, however, of the economic recession current in most industrial/capitalist countries. Countries that only a decade ago were competing to obtain migrant labor now are concerned with how to "dispose" of such surplus labor. Competition for employment and resources leads to conflicts. Governments, unions and bureaucracies need instant solutions. Scapegoats are demanded and the migrant workers are invariably among the first of these scapegoats. It does not matter if it is the Italians in Germany, the Turks in France, the Uruguayans in Argentina, the Koreans in Japan, the Polynesians in New Zealand, the Turks in Australia or the Mexicans in the U.S.A., there is a need to find a quick "solution."

Solutions proposed for this "problem of clandestine workers" include:

- Deportation, as it was carried out in the U.S. in the 1920s and as it has been behind recent initiatives proposed in Switzerland and other European countries (although subsequently defeated).
- Fining of employers who hire illegal immigrants, as it was proposed in recent bills introduced in the U.S. by Rodino (H.R. 982) and Kennedy (S. 2643). Such proposals were also accepted by most countries represented at the recent ILO World Employment Conference (Geneva, June 1976).
- The issuing of Identity Cards (which smacks of South African type policing policies).
- The reintroduction of temporary worker programs as proposed by Senator Eastland for the U.S. (S. 3074) (similar to the European guest worker situation).
- The increase of policing services (and, of course, budgets) as requested by Commissioner Chapman for the INS to stop entry of illegals.
- Amnesty and/or regularization of status programs as suggested by Senator Kennedy (S. 561) and others to determine the present state of illegal immigration and to enable better planning and control.

Mr. Desmond Storer is a research and social policy Officer with the Centre for Urban Research and Action, Melbourne. An article from this paper was published in Migration Today, Vol. 5, No. 1. New York: Center for Migration Studies. February, 1977.
Obviously these "solutions" are dealing with two different (if interrelated) sets of problems: 1) What to do about present illegal immigrants; and 2) How to stop entry of more illegal persons in the future. The advantages and shortcomings of such "solutions" have been well documented in recent editions of International Migration Review (e.g.: Stoddard, Hohl, Keely and Tomasi).

Australia recently carried out an amnesty program as a response to the resident illegal immigrants. This program, its methods, processes, success and failures are worth reviewing in the light of a call for such amnesty for illegals resident in the U.S. by many voluntary agencies, migrant groups, church organizations and some policy makers.

Australia Immigration Since World War II

Prior to World War II, migration from non-British Countries to Australia was spasmodic so that in 1947 fewer than 3% of the populace of Australia was of non-Anglo Saxon extraction. For various reasons, primarily to obtain manpower for postwar reconstruction, Australia, in 1947, embarked on a program of mass immigration. British migrants were unobtainable in the numbers required. Recruitment was, therefore, carried out in other European countries resulting in thousands of Germans, Dutch, Italians, Greeks, Yugoslavs, Turks and others coming to Australia. Later, South Americans were also encouraged to come. Some 3 million persons have entered Australia since 1947 accounting for 60% of the population growth since that time. By 1975 nearly 20% of the population could claim to be of non-Anglo Saxon extraction. (see: National Population Inquiry — Population and Australia, 1975.) Only over the past four years has this immigration growth been curtailed.

Illegal Aliens in Australia

By late 1975 it was generally agreed that there were from 35,000 to 45,000 illegal aliens resident in Australia representing approximately 0.3% of the total population.

The numbers of illegals in Australia, unlike in the United States, can be determined with some accuracy by comparing total population census figures against incoming migration figures, voting figures and registered alien lists (both census and voting of citizens over 18 is compulsory in Australia). In any large immigration program it is inevitable that there will always be a number of persons who for many reasons come as "illegals." There are many motivations for wanting to come illegally (e.g.: to be with family and friends, curiosity, adventure, to escape political/economic oppressions, etc.) but in Australia which does not have joint borders as does the U.S. or countries in any other continent, we might ask how is it that so many illegal residents have managed to enter and live there?

The number of illegal immigrants has increased over the last four years as the government was reducing the number of immigrants sought and at the same time, for humanitarian reasons, was introducing an easy-entry temporary visa system. This easy visa scheme was designed to enable family reunions and the like, but it appears many people used this as a way to enter and stay in Australia. For example, of 134,000 temporary visitor visas issued between July 1, 1973 and June 30, 1974 some 10,400 overstayed their visa (Immigration Statistics, 1975/76).

There have also been a number of illegal entrepreneurial rackets developed over the past four years where schemes are developed to issue persons temporary transit visas under the suggestion that these visas will enable them to stay in Australia. For example, one scheme I know, is a Chilean agency that issues tickets to Chileans (desperate to leave that country) for Manila (Phillipines) via Sydney. The Agency "contacts" meet these people in Sydney, who have the normal 3 day visa, and tell them everything has been arranged for them to stay. The unsuspecting Chileans either are caught at a later date or simply disappear into the cities. The "entrepreneurs" keep the commissions.

Whatever the reasons, there were approximately 40,000 illegal immigrants resident in Australia by December 31, 1975.
Reasons for Amnesty in Australia

There were a number of interrelated historical, social and political reasons for this amnesty. I can only give an overview of my impressions for now and leave fuller documentation for later. 3

1. Political. Political reasons for this amnesty ranged from broad historical political trends to individual ministerial ambition.
   a) Historical Political Context. Prior to 1972 there had been 23 years of conservative Liberal governments. This coincided with mass migration, the flow being essentially dependent on the demands of industry and the state of the economy. Conservative politicians determined such policies generally with a philosophical underpinning that any non-British persons allowed to come to Australia both should and would "assimilate and integrate" into the Australian cum British way of life. Homogeneity in all aspects of social life (education, legal, trade unions, etc.) was "the ideal." Consequently, cultures other than British were ignored or devalued and non-British immigrants remained silent. Only with the advent of a Labour Government in 1972 did non-Anglo Saxon migrants begin to speak out, begin to articulate their grievances with their situation in Australia and begin to challenge the homogeneous ideology at the base of the immigration policies of Australia. By 1975 quite a number of migrant groups had become organized in large enough numbers to make their demands noticeable. In the election of 1975 both major political parties responded to these demands and promises such as amnesty were made.
   b) A Specific Political Promise. Amnesty had been an election promise of the Liberal/ Country Party Coalition in the election of December, 1975. On forming a Government it seemingly became a relatively simple administrative task which would have immediate advantage of gaining positive publicity after a bitter election.
   c) Ministerial Ambitions. Immigration as a portfolio has a low priority in Australian Government (although, unlike the U.S., there is a distinct and separate Ministry for Immigration). Generally the Minister-in-charge tends to use this position to gain publicity, exposure, enlarge contacts, etc., to work his way up to a higher ranked ministry. I would suggest the present Minister is no different to his predecessors in this regard.

2. Economic/Political
   a) Many industrialists wanted migrant labor and businessmen invariably need markets. Even though unemployment was on the rise, immigration was rapidly decreasing in Australia — with only a net intake of 38,706 in the 1974/75 year and 20,000 in the 1975/76 year compared to 73,237 in 1973/74 and 109,000 in 1972/73 (Immigration Press Release 8/14/76). Many job categories were not being filled particularly in mining and manufacturing. Amnesty would allow the government to show its "humanitarian" face to the world, to business interests in Australia and to potential immigrants. This would set a framework for following immigration drives later in 1976 where the expressed purpose was to provide needed labourers and stimulate the economy.
   b) Compared to this positive economic motivation there was a negative one that had been developing over the previous 2 years, which also helped stimulate amnesty in a roundabout way.. Unionists and others had developed a campaign around the cry that "...40,000 illegal persons are taking the jobs of Australian born and they should be deported." This is a common cry, of course, but in an election year when ethnic votes were important this helped provide a platform for the Liberal Party to point to the negative attitudes of unions while they (the Liberal Party) appeared more humane.

3. Humanitarian. There had been quite a deal of publicity about the "plight" of illegal aliens. Voluntary agencies, welfare and church bodies had been concerned for some time to lobby
for the readjustment of status of such illegals. Newspapers and other media had periodically reported on more spectacular situations such as some persons living in drainpipes and other similar situations. Others described how illegals were being heavily exploited and how fear of detection enabled this.

How the Amnesty was Conducted

1. Announcement and Conditions
   The Minister of Immigration and Ethnic Affairs made his first announcement on the 31st of December 1975 that there was to be a 3 month amnesty for all illegal aliens, commencing Australia Day (January 26th) 1976 and extending until the end of April 1976.

   All persons who were illegally residing in Australia could have their status adjusted to become legal residents if they met the following two conditions:
   a) that they were in good physical and mental health.
   b) that they had no criminal record either in Australia or any previous country of origin.

   This initial announcement was followed by a series of media releases, media conferences and media “human interest” stories and discussions.

2. Some Initial Objections
   Ethnic organizations and other concerned community groups responded that generally this amnesty was a humanitarian and sensible action but many also expressed a series of objections that varied from very specific and technical to political and ideological.

   Technical
   a) Announcements were initially made in essentially English speaking media and should have used a wide range of ethnic media.
   b) The period of the amnesty was too short and it would take a lot longer to communicate with illegal non-English speaking persons and convince them that this was a legitimate program.
   c) There would be confusion over what is meant by “having a criminal record.” Did this mean having parking offences or not having paid taxes? etc.

   Political
   a) That announcements were made in a paternalistic manner and not in a cooperative way with ethnic persons or organizations.
   b) That there were no provisions made for a person to appeal if refused amnesty.
   c) That this amnesty was a political ploy to encourage left wing illegal aliens to reveal themselves.

   Many of these initial objections later turned out to have a good degree of validity.

3. Some Rectifications
   There were some changes made because of these expressed objections. There was a subsequent large amount of publicity through the ethnic media. There was some consultation with the more established and conservative ethnic organizations and “ethnic elites.” The Minister made numerous statements to try to clarify that a criminal record was only to refer to “major offences” such as smuggling, murder, embezzlement, etc. He made statements that this was an honorable amnesty and in no way politically motivated.

Persons Applying for Amnesty

Figures publicly released by the Minister for Immigration and Ethnic Affairs in an Immigration Report (November, 1976) show that 8,614 persons had applied for amnesty. By 30
June 1976 some 5,574 applications had been approved; 4 were refused and 3,036 were pending.

The following table shows applications lodged by country of citizenship.

<table>
<thead>
<tr>
<th>Country</th>
<th>Number Lodged</th>
<th>Country</th>
<th>Number Lodged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>18</td>
<td>Lebanon</td>
<td>93</td>
</tr>
<tr>
<td>Arab Republic Egypt</td>
<td>42</td>
<td>Malaysia</td>
<td>256</td>
</tr>
<tr>
<td>Argentina</td>
<td>46</td>
<td>Malta</td>
<td>32</td>
</tr>
<tr>
<td>Austria</td>
<td>22</td>
<td>Mauritius</td>
<td>10</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>7</td>
<td>Netherlands</td>
<td>46</td>
</tr>
<tr>
<td>Belgium</td>
<td>8</td>
<td>Norway</td>
<td>9</td>
</tr>
<tr>
<td>Bolivia</td>
<td>28</td>
<td>Pakistan</td>
<td>42</td>
</tr>
<tr>
<td>Brazil</td>
<td>26</td>
<td>Papua New Guinea</td>
<td>20</td>
</tr>
<tr>
<td>Britain</td>
<td>911</td>
<td>Peru</td>
<td>6</td>
</tr>
<tr>
<td>Canada</td>
<td>66</td>
<td>Phillipines</td>
<td>115</td>
</tr>
<tr>
<td>China</td>
<td>643</td>
<td>Poland</td>
<td>83</td>
</tr>
<tr>
<td>Chile</td>
<td>42</td>
<td>Portugal</td>
<td>149</td>
</tr>
<tr>
<td>Columbia</td>
<td>37</td>
<td>Singapore</td>
<td>109</td>
</tr>
<tr>
<td>Cyprus</td>
<td>118</td>
<td>South Africa</td>
<td>43</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>7</td>
<td>Spain</td>
<td>54</td>
</tr>
<tr>
<td>Denmark</td>
<td>6</td>
<td>Sri Lanka</td>
<td>49</td>
</tr>
<tr>
<td>Fiji</td>
<td>438</td>
<td>Stateless</td>
<td>18</td>
</tr>
<tr>
<td>France</td>
<td>108</td>
<td>Sweden</td>
<td>16</td>
</tr>
<tr>
<td>Germany</td>
<td>103</td>
<td>Switzerland</td>
<td>51</td>
</tr>
<tr>
<td>Greece</td>
<td>1283</td>
<td>Syria</td>
<td>16</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>363</td>
<td>Taiwan</td>
<td>21</td>
</tr>
<tr>
<td>Hungary</td>
<td>17</td>
<td>Thailand</td>
<td>83</td>
</tr>
<tr>
<td>India</td>
<td>201</td>
<td>Timor</td>
<td>98</td>
</tr>
<tr>
<td>Indonesia</td>
<td>748</td>
<td>Tonga</td>
<td>264</td>
</tr>
<tr>
<td>Iran</td>
<td>69</td>
<td>Turkey</td>
<td>466</td>
</tr>
<tr>
<td>Ireland</td>
<td>25</td>
<td>U.S.A.</td>
<td>283</td>
</tr>
<tr>
<td>Israel</td>
<td>45</td>
<td>Uruguay</td>
<td>30</td>
</tr>
<tr>
<td>Italy</td>
<td>339</td>
<td>Vietnam</td>
<td>24</td>
</tr>
<tr>
<td>Japan</td>
<td>78</td>
<td>Yugoslavia</td>
<td>179</td>
</tr>
<tr>
<td>Jordan</td>
<td>6</td>
<td>Others (fewer 5/country)</td>
<td>48</td>
</tr>
<tr>
<td>Korea</td>
<td>32</td>
<td>Total</td>
<td>8614</td>
</tr>
</tbody>
</table>

It is regrettable that the Minister and his Department have not at this time publicly released the demographic characteristics (e.g.: age, sex, length of residence in Australia, etc.) of those persons applying for amnesty. Consequently we have no data on why some persons applied for amnesty and others did not. The relatively high proportions of Greeks probably were due to the political situation in Greece in the 1950s and 1960s. Comparatively, there were relatively few illegal Italians. We also note fairly high numbers of Asians (Indonesia, China, Phillipines, Hong Kong, etc.) and Pacific Islanders (from Tonga, Fiji, etc.) who had been illegal. They may well have applied for amnesty due to a longer period of residence as compared to the few South American illegals who applied who have been resident only for a short period. At this stage, however, we simply do not have enough information.
Whatever the reasons, however, only some 8,614 persons out of a possible 40,000 illegal migrants took the opportunity to apply for amnesty. It is notable that at the time of writing, the Minister in his most recent media release (November 20th, 1976) has stated that "... because there are still 35,000 illegals in Australia, the Special Control Branch has been asked to step up entry controls and pursue illegals more thoroughly."

If the number of illegals present in Australia in 1976 was between 35,000 to 40,000 then only between 21% to 25% of these applied for amnesty.

The only other information we have about these persons who applied for amnesty is where they are presently resident in Australia. The following table gives a breakdown by State or Territory and metropolis.

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Number</th>
<th>%</th>
<th>Major Cities/Towns</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>5429</td>
<td>63.0</td>
<td>Sydney</td>
<td>64.4</td>
</tr>
<tr>
<td>Victoria</td>
<td>1923</td>
<td>22.3</td>
<td>Melbourne</td>
<td>22.1</td>
</tr>
<tr>
<td>Queensland</td>
<td>384</td>
<td>4.5</td>
<td>Brisbane</td>
<td>3.7</td>
</tr>
<tr>
<td>South Australia</td>
<td>122</td>
<td>1.4</td>
<td>Adelaide</td>
<td>1.3</td>
</tr>
<tr>
<td>Western Australia</td>
<td>437</td>
<td>5.1</td>
<td>Perth</td>
<td>4.0</td>
</tr>
<tr>
<td>Tasmania</td>
<td>23</td>
<td>0.3</td>
<td>Rural Areas</td>
<td></td>
</tr>
<tr>
<td>Northern Territory</td>
<td>176</td>
<td>2.0</td>
<td>and Smaller Towns</td>
<td>4.5</td>
</tr>
<tr>
<td>Australian Capital</td>
<td>120</td>
<td>1.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>8614</td>
<td>100</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

(Source: Department of Immigration, November, 1976; Minister of Immigration and Ethnic Affairs Media Release, 20th February, 1976.)

The most interesting facet of this residential breakdown is that Victoria and its capital city Melbourne which have the highest numbers of immigrants in Australia had only one-third the number of illegals seeking amnesty as did New South Wales and its capital, Sydney which have fewer resident immigrants. I would suggest that this is because Melbourne has historically been a more civil-issues and union-rights oriented city and migrant organizations have tended to follow the same trends as other groups. Consequently the more militant migrant organizations are to be found in Melbourne and the most hostility to this amnesty came from these groups in this city.

Apart from these few facts, we know little about who applied for amnesty, who did not and why. We suspect that length of residence, age, sex, socio-economic status and political beliefs were among the more important variables but until further information is released these can only remain as speculations. We do know that a relatively small proportion (between 20%-25%) applied for amnesty. We now turn to consider why only so few took advantage of this "... once in a lifetime offer."

Why Not Amnesty?

There must be a complex number of personal, social, cultural and political reasons for not applying for amnesty given the seeming advantages of doing so. I would suggest from my discussions that the following were some of the factors behind the low numbers applying for amnesty:

1. Length of Amnesty Period. The time allotted was only three months. Many thought that this was not long enough to establish rapport or communicate effectively with people who, by their very nature of being illegal aliens, were/are suspicious of most Government actions.
2. Lack of Cooperation with Ethnic Groups. The Government made its pronouncements without any attempts to work closely with "grass-roots" ethnic or migrant groups. Many of the fears, suspicions and questions that developed, such as, questions over what is meant by a "criminal record" (did that include traffic offences, tax evasion, divorce in other countries? etc.) would have been averted if the Minister had not rushed in but had spent more time talking to ethnic organizations about his aims and the specifics of his proposals. Also it would have been wise to have allowed ethnic organizations more scope to reach members of their communities in their own way. This might have helped overcome the traditional cultural barriers of, for example, the traditional suspicion of Greeks to any Governmental authority.  

3. Poor Educational Process. The announcement was a poorly planned communication and educational program to spell out the aims, reasons, and specifics of the amnesty. The Minister seemed more intent on making grandiose pronouncements rather than spending time on the "nuts and bolts" of effectively developing ways to communicate with illegals of different cultural backgrounds, of different age and sex. I have talked with many, especially women, who did not know about the amnesty until it was over.

4. Personal fear and suspicion. Obviously this must have been one of the major factors involved for persons who have spent years hiding from Government authorities. This personal fear and suspicion often has cultural underpinnings (as described) where many Greeks, Portuguese, etc., have developed over decades a distrust of any authority. Such fear and suspicion could only be underlined by the record of previous Liberal-Country Party Coalition Governments in Australia and by a system which allowed no right of appeal or no public forum to contest the rulings of the Government.

5. Record of Government. Over the 23 years when previous Liberal-Country Party Coalitions were in power many aliens were refused citizenship on grounds thought, by many, to be political. In Australia a person was eligible to become a citizen if he had resided 5 years and met conditions of health and had no criminal record. Over the period 1949-1970 some 531 persons had been refused citizenship, on grounds of security (Australia Consolidated Immigration Statistics, 1973) and many thousands had their applications deferred. Between 1966 and 1970, for example, some 169 persons were refused citizenship for security reasons — 155 for being communists and 14 for being right-wing extremists. Of these 155 communists, 125 were Southern European. It must be noted that these were only official figures. Many immigrants believe others were rejected for political reasons. Whether this was true or not, it certainly was the case that many immigrants viewed the Liberal Government with considerable suspicion. It could be argued that 531 outright refusals for reason of security over a 21 year period when 635,555 persons were granted citizenship is a small number. But this number is significant because those refused citizenship were often the most active, key people who might best represent the rights and interests of the ethnic minorities. Also this system of selective refusal became widely known in ethnic communities and, I believe, helped to develop a general distrust of the motives of Australian Governments. This process of refusal also brought to the attention of ethnic communities two procedural factors that also helped intensify such suspicions:

a) That there was no machinery of appeal. The Minister's word is final.

b) That there was considerable secrecy surrounding the actions of the Immigration Department and the use of Australian Security Intelligence Officers.

This record, therefore, gave little cause for illegal immigrants to trust the intentions of the present Australian government. One example that illustrates that such distrust was possibly warranted is the case of Ignazio Salemi, an Italian illegal alien presently residing in Melbourne.
6. The Case of Salemi:

In June this year it was publicly announced that a Ignazio Salemi must leave Australia. Salemi had applied for amnesty having no criminal record and meeting standards of health. Yet, he was refused his amnesty. Why? No public explanation was given other than he had overstayed his temporary visa. This seemed, however, to be the very type of “illegality” that the Government wanted to grant amnesty. Many ethnic communities have protested stating this was a political decision which smacked of the left-wing “purges” of the 1950s and 1960s. It would seem that there is considerable truth to these accusations.

In 1972 a group of Italians had decided to form a branch of FILEF (a worldwide voluntary organization to support the rights of Italian immigrants — founded largely by the Italian Government) in Melbourne. They asked for support from the Rome head office. In March 1974, Salemi, an experienced journalist, was sent to give them organizational support. This was very important to the development of “ethnic politics” in Australia. Up until then migrant groups were either “represented,” “manipulated” by middle class business spokesmen or were “welfare caretakers.” The average migrant worker was too busy surviving and this combined with the attitudes of conservative governments and the “devaluation” of their cultures by the Anglo Saxon population at large, meant that migrant communities were generally silent if not content. After 20 years in the country, fewer pressures on survival, the development of civil rights issues in the 1960s, and a Labour Government in 1972 then many of these migrants began to organize to articulate their grievances, their views and their requirements that had remained latent over this period. FILEF became one of the more articulate and militant groups (around welfare rights, education issues, etc.) and the work of Salemi was of considerable importance to their organization. He developed a weekly newspaper, helped in research surveys and acted as a catalyst. This of course, was threatening to any conservative Government. He had remained in Australia on various temporary visas until October 1975. From then on he had been illegal in Australia where he worked for no money and obeyed all laws. When amnesty was announced, FILEF members were very suspicious, for the reasons given, but after some time, Salemi decided, in good faith to apply for such amnesty. This was refused with no reasons given. Due to considerable protest a legal appeal to the High Court of Australia is now proceeding.

The Salemi case is important because:

a) It indicates that decisions are still made secretly and reasons for judgments are still kept from the public.
b) There exists no public forum for appeal.

The results of the Supreme Court Appeal are hoped largely to overcome such discriminations.

Summary

The Amnesty program, even though largely unsuccessful, was important in Australia. It was important, not only for its own intrinsic merits, but as an indication of the intentions and integrity of the new Government and as a signpost of the directions and steps it intended to take.

Since the completion of the Amnesty there has been considerable attention paid to stopping illegal entry; a strengthening of the Immigration Control Branch; a series of arrests of illegals (e.g., 84 Chileans on May 31st; 32 Indians on June 14th); a series of regulations introduced to have airline companies pay the return costs of any persons found to have irregular visas on arrival.

The frustrations and difficulties involved in such a program have been indicated by recent Ministerial Statements. For example, on November 20th the Minister issued a harsh attack on
illegals stating that even after his amnesty there are still 35,000 illegals residing in Australia and that harsher measures were being sought. "There will definitely be NO MORE OFFERS OF AMNESTY."

Some Implications for the U.S.A.

Even though there are some differences in the immigration experiences and present day "requirements" of Australia and the United States there are enough similarities to suggest that the U.S.A. might learn from the mistakes of the recent amnesty program in Australia. All this is, of course, assuming that the U.S.A. will want to provide an amnesty program.

Many implications for the U.S. have been implied throughout the text of this article. I would suggest that some of the more important implications, that American legislators and others concerned to achieve justice for illegal immigrants might consider, are:

1. Cooperation with Immigrant Groups

   In development and administration of any amnesty program there must AT ALL STAGES be very close cooperation between policy makers, the bureaucracy and those persons and groups such amnesty is meant to reach and assist.

   Before any amnesty, Government legislators should attempt to involve all concerned ethnic and migrant groups (not just appointed spokesmen and voluntary support agencies).

   This should be a top priority (even if it takes more time and costs more). The full involvement of "grass root" groups is necessary to:

   a) Determine the perceptions and requirements of these people themselves.
   b) Overcome any possible cultural or social misconceptions in the wording of legislation and subsequent publicity as happened in Australia.
   c) Offset, as far as possible, persons' fears and suspicions and acts of paternalism as again was the case in Australia.

2. An Extensive Period of Amnesty, Involving a Community Education Campaign

   Having developed appropriate legislation, with simple (yet precise) wording and having obtained the best possible involvement of immigrant persons and organizations, then the Australian experience would suggest that it is necessary to have a fairly lengthy period of time (12 months) in which people might apply for amnesty. Over this period the Government should work on an extensive community educational program to explain the aims, the rights, the entitlements and duties that are involved in such a program. This, of course, should be carried out in all appropriate languages. As the Australian experience shows that illegal immigrants must, by their very nature of being illegal, be extremely suspicious of such a program. Therefore if amnesty is to be anything more than a p.r. exercise such a period of intensive campaigning must be deemed necessary from the beginning.

3. A Publicized System of Appeal

   Illegal aliens must be made aware that if they apply for amnesty, believing they meet all the conditions, they will receive a fair deal. In Australia, as was described the history of actions of previous governments, their use of secrecy with no provisions of a system of public appeal meant that the amnesty project was developed in a constant context of doubt. An open system of appeal, free to appellants and well publicized in the educative campaign would, I believe, help encourage illegal immigrants to apply for amnesty.

   If such actions could be carried out then, I believe, any amnesty program would have a greater likelihood of success than the amnesty program in Australia. It is important that such a program be successful for only then might we determine how many persons have been illegal,
what work they have been doing and what their social situation has been. Then policy makers and the community at large have a baseline from which to debate and determine the type of immigration program it desires and ultimately the type of society it wants.

NOTES

2. There are other differences to the U.S. that should be noted:
   a) Australia has always used assisted migration payment schemes (in one way or another) which helped regulate the flow depending on whether one wanted the tap on or off.
   b) In Australia today, even though unemployment is increasing (from 3% in 1972 to over 5% in 1975) there is still a considerable lobby to maintain and even increase immigration. So the Minister for Immigration and Ethnic Affairs (Mr. MacKellar) and industrialists such as McNeil, Director of B.H.P. (Australia's largest Company) are consistently making public statements about "...how Australia needs extra manpower to help increase G.N.P., provide extra markets, etc." (see Storer "...But I Wouldn't Want My Wife to Work Here," pp. 110-125 for details).
3. My impressions are based on 4 years work with migrant and ethnic organizations in helping them research and organize their views and requirements, and working with relevant political and trade union organizations (in particular with the Minister for Immigration in the previous Labour Government 1972-75).

REFERENCES

May 26th, 1976, Obtainable from INS, Washington.


Keely, C. and Tomasi, S. 1976 (a) Whom Have We Welcomed? CMS Publication.


Government (Reports: Proposed bills, etc.)


CANADA: THE UNINTENDED AMNESTY
Freda Hawkins

During the sixty day period between August 15th and October 15th, 1973, some 50,000 people then living in Canada illegally were able to obtain landed immigrant status under a special program which has become known as an amnesty. But the Canadian government never intended this program to be an amnesty and does not regard it as one to-day. It was an "adjustment of status program" and was part of a dramatic sequence of events which followed the inclusion in the 1967 Immigration Regulations of a provision — Section 34 — enabling visitors to apply for landed immigrant status from within Canada. In the same year, an Immigration Appeal Board Act was passed which established an independent appeal tribunal in immigration with authority to make final and binding decisions on deportation, and gave anyone who had been ordered deported the right to appeal to the Board no matter what his or her status under the Immigration Act might be. Within a remarkably short time, the special opportunities offered by these combined provisions began to be appreciated. Floods of visitors started to arrive in Canada with the obvious intention of staying here, applying for landed immigrant status and, if refused, submitting an appeal to the Immigration Appeal Board which had the power to permit them to stay in Canada on compassionate or humanitarian grounds. The longer they stayed and the more successfully they settled in, the more compelling those grounds would be.

This whole episode, which will now be described in more detail, tells us a good deal about the shadowy area usually known as the commerce of migration, and provides an interesting case study for those who believe that, in immigration, all the actions of government are wicked and all those of immigrants blameless. But it also shows very graphically how many people there must be in some regions of the world who are willing to take a considerable risk for the chance of a better life in a country with a high standard of living.

Although Canada's 1973 Adjustment of Status Program was not an amnesty, it had many of the features which an amnesty for illegal immigrants might have, including the decisions made on timing and the relaxed criteria for admission, as well as the methods used to communicate with an unknown number of illegal residents in Canada. The difficult decision, decided here in a negative sense, on whether to extend or whether to repeat our sixty day Adjustment of Status Program, is also one which must often arise in the case of amnesties of different kinds.

The 1967 Immigration Regulations

The 1967 Immigration Regulations, which contained the vital section permitting visitors to apply for landed immigrant status from within Canada, were one of an impressive group of new policies and programs which issued from the Department of Manpower and Immigration created by the Pearson government in 1966. For exactly ten years, this Department, which opened its doors in October 1966, has struggled with Canada's manpower and employment problems; created a national employment service of a much more effective kind than we had before; established extensive manpower training, mobility and research programs, and managed immigration at home and abroad. It has been a period both of struggle and innovation, as the Department attempted to give shape to one of the Pearson government's most urgent priorities — manpower development, in a country whose labour force was regarded in the 60s, both by

---

Dr. Freda Hawkins is Professor of Political Economy, University of Toronto. This paper was published in Migration Today, Vol. 5, No. 3. New York: Center for Migration Studies. June, 1977.
external and internal authorities, as one of the least skilled among those of industrialized countries. Very soon now, however, this Department will be dismantled to make way for a new Canada Commission on Employment and Immigration with a small supporting Department of the same name. The Commission is being created through a merger between the old Department and our Unemployment Insurance Commission, and is intended to tackle what is today an even more urgent priority issue namely job creation and a reduction by all available means of our persistently high rate of unemployment.

The 1967 Immigration Regulations did not change Canadian immigration policy which has remained the same in principle (although some new elements have been added to it in our new Immigration Bill) since the Immigration Regulations of 1962 when Canada rejected the "White Canada Policy" operative since the First World War and firmly endorsed by Prime Minister MacKenzie King in 1947. What the 1967 Regulations did was to change the process of immigrant selection and admission and to introduce a satisfactory and practical nine-point immigrant assessment and admission system which has been in use ever since. They were conceived in a mood of expansion, optimism and liberalisation. They became effective on October 1st, 1967 and were followed in swift succession by the Immigration Appeal Board Act which became law on November 13th, 1967, creating for the first time in Canada an independent appeal tribunal in immigration with broad powers; and five weeks later by the Canada Manpower and Immigration Council Act which created a Canada Manpower and Immigration Council and four Advisory Boards to advise the Minister of Manpower and Immigration on all the areas for which he was responsible.

The decision to include a provision (Section 34) within the 1967 Immigration Regulations, permitting visitors to apply for landed immigrant status from within Canada, was taken by the Department's mainly new senior management group, against the advice of a few experienced immigration officers who foresaw some dire consequences. It was taken on the very liberal grounds of consideration for visitors who might have travelled a long way to reach this country, might have become quite genuinely enamoured of Canada as a place to live and work or to be with their relatives, and might not have the funds to go all the way back to their point of departure and then return. Elderly relatives were thought of as being particularly likely to take advantage of this provision.

For a short while, nothing of any consequence happened as a result of Section 34 of the new Immigration Regulations, but within the space of two years at most, it became evident that a special and growing movement of visitors to Canada from Europe, Latin America, Asia, the Caribbean and elsewhere was underway — visitors who had learned or had been told that the fastest way of getting to Canada and settling there was simply to come, to apply for landed immigrant status here and, if refused, to submit an appeal to the Immigration Appeal Board. As the number of visitors arriving at Canada's international airports began to increase alarmingly, so did the number of cases before the Immigration Appeal Board until a sizeable backlog began to develop. In 1970, approximately 45,000 visitors in Canada applied for landed immigrant status, representing one sixth of all the applications made both in Canada and overseas.

In 1972 the situation became truly critical. Between January and August of that year, the average monthly rate of applications from visitors applying for landed immigrant status was about 4,600 and each month the backlog of cases before the Immigration Appeal Board grew larger. In June 1972, the Department instituted a review of appeal cases with a view to reducing the backlog, but word of this rapidly spread around the commercial world of migration, and what was sensed as impending changes in the regulations clearly spurred the travel agents and other commercial operators as well as would-be immigrants themselves to desperate efforts. By September 1972, the monthly rate of applications from visitors for landed immigrant status had
increased to 6,900 and in October it went up to 8,700. At the same time, the number of suspected "non-bona fide" visitors arriving at the three international airports of Toronto, Montreal and Vancouver was escalating in the same way. In October as many as 4,500 arrived at Toronto International Airport during one week-end. At this point, the Liberal government decided that action must be taken to bring the situation under control and on November 3rd, 1972 Section 34 of the 1967 Immigration Regulations was revoked. On January 1st, 1973, a further step was taken. Regulations were introduced requiring registration of all visitors staying in Canada for more than three months, as well as employment visas for all those seeking jobs.

As a result, however, of the number of visitors who had already arrived in Canada and applied for landing, the number of people awaiting a hearing before the Immigration Appeal Board was 12,700 on January 1st and 17,742 by the end of May, an increase of almost a thousand a month. 90% of these cases involved either visitors or illegal entrants. At that time, the Board was only able to handle about 100 cases a month. If action had not been taken during the previous months, it is believed that there might have been another 12,000 cases before the Board by the middle of 1973. Even so, it was estimated that the figure might reach between 25,000 to 30,000 cases before the end of the year, which might have meant an assured twenty-year stay in Canada for some of these applicants before their cases could be heard.

Two problems now faced the government as they saw it:— first the plight of the Immigration Appeal Board which simply could not handle this huge backlog of cases without some kind of assistance; and secondly, the problem of the large number of visitors who were already in Canada by the beginning of November 1972, but had not yet applied for landed immigrant status and were in fact caught by the November 3rd announcement.

Amendment of the Immigration Appeal Board Act

The government therefore proceeded as quickly as possible to amend the Immigration Appeal Board Act and, at the same time, to offer the opportunity of adjustment of status to visitors who had lived in Canada continuously since the end of November. The critical Second Reading of this Bill began in the House of Commons on June 20th, 1973 with an opening speech by the then Minister of Manpower and Immigration, Robert Andras. In his opening remarks, Mr. Andras referred to the government's current review of the whole field of immigration policy which he hoped would lead to a policy paper to be submitted to Parliament and the Canadian people for public examination and debate prior to the drafting of a new Immigration Act. But there were some pressing problems which had to be dealt with first, and he referred then to the events leading up to the decision to revoke Section 34 of the Immigration Regulations:—

I should like to say clearly that I do not condone violation of the law. The right to apply in this country for immigrant status was legally open solely to people who came here genuinely intending only to visit but who changed their minds after their arrival. I cannot bring myself to believe that people who sold their houses and possessions and in other ways burnt their bridges in their home countries were being completely frank when they said on arrival at a Canadian port of entry that they were here only for a visit.

But that being said Mr. Speaker, we cannot forget that we are dealing with human beings. Many of them perhaps were the unfortunate victims of unscrupulous, self-styled immigration counsellors, whom we know exist, who for a fee may have convinced them that they were doing no wrong in short-circuiting Canadian immigration law. Others who knowingly violated the law in the way they entered Canada and remained here nevertheless have put down their roots, established families and settled into productive work.

I am happy that the introduction of this bill, which if it passes will have enabled us to put the future appeal process on a fair and workable footing, also makes it possible for us to turn back and offer these people of whom I am speaking an opportunity to get their life in Canada off to a new and legal start. I think Hon. Members will understand that this should not have been done — in fact, I think could not have been done — before the introduction of legislation to restore order to the appeal system."
The Bill consisted of a number of permanent amendments to the Immigration Appeal Board Act to prevent a recurrence of the crisis of 1972-3; a group of temporary amendments to deal with the backlog; and a provision for a sixty day Adjustment of Status Program to allow those who had been in Canada continuously since November 30th to regularize their status. The principal permanent amendments to the Act provided 1) for the appointment, whenever desirable, of an additional seven temporary members of the Immigration Appeal Board, 2) for a modification of existing appeal rights, confining them in future to permanent residents, those who had a valid immigrant or non-immigrant visa when they apply for admission to Canada and those who had a substantial claim to refugee status or Canadian citizenship, and 3) a procedure for disposing quickly of claims based on what the Board determined were unsubstantial grounds for claiming refugee status or Canadian citizenship. The principal temporary amendments to the Act which were proposed in the Bill provided 1) for the appointment of such additional temporary members of the Board which might be necessary to eliminate the backlog as soon as possible, and 2) for appeals to be determined by single members of the Immigration Appeal Board instead of the usual panel of three, but for the period of backlog elimination only. The right of appeal to the Immigration Appeal Board was also preserved for all those subject to a special inquiry or awaiting a hearing by the Board on or before the day this Bill had its first reading in the House.

Adjustment of Status Program

In introducing the Bill, Mr. Andras said that he was gratified that it was now possible to announce this program which was intended to accommodate most of the people caught by the November 3rd announcement, as well as many people who had lived in Canada for years without legal status. “The right to apply in Canada for immigrant status” he said “was a noble experiment that proved unworkable and has had to be laid to rest, but I think decency demands that it be done fairly.” And the key to the interesting question “was this program in fact an amnesty?” lies in this significant remark. It was not intended to be an amnesty. The principal motivation behind it was a desire to behave fairly towards those who, whatever their motives in coming to Canada, had suddenly been deprived of rights which they thought they had and on which they intended to rely. At the same time, an equal opportunity to acquire legal status in Canada had to be offered to the unknown number of residents who had been living here illegally for varying periods of time.

The Adjustment of Status Program would last, Mr. Andras said, for sixty days. “The clock starts ticking” he said “on the day this Bill is proclaimed and the opportunity runs out permanently sixty days later. This program is being introduced in the interest of fairness, and I think this advance notice that it will last for sixty days only is fair warning.” The program would accommodate most of the people who were caught by the November 3rd announcement and had remained in Canada since then, as well as those who had lived here without status for years. Applications for immigrant status would be judged in the light of such criteria as length of residence in Canada, family relationships, financial stability and employment record, as well as compelling grounds for compassionate consideration. It was expected that the great majority of those who came forward would be successful in their application for landed immigrant status. But those few who were rejected would still have the right of appeal to the Immigration Appeal Board which continued to have the power to set aside a deportation order on grounds of compassionate consideration or unusual hardship. This program would not be available, however, to persons classed as prohibited under the Immigration Act on grounds other than status, including convicted criminals unless recognized as rehabilitated. Persons who were already due for a special inquiry, or had been ordered deported, or were awaiting the outcome of their appeal prior to November 30th and had remained here since that date, would have their cases reviewed to determine their admissibility under the landing criteria established in the
adjustment program. "In conclusion" Mr. Andras said, "in 1967 Parliament enacted the Immigration Appeal Board Act setting up an untried and very generous appeal system. It is regrettable but experience has shown that it was open to misuse and the purpose of the bill before the House to-day is to stop that misuse while remaining true to the original spirit of the Act. I think that this bill does remain consistent with Parliament's original intent which was expressed as a concensus of all groups in this House..."

The Adjustment of Status Program went into effect on August 15th and ended on October 15th, 1973, making a total of sixty days. A major effort was made to reach as many illegal immigrants as possible and to offer the widest possible facilities for them to apply for landed immigrant status. During this sixty day period, all immigration offices in Canada were open until 8 p.m., on weekdays and from 9 a.m., to 5 p.m., on Saturdays and holidays. Facilities were also provided in Canada Manpower Centres across the land. A Canada-wide advertising program in twenty-seven languages, as well as in English and French, took place involving the daily press, weekly newspapers, the ethnic press, radio and television, cinemas, transit systems, posters and folders. Mobile teams of immigration officers were sent to any location where there might be people who wanted to register. A special effort was made to help those who might be fearful of coming forward, and a commitment to accept an applicant could be made during this period on the basis of facts initially presented anonymously or by a third party. The Minister and his officials appeared frequently on radio and television programs and attended hundreds of meetings. Many Members of Parliament from all parties worked actively for the program and so did a great many ethnic and other community organizations. A Gallup poll commissioned by the Department after the program had been underway for only three weeks showed that approximately 70% of those interrogated (and 80% in Ontario where the largest number of immigrants have settled in recent years) were fully aware of the program and knew where further information about it could be obtained.

As announced, the Adjustment of Status Program ended on October 15th and, when all were counted, it was found that some 50,000 people from more than a hundred and fifty countries had obtained landed immigrant status. Of these, 60% were in Canada illegally and 40% had legal status of some kind. In addition, through administrative measures taken in 1972 to eliminate the backlog in the inquiry system — the first stage of the examination and appeal process — as well as the much larger number of cases heard by the Immigration Appeal Board following the amendment of the Act (leading to the eventual elimination of their backlog), a further 35,000 people obtained landed immigrant status, making a final score of about 85,000.

As the Program closed on October 15th, it was suggested in the House of Commons and in the press that it should be extended for a few days, for a month or even for another sixty days to take full advantage of the climate of trust which had been created so successfully. Replying in the House, the Minister indicated that he had not yet made up his mind. It was a very difficult decision, he said, and not one which could be taken lightly...

There are costs as well as benefits on either side... On the one hand, if extension is considered, the effect on attitudes of countless thousands of people abroad, for whom Canada is so attractive that they will seek and test any loophole which would allow them to come here, must be taken into account as well as any apparent lack of will to hold firm to our immigration laws as announced. Furthermore, we cannot ignore the effect of the commitment of resources to an ad hoc program of this type for a prolonged period of time. On the other hand, we must judge whether we have cleaned up the bulk of the problem with which we have been faced. Certainly, we do want to avoid mass deportations and we want to ensure that our program has been effective. In view of all the publicity which has been given to this program and all the effort put into it, we are entitled, before we make a decision, to get pretty substantial evidence that there may be, or may not be, great numbers of people who have not been reached by all our publicity..."
But as the total count was made and the progress of the Immigration Appeal Board noted, the government decided against any extension of the program and have been opposed to any repetition of it during the succeeding years. The basic reason given has always been that the Adjustment of Status Program was designed to deal with an emergency situation and that the causes of this emergency had been identified and dealt with. Repetition of the program in any form would indicate, as Mr. Andras said, "a lack of will to hold firm to our immigration laws" and might in fact — if only from time to time — legitimize illegality in immigration instead of reducing it.

Recent Developments

The government's review of the whole field of immigration policy referred to by Mr. Andras in his speech of June 20th, 1973 went ahead as planned, although it took rather longer than the Cabinet originally intended. The principal motivation behind it was first to do what no other government had managed to do in the previous twenty years, namely to produce a new Immigration Act to replace our old, outdated and illiberal Immigration Act of 1952, long since by-passed by the Immigration Regulations of 1962 and 1967, but still relevant in the area of control and enforcement. And secondly, to involve and educate the provinces and the public on the urgent need from now on to relate immigration to population growth and economic development in a much more effective way than in the past, particularly in the light of Canada's declining fertility rate, continuing regional disparity and problems of population distribution.

A Green Paper on Immigration Policy, airing these issues, was submitted to Parliament in February 1975. A Special Joint Committee of the Senate and the House of Commons was appointed in March, and held hearings across Canada and received a large number of briefs during the spring and summer of that year. In November, the Committee presented an excellent Report to Parliament and work then began on the drafting of a new Immigration Act. In putting this draft together, most of the recommendations of the Special Joint Committee were accepted and incorporated in the new legislation.

The new Immigration Bill was introduced in the House of Commons on November 22nd, 1976, not by Robert Andras who had recently become President of the Treasury Board, but by his successor, Bud Cullen, formerly Minister of National Revenue. At the time of writing, this Bill is now having its Second Reading in the House and will shortly go to the Standing Committee on Labour, Manpower and Immigration for detailed examination. Although criticized in the House for leaving too much to the regulations which will follow when the Act is proclaimed, and for vesting in the Minister and his officials regulation-making powers of too broad a nature, the Bill is nonetheless a far better piece of legislation than its predecessor. Among other provisions, it sets out for the first time in Canadian immigration law the basic principles and objectives of Canada's immigration and refugee policies; it contains some very useful and innovative provisions relating to the planning and management of immigration which directly involve the provinces; and it completely revises and improves the law relating to control and enforcement.

The Bill also contains several measures which relate specifically to the control of illegal immigration, reflecting an effort which has continued since the 1973 Adjustment of Status Program to deal with this problem by more effective controls overseas, at ports of entry and in Canada. It requires all visitors and students wishing to study or work temporarily in Canada to obtain prior authorization abroad. Once submitted, visitors may not normally change their status. Temporary workers who change their jobs and students who change their course of study without proper authorization and all visitors who remain beyond the period for which they were admitted will be subject to removal. The Bill also provides for penalties against employers who knowingly employ persons who are living and working in Canada illegally.
In addition, with the idea of having everything under one roof, the Bill incorporates most of the provisions of the Immigration Appeal Board Act of 1967. It preserves the authority and independence of the Board, but defines its jurisdiction more precisely. It also provides for the appointment when necessary of more members to assist the Board in meeting regional demands and dealing with increased workloads.

The number of illegal immigrants in Canada to-day is unknown, although it is very doubtful whether their numbers have become as large as they were in 1972-73; nor has there been any evidence of an illegal immigration movement similar to the one which gave rise to the Adjustment of Status Program. Although illegal immigration and the presence of an unknown number of illegal immigrants is still a matter of concern, the possibility of repeating this program or of offering any kind of amnesty to illegal immigrants is not often raised in Canada to-day.

NOTES

1. Lester B. Pearson was Prime Minister of Canada from April 22nd, 1963 until April 20th, 1968.
5. Ibid., p. 4953.
ARGENTINA'S ANSWER TO UNDOCUMENTED MIGRANTS

S. M. Tomasi

In 1974, Argentina, a country of 25 million people, found that almost two million immigrants from neighboring countries were living and working within its borders. The Catholic Immigration Commission of Argentina reported that 600,000 Bolivians, 100,000 Brazilians, 450,000 Chilians, 650,000 Paraguayans and 150,000 Uruguayans were present in Argentina. Sixty percent of the total number of immigrants were estimated illegal. Potential illegal immigrants were either taking advantage of tourist visas and temporary work permits and overstaying their time, or they were simply crossing the borders without any documents.

Pushed by poverty and attracted by the possibility of employment in Argentina, the advantage of having the same language and hundreds of miles of open borders, the immigrants came to take jobs at half the salary of Argentinian workers. These migrants group together in the slums of Buenos Aires and spend long working days as farm hands in the rural provinces. Their experience of exploitation, substandard housing without electricity and water, concubinage, abandonment of children and alcoholism, follows the pattern of tragedy and hope shared by illegal immigrants in France, Germany, the United States and other countries.

Under the leadership of Father Lino Peditic, O.F.M., General Secretary, and Father Victorio dal Bello, C.S., Vice-President of the Catholic Immigration Commission of Argentina, the Government of Juan Peron issued a presidential decree for the adjustment of status of all illegals as of January 1974. "Crowning all our effort of five years," Father Peditic said, "...the Government of Argentina has promulgated a decree of amnesty (No. 87/74) with the purpose of 'rooting' all illegal residents from neighboring countries.... According to official information, the number reaches 585,000 people, but in my opinion, more than 1,200,000... Then through this decree hundreds of thousands of our illegal resident brothers in Argentina will feel a little more like human beings and children of God."

a) Rationale: The presence of immigrants without proper documentation causes abuses on the part of employers and a black market of manpower. By amnesty, the Argentine government intended to follow a policy of fraternity, Latin American integration and generosity in immigration policy.

b) Provisions: "Article 1. Any foreigner native of a neighboring country and de facto resident in the national territory before January 1, 1974, no matter what was the form and condition of his entry, will be able to obtain his definitive 'rooting' (Tradicion) in the Republic on the fulfillment of the following conditions: 1. Proof of entry into the country before the date mentioned above through a certificate issued by the National Office of Immigration or a control card or passport proof or documentary proof from a public functionary, or a sworn statement — accepted according to the rules of sound judgement (sana critica) — of two persons taken before the authority where the application is made; 2. Identity proof through a birth certificate or passport or identity card of similar document from the country of origin. It is not necessary that the documentation supplied by the foreign authority be validated by the Argentinian consul... 3. Medical certificate from Argentinian authority... 4. Sworn declaration that the applicant is not under any of the exclusionary conditions foreseen by the Argentinian immigration law..."
c) Time Limit: The decree will remain in force for 180 days from the date of its enactment.
d) Administration: The decree will be administered by the National Office of Immigration.
e) Taxes: No taxes for adjustment of status through this decree.