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ABSTRACT

This paper reports on a 1989 survey of publicly funded amnesty class capacity in the chief metropolitan areas of the four states outside of California that have the largest populations of legalization applicants. The areas covered are Chicago (Illinois), Houston (Texas), Miami (Florida), and New York (New York). The study sought to determine if for the 1988-89 school year these areas offered enough English/civics classes to accommodate all the temporary residents who need to take them in order to become permanent residents. Chapter I contains an executive summary of the research. Chapter II presents the data on the availability of English/civics courses in the four metropolitan areas. Chapter III provides background information on the English/civics requirement of the Immigration Reform and Control Act. Chapter IV discusses the implementation of options for complying with the English/civics knowledge requirement. Chapter V explains the methodology of the amnesty class survey. Chapter VI contains the policy recommendations for the utilization of English/civics classes and testing options. Appendix 1 contains Form I-698, an application to adjust status from temporary to permanent residence. Appendix 2 provides a table reflecting the temporary residence populations of metropolitan areas in the amnesty class survey. Five figures, one table, endnotes, and a list of background papers on Latino issues are also included. (JS)

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LEGALIZATION'S SECOND STEP:
THE AVAILABILITY OF ENGLISH/CIVICS
CLASSES IN THE CHICAGO, HOUSTON,
MIAMI AND NEW YORK CITY
METROPOLITAN AREAS

027 091



Education Fund

LEGALIZATION'S SECOND STEP:
THE AVAILABILITY OF ENGLISH/CIVICS
CLASSES IN THE CHICAGO, HOUSTON,
MIAMI AND NEW YORK CITY
METROPOLITAN AREAS



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The NALEO Educational Fund is a national, non-partisan, 501(c)3 organization, conducting civic affairs and research projects on behalf of the Hispanic community.

This report on the demand for English/civics classes in four major metropolitan areas outside of California is one of a series of publications and activities fulfilling the NALEO Educational Fund's goal of information dissemination that increases our society's knowledge of social, economic and political conditions present in the Latino community.

We wish to acknowledge the generous support of the Ford Foundation which made publication of this report possible.

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Research on this report was conducted by NALEO Research Associate Robert Paral, with the support of NALEO staff Rosalind Gold, Eliza May, and Michael J. Zamba, with NALEO intern Mark Magana.

I. EXECUTIVE SUMMARY

The National Association of Latino Elected and Appointed Officials (NALEO) in the spring of 1989 studied publicly funded amnesty class capacity in the chief metropolitan areas of the four states outside of California that possess the largest populations of legalization applicants: Cook County, Ill.; Dade County, Fla.; Harris County, Tex.; and the five boroughs of New York City. NALEO surveyed educational systems in these locations to assess their capacity to provide English/civics instruction during the 1988-89 school year. This study complements an earlier study of NALEO performed in 1988, in which English/civics class capacity in the state of California was analyzed.¹

English/Civics Courses for Persons Most in Need:

The results of the NALEO Amnesty Class Survey demonstrate that in the 1988-89 school year, three of the four metropolitan areas surveyed will provide a sufficient number of class seats to meet the needs of individuals who require a course during that same period. Course providers in New York City, however, will not offer class space to nearly 50% of temporary residents in that area who should enroll in the 1988-89 school year.

o If educational agencies in Cook, Dade and Harris Counties maintain 1988-89 course capacity in the 1989-90 school year, they are projected to meet the demand for courses of all temporary residents in their jurisdictions who require a course during the length of the legalization program.

o New York City educational agencies will need to vastly increase their current capacity in order to begin to satisfy the educational needs of their temporary residents in the 1989-90 school year.

English/Civics Courses for the Larger Population Eligible to Take Classes:

Approximately 65% of participants in the legalization program require an English/civics course. The number of temporary residents who are eligible to receive federally-funded instruction, however, constitutes a far larger population: roughly 2.9 million individuals nationwide, including the 1.3 million applicants for legalization in the Special Agricultural Worker (SAW) program. In the 1988-89 school year, all four metropolitan areas surveyed will not be able to provide class space for even 50% of this greater universe of temporary residents.

If 1988-89 levels of capacity are maintained in the 1989-90 school year, however, educational agencies in Cook and Harris Counties stand to offer enough classroom space to serve a significant portion of all temporary residents who are eligible to

receive instruction. Class providers in Cook and Harris may have the opportunity to fulfill much of the promise of the educational opportunities enacted by IRCA: the provision of classes to a wide range of amnesty applicants.

Given the current level of course availability in Dade County educational agencies, that metropolitan area will not be able to offer classes to a majority of its temporary residents who may not require classes, yet are eligible for instruction. Class availability in Dade becomes exceedingly restricted when that area's huge SAW population is considered as part of the demand for classes.

Class availability in New York City is limited for even those temporary residents who must enroll in a course in order to complete their transition to permanent residence. New York City's educational agencies may fall far short of providing adequate instructional facilities during the legalization program to its temporary residents who are eligible to enroll in federally funded courses.

II. THE AVAILABILITY OF ENGLISH/CIVICS CLASSES IN FOUR METROPOLITAN AREAS

A. Results of the Amnesty Class Survey

The Immigration Reform and Control Act (IRCA) mandates that temporary residents in the legalization program must either possess a basic understanding of ordinary English and the history and government of the United States, or demonstrate that they are "satisfactorily pursuing" attainment of such knowledge.¹ Failure to comply with this rule would cause the temporary resident to revert to undocumented status.

English/civics classes are by far the most widely used method of complying with the educational component of IRCA. The availability of these classes will determine how hundreds of thousands of legalization applicants will adjust to permanent residence. (For a more detailed discussion of IRCA's educational requirements, see Chapter III in this study.) The severe shortages of English/civics classes that have existed in many parts of the country have formed the crux of a protracted, at times rancorous debate, involving educators, school administrators, immigrant rights advocates, various state governmental agencies, the U.S. Health and Human Services Department (HHS) and the Immigration and Naturalization Service (INS).

California, where approximately 50% of the legalization population resides, has been the center of attention during the debate on English/civics classes. In 1988, NALEO undertook a study of class availability in that state. This study demonstrated shortages of class space in eight out of ten of the 100 largest California cities outside of Los Angeles.²

To gauge class availability outside of California, NALEO completed a survey of amnesty course capacity in the major metropolitan areas of four of the five states comprising the largest populations of amnesty applicants in the nation:

- o Cook County, Illinois, with 80.4% of that state's regular legalization and SAW applicants
- o Dade County, Florida, with 43.0% of that state's regular legalization and SAW applicants
- o Harris County, Texas, with 25.2% of that state's regular legalization and SAW applicants, and
- o the five boroughs comprising New York City, with 85.2% of that state's regular legalization and SAW applicants

The results of NALEO's survey -- the Amnesty Class Survey -- demonstrate that an impressive amount of classes have been created in some jurisdictions, providing significant relief to enrollment backlogs. Nevertheless, the availability of courses

in the areas surveyed cannot be described as sufficient for all purposes. (For details on the methodology of the Amnesty Class Survey, see Chapter V of this study.)

While educational agencies in Cook, Dade and Harris Counties will offer a high number of class seats in the 1988-89 school year, it is important to note that numerous factors may limit access to courses. These factors, discussed further in Chapter IV, include the number of SAWs in an area, the number of individuals who have decided to remain in class beyond the minimum amount of hours, the time of day at which courses are offered, the length of courses, and the varying permanent residence adjustment schedules of temporary residents.

The availability of English/civics class seats can be measured in a variety of ways. The following graphs examine class availability in the contexts of demand by temporary residents who require a course and by all temporary residents who are eligible to enroll in federally funded classes. Class availability is shown for the current school year, and a projection is made of availability in the coming, 1989-90 school year.

The graphs are as follows:

Figure 1: Availability of Publicly Funded Courses in the 1988-89 School Year for Temporary Residents Requiring a Course in the Same Period (1988-89)

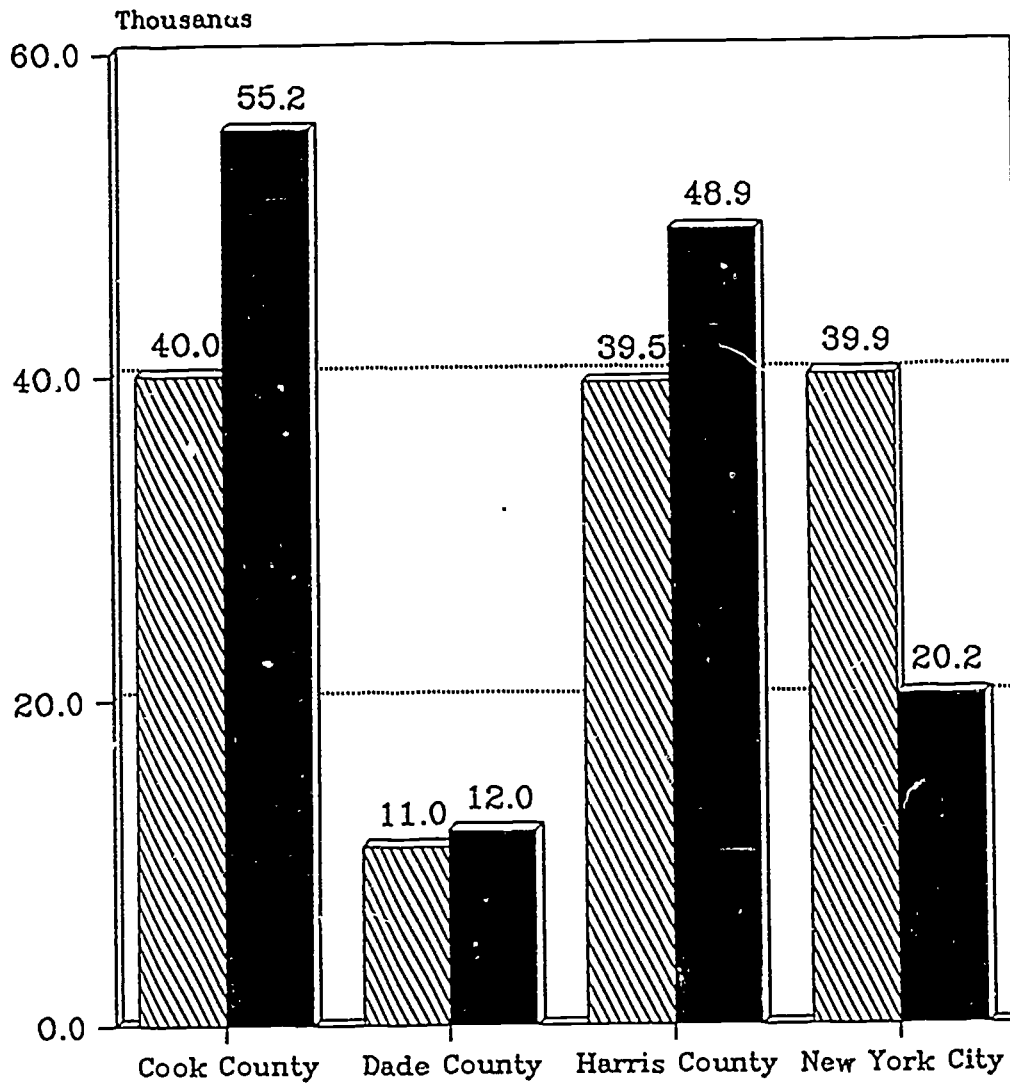
Figure 2: Availability of Publicly Funded Courses in the 1988-89 and 1989-90 School Years for Temporary Residents Requiring a Course During Legalization


Figure 3: Availability of Publicly Funded Courses in the 1988-89 School Year for All Persons Eligible to Receive These Classroom Services in the Same Period (1988-89)


Figure 4: Availability of Publicly Funded Courses in the 1988-89 and 1989-90 School Years for All Persons Eligible to Receive These Classroom Services During Legalization

Figure 5. Availability of Courses in the Four Metropolitan Areas: The Impact of Special Agricultural Workers

Figure 1:
 Availability of Publicly Funded Courses in the 1988-89 School
 Year for Temporary Residents Requiring a Course
 in the Same Period (1988-89)



 - Temporary residents beginning year of adjustment in 1988-89 school year (including summer) who will require an English/civics class*

 - Class seats available in 1988-89 school year (including summer)**

* Rounded to the nearest hundred. This number reflects the following calculation: Up to 65% of legalization applicants may require an English/civics class; of these individuals, approximately 60% will have begun their year of adjustment to permanent residence by the end of the 1988-89 school year. See Chapter V for details on methodology.

** Rounded to the nearest hundred. Based on NALEO Educational Fund Amnesty Class Survey. See Chapter V for details on methodology.

1. Availability of Publicly Funded Courses in the 1988-89 School Year for Temporary Residents Requiring a Course in the Same Period (1988-89)

An obvious assessment of the accessibility of classes compares the number of classes available in a certain period with the number of individuals who require a course within the same time constraint. Figure 1 presents this comparison for the 1988-89 school year.

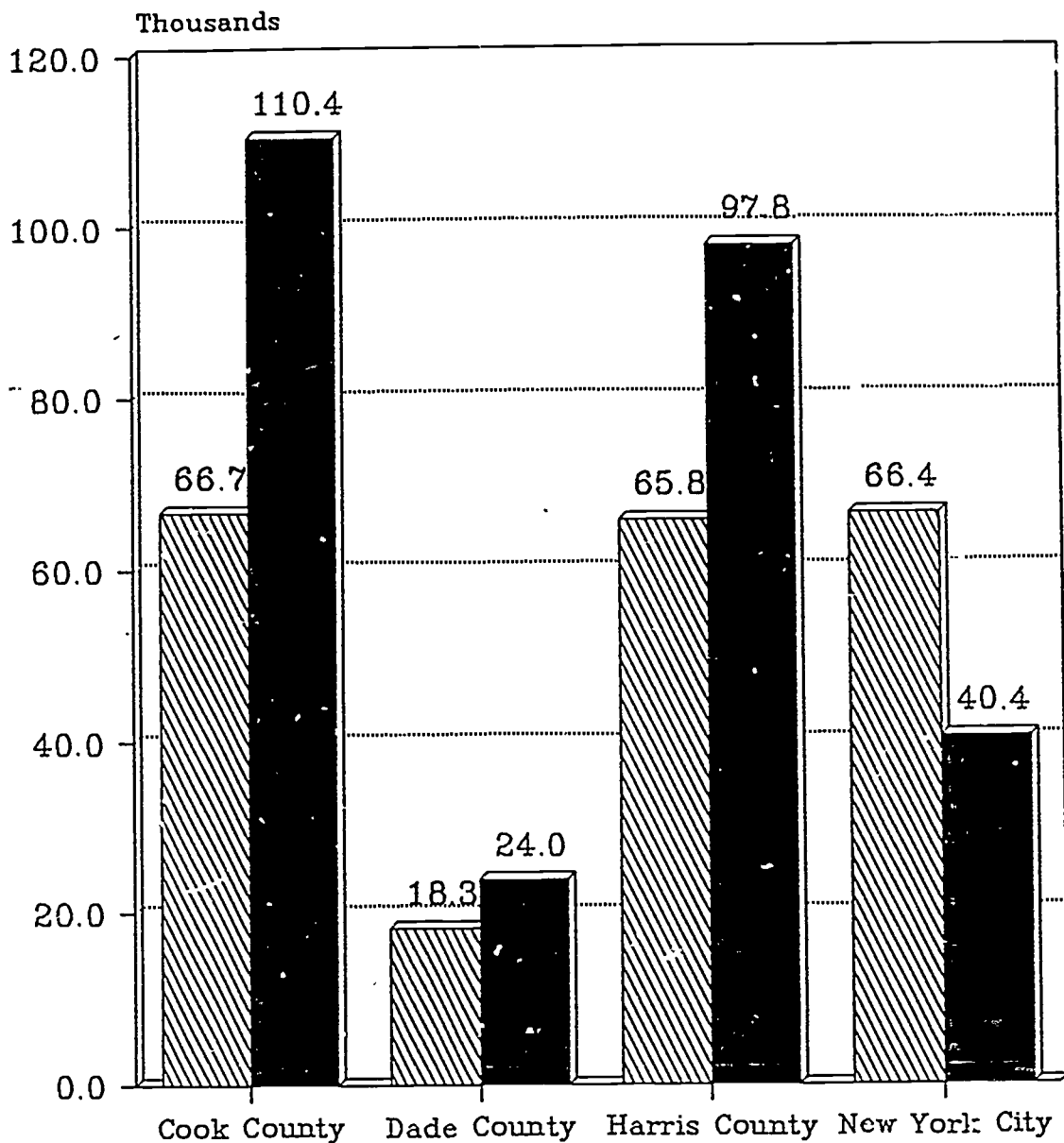
Persons requiring a course are defined as those temporary residents who need an English/civics course (see Chapter V for further discussion), and whose year of adjustment will have begun by the end of the 1988-89 school year. For the purposes of this study it is deemed reasonable to expect temporary residents to be able to enroll in a course by the time their year of adjustment begins.


The comparison in Figure 1 of temporary residents who need classes with the number of seats available shows that in three of the four selected areas -- Cook, Dade and Harris Counties -- the potential course offerings exceed the demand. Only in New York City is there a failure to supply an adequate number of courses in this context.


It is important to note, however, that Dade county's educational agencies will offer relatively few class seats more than necessary. Given the likelihood that some classroom seats will be occupied by individuals who do not require instruction to adjust their status, there appears to be a probability that some individuals in need of a course will be unable to enroll in Dade sites during the 1988-89 school year.

It should also be noted that any limited course availability shown in Figure 1 (and Figures 2, 3 and 4) will be ameliorated somewhat by the fact that a certain percentage of the population has been able to take an English/civics course in the previous school year, 1987-88. Also, some individuals are enrolling in tutor based courses whose capacity is not reflected in the Amnesty Class Survey.

Figure 2:
 Availability of Publicly Funded Courses in the 1988-89 and
 1989-90 School Years for Temporary Residents
Requiring a Course During Legalization



 - Temporary residents requiring an English/civics course during legalization*

 - Class seats available during 1988-89 and 1989-90 school years (including summers)**

* Rounded to the nearest hundred. Approximately 65% of legalization applicants will require an English/civics course. See Chapter V for details on methodology.

** Rounded to the nearest hundred. Based on 1988-89 capacity being maintained in the 1989-90 school year. See Chapter V for details on methodology.

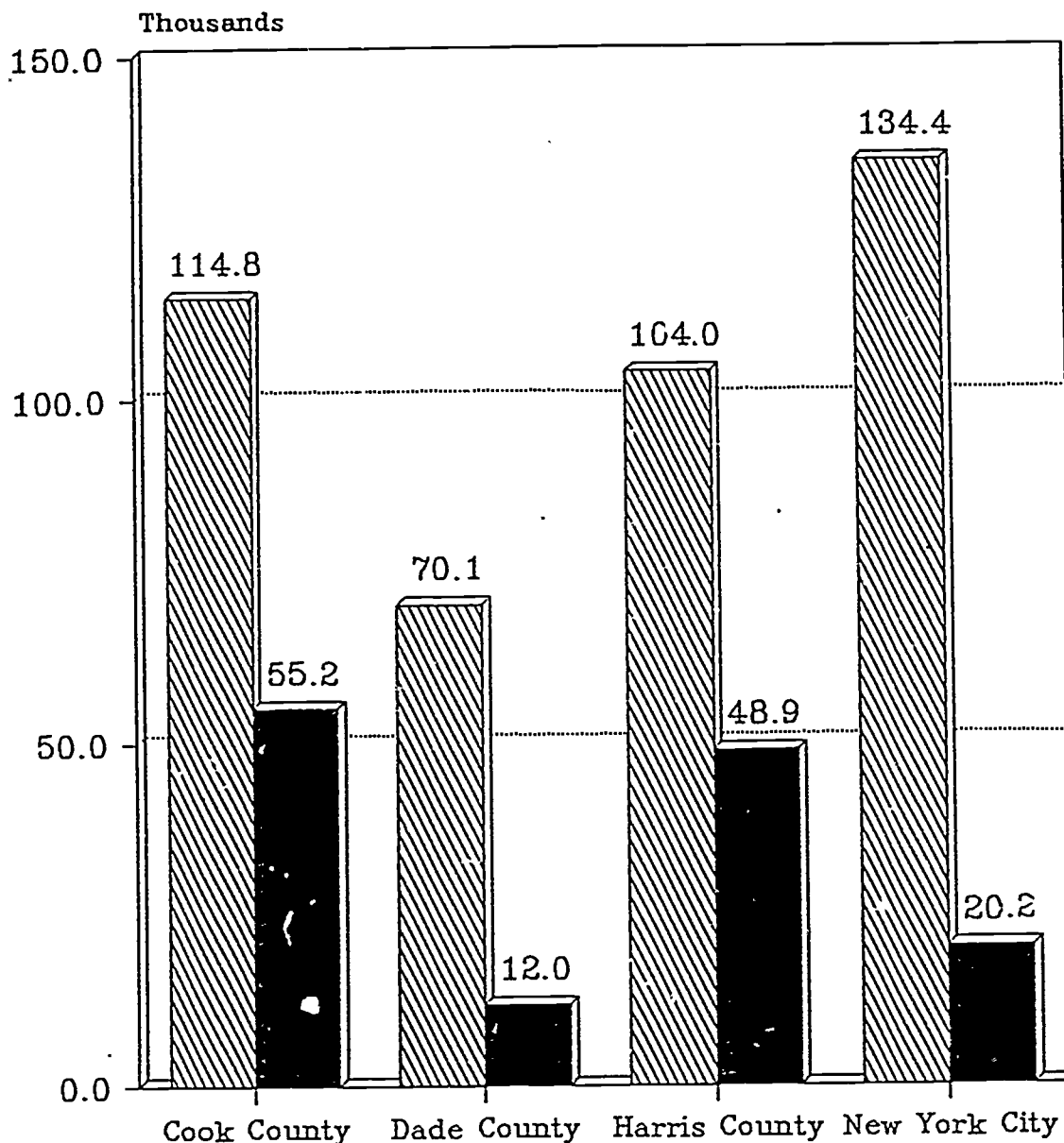
2. Availability of Publicly Funded Courses in the 1988-89 and 1989-90 School Years for Temporary Residents Requiring a Course During Legalization


Figure 2 presents a projection of class availability in two school years -- 1988-89 and 1989-90 -- during which the entire regular legalization population will have begun its period of adjustment to permanent residence. Persons requiring a course are defined as 65% of the regular legalization population (see Chapter V for details). The calculation of class seats available in Figure 2 is based on 1988-89 capacity being maintained in 1989-90.


As seen in Figure 2, educational agencies in Cook, Dade and Harris Counties will offer sufficient class seats in the 1988-89 and 1989-90 school years to satisfy the demand for classes of regular legalization applicants most in need. New York City's class providers will be unable to offer enough class space if current capacity is maintained in the coming school year.

The actual class capacity during the 1988-89 and 1989-90 school years may be affected by several factors. Educational agencies in New York City, showing an insufficient supply of classes in the 1988-89 school year, may respond to this shortfall by redoubling its class start-up efforts in 1989-90. At the same time, the surplus of classes in Cook, Dade and Harris may narrow if enrollment does not meet expectations of school systems. Indeed, several course providers in Cook County reported to NALEO that they had either ceased operations or were planning to do so because of low enrollment.

Figure 3:
 Availability of Publicly Funded Courses in the 1988-89
 School Year for All Persons Eligible to Receive These
 Classroom Services in the Same Period (1988-89)



 - Temporary residents eligible to receive classroom services during the legalization program*

 - Class seats available in 1988-89 school year (including summer)**

* Rounded to the nearest hundred. Includes Special Agricultural Workers (SAWs). Does not include the approximately 8% of pre-1982 legalization applicants under the age of 16. See Chapter V for details on methodology.

** Rounded to the nearest hundred. Based on NALEO Educational Fund Amnesty Class Survey. See Chapter V for details on methodology.

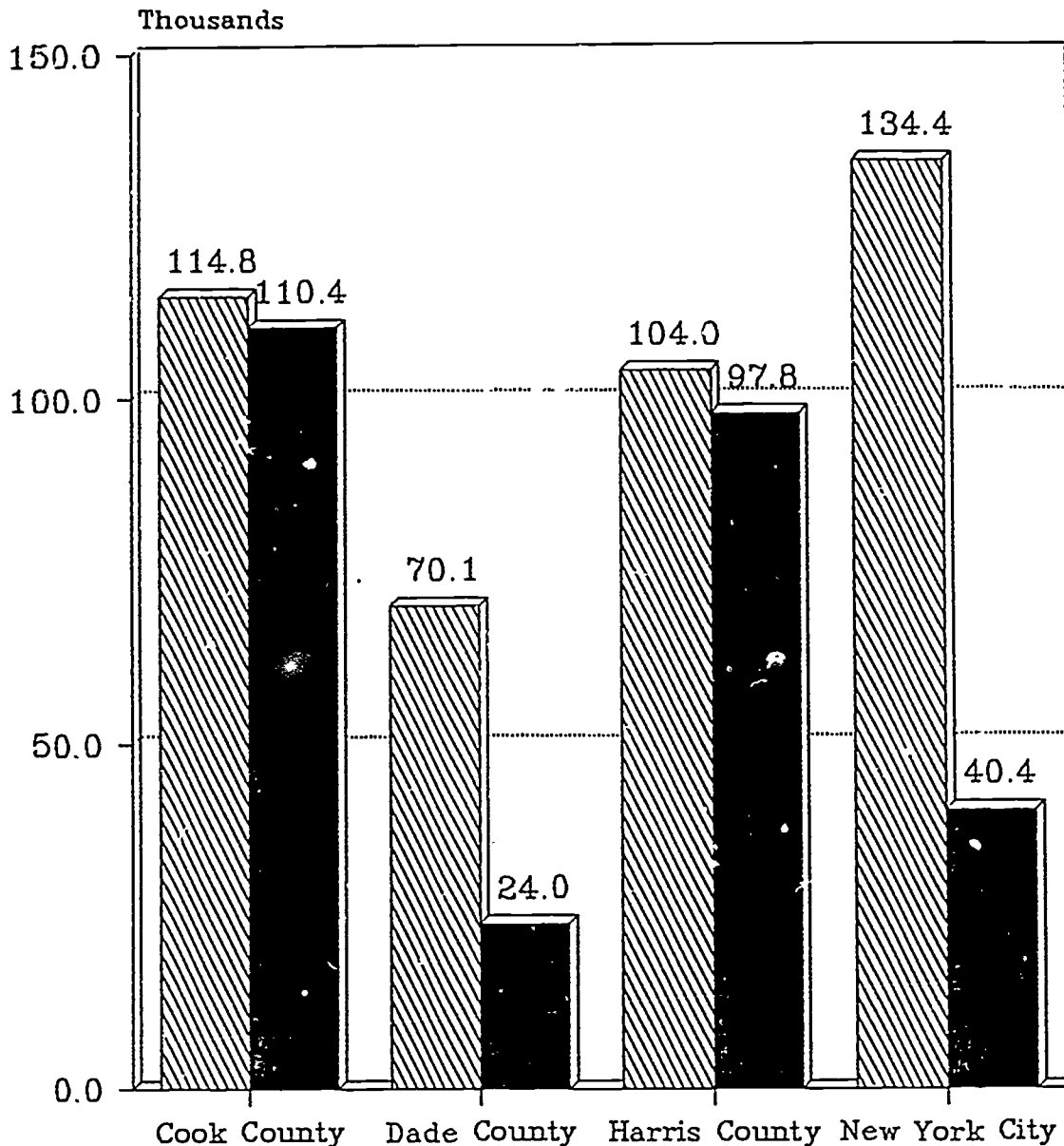
3. Availability of Publicly Funded Courses in the 1988-89 School Year for All Persons Eligible to Receive These Classroom Services in the Same Period (1988-89)


The focus of much debate on the availability of amnesty classes for the legalization population has necessarily centered on whether persons who require a class will have access to enrollment. Largely ignored is the fact that nearly every individual in both the regular legalization and SAW programs is eligible to receive publicly funded classroom services. The larger universe of temporary residents who are eligible to attend publicly funded classes is approximately twice the number of temporary residents who absolutely require English/civics instruction.


Figure 3 compares class seats available in 1988-89 with the potential demand if the entire eligible population attempted to enroll during the first of the two years in which courses are available. School capacity in all four metropolitan areas of the Amnesty Class Survey is obviously inadequate to satisfy such demand.

Figure 3 demonstrates that especially Dade County and New York City educational agencies are unprepared to educate the entire spectrum of legalization applicants who are eligible to receive services. While Dade County's English/civics capacity compares well with the number of regular legalization applicants who require services, Dade's system promises to be overtaxed in assisting the SAWs who constitute a huge proportion of that county's temporary resident population.

Figure 4:
 Availability of Publicly Funded Courses in the 1988-89 and
 1989-90 School Years for All Persons Eligible to Receive
 These Classroom Services During Legalization



 - Temporary residents eligible to receive classroom services during the legalization program*

 - Class seats available during 1988-89 and 1989-90 school years (including summers)**

* Rounded to the nearest hundred. Includes Special Agricultural Workers (SAWs). Does not include the approximately 8% of pre-1982 legalization applicants under the age of 16. See Chapter V for details on methodology.

** Rounded to the nearest hundred. Based on 1988-89 capacity being maintained in the 1989-90 school year. See Chapter V for details on methodology.

4. Availability of Publicly Funded Courses in the 1988-89 and 1989-90 School Years for All Persons Eligible to Receive These Classroom Services During Legalization

Figure 4 presents a comparison of class seats available over the 1988-89 and 1989-90 school years for all temporary residents eligible to attend SLIAG-funded classes in the four metropolitan areas of the Amnesty Class Survey. The number of class seats available is based on 1988-89 capacity being maintained in 1989-90.

Figure 4 shows that over the course of two school years, course providers in Cook and Harris Counties will potentially offer enough class seats to serve a majority of all temporary residents in those jurisdictions who are eligible to enroll in courses. Indeed, agencies in Cook and Harris Counties will potentially offer such a high number of courses that these areas may need to actively recruit students to fill projected capacity.

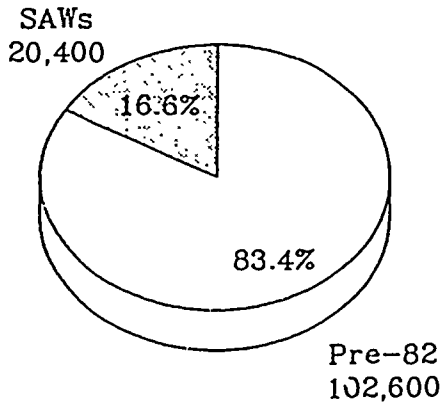
While educational agencies in Dade County can be expected to provide sufficient class seats to their regular legalization applicants who require courses (see Figures 1 and 2), Dade class sites promise to be unable to satisfy the educational requirements of Dade's larger legalization population eligible to attend SLIAG-based classes. The explanation for this lies in the relatively huge population of SAWs living in Dade, and constituting over 60% of temporary residents in that county.

As in other areas, the start-up of English/civics classes in Dade is undoubtedly driven by the demands of regular legalization applicants who require instruction in order to adjust their status. Complications surrounding the creation of English/civics courses nationwide have caused course providers to focus on serving temporary residents most in need of services. Lost in the shuffle have been SAWs and the minority of regular legalization applicants who do not require English/civics classes. In Dade, as in some other areas, the educational demands of regular legalization applicants most in need of courses may be met; the needs of other temporary residents will be largely unsatisfied.

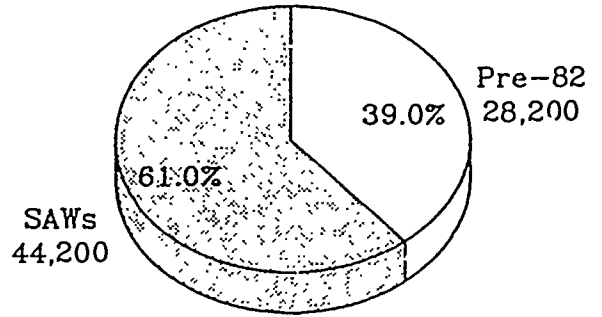
Figure 4 again shows a shortage of classes in New York City. Along with agencies in Dade County, amnesty course providers in New York City will need to vastly increase 1988-89 levels of capacity in order to service the larger legalization population eligible for SLIAG-funded courses.

Figure 5:
 Availability of Courses in the Four Metropolitan Areas:
 The Impact of Special Agricultural Workers

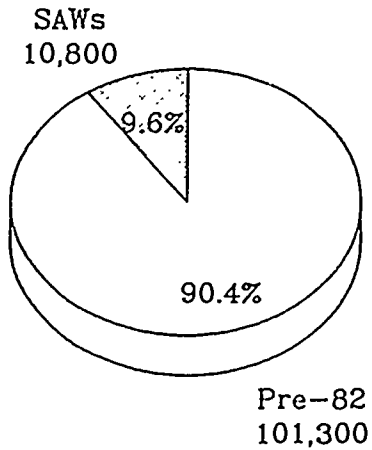
Cook County



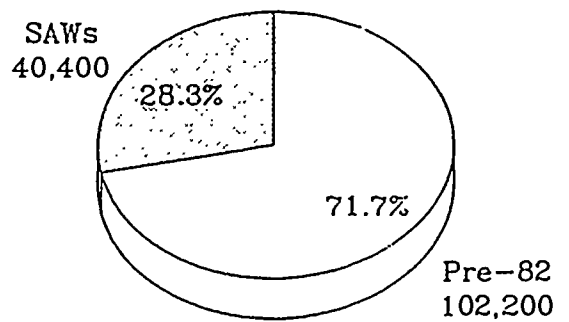
Dade County



Harris County



New York City



Source: INS Office of Statistical Analysis,
 Washington, D.C.

Compiled by: NALFO Educational Fund

5. Availability of Courses in the Four Metropolitan Areas: the Impact of Special Agricultural Workers

As previously discussed, applicants for legalization under the SAW program are eligible to receive SLIAG-funded English/civics instruction, although they do not need such services in order to adjust to permanent residence. As described in Chapter IV of this report, the enrollment of SAWs in amnesty courses can restrict the availability of class space for temporary residents who require a class in order to adjust to permanent status.

SAWs as a factor in the "fight" for class seats vary markedly among the four metropolitan areas surveyed by NALEO. Figure 5 shows the percentage of SAWs among the legalization populations in Cook County, Dade County, Harris County and New York City. Of particular note is the percentage of SAWs in Dade County, where SAWs constitute a majority of temporary residents.

B. Future Concerns of SLIAG-Based Courses

The first priority of publicly funded English/civics courses must necessarily be the provision of instruction to temporary residents who require course completion in order to adjust to permanent status. After satisfying the needs of this population, a window of opportunity may open for course providers.

Amnesty course providers in areas with sufficient capacity may begin to address the longer-range needs of the legalization population. As revealed by the Amnesty Class Survey, this capacity exists in Cook and Harris Counties. Individual schools will need to decide whether they have backlogs of legal temporary residents needing instruction, but many individuals in Cook and Harris who have completed 40 hours of English/civics can be encouraged to remain in class. Temporary residents who do not require instruction can be recruited to enroll.

Regulations regarding the use of SLIAG funds provide wide latitude to course providers in developing curriculum. Employment-oriented training and study leading to completion of the General Educational Development (GED) diploma are reimbursable SLIAG costs that have not been utilized to the fullest extent. Furthermore, SLIAG regulations provide for the reimbursement of up to \$500 per temporary resident per fiscal year, with the period for class provision extending to 1994.

III. BACKGROUND: THE ENGLISH/CIVICS REQUIREMENT OF THE LEGALIZATION PROGRAM

As noted in Chapter II, a major component of the legalization program of the Immigration Reform and Control Act is the educational requirement. A majority of applicants for legalization are expected to possess basic English-language skills and an understanding of U.S. history and government, or be "satisfactorily pursuing" attainment of such knowledge.

A. Exemptions to the Educational Requirement

Certain individuals are exempt from the foregoing educational requirement. Exemptions are automatically granted to:

- o applicants younger than age 16 or 65 years or older on the date that they apply for permanent residence
- o persons physically unable to comply
- o persons who are developmentally disabled
- o persons over 50 years of age who have resided in the United States for at least 20 years and submit evidence establishing the 20-year qualification requirement

B. Methods of Complying with Educational Requirements

At least in theory, a variety of methods are available for complying with the educational requirements. As in the decades-old process of applying for naturalization, applicants for legalization may demonstrate their knowledge of English/civics by taking a one-on-one test at an INS office. This test is taken at the time of interview for permanent residence.

There are other options for fulfilling IRCA's educational requirement that take the form of a test. A test created by the Educational Testing Service (ETS) of Princeton, NJ, is offered at community agencies for a fee of \$10. The California Adult Student Assessment System (CASAS) has also been approved by the INS to offer an exam for legalization, although the CASAS test was not yet available at the time of this writing. Also, some INS offices offer a multiple-choice test that is given to groups of applicants (unlike the one-on-one INS test given at the time of interview for permanent residence). This INS test is known as the "IRCA Test for Permanent Residency."

A person who can demonstrate the completion of a certain academic level is also deemed to have complied with satisfactory pursuit. Individuals in this category must possess a high school diploma or General Educational Development diploma (GED diploma: including the section on English proficiency if the GED was taken

in Spanish or French) or prove that they attended a state-accredited institution for a year during which they studied 40 hours of English and U.S. civics.

The most widely utilized option for demonstrating satisfactory pursuit, however, consists of completing 40 hours of an INS-approved course. A student who completes such a course is awarded a "certificate of satisfactory pursuit," and is thereby exempt from any testing by the INS.

The options for satisfying IRCA's educational requirement ostensibly allow temporary residents of varying degrees of ability/experience to comply with the requirement as easily as possible. All of these options, however, are not widely available, and their implementation has proved difficult in many cases. The implementation of the most commonly used options -- English/civics classes and test options -- is discussed in the following chapter.

IV. IMPLEMENTATION OF OPTIONS FOR COMPLYING WITH THE ENGLISH/CIVICS REQUIREMENT

The overwhelming majority of temporary residents are using English/civics classes to comply with "satisfactorily pursuing" provisions. The reason for this is straightforward: legalization applicants typically have not been able to complete an extensive formal education even in their native countries and their English language abilities often have not had a chance to progress markedly during years of living in an underground economy. Testing options may not be a viable alternative for this population, which has instead lined up to attend classes.

A. English/Civics Courses

The schedule by which federally funded classes designed specifically for amnesty applicants have become available has varied from state to state. While such classes were available on a relatively widespread basis in Texas by the fall of 1988, large-scale implementation of classes in Illinois, Florida and New York did not occur until the spring of 1989. California offered numerous classes in 1988, yet political disputes in that state over the use of federal funds has confused course providers, making them unsure about future funding.

California's experience shows the crucial influence of federal dollars for legalization classes. A primary factor influencing the start-up of amnesty classes has been the different mechanisms by which class providers receive State Legalization Impact and Assistance Grants (SLIAG) from the federal government.

A general atmosphere of uncertainty, to which SLIAG disbursement partly contributed, hindered the creation of amnesty classes. The INS' interim implementing regulations for legalization's second step -- the adjustment to permanent residence -- were not issued until August of 1988. These interim regulations were published too close to the start of the 1988 fall semester to allow schools and community agencies to create programs based on them.

Textbook companies also suffered from the confusion surrounding INS' expectations of educators. Publishers were reluctant to initiate their production schedules until the requirements of legalization classes became clear. The tardy issuance of interim regulations helped delay the release of many curricular materials until early 1989.

The lateness of the interim regulations was due in part to a laudable INS effort to allow broad public comment upon the preliminary regulations, yet the time required for publication

seemed inordinately long to many observers. The INS' final regulations on the second step were not released until July 12, 1989, eight months into the adjustment phase of legalization.

Problems related to the distribution of SLIAG funds and confusion about INS regulations have diminished in at least some areas by the time of this writing. Yet numerous factors continue to compromise the overall availability of classroom seats for persons in need of a certificate of satisfactory pursuit.

The results of the Amnesty Class Survey (see Chapter II) indicate that current availability of English/civics courses varies markedly by area. New York City, for instance, continues to suffer from minimal class availability. In Chicago and Houston, however, the number of classes available is potentially sufficient to satisfy the needs of legalization applicants who require a course in order to adjust to permanent residence. (Note that many regular legalization applicants and all Special Agricultural Workers --SAWs-- do not require SLIAG-funded classroom instruction, yet are eligible to receive it; also, SAWs have more simplified overall requirements for legalization.)

Despite the large aggregate numbers of classes in some locations, however, many individuals both in and out of those areas are experiencing hardship in obtaining a classroom seat. The accessibility of classes is frequently limited even in areas which may appear to have an ample supply of class offerings.

Location of amnesty classes is key to their accessibility. Thus, while class space may be ample in Chicago, there may be limited numbers of classes available in suburbs surrounding that city, such as Evanston, or Oak Lawn. A NALEO study of amnesty classes in California in 1988 found a sufficient number of classes in the City of Los Angeles, yet a severe shortage in the suburbs of Los Angeles County, where tens of thousands of temporary residents live.

In rural areas, temporary residents may need to drive two or three hours to reach an amnesty class. And some states such as Arkansas offer absolutely no amnesty classes, yet have populations of temporary residents, who must commute to another state in order to attend class. The availability of course space tends to be relatively highest in urban areas, with suburban and rural areas offering more limited capacity.

Curiously, the accessibility of amnesty instruction for an individual can be affected by the temporary residents who have already enrolled in a class, and who have chosen to take full advantage of the instruction for which they are eligible. Across the country, the number of spaces for new students has been reduced because many individuals have decided to remain in class beyond the minimum 40 hours of instruction. Reports of in-

dividuals studying past 40 hours and even for more than 100 hours are common. From an educational standpoint this extended attendance is welcome news, yet ironically it can deny class space to needy individuals if schools do not create proportionately larger programs.

Special Agricultural Workers (SAWs) also are attending classes across the country. Although SAWs are not required to comply with "satisfactorily pursuing" requirements, they are eligible to utilize SLIAG-funded educational programs in the same way that pre-82 ("regular") legalization applicants are. The presence of SAWs in classes must be taken into account when determining the demand for classes. In Texas there are approximately 313,200 regular legalization applicants. The population eligible to receive classes in that state, however, jumps to more than 1,650,000 when applicants for legalization as SAWs are considered (see Chapter II, Figure 5).

The time of day at which classes are offered can make it difficult for a temporary resident to attend a course. A person employed during the day can only attend school in the evening. This may severely limit the aggregate number of classes available to that individual, even if many classes are offered at night.

Enrollment for amnesty courses is normally offered on a "first-come, first-serve" basis. Temporary residents in dire need of a course may be placed on a waiting list while other individuals whose eligibility period expires later are admitted to class.

The number of classrooms offered in an area can be misleading because of the presence of private contractors authorized to teach English/civics. Many temporary residents are forced to avail themselves of private schools charging in excess of \$300, either because they are not aware of the existence of free courses, or because the waiting lists at tuition-free sites are too long.

Providers that charge tuition seem especially prevalent in New York City. While not all sites in that city charge a high fee, several locations offer tuition at rates of up to \$300 a class. More than 20 percent of the INS-approved amnesty sites in New York City as of May, 1989, were charging some sort of fee.

The factors that complicate access to English/civics courses may become exacerbated toward the final months of the adjustment period. More than 35 percent of all applications for temporary residence were submitted during the last three months of the application period; this suggests that applicants for permanent residence may be late in beginning to comply with adjustment requirements.

B. The Availability of Testing Options

As stated earlier, four test options are available to second step applicants to allow them to satisfy the educational requirement. These tests potentially provide significant relief to thousands of temporary residents that possess significant knowledge of English/civics. The implementation of the various exams, however, has proved to be uneven.

1. The "312" test

The testing option that has been officially sanctioned since the passage of IRCA consists of an oral and written exam taken by applicants at the time of their interview for adjustment to permanent residence. The applicant who passes this test (commonly referred to as the "312" test, as it originates in section 312 of the Immigration and Nationality Act) is deemed to have demonstrated English and civics proficiency and to have thereby satisfied the educational requirement. Persons who pass this test are also exempted from any testing if they decide to apply for U.S. citizenship in the future.

Availability of the "312" test has not been problematic. Every applicant must attend an interview for permanent residence, and so the opportunity to take this test is built into the legalization process.¹ The chief impediment to widespread utilization of the 312 test has been the poor reputation a comparable test gained during decades of testing of naturalization applicants. Persistent rumors regarding the use of unfair and arbitrary questions by INS personnel have plagued the agency.

To its credit, the INS took important steps toward standardizing the 312 test used for legalization. In late 1988 INS Central Office issued to all local offices a list of 100 questions based on the Federal Citizenship Textbook Series. INS testing personnel were instructed to use only the 100 questions during testing, and to ask no more than 10 items of any one person. Six correct responses out of 10 questions were to be considered sufficient to warrant a passing score.

In spring 1989, Central Office provided its local personnel with a list of 20 questions to use in gauging a temporary residents reading and writing ability during the 312 test. Instructions accompanying the 20 questions stated that an applicant should be able to read at least one out of three given sentences, and write at least one out of three given sentences.

While the issuance of a standard collection of questions improved the credibility of the 312 test, it remains subject to certain caprice. At least one legalization office is reported to have divided the 100 questions into 10 groups of various levels. Examiners use sets in accordance with an applicant's apparent

level of English proficiency. This example gives credence to charges that the 312 test still lacks standardization.

2. The ETS, Legalization Assistance Board Exam

Popularly known as the "ETS test," one testing option for legalization applicants consists of a standardized test formulated by the Education Testing Service of Princeton, NJ, with the advice and participation of the Legalization Assistance Board.² A successful score on the ETS test allows individuals to comply with legalization requirements (and satisfy testing requirements related to naturalization). The test is administered under controlled conditions at approved sites under the auspices of one of the following groups: the American Council for Nationalities Service, the Association of Farmworker Opportunity Programs, and the United States Catholic Conference. Temporary residents are charged \$10 to take the exam.

Successful performance on the ETS test requires the individual being examined to answer 12 out of 20 questions correctly in any one test session, or 20 out of 40 questions correctly during two sessions; test takers³ also need to write one short sentence read to them in English.

The origin of the ETS test can be traced to early 1987, when the feasibility of developing a standardized test option for legalization applicants was discussed by ETS and advocacy groups. Contact between ETS and INS ensued in which both sides formulated an idea of an exam that would be acceptable for applicants and the government. The INS finally approved ETS to develop a test in August 1988.

The implementation of the ETS test began with a rocky start. Temporary residents in Illinois, New York and Texas, who were among the first to take the test, brought proof of their passing score to INS offices only to be told by INS personnel that the test was not valid. This occurred even though INS Central Office had approved the test, had sent a wire to local offices explaining the validity of the test, and had published notice of the test's validity in the Federal Register.

Because an increasing number of ETS test sites were scheduled to open nationwide, the confusion among INS personnel in regards to the ETS test alarmed advocacy groups. More than thirteen organizations signed on to letters delivered to INS Associate and Assistant Commissioners and the Chairman of the U.S. House of Representatives Subcommittee that oversees the implementation of IRCA. INS Central Office responded by issuing more wires to local offices, reminding them to accept passing results of the ETS test as proof of satisfactory pursuit. This communication between INS Central and local offices eventually led

to resolution of much of local offices' lack of understanding of Central Office policy on the ETS test.

A technical problem that will last for the duration of legalization and the testing options concerns the method by which an individual indicates to the INS that he or she has passed the test. Question 18 on the application form for permanent residence (INS form I-698), asks the applicant how he or she will comply with the educational requirements (see Appendix 1, the application packet). Among the possible responses there is no choice by which the individual can indicate that he or she has utilized the ETS test option. This incomplete nature of the application (seen in other questions as well) results from the fact that the application was printed before the various satisfactory pursuit options had become available.⁴

Despite the lurches accompanying the start-up of the ETS test, its future appears bright as an option for legalization applicants. By the end of June, 1989, more than 4,000 persons had taken the test. Temporary residents who took the test once were demonstrating a pass rate exceeding 85%; persons who attempted the test twice showed a pass rate of more than 95%. The popularity of the ETS option appears to be increasing, with ETS reporting a continuing swell of test takers at the time of this writing.

The utilization of the ETS test has been significantly promoted by a change to the addendum that accompanies the application packets for permanent residence. The new addendum, issued in March, 1989, includes a reference to the ETS test as an option for satisfactory pursuit. The addendum listed NALEO's toll-free hotlines as a source of information on the test, provoking a surge in ETS-related calls to NALEO.

3. The "IRCA Test for Permanent Residency"

The IRCA Test for Permanent Residency (also known as the "INS Proficiency Test") is the third test option to become available to legalization applicants. Successful completion of this multiple-choice exam fulfills satisfactory pursuit requirements, although a passing score does not also count towards future naturalization requirements, as in the case of the 312, ETS and CASAS tests.

The IRCA Test for Permanent Residency is comprised of 15 multiple-choice questions of which the individual must correctly answer nine. There is no written component of the exam. Legalization applicants can retake the IRCA Test for Permanent Residency indefinitely until they receive a passing score, though the test may be attempted only once per day. Applicants learn their score immediately upon taking the test; later, they

receive an official score report by mail.⁵ An INS official who coordinated the development of the IRCA Test for Permanent Residency commented that "Someone in the ESL 200 level will not have difficulty passing this test."⁶

As of July 1, 1989, more than 12,000 individuals had taken the test with an overall pass rate exceeding 96 percent.⁷ The exam is currently offered at over 150 local INS offices and Qualified Designated Entities (QDEs) in the INS Western Region.⁸ When offered at INS legalization offices there is no fee for the exam; QDEs and state departments of education are allowed to charge up to \$10 for the exam.

The IRCA Test for Permanent Residency is essentially a creation of the INS Western Region. In 1988, spurred on by serious shortages of amnesty courses, officials of that INS region worked in conjunction with an advisory committee composed of various advocacy groups to develop the concept of a multiple-choice test for legalization.

The INS approached the Comprehensive Adult Student Assessment System (CASAS) with the idea of producing such an exam. CASAS, a non-profit organization affiliated with the California Education Department, has developed numerous widely used materials related to educational curriculum. CASAS developed and field-tested the IRCA Test for Permanent Residency and eventually handed over control of the exam to the Western Region.

INS' Interim Regulations for the second phase of legalization state (at Section 245a.1(s)(5)) that individuals who utilize a proficiency test for legalization must attest to the fact that "they have completed at least 40 hours of home study." The INS Western Region currently is completing a study guide for the IRCA Test for Permanent Residency; use of the study guide by applicants will help them more easily attest to having completed the required amount of home study.

The IRCA Test for Permanent Residency was first offered on January 16, 1989. As of July 1, the test was still not available outside of the INS Western Region. Many observers have noted the inequitable nature of allowing place of residence to be the deciding criteria in allowing individuals to benefit from this satisfactory pursuit option. The leadership exhibited by the Western Region in the development of the IRCA Test for Permanent Residency demonstrates both the dynamic nature of the region (where more than 50 percent of the legalization applicants live) and the autonomy with which the INS regions have operated during legalization. At any rate, the IRCA Test for Permanent Residency is scheduled to be offered in the remaining INS regions sometime in summer, 1989.

As of July 1, approximately 2,000 individuals per month were utilizing the IRCA Test for Permanent Residency in the Western Region. An INS official of that region suggests that with the expansion of the test into the other INS regions, the quantity of persons using the IRCA Test for Permanent Residency may reach 3,000 per month. If this rate of use held true for even a few more months, the test will have proved to be a viable satisfactory pursuit option for tens of thousands of individuals. A key to its continued success will be outreach efforts broadcasting its availability.

4. The Comprehensive Adult Student Assessment System (CASAS) Test.

While still not available at the time of publication of this report, a 312-type test developed by the Comprehensive Adult Student Assessment System (CASAS) of San Diego, California will soon become the fourth test option for temporary residents. This test may be available in California in fall of 1989.

CASAS developed a 312 test in response to the same INS request for proposals that led to development of the ETS test. Indeed, the CASAS and ETS tests share much in common. Both tests allow temporary residents to comply both with satisfactory pursuit and testing related to naturalization. The level of difficulty is approximately the same in each tests.

CASAS at first intended to offer their test only in California, at GED testing centers in that state. Plans are currently being made, however, for the CASAS test to be made available to education departments in other states.

As with the ETS test, the CASAS exam is a potential benefit to thousands of temporary residents whose language skills are sufficient to allow them to forego enrolling in English/civics courses. The extent to which the CASAS 312 test is utilized and made available remains to be seen, however.

V. METHODOLOGY OF THE AMNESTY CLASS SURVEY

In April 1989 NALEO initiated a survey of the availability of English/civics courses in the chief metropolitan areas of four of the five states with the largest legalization populations. Completed in June 1989, the NALEO Amnesty Class Survey measured the number of temporary residents that amnesty course providers expect to serve with SLIAG funds during the 1988-89 school year, including the 1989 summer months.

The Amnesty Class Survey gathered data on course providers approved by the INS as of June 1, 1989. Sites offering classes by the time of publication of this study can be expected to be somewhat more numerous than those appearing on the official INS lists used, as some organizations are still in the process of applying for INS recognition.

A. The Acquisition of Data

1. The Estimate of Course Capacity

Amnesty course providers in the four metropolitan areas surveyed receive their SLIAG funds from entities that have sub-contracted with the state government to serve as conduits for the distribution of SLIAG dollars. These subcontractors possess detailed information on the enrollment capacity of schools in their jurisdiction.

In Florida, New York and Texas, SLIAG subcontractors were able to provide NALEO with up-to-date assessments of their capacity, based on reports they regularly make to their state-level contacts. In Harris County, Texas, three Adult Education Cooperatives (members of a statewide network of providers of adult education) -- the Houston Independent School District, the Harris County Department of Education, and the North Harris County Department of Education -- serve as the subcontractors of SLIAG funds. These Co-ops reported to NALEO the number of class seats available in their jurisdictions. In New York City, three SLIAG subcontractors provided capacity estimates: the New York City Community Development Agency, the City University of New York, and the New York City Board of Education. In Florida, the major SLIAG subcontractors in Dade County -- the Dade County Board of Education and the Miami/Dade Community Colleges -- estimated their capacity for the Amnesty Class Survey.

State SLIAG coordinators in Florida, Illinois, New York and Texas also assisted in estimating course capacity. When discrepancies occurred between the estimates of state coordinators and local providers, the calculations of local agencies were given preference. It is assumed that local sites are able to provide a more accurate assessment of their capacity.

The SLIAG subcontractor in charge of course creation in Cook County, Illinois -- the Jewish Federation of Metropolitan Chicago, was the first entity contacted for the Amnesty Class Survey, in early April, 1989. At that time this organization did not possess estimates of capacity. To assess the number of class seats available, individual sites or their parent organizations were contacted directly.

Private contractors in the four metropolitan areas were not included in the Amnesty Class Survey. Temporary residents by law are entitled to tuition-free enrollment; analysis of publicly supported classes forms the basis of this study.

2. The Estimate of Demand

The "demand for classroom seats" referred to in this study refers to the need for classes by applicants for permanent residence under the Immigration Reform and Control Act (IRCA). The demand for classroom seats was calculated from Immigration and Naturalization Service (INS) data. The INS provided NALEO with the total number of legalization applicants in each of the counties analyzed for this study. Data provided by the INS also showed for each county the numbers of pre-82 legalization applicants and SAWS.¹

INS data showing the numbers of legalization applicants form the basis of NALEO estimates concerning the demand for English/civics classes among the pre-82 legalization population. For the purposes of this study, 65 percent is the figure used to determine the number of persons who will require an English/civics course. This number results from the following calculations:

- The approval rate for applications for temporary residence is expected to reach approximately 95%
- Of persons approved for temporary residence, roughly 10% will be exempted from satisfactory pursuit requirements because of their age
- Another 10% of applicants will comply with English/civics requirements through testing
- Finally, the percentage of individuals requiring an English/civics class is reduced for the purposes of this study to 65% to establish a conservative estimate of demand

While approximately 65 percent of the legalization population will require an English/civics course, not all of these individuals will need to enroll in a class during the 1988-89 school year -- the period covered by the Amnesty Class Survey. To establish an estimate of the number of persons who will require an English/civics course during the 1988-89 school year, NALEO used application rates for temporary residence to determine

the amount of persons who will have begun their year of adjustment by the end of August, 1989 -- that is, by the end of the 1988-89 school year. The resulting number for each metropolitan area in the Amnesty Class Survey is seen in Figure 1 of Chapter II.

Based on the calculation of the demand for classes in the 1988-89 school year (explained below), it is estimated that 60 percent of legalization applicants who require an English/civics class will have begun their year of adjustment by the end of the 1988-89 school year. For the purposes of this study, it is assumed to be reasonable for legalization applicants to have the opportunity to complete the English/civics requirement by the time they begin their year of adjustment. (Applicants, are allowed to enroll in classes and comply with satisfactory pursuit at any point during the 30 months following the approval of their application for temporary status; expecting applicants to sign up for classes before their year of adjustment begins may overstate demand for classes during the 1988-89 school year.)

An analysis of application rates for temporary residence shows that approximately 60 percent of all applications were submitted during the first 10 months of the beginning step of legalization. It is logical to suppose, therefore, that roughly 60 percent of the population will have begun entry into the year of adjustment by the end of 10 months into the second phase. The following chart demonstrates this graphically.

Temporary Resident Applications (I-687s)

Over 58% of Applicants Begin Year of
Adjustment by End of August, 1989

Month of Application	# of Applications	Cumulative Percent	Year of Adjustment Begins
May (87)	45,053	2.5%	Nov (88)
June	143,878	10.7%	Dec
July	158,764	19.7%	Jan (89)
Aug	167,952	29.2%	Feb
Sep	135,052	36.8%	Mar
Oct	107,674	42.9%	Apr
Nov	77,222	47.3%	May
Dec	73,668	51.5%	June
Jan (88)	49,484	54.3%	July
Feb	66,539	58.0%	Aug
Mar	107,064	64.1%	Sep
Apr	220,572	76.6%	Oct
May	323,522	94.9%	Nov

Source: INS Office of Statistical Analysis. Based on I-687s received as of 1-27-89.

Compiled by: NALEO Education Fund, June 1989

The following calculation results from NALEO's estimates of the percent of applicants requiring English/civics classes (60%) and the percent of these persons (65%) who in turn will begin their year of adjustment by the end of the 1988-89 school year:

$$D = A \times .65 \times .60$$

Where,

"D" = demand for courses in the 1988-89 school year;

"A" = applicants for temporary residence

B. The Sampling Item

In Cook, Dade and Harris Counties and in the five counties/boroughs of New York City, the state SLIAG directors, SLIAG subcontractors, and local amnesty program directors contacted by NALEO were asked the following question: "Since September 1, 1989, how many individuals have you enrolled in your amnesty courses, and how many do you project to be able to enroll by August 31, 1989?" The enrollment to date and the projection of enrollment by August 31 were combined to arrive at an estimate of expected enrollment in the 1988-89 school year.

C. Strengths/Limitations of the Sampling Item

The survey question utilized in the Amnesty Class Survey was constructed to elicit a response concerning the capacity of a particular program, rather than a projection of the number of individuals expected to attempt to enroll at a site. The resulting number reflects the realistic assessment of class space allotted by service providers to English/civics classes.

Requesting respondents to make a projection of their expected capacity through the end of summer admits uncertainty to their response. Individuals, however, frequently described their estimates as conservative. Also, the survey was performed in the late spring and early summer of 1989; the end of the school year was near, and class providers usually had a clear idea of their capacity in the remaining months.

In general, factors tending to inflate and deflate the responses of survey participants can be expected to largely cancel out one another. For instance, while some course providers were unsure whether they would offer classes during the summer months, many others expressed an ability and readiness to expand their programs rapidly as demand increased, even beyond the projections they calculated for the survey.

VI. POLICY RECOMMENDATIONS

Utilization of English/Civics Classes

Recommendation #1: Priority Enrollment for Amnesty Applicants Most in Need

The year of adjustment to permanent residency will begin to close for applicants in the fall of 1989. Course providers with backlogs in enrollment should consider granting admission priority to individuals whose adjustment period is ending. Temporary residents whose year of adjustment is beginning to close should receive priority enrollment over all other temporary residents, including Special Agricultural Workers (SAWs).

Prioritizing enrollment for individuals whose adjustment period is closing has gained increased importance in light of a recent change in INS policy. Since April 3, 1989, the INS has allowed temporary residents to submit permanent residence applications as soon as they are granted temporary residence. This policy may encourage temporary residents to enroll in courses sooner than they had planned.

Recommendation #2: Utilization of Classes by Temporary Residents Who Do Not Require Instruction

In some areas an opportunity is developing by which SLIAG-funded instruction can be offered to increasing numbers of temporary residents who do not require instruction. Where and when sufficient class space exists, an opportunity exists by which efforts should be made to bring as many temporary residents as possible into the classroom.

Recommendation #3: Use of SLIAG-Funded Classes Beyond English/Civics Related to Legalization

When sufficient course space exists for temporary residents who require English/civics instruction, students who have completed course work for a certificate of satisfactory pursuit should be able to fully utilize educational opportunities available under SLIAG. Curriculum development for post-English/civics students should include preparation for GED testing.

Utilization of Testing Options

Recommendation #1: Testing for Naturalization

Three test options -- the 312 test, the ETS test, and the CASAS test (expected to be available in summer, 1989) satisfy testing requirements for naturalization. Temporary residents should utilize the English/civics option that is most likely to allow them to adjust to permanent residence. Where feasible, however, the completion by temporary residents of testing related to naturalization is a highly desirable goal that should be promoted.

Temporary residents who possess a certificate of satisfactory pursuit should be advised to also attempt the 312 test at the time of their interview for permanent residence. A passing score on the 312 test exempts the applicant from testing at time of petition for naturalization. It is important to stress, however, that these individuals should bring proof of course completion to their interview, to verify that they are not obligated to take the 312 exam.

Recommendation #2: Expanded Availability of the IRCA Test for Permanent Residency

At the time of this writing, the IRCA Test for Permanent Residency, also known as the INS Proficiency Test, is still not available outside of the INS Western Region. The INS should make this test available soon in other locations, particularly areas where there is a shortage of English/civics classes.

APPENDIX 1
FORM I-698, APPLICATION TO ADJUST STATUS
FROM TEMPORARY TO PERMANENT RESIDENCE

**U.S. Department of Justice
Immigration and Naturalization Service**

**Application to Adjust Status from Temporary to Permanent Resident
(Under Section 245 A of Public Law 99-603)**

<i>Please read instructions: fee will not be refunded.</i>		Fee Stamp		
INS Use: Bar Code				
Address Label				
(Place adhesive address label here from booklet or fill in name and address, and a 90 million file number in appropriate blocks.)		Applicant's File No. A - 9 _ _ _ _ _		
1. Family Name (Last Name in CAPITAL Letters) (See instructions) (First Name) (Middle Name)		2. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		
3. Name as it appears on Temporary Resident Card (I-688) if different from above.		4. Phone No.'s (Include Area Codes) Home: Work:		
5. Reason for difference in name (See instructions)				
6. Home Address (No. and Street) (Apt. No.) (City) (State) (Zip Code)				
7. Mailing Address (if different) (Apt. No.) (City) (State) (Zip Code)				
8. Place of Birth (City or Town) (County, Province or State) (Country)			9. Date of Birth (Month/Day/Year)	
10. Your Mother's First Name		11. Your Father's First Name		12. Enter your Social Security Number _ _ _ - _ _ - _ _
13. Absences from the United States since becoming a Temporary Resident Alien. (List most recent first.) (If you have a single absence in excess of 30 days or the total of all your absences exceeds 90 days, explain and attach any relevant information.)				
Country	Purpose of Trip	From (Month/Day/Year)	To (Month/Day/Year)	Total Days Absent
14. When applying for temporary resident alien status, I <input type="checkbox"/> did <input type="checkbox"/> did not submit a medical examination form (I-693) with my application that included a serologic (blood) test for human immunodeficiency virus (HIV) infection. (If you did not, submit a medical examination form (I-693) with this application that includes a serologic test for HIV.)				
15. Since becoming a temporary resident alien, I <input type="checkbox"/> have <input type="checkbox"/> have not been arrested, convicted or confined in a prison. (If you have, provide the date(s), place(s), specific charge(s) and attach any relevant information.)				
16. Since becoming a temporary resident alien, I <input type="checkbox"/> have <input type="checkbox"/> have not been the beneficiary of a pardon, amnesty (other than legalization), rehabilitation decree, other act of clemency or similar action. (If you have, explain and attach any relevant documentation.)				
17. Since becoming a temporary resident alien, I <input type="checkbox"/> have <input type="checkbox"/> have not received public assistance from any source, including but not limited to, the United States Government, any state, county, city or municipality. (If you have, explain, including the name(s) and Social Security Number(s) used and attach any relevant information.)				

3. Concerning the requirement of minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States: (Check appropriate block under Section A or B.)

A. I will satisfy these requirements by;

- Examination at the time of interview for permanent residence.
- Satisfactorily pursuing a course of study recognized by the Attorney General.

B. I have satisfied these requirements by;

- Having satisfactorily pursued a course of study recognized by the Attorney General (please attach appropriate documentation).
- Exemption, in that I am 65 years of age or older, under the age of 16, or I am physically unable to comply. (If physically unable to comply, explain and attach relevant documentation.)

Applicants for status as Permanent Residents must establish that they are not excludable from the United States under the following provisions of section 212 of the INA. An applicant who is excludable under a provision of section 212 (a) which may not be waived is ineligible for permanent resident status. An applicant who is excludable under a provision of section 212 (a) which may be waived may, if otherwise eligible, be granted permanent resident status, if an application for waiver on form I-690 is filed and approved.

A. Grounds for exclusion which may not be waived:

- Listed by paragraph number of section 212(a);
- (9) Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations).
- (10) Aliens who have been convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more.
- (15) Aliens likely to become a public charge.
- (23) Aliens who have been convicted of a violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana.
- (27) Aliens who intend to engage in activities prejudicial to the national interests or unlawful activities of a subversive nature.
- (28) Aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof.
- (29) Aliens who have advocated or taught, either by personal utterance, or by means of any written matter, or through affiliation with an organization:
 - 1) Opposition to organized government;
 - 2) The overthrow of government by force or violence;
 - 3) The assaulting or killing of government officials because of their official character;
 - 4) The unlawful destruction of property;
 - 5) Sabotage, or;
 - 6) The doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States.
- (33) Aliens who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, and in association with:
 - 1) The Nazi government in Germany;
 - 2) Any government in any area occupied by the military forces of the Nazi government in Germany;
 - 3) Any government established with the assistance or cooperation of the Nazi government of Germany;
 - 4) Any government which was an ally of the Nazi government of Germany;
 ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.
- Provisions of 212 (c):
Aliens who at any time were exchange visitors subject to the two-year foreign residence requirement unless the requirement has been satisfied or waived pursuant to the provisions of section 212 (e) of the Act. (Does not apply to the Extended Voluntary Departure (EVD) class of temporary resident aliens).

B. Grounds for exclusion which may be waived:

- Listed by paragraph number of section 212(a);
- (1) Aliens who are mentally retarded.
- (2) Aliens who are insane.
- (3) Aliens who have suffered one or more attacks of insanity.
- (4) Aliens afflicted with psychopathic personality, sexual deviation, or a mental defect.
- (5) Aliens who are narcotic drug addicts or chronic alcoholics.
- (6) Aliens who are afflicted with any dangerous contagious disease.
- (7) Aliens who have a physical defect, disease or disability affecting their ability to earn a living.
- (8) Aliens who are paupers, professional beggars or vagrants.
- (11) Aliens who are polygamists or advocate polygamy.
- (12) Aliens who are prostitutes or former prostitutes, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose, or aliens coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution.
- (13) Aliens coming to the United States to engage in any immoral sexual act.
- (16) Aliens who have been excluded from admission and deported and who again seek admission within one year from the date of such deportation.
- (17) Aliens who have been arrested and deported and who reentered the United States within five years from the date of deportation.
- (19) Aliens who have procured or have attempted to procure a visa or other documentation by fraud, or by willfully misrepresenting a material fact.
- (22) Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.
- (31) Aliens who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

Do any of the above classes apply to you?

- No Yes (If "Yes", attach an explanation, and any relevant documentation. Place mark (X) on line before ground(s) of exclusion.)

Do any of the above classes apply to you?

- No Yes (If "Yes", attach an explanation, and any relevant documentation and submit Form I 690. Place mark (X) on line before ground(s) of exclusion.)

20. If your native alphabet is other than Roman letters, write your name in your native alphabet.	21. Language of native alphabet
22. Signature of Applicant - I CERTIFY, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I hereby consent and authorize the Service to verify the information provided, and to conduct record checks pertinent to this application.	23. Date (Month/Day/Year)
24. Signature of person preparing form, if other than applicant. I DECLARE that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.	25. Date (Month/Day/Year)
26. Name and Address of person preparing form, if other than applicant (type or print).	27. Occupation

APPENDIX 2

TEMPORARY RESIDENT POPULATIONS OF METROPOLITAN AREAS IN
THE AMNESTY CLASS SURVEY

	<u>Pre-82*</u>	<u>SAWs*</u>	<u>Total</u>
Cook County	102,600	20,400	123,000
Dade County	28,200	44,200	72,400
Harris County	101,300	10,800	112,100
New York City**	102,200	40,400	142,600

* Figures on Pre-82s (I-687s) involve 1% estimation; figures on
SAWs (I-700s) involve 20-30% estimation

** New York, Bronx, Richmond, Kings and Queens Counties

Source: Immigration and Naturalization Service, Office of Statistical Analysis

Compiled by: NALEO Educational Fund, June 1989

VIII. NOTES

I. EXECUTIVE SUMMARY

1. "The Second Step Process: Will California School Districts Be Able to Meet the Educational Needs of Their Legalization Applicants?" Published by the NALEO Education Fund, 1988.

II. THE AVAILABILITY OF ENGLISH/CIVICS CLASSES IN FOUR METROPOLITAN AREAS

1. Section 245A(b)(1)(II) of IRCA.
2. "The Second Step Process: Will California School Districts Be Able to Meet the Educational Needs of Their Legalization Applicants?"

IV. IMPLEMENTATION OF OPTIONS FOR COMPLYING WITH THE ENGLISH/CIVICS REQUIREMENT

1. The only reports received by NALEO of persons being prevented from taking the 312 test occurred in the Phoenix, Arizona INS district, where some applicants who had completed an English/civics course were not allowed to take the 312 test. (Applicants may take the 312 test even though they have already complied with satisfactory pursuit; they may attempt the 312 test in order to prospectively complete testing related to naturalization.) The temporary residents in Arizona weren't allowed to take a test with INS as a result of scheduling problem. The permanent residence application is sent to a Regional Processing Facility (RPF), which then indicates to the local INS office the amount of time to allot for the permanent residence interview. Evidently, persons who had indicated completion of a class on their application for permanent residence were not granted time in advance for a "312" test. The community-based organization reporting this story to NALEO explained several days later that the INS office in question had promised to afford time for the "312" exam to all future applicants.
2. The membership of the Legalization Assistance Board includes the Alien Rights Law Project, Washington Lawyers' Committee for Civil Rights Under Law; the American Council for Nationalities Service; the Association of Farmworker Opportunity Programs; the Consortium on Employment Communication; Language Communication Associates; the Mexican-American Legal Defense and Educational Fund; the National Association of Latino Elected and Appointed Officials; the National Council of State Directors of Adult Education; the National Immigration, Refugee and Citizenship Forum; and the United States Catholic Conference.

3. There are three report forms related to the ETS test. ETS form A-1 is a roster of passing scores that is forwarded to INS Central Office, which in turn enters these passing scores on the computer record of each applicant; the scores of persons who do not pass the test are not reported to INS. ETS form A-2 is a report of passing score that is sent to the applicant. Form A-2 serves as a backup for the applicant at the time of interview for permanent residence; the applicant can produce this report in the event that his or her passing score does not appear on the computer. Form A-3 is a report of failing score sent to the applicant.
4. A June 8, 1989 letter from Associate Commissioner Penn responded to an inquiry regarding the proper method of indicating completion of the ETS test on the application form. According to Penn: "An applicant who has taken and passed the ETS (or CASAS) test should write the following in the available space under section 'A' of item 18 on Form I-698: 'I have satisfied these requirements by passing the ETS (or CASAS) section 312 test.' The applicant should also indicate on the application the date the test was taken and provide evidence that he/she has passed the test (e.g., ETS Form A-2). An applicants who has taken the ETS (or CASAS) test and has not received the test results at the time of application, or who intends to take this test, should check the first block under section 'A', and so indicate this. The Applicant may then either submit evidence of having passed the test prior to interview or present it to an INS officer at the time of interview."
5. Currently, testing sites are provided with scoring masks that quickly indicate the number of correct answers. The answer sheets are also sent to a private contractor in Kentucky, Appalachian Computer Services, for a second scoring to enhance accuracy. The contractor reports passing scores to an INS central computer facility in Texas, which in turn distributes scores to the appropriate Regional Processing Facility. When applicants who have taken the Proficiency Test appear for a permanent residence interview their passing scores should already be recorded on their computer files available to the INS interviewer. As further verification of a passing score, the applicant is given a form after they complete the test. The form indicates whether they passed the exam, and bears the signature of the local administrator of the Proficiency Test.
6. Source: December 7, 1988 memorandum from the National Immigration, Refugee & Citizenship Forum
7. These statistics result from 6-14 telephone conversation with George Epkarian of INS Western Region.

8. A February 15, 1989 letter issued by the INS Office of Outreach in Washington, D.C., invited Qualified Designated Entities in good standing to administer the Proficiency Test. Organizations interested in administering the exam were instructed to write to E.B. Duarte, Director of the INS Outreach Program.

V. METHODOLOGY OF THE AMNESTY CLASS SURVEY

1. It should be noted that the U.S. Health and Human Services Department (HHS) also provided to NALEO data on temporary resident populations in the counties analyzed in the Amnesty Class Survey. HHS data varies from INS data. It is difficult to justify the data provided by HHS, which indicates that the populations of temporary residents in the states referred to in the Amnesty Class Study -- Florida, Illinois, New York and Texas -- is lower than the populations provided by the INS in its regularly issued "Provisional Legalization Application Statistics." The "Provisional Legalization Application Statistics" are widely utilized as the standard source of demographic data on temporary residents.

The NALEO Education Fund issues periodic background papers on topics of relevance to the Latino community nationwide. Other papers include:

- Background Paper #1 Recurring Issues in Hispanic Politics
- Background Paper #2 Cuban Americans, Mexican Americans and Puerto Ricans in Congressional Districts: 1980
- Background Paper #3 Federal Procurement from Latino Businesses Under the 8(a) Program by Department, Fiscal Years 1984 and 1985
- Background Paper #4 The Latino Voter, Citizenship and the 1984 Presidential Elections, an Update
- Background Paper #5 NALEO Audits of the Small Business Administration's 8(a) Program FY 1983-FY 1986
- Background Paper #6 Robert Bork: A Sharp Legal Mind or Biased Ideologue?
- Background Paper #7 The Latino Vote in 1988
- Background Paper #8 New Citizens in Limbo? One in Three Applicants for U.S. Citizenship Neither Pass Nor Fail
- Background Paper #9 The Second Step Process: Will California School Districts Be Able to Meet the Educational Needs of Their Legalization Applicants?
- Background Paper #10 English Only: The Threat of Language Restrictions

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