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FILE

THE PROBLEM OF CONTROLLING IMMIGRATION TO ASSURE A REASONABLE QUOTA FOR
NEW YORK CITY, AND IMPLICATIONS FOR SOUND SOCIAL CASE-WORK POLICY.
IS THERE A CONFLICT -- CAN IT BE RESOLVED?

I. PATTERN PRIOR TO NYANA

- A. Prior to 1946, immigration to the United States came under the regular immigration laws which meant that some individual resident in the United States had to sign an affidavit which served as a basis for the issuance of the visa. Under this provision, it was not possible to control distribution of immigrants throughout the country prior to, or at the time of, arrival. The Coordinating Committee and, thereafter, the National Refugee Service, through its promotion of individual affidavits throughout the country, attempted thereby to assure some equitable distribution. The emphasis, however, was on numbers of affidavits secured in order to make rescue possible rather than on equitable distribution, although the National Refugee Service through its resettlement work did engage in distribution efforts. All in all, during the period 1932 through 1946, by far the largest proportion of refugees came to New York.
- B. Between 1946 and 1948, under President Truman's Executive Order, national immigration agencies such as USNA were authorized to issue their own Corporate Affidavits under which they stood in "loco parentis" to the immigrant. In a sense, therefore, they substituted themselves, as an agency, for the individual affiant, except that they took on a definite legal responsibility whereas the individual affiant only took on a moral responsibility. Initially under this program, immigrants who came here under these Corporate Affidavits were offered a "freedom of choice" as to where they would settle. When it became apparent that under the "freedom of choice" principle an inordinately large number and proportion of immigrants chose New York as their place of settlement, USNA removed this "freedom of choice" and substituted therefor a planned settlement designed to effect a more equitable distribution of immigrants throughout the country. USNA's Resettlement Division thereupon became an integral instrumentality in planning, in cooperation with Jewish communities throughout the country, for widespread distribution of refugee arrivals. In this connection three operating principles were established: 1) distributing immigrants to those communities in which they had first degree relatives; 2) establishing quotas for communities outside of New York; 3) payment by USNA to those communities of a \$100 per capita grant presumably to cover the cost of initial adjustment in those communities. Even under this system the greater proportion of immigrants remained in New York with or without authorization.
- C. It was not until the passage of the Displaced Persons Act in 1948 that a plan for the widespread distribution of DPs in this country was formally initiated. In fact, this was the first time in the history of immigration legislation in this country that the United States government established by law the principle of widespread distribution of immigrants coming to this country. Both the language and the spirit of the Act make that clear. The instrumentality used to accomplish this distribution is the Agency Community Assurance. Through such assurances communities throughout the country are able to play their part in assuring an equitable distribution of immigrants by issuing community assurances in the name of their local agencies. USNA used this as a basis for planning with local communities

for the establishment of quotas for the respective local communities and sufficient Agency Community Assurances were issued by these communities to assure meeting the quota established. The other great value of this instrumentality was that these Agency Community Assurances were assigned overseas to given DP cases; this meant that in the overseas planning of immigration, the community of destination was selected and immigrants assigned to those communities while they were still in the DP camps. Accordingly, reliance upon a resettlement service in USNA was no longer the paramount factor in attempting to secure widespread distribution. Even this system proved not to be foolproof because many immigrants upon arrival in the port city of New York refused to go on to their community of destination or were rejected by these communities because they presented certain difficult problems, thus adding to the burden of the New York local services. In recognition of the continuing concentration of DPs in large urban areas, the Congress amended the DP Act by requiring the immigrant to execute a Good Faith oath in which he affirmed his intention to proceed to his community of destination; penalties were established for failure of the DP to execute his promise under the Good Faith oath.

With the passage of the DP Act together with its provisions for the issuance of Agency Community Assurances, USNA, which was then still responsible for local services for immigrants destined to New York, determined not to issue any agency community assurances for New York. This was in recognition of the disproportionate ^{past} share of the immigrant load already carried by New York and also because USNA realized that New York would be continuing to carry a great burden occasioned by individual affidavits and assurances. This was true even in the case of immigrants abroad whose sole first degree relatives resided in New York; there was no formal way of bringing those persons to New York from abroad except through some individual resident in New York executing an individual affidavit or assurance, (except that when any such immigrant arrived here on an Agency Community Assurance destined elsewhere, he would usually be resettled in New York if he had first degree relatives here).

There has been official concern expressed on more than one occasion by the government regarding widespread distribution throughout the country of incoming DPs, with criticism of the undue concentration in New York.

- D. With the passage of the DP Act including its provisions for the issuance of Agency Community Assurances and with USNA's decision not to issue such assurances for New York, no quota governing immigration into New York was established as distinguished from other communities throughout the country for which individual quotas were established. This was in recognition of the fact that since no control existed or was possible in regard to regulating the number of individual assurance cases for New York, the only control possible was through not issuing any Agency Community Assurances for New York.
- E. Both before and after the passage of the Displaced Persons Act, New York City in effect became a "dumping ground". Immigrants who refused to move on to their communities of destination or were rejected by these communities, unauthorized returnees, redirection upon arrival, resettlements back to New York from other communities and hard core cases were dumped into New York profusely.

In short, even without a quota, New York continued to receive a greatly disproportionate share of immigrant arrivals together with a concentration of most of the difficult cases.

II. PATTERN UNDER NYANA

- A. When NYANA took over responsibility for local services in New York, it followed the same pattern that USNA had established under the DP Act and was faced with the same problems of numbers and kinds of cases in New York.
- B. There was no discussion of any quota for New York since no control was possible over individual assurance or individual affidavit cases and, in view of the fact that no Agency Community Assurances were being issued for New York, the problem of a quota was academic. In short, we had to take all New York individual assurance or individual affidavit cases and, since we were not being asked to issue Agency Community Assurances for New York City, there was no point in discussing any "quota" because the facts of life established a quota for New York - i.e., the individual assurance and individual affidavit cases.
- C. There was no provision for bringing immigrants from abroad to be reunited with their relatives in New York except insofar as any resident of New York signed an individual affidavit or individual assurance for such immigrants.
- D. NYANA continued to accept on a resettlement or redirection basis immigrants who on arrival here destined to other communities were found to have their first degree relatives in New York.
- E. In short, NYANA was quite prepared to continue and would in fact have continued the policies established by USNA, even though this meant a disproportionate share of immigrant arrivals in New York. This was not to be however, because of subsequent developments leading to the issuance of Agency Community Assurances for New York.

III. 1949 NYANA EMERGENCY ASSURANCES

- A. In August 1949 USNA informed NYANA that the Displaced Persons Commission would close its assurance list within 48 hours (this was before the Act was extended by Congress) and that it had been advised by JDC that approximately 3,300 immigrants eligible to emigrate under the Displaced Persons Act would be stranded without assurances if the Commission did close its books.
- B. To meet this "emergency" USNA requested NYANA to issue immediately 4,000 Agency Community Assurances to cover the 3,300 individuals and to allow for the possibility of there being a few hundred more. It stated that the imminence of the Displaced Persons Commission's action gave it no time to obtain from the country at large the assurances needed to cover the eligible DP Jews still in Europe.
- C. Confronted with this information, NYANA furnished USNA the 4,000 assurances as an "emergency accommodation". It was agreed by both USNA and NYANA that these 4,000 assurances were not to be considered as truly NYANA's assurances, but merely as an emergency accommodation and that USNA would

credit against these assurances all subsequent Agency Community Assurances received from outside of New York City until the 4,000 assurances were liquidated. Moreover, USNA agreed to undertake an active campaign beginning with the fall of 1949 to obtain the additional Agency Community Assurances it needed so as to liquidate the emergency accommodations granted it by NYANA.

- D. The Displaced Persons Commission did not close its books and continued to accept new assurances for DP immigration. Nevertheless, USNA did not cancel these 4,000 assurances. Rather, it used them to make up a deficit of community assurances which existed. It insisted in November 1949, for example, that it had a deficit of close to 1,000 community assurances and that it would have to make up this deficit with additional assurances from communities outside of New York before it would be possible to relieve NYANA of any of the 4,000 emergency assurances furnished in August.
- E. In actuality, USNA took the 4,000 assurances which NYANA gave it to meet an emergency situation and, even though it found that no emergency really existed, converted them into regular Agency Community Assurances for New York without even seeking NYANA's approval for its unilateral action.

IV. ESTABLISHING A QUOTA FOR NEW YORK

- A. By reason of USNA's failure to cancel these ACA's from New York (more than ample ACA's were subsequently received by USNA from the rest of the country to meet this obligation and all other foreseeable needs), the previously existing pattern of immigration into New York had changed.
- B. NYANA therefore insisted on discussions leading to the establishment of a quota for New York.
- C. An agreement was reached in the summer of 1950 on a 50% formula covering the period 1949-1951. The issuance by NYANA of 3,000 additional Agency Community Assurances in 1950 was based on an estimated total immigration into the United States during 1949-1951, to give New York a 50% quota. There was agreement that these new Agency Community Assurances as well as the outstanding 4,000 ACA's (the emergency accommodations) were to be applied so as to assure adherence to the 50% formula. In other words, the need was recognized to review continuously total immigration estimates and the application of NYANA Agency Community Assurances to prevent more than 50% coming to New York in this period.
- D. USNA's failure to live up to this agreement was witnessed by immigration figures showing substantially more than 50% coming to New York.
- E. This resulted in instructions in November 1950 to apply the outstanding 4,000 Agency Community Assurances to first degree relative cases and not to use the remainder, or any of the 3,000 assurances. Others (non-first-degree relative cases) were to be redesignated or rediverted.
- F. Failure of this agreement to be lived up to was shown by continuing high proportion (well over 50%) still coming to New York.
- G. In the early months of 1951 it became obvious that even with the new agreement of November 1950 with USNA, the 50% distribution formula would not be adhered to. For example, to achieve the 50% formula, New York

should not have received more than 5,000 immigrants during the entire year 1951. Yet it became apparent in the early part of 1951 that this number would be arriving during the first half of the year alone. Accordingly, an agreement was worked out between USNA, JDC and NYANA which provided for a redesignation project of all individuals then destined to come to New York City on Agency Community Assurances. Under this plan only those with their sole first degree relatives in New York City would be able to come to New York City and the rest would be redesignated to communities outside of New York City. This would mean the cancellation of some 3,000 NYANA Agency Community Assurances issued in July 1951 which had been held in suspense by USNA and JDC and the holding in abeyance of an additional 1,685 unused Agency Community Assurances issued in 1949. An agreement was also reached that for the purpose of this redesignation policy, first degree relatives were to be defined as parents, children, grandparents, grandchildren, brothers and sisters.

In April 1951 NYANA was informed through USNA that altogether 789 NYANA assurance cases had been redesignated to communities outside of New York City in this project and that a total of 216 cases were remaining to be resettled in New York City because they had their sole first degree relative here. NYANA assumed that this was a one time redesignation project and, except for a small margin of error, it could count on receiving for the balance of 1951 only 216 families of Agency Community Assurances.

In fact, however, no sooner was this agreement reached than it began to break down. NYANA began to be advised in May 1951 of various redesignations. It was told that errors had been made by JDC, that JDC did not have certain cases listed, that families arrived in the United States and for the first time disclosed the presence of first degree relatives here, etc., etc., and that NYANA could not count on just 216 but had to take every case arriving in the United States on an Agency Community Assurance no matter where it was destined if the family had its sole first degree relative here. Certain procedures were agreed upon for the review of cases since May 1951, when the cases under this redesignation project began to arrive. NYANA has had to take just as many cases not included in the redesignation project for New York City as were included; for example, between May 1951 and the end of October 1951, 100 Agency Community Assurance cases originally destined in the redesignation project for New York City arrived and were accepted by NYANA for relief. In the same period NYANA accepted from USNA 105 cases not included in the redesignation project. In essence this means that NYANA just cannot predict how many cases it will have to take that are destined for communities outside of New York City just because these families stated that they had first degree relatives in New York City.

H. USNA takes the position that NYANA must take all Agency Community Assurance cases no matter where they are destined if their sole first degree relative lives in New York City, without individual review by NYANA, and regardless of any "quota" for New York. It seeks to justify its position on what it *claims* ~~concedes~~ to be sound case-work grounds.

I. To place this in its proper perspective, it must be borne in mind that NYANA is faced with the problem of dealing with unauthorized arrivals and returnees, hard core cases, requests for resettlement from other communities and from USNA. These problems are set forth briefly below:

New York City has the problem of receiving requests from other communities throughout the country who ask that immigrants settled in those communities be permitted to be resettled in New York City. These requests come in for a variety of reasons, either because the immigrant thinks that he will find a better job for himself in New York City, or he thinks he can secure better medical care here, or he wishes to be reunited with his relatives or friends. Or, he presents a difficult adjustment problem in the community and the community requests us to take him in New York. USNA also asks NYANA to take certain cases for resettlement in New York City who are living in other communities, or have never moved on to the other community after arriving in the Port of New York. Here, too, there are a variety of reasons, paramount among which is the difficulty of the case, involving a concentration of time and money in the adjustment process. This too adds to New York City's caseload. For the period September 1950 through October 1951 (13 months) 146 such cases (365 persons) were accepted by New York City from other communities and from USNA. To provide just minimum relief for this number of cases costs \$19,000 per month, exclusive of personnel and administrative costs. Many of these cases are difficult cases which eventually end up in the hard core caseload and for whom relief is continued beyond the year.

There are hundreds of families who just refuse to move on to the community to which they are destined and remain in New York City. Others returned unauthorized from communities in which they have been settled. The overwhelming number of these immigrant families apply to NYANA for relief. For example, between January and September 1951, NYANA dealt with 351 cases (878 persons) of unauthorized arrivals and returnees. Even though our policy is not to consider these immigrants eligible for our services we have had to accept some of them for relief; in addition there are other services which we give, as for example, vocational services. Incidentally, many such cases have their first degree relatives here. We know that there are many more hundreds who do not come to NYANA's attention because they know that they are not eligible for NYANA's services. They are, however, new immigrants who are living in New York City although the settlement plan did not call for them to live here.

The above material has so far only dealt with numbers. It has not dealt with the kinds of problems which these numbers represent. What has to be noted, however, is that with the background of the large flow of immigration to New York City since the end of World War II there has also been a correspondingly large flow of difficult cases to New York City. For example, almost all of the religious functionaries who came to the United States since 1946 were settled in New York City. Also, cases which have proved very difficult in other communities, or which other communities refused to accept because they appeared to be so difficult from the onset were resettled in New York City. The results of this have become apparent as our caseload has declined. For example, we find that out of a caseload in September 1951 of approximately 1,600 cases active in the Family Service Department, 50% are too old, or too ill, physically or emotionally, to even be considered for registration in our Vocational Services Department. Moreover, of the people actually registered in our Vocational Services Department 70% are considered hard to place.

J. SUMMARY - IMMIGRATION 1949 THROUGH 1951: For the three year period 1949 through 1951 it now appears that New York City will have received 54% of all Jewish immigrants coming into the United States. It must again be emphasized that these figures represent only so-called planned immigration for New York City. They do not account for all the individuals who have settled in New York City or come back to New York City although their plan of settlement called for a community outside of New York. New York City receives approximately 77% of all individual assurance cases which come in under the Displaced Persons Act. It receives approximately 76% of all individual affidavit cases on regular immigration quotas.

Thus, both in total numbers and in "hard core" characteristics, New York City will have received by the end of 1951 a heavy and disproportionate share of Jewish immigration to the United States. No other community has had to cope even remotely on a comparable scale with as many tens of thousands of newly arrived immigrants, or with so many handicapped, aged and other persons, all of whom constitute the hard core part of the immigrant population. This is not a problem just for NYANA. It is one which will leave its impact on the Jewish community in New York City long after NYANA has gone out of business. It is a factor in any plans for integration.

K. 1952 PROSPECTS OF IMMIGRATION: The main provisions of the Displaced Persons Act which provide for the immigration of hundreds of thousands of DPs to the United States go out of existence as of December 31, 1951, but individuals who have qualified under those provisions will still be permitted to enter this country through June 1952. These provisions deal with DPs residing in Germany and Austria where the heavy DP population is located. Additional DPs will be eligible to come in under another section of the Act which will remain in effect through June 1954 (Section 3C). This provision permits DPs to qualify for entry into the United States even if they are living in such countries as France, Belgium, Switzerland, etc. These are known as "out-of-zone" cases. Thus, under the Displaced Persons Act during 1952 NYANA will continue to receive cases from Germany and Austria through about June 1952, and in addition throughout the whole year will receive 3C-out-of-zone cases. In addition, NYANA will receive cases that come in under regular immigration law on the basis of individual affidavits.

On the basis of present available figures, it looks as though the immigration for New York City for 1952 will be larger than any of us expected. Thus, it is estimated that in 1952 about 8,500 Jewish immigrants will arrive in the United States under all types of immigration schemes and that of this number New York City will receive about 4,600 or approximately 54%. The largest percentage of this anticipated immigration will be coming in on some type of individual sponsorship (individual assurances or individual affidavits) and has to be accepted by NYANA as cases belonging in New York City on the basis of present agreements.

If NYANA continues to accept immigrants with sole first degree relatives in New York City, with or without individual review by NYANA, -- we will receive about 830 additional individual immigrants between December 1, 1951 and December 31, 1952 under this policy. Moreover,

the application of this policy to the 3C-out-of-zone cases who can come into the United States through June 1954 will mean an additional number which we are unable at this time to estimate. Finally, if we are to be consistent in such an open end first degree relative policy, then all immigrants whose sole first degree relatives live in New York City even without authorization (either because they refuse to go to their community of destination or return to New York City without authorization) would have to be accepted for New York City settlement and service. This should be viewed in relation to our present policy of not accepting for service unauthorized arrivals and returnees.

V. FIRST DEGREE RELATIVES

A. QUESTION OF CASEWORK PRINCIPLES INVOLVED: The role and meaning of relatives as a positive and helping force in family life has long been accepted in our society and need not be elaborated upon here. In working with families, social agencies have traditionally looked upon relatives as a source from which might come financial, moral and other aspects of practical support for their clients. In immigration work there has been a traditional concept that individuals shall be permitted and helped to immigrate to a country where they can be united with relatives. Thus, traditionally, husbands have brought their wives and children to the United States to join them, parents have helped their children, children have helped their parents, brothers and sisters have helped each other to come here. In previous immigration, however, most of the plans provided for individuals to bring their relatives for whom they expected to take responsibility. Agency responsibility such as is implied when an agency gives a community assurance is a recent device. It has been the experience of USNA and NYANA in New York City that even when relatives have given private affidavits under regular immigration or individual assurances under the Displaced Persons Act, nine out of ten of the immigrants arriving under these plans have applied to NYANA for help. While relatives involved are interviewed as a matter of course, experience has indicated that little practical help in terms of financial assistance or assistance with employment is offered. This is in part due to the fact that relatives already in New York were recent arrivals themselves. It is not possible to judge the intangible values and even some of the practical values that may exist for an immigrant when he has his close relatives in the same city in which he lives. These relatives may help him "get settled," teach him how to shop, and may give him a sense of belonging which he otherwise might not have. Most immigrants, particularly when they are trying to come to New York City, stress the fact that the presence of relatives in this city is exceptionally important to them and the relatives already in this city do the same. To be perfectly fair in this respect, it is hard to distinguish in this situation whether the immigrants want to come to New York City because their first degree relatives live here or whether the really important factor is New York City and the presence of the relatives in the city is used to accomplish the end of coming here. It is likely that both factors are operative. One might ask whether the issue would be as important if the relative lived in a community outside of New York City. It is hard to say.

B. CONFLICT BETWEEN QUOTAS AND CASEWORK PRINCIPLES: It must be repeated here that immigrants who are going to come to New York City on the basis of an individual affidavit or individual assurance given by a relative

who lives in this city will have to be NYANA's responsibility if they require help and that the only controllable factor is in respect to the agency assurance group. Despite our instructions to the contrary, USNA is continuing to issue community assurances for New York, covering cases in which there is an only first degree relative in New York City. We have already pointed out the actual and potential impact of this policy upon New York.

If we are to have any kind of quota for New York City which would enable New York City to take a fair share, but not a disproportionate share, of Jewish immigrants coming to the United States, consideration has to be given as to whether the principle of immigrants being united with their first degree relatives must be retained at the expense of an unfair quota. The many positive values that are present for immigrants who live in the same community as their first degree relatives, as indicated above, should be considered with relationship to this question, but it needs to be balanced by the question whether settlement in the immediate community of the first degree relative is essential, or whether the Jewish community has discharged its responsibility if it enables the family to come to the United States with settlement as near to the community where the first degree relative lives as possible. One may ask -- is not the purpose of the total Jewish community of United States in helping Jewish immigrants come here also one of securing fair distribution throughout the country rather than burdening any community with an undue share? One may argue that our means of communication in this country are so developed that relatives can write to each other, perhaps even talk to each other on the phone, or visit when they can afford to. Later on, when the immigrant becomes independent, he can, if he wishes to, be united with his relatives in the immediate community through his own efforts. Looking at this problem in another way, it is not at all unusual in our country for relatives to move away from one another for the purpose of bettering their economic situation or securing other advantages they consider important.

C. RESOLVING THE CONFLICT: NYANA must devise some means of controlling the quota of immigrants coming to New York City so that New York City receives a fair share and not a disproportionate share. The only way this can be done is to control the number of immigrants who come to New York City on Agency Community Assurances. In this connection, it becomes pertinent to reexamine the first degree relative principle on the basis of which Agency Community Assurance cases now come to New York City. It should be noted here that when the Displaced Persons Program started in 1948, and Agency Community Assurances were secured from the whole country, USNA did not issue any for New York City even when there were first degree relatives in this city because its main purpose then was to control the flow of Jewish immigrants to New York in some reasonable manner. This is still a more relevant purpose today. Several solutions to the problem are possible. These may be summed up as follows:

1. New York City will receive more than its fair share of immigrants without taking any additional cases on Agency Community Assurances. NYANA should therefore not accept any more agency assurance cases for New York City.
2. The first degree relative principle under which NYANA will accept Agency Community Assurances should be modified so as to include only a limited category of first degree relatives rather than the broad category* now included.

Staff looks to the Board for advice and guidance with regard to this matter.

* First degree relatives are now defined as follows: parents, children, grandparents, grandchildren, brothers and sisters.