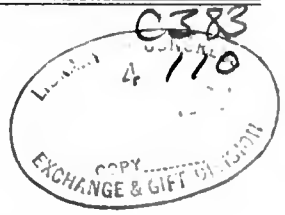


*United States Congress - Senate Committee on the  
Judiciary Subcommittee on Immigration and Refugee  
Policy.*

**AMERASIAN IMMIGRATION PROPOSALS**



**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
IMMIGRATION AND REFUGEE POLICY  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

**S. 1698**

A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO PROVIDE PREFERENTIAL TREATMENT IN THE ADMISSION OF CERTAIN CHILDREN OF UNITED STATES ARMED FORCES PERSONNEL

JUNE 21, 1982

Serial No. J-97-121

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[97th Congress]

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# AMERASIAN IMMIGRATION PROPOSALS

MONDAY, JUNE 21, 1982

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 2:40 p.m., in room 2228, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee) presiding.

Present: Senator Kennedy.

Staff Present: Richard W. Day, chief counsel and staff director; Donna M. Alvarado, counsel; and Arnold Liebowitz, special counsel.

## OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING, CHAIRMAN, SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Senator SIMPSON. Good afternoon. We are pleased to have you here.

I have assured the sponsors of this measure an appropriate hearing, and am holding it on this occasion. I appreciate their patience as we process the entire package known as S. 2222.

Today's hearing concerns the plight of thousands of children fathered by American servicemen and other U.S. citizens serving in Asia, and born of Asian mothers. We understand that such children frequently become social outcasts in their homelands because of their mixed parentage, and often have difficulty in finding employment and making lives for themselves.

As chairman of the Veterans' Affairs Committee, I have a special interest in this issue, and particularly with regard to the long-term solutions as we continue to station troops in Asia to further U.S. strategic and defense interests.

I do feel that the support which has been demonstrated in the Congress and by this administration for various proposals to assist Amerasians indicates a willingness on the part of the American people to provide some relief for these children. But I also believe that the American people wish to be certain that we are admitting an identifiable group of persons, that we are avoiding fraud, and that we are not creating new financial burdens on the Federal Treasury.

Many of the proposals which will be discussed this afternoon have attempted to address these concerns, and certainly our witnesses include experts who have been working with and for these children, and these adults, because many of them indeed are adults now, and have been working with them throughout the years.

So I am therefore pleased to welcome you to this hearing and look forward to your testimony.

I would ask my good colleague from Massachusetts, Senator Kennedy, who I know has been very interested in this area as we have pursued the entire package of S. 2222, if he has opening remarks.

**OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S.  
SENATOR FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. Thank you very much, Mr. Chairman. I want to express all of our appreciation to you for holding this hearing. As you remember during the course of the markup on the immigration legislation, there was a good deal of interest in this issue, and you pointed out to me and to the other members of the Immigration Committee that we had not been able to develop the kind of information that would be required to accept an amendment at that time that would guarantee us an opportunity to at least have this hearing and to listen to those who are the most concerned about this issue, and who have spent a good deal of their lives trying to shake the Congress and Democratic and Republican administrations over the past years into action, and I just want to thank you for holding these hearings today, and again commend your concern to all of our friends that will be appearing here today as witnesses, and our colleagues on the committee.

I had an opportunity both in 1965 and again in 1968 to visit a number of the orphanages in Vietnam. The problem was never as dramatic in 1965 as it was in 1968. You could see at that time the increasing concerns that were present about how children that were fathered by American servicemen were going to be considered, and also the orphans, because there were a number of orphans at that particular time.

We provided some help and assistance to those particular communities. A number of the religious organizations were enormously active, and the voluntary agencies themselves, and of course, after the change in the political situation and after the Vietcong took over, that help and assistance was terminated even though there were a number of children that had been fathered by American servicemen and also a number of orphans still remaining in that setting, and some outside that setting, and some with other members of an extended family.

Then in 1978, the Senate accepted an amendment which I offered to the foreign relations bill that provided \$2 million to help and assist the developing of orphanages and supporting foundations that were working with the voluntary agencies to facilitate help and assistance to the orphans.

Then, as you remember, Mr. Chairman, in 1978 we adjusted the immigration law to permit greater ease in the adoption of Amerasian children, and I think this was some progress.

But I think all of us must recognize that it has been the voluntary agencies that have been knocking on the doors of Congress. There have been some Congressmen and Congresswomen who have long been committed to that cause, and some will testify today.

The voluntary agencies have presented us with this issue. The Congress has taken very small steps, although not unimportant

ones, but we have not had the kind of support from past administrations, whether they have been Democrat or Republican, to really express the true humanitarian concern.

I perceive a change now, and I just hope that we can work out both an amendment on the immigration bill that will recognize the importance of the voluntary agencies, the importance of the families here in the United States, in trying to work out a process and a program that will reach out to those children, who have every right to expect some help and some assistance if the opportunity presents itself.

So I thank the chairman, and appreciate the hearing, and I look forward to working with my colleagues to see that some action is taken.

Senator SIMPSON. Thank you very much, Senator Kennedy.  
[S. 1698 and related documents follow:]

97TH CONGRESS  
1ST SESSION

# S. 1698

To amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 9), 1981

Mr. DENTON (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That (a) chapter 1 of title II of the Immigration and Nation-  
4 ality Act is amended by inserting after section 209 (8 U.S.C.  
5 1159) the following new section:



1 "SPECIAL PREFERENCE FOR CERTAIN CHILDREN OF  
2 UNITED STATES ARMED FORCES PERSONNEL

3 "SEC. 210. (a) Notwithstanding any other provision of  
4 this Act, an unmarried or married alien shall be deemed, for  
5 purposes of preference in allotting visas under this chapter, to  
6 be an unmarried son or daughter of a citizen of the United  
7 States or a married son or daughter of a citizen of the United  
8 States, respectively, if the alien applies to the Attorney Gen-  
9 eral (in such form and manner as he may provide) for such  
10 treatment and if—

11 "(1) the appropriate consular officer determines,  
12 pursuant to subsection (b), that the alien—

13 "(A) was born in Korea, Vietnam, Laos,  
14 Thailand, Japan, the Philippines, or Taiwan (as  
15 defined in paragraph (2) of section 15 of the  
16 Taiwan Relations Act) after 1950, and

17 "(B) was fathered by a United States citizen  
18 who, at the time of the alien's conception, was  
19 serving on active duty in the Armed Forces of the  
20 United States; and

21 "(2) the alien provides the Attorney General with  
22 a guarantee of financial support for the alien which  
23 meets the standards established under subsection (c).

24 "(b) In reviewing applications under subsection (a), the  
25 consular officer shall consult with appropriate governmental

1 officials and officials of private voluntary organizations in the  
2 country of the alien's birth in order to review and determine  
3 the matters described in subparagraphs (A) and (B) of subsec-  
4 tion (a)(1). In making such a determination, the consular offi-  
5 cer shall consider evidence provided by the applicant, includ-  
6 ing but not limited to birth and baptismal certificates, local  
7 civil records, photographs of, and letters or proof of financial  
8 support from, an American citizen described in subsection  
9 (a)(1)(B), and the testimony of witnesses, to the extent it is  
10 relevant or probative.

11       “(C) A guarantee of financial support for an alien  
12 must—

13               “(1) be signed, in the presence of an immigration  
14 officer or consular officer, by an individual (hereafter in  
15 this subsection referred to as the ‘sponsor’), who is  
16 twenty-one years of age or older and is a citizen of the  
17 United States or an alien lawfully admitted for perma-  
18 nent residence; and

19               “(2) provide that the sponsor agrees to provide—

20                       “(A) during the five-year period beginning on  
21 the date of the alien's admission for permanent  
22 residence, or

23                       “(B) during the period beginning on the date  
24 of the alien's admission for permanent residence

1           and ending on the date on which the alien be-  
2           comes twenty-one years of age,  
3           whichever period is longer, such financial support as is  
4           necessary to maintain the alien's income at a level  
5           equal to at least 125 per centum of the current official  
6           poverty line (as defined by the Office of Management  
7           and Budget), as revised by the Secretary of Health and  
8           Human Services pursuant to section 652 of the Omni-  
9           bus Budget Reconciliation Act of 1981, for a family of  
10          the same size as the size of the alien's family residing  
11          in the United States.

12          “(d)(1) Subject to paragraph (2), the guarantee of finan-  
13          cial support described in subsection (c) may be enforced with  
14          respect to an alien against his sponsor in a civil suit brought  
15          by the Attorney General in the United States district court  
16          for the district in which the sponsor resides

17          “(2) A sponsor and his estate shall not be liable under  
18          such a guarantee under paragraph (1) if the sponsor dies or is  
19          adjudicated a bankrupt under title 11, United States Code.”.

20          (b) Chapter 1 of title II of the table of contents of such  
21          Act is amended by inserting after the item relating to section  
22          209 the following new item:

“SEC. 210. Special preference for certain children of United States Armed Forces  
personnel.”.

**AMENDMENT NO. 1306**

**Purpose:** To provide substitute language amending the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States citizens.

IN THE SENATE OF THE UNITED STATES—97th Cong., 2d Sess.

**S. 1698**

To amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel.

February 11 (legislative day, January 25), 1982

Referred to the Committee on the Judiciary and ordered to be printed

AMENDMENT intended to be proposed by Mr. DENTON (for himself and Mr. LEVIN)

Viz: Strike out all after the enacting clause and insert in lieu thereof the following:

- 1 That (a) chapter 1 of title II of the Immigration and Nation-
- 2 ality Act is amended by inserting after section 209 (8 U.S.C.
- 3 1159) the following new section:

4 "SPECIAL PREFERENCE FOR CERTAIN CHILDREN OF  
5 UNITED STATES CITIZENS

6 "SEC. 210. (a) Notwithstanding any other provision of  
7 this Act, an unmarried or married alien shall be deemed, for  
8 purposes of preference in allotting visas under this chapter, to  
9 be an unmarried son or daughter of a citizen of the United

1 States or a married son or daughter of a citizen of the United  
2 States, respectively, if the alien applies to the Attorney Gen-  
3 eral (in such form and manner as he may provide) for such  
4 treatment and if—

5 “(1) the appropriate consular officer determines  
6 that the evidence examined pursuant to subsection (b)  
7 strongly suggests that—

8 “(A) the alien was born in Korea after 1950  
9 and before the date of enactment of this section,

10 “(B) the alien was fathered by a United  
11 States citizen, and

12 “(C) the admission of such alien to the  
13 United States is in the best interests of such alien;  
14 and

15 “(2) the alien provides the Attorney General with  
16 a guarantee of financial support for the alien which  
17 meets the standards established under subsection (c).

18 “(b) In reviewing applications under subsection (a), the  
19 consular officer shall consult with appropriate governmental  
20 officials and officials of private voluntary organizations in the  
21 country of the alien’s birth in order to review and determine  
22 the matters described in subparagraphs (A), (B), and (C) of  
23 subsection (a)(1). In making such a determination, the consul-  
24 ar officer shall consider the physical appearance of the appli-  
25 cant and any evidence provided by the applicant, including

1 but not limited to birth and baptismal certificates, local civil  
2 records, photographs of, and letters or proof of financial sup-  
3 port from, an American citizen described in subsection  
4 (a)(1)(B), and the testimony of witnesses, to the extent it is  
5 relevant or probative.

6 “(c) A guarantee of financial support for an alien  
7 must—

8 “(1) be signed, in the presence of an immigration  
9 officer or consular officer, by an individual (hereafter in  
10 this subsection referred to as the ‘sponsor’), who is  
11 twenty-one years of age or older and is a citizen of the  
12 United States or an alien lawfully admitted for perma-  
13 nent residence; and

14 “(2) provide that the sponsor agrees to provide—

15 “(A) during the five-year period beginning on  
16 the date of the alien’s admission for permanent  
17 residence, or

18 “(B) during the period beginning on the date  
19 of the alien’s admission for permanent residence  
20 and ending on the date on which the alien be-  
21 comes 21 years of age,

22 whichever period is longer, such financial support as is  
23 necessary to maintain the alien’s income at a level  
24 equal to at least 125 per centum of the current official  
25 poverty line (as defined by the Office of Management

1 and Budget), as revised by the Secretary of Health and  
2 Human Services pursuant to section 652 of the Omni-  
3 bus Budget Reconciliation Act of 1981, for a family of  
4 the same size as the size of the alien's family residing  
5 in the United States.

6 "(d)(1) Subject to paragraph (2), the guarantee of finan-  
7 cial support described in subsection (c) may be enforced with  
8 respect to an alien against his sponsor in a civil suit brought  
9 by the Attorney General in the United States district court  
10 for the district in which the sponsor resides.

11 "(2) A sponsor and his estate shall not be liable under  
12 such a guarantee under paragraph (1) if the sponsor dies or is  
13 adjudicated a bankrupt under title 11, United States Code."

14 (b) Chapter 1 of title II of the table of contents of such  
15 Act is amended by inserting after the item relating to section  
16 209 the following new item:

"Sec. 210. Special preference for certain children of United States citizens."

## SECTION 204

On page 49, line 5, strike all after the heading "Amerasian Children" on line 4 and insert the following:

Section 204. (a) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by inserting at the end thereof the following new Subsection:

"(g)(1) Any alien claiming to be an alien described in paragraph (2) of this subsection (or any person on behalf of such an alien) may file a petition with the Attorney General for classification under Section 201(b), 203(a)(4), as appropriate. After an investigation of the facts of each case the Attorney General shall, if he has reason to believe that the alien is an alien described in paragraph 2 of this subsection, approve the petition and forward one copy to the Department of State.

"(2) The Attorney General may approve petitions under paragraph (1) of this subsection if he has received an acceptable guarantee of financial support as described in paragraph (4) of this subsection and if he has reason to believe that—

"(A) the alien was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950; and (B) the alien was fathered by a United States citizen.

"(3) In considering petitions filed under paragraph (1), the Attorney General shall—

(A) consult with appropriate governmental officials and officials of private voluntary organizations in the country of the alien's birth in order to make the determination described in subparagraphs (A) and (B) of paragraph 2; and (B) consider the physical appearance of the alien and any evidence provided by the petitioner, including birth and baptismal certificates, local civil records, photographs of, and letters or proof of financial support from, a putative father who is a citizen of the United States, and the testimony of witnesses, to the extent it is relevant or probative.

"(4)(A) A guarantee of financial support for an alien described in paragraph (2) must—(i) be signed in the presence of an immigration officer or consular officer by an individual (hereinafter in this paragraph referred to as the 'sponsor') who is 21 years of age or older and is a citizen of the United States or alien lawfully admitted for permanent residence, and (ii) provide that the sponsor agrees to furnish, during the five-year period beginning on the date of the alien's acquiring the status of an alien lawfully admitted for permanent residence, such financial support as is necessary to maintain the family in the United States of which the alien is a member at a level equal to at least 125 percent of the current official poverty line (as established by the Director of the Office of Management and Budget under section 673(2) of the Omnibus Budget Reconciliation Act of 1981 and as revised by the Secretary of Health and Human Services under section 652 of such Act) for a family of the same size as the size of the alien's family.

(B) A guarantee of financial support described in subparagraph (A) may be enforced with respect to an alien against his sponsor in a civil suit brought by the Attorney General in the United States district court for the district in which the sponsor resides, except that a sponsor or his estate shall not be liable under such a guarantee if the sponsor dies or is adjudicated a bankrupt under title 11, United States Code."

Senator SIMPSON. Now, we are pleased to welcome three sponsors of the Amerasian legislation pending both in the House and in the Senate. Let me recognize Senator Denton first, please, my colleague from Alabama.

**STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM  
THE STATE OF ALABAMA**

Senator DENTON. Thank you, Mr. Chairman. Allow me to commend you for holding this hearing at this particular time. I recognize that you and your staff and members of the committee have been working very industriously on the passage of S. 2222, the Immigration Reform and Control Act of 1982.

From working with you on two committees, I am familiar with the diligence of your work. I am supportive of your efforts to reform our immigration law. Your dedication and patience shows through, as it does on the Veterans' Affairs Committee on which I serve with you under your chairmanship. I believe you have cre-



ated an immigration control bill that is both fair and realistic. You recognize, as most of us, that as a nation of immigrants our country must maintain an equitable and humane immigration policy that allows a reasonable number of new immigrants to make their homes here.

This is a bipartisan bill on the Senate side in terms of sponsorship, and I am pleased to be with Senator Levin here today, and we both believe that this bill is consistent with the goals established in S. 2222.

I want to acknowledge, Mr. Chairman, that you have shown not only consideration and patience as this bill has been brought to your attention for a number of months, but you have also demonstrated an expertise which transcended that of those who were presenting this incremental aspect of immigration to you, and you have in every way fulfilled your commitment to advance the cause of this bill while at the same time maintaining the balance necessary to proceed in an orderly fashion with your larger responsibility, the Immigration Reform and Control Act.

We are now considering this separately, and I am a latecomer in this bill. Many concerned Americans, as noted by Senator Kennedy, motivated by compassion, are here today and have worked selfishly for years to allow into the United States those abandoned Amerasian children who, for reasons grounded in Asian culture, have been treated with discrimination and, sometimes, cruelty. I guess you could say my own interest in the cruelty in that area began with a commitment in 1965 with respect to the tens of millions who are now being treated cruelly in the loss of that overall cause, but this particular cause, involving sons and daughters of Americans, was brought to my attention in 1973 by a young lady named Judy Darrogh, and later with Father Keane I became more heavily involved.

As Senator Kennedy said, we owe a lot to the private organizations, Americans mostly, who were just trying to help others from other nations and love their neighbors as they loved themselves, and that cannot be transcended in my recollection in this particular context.

The word "Amerasian," of course, derives its first two syllables from "America," and S. 1698 would at long last give immigration preference to young children and young adults. Amerasian children are abandoned sons and daughters, born in Asia of Asian mothers whose fathers are U.S. citizens. They are subject to unremitting social discrimination because the Asian cultures resist assimilating children of mixed parentage. I am confident that we all feel compassion for the Amerasians partly because of the discrimination to which they are subjected. In addition, our concern and commitment must be vastly increased because they have American blood. Yet, when they apply for immigration to the United States, they are not classified as sons or daughters of U.S. citizens.

S. 1698 would give these children of Americans the benefit of their birthright without requiring that their fathers be specifically and individually identified. Under our proposal, Amerasians would simply be moved into a higher preference category, still subject to the already established quota for their country of birth. The quota

is currently 20,000 persons for each country, and would remain so under the Immigration Reform and Control Act.

Amerasians could then apply under the first preference for unmarried sons and daughters of U.S. citizens. No more immigrants would be able to enter the United States under this provision since the only change would be the classification of Amerasian children within the already existing categories.

In addition, sponsors of Amerasians would be required to guarantee financial support for them for 5 years or until the minor child reaches the age of 21, whichever is longer. This would insure that these immigrants do not become public charges.

During the past several months, Senator Levin and I, our staffs, and many of the interested parties have worked to refine the language of S. 1698 to meet certain objectives. I again acknowledge your patience as we changed the form of our approach to this, and I think we are close to a bill which you can make only minor changes to and find satisfactory.

I realize that S. 1698 requires that an Amerasian applicant prove that the father was on active duty with U.S. military forces. We now prefer language that would strike the proof standard and the finding that the child's father was on active duty with U.S. military forces. We would prefer to insert language that would provide a "reason to believe" standard to the determination that the child's father was a U.S. citizen. These changes would extend the provisions of the bill to benefit those children who were fathered by non-military and non-Government personnel.

Currently, S. 1698, as you know, applies to Amerasians born in Vietnam, Laos, Thailand, Korea, Japan, the Philippines, and Taiwan. I believe that all the parties involved now agree that this bill could be limited to fewer countries, and we solicit your advice on that. One proposal that was circulated included Kampuchea, which is not now included in H.R. 808 or S. 1698.

You brought to my attention that the bill, as presently drafted, may force sons and daughters with two American parents to compete with Amerasians for available visa numbers in the first preference. This has not seemed quite equitable in the truest sense of the word "just." It is my understanding, however, that the first preference is not as heavily backlogged generally and that including Amerasians in the first preference would not place substantial pressure on this category. However, there may be technical changes necessary to improve the bill, and I welcome, therefore, any expert counsel the subcommittee may provide.

I note, Mr. Chairman, that in 1979, of 17,894 immigrants from Korea who applied in the family reunification categories, only 28 individuals were in the first preference category, so there would appear to be some room there for adjustment if that is the way you choose the committee to go.

Other Amerasian relief proposals have been considered, such as the one originally included in S. 2222. I believe that particular solution, however well intended, would not adequately respond to the problems faced by Amerasians. I share the view of the administration, as stated before the joint hearing of the House and Senate Immigration Subcommittees on April 20, 1982, that it is doubtful that Amerasians of the ages stated in the original S. 2222 provision

would be adopted. Under current law, citizens may adopt children under the age of 16 from foreign countries. Few adolescents, however, have been or will be adopted.

In addition, I believe that it is necessary to include all Amerasians born after 1950, in recognition of the fact that our largest troop commitment to Korea occurred between the years of 1950-54.

Many have charged that Amerasians in the 21 to 32 age group would be unsuitable immigrants because they have either been assimilated successfully into Asian cultures, or because they may have personality problems resulting from the circumstance of their dubious parentage, or because they would face a language barrier too great to overcome. There is compelling evidence to the contrary. I submit for the record a letter and several documents that I received from Father Alfred Carroll, S.J., associate dean of the College of Arts and Sciences at Gonzaga University, where most of the Amerasians who study in the United States have been enrolled. Many of these students are above the age of 21 and, as Father Carroll states in his letter, "It is clear to me that these young students are not delinquents, but industrious scholars and outstanding people."

I met two Amerasian youths today, and I am sure Senator Levin shares with me the most favorable impression we got from them which is consistent with Father Carroll's description.

Father Carroll shows that the average grade point average for these students is 2.6, and for those in the English language program the average is 3.2. I feel confident that we would find similar motivation and achievement among these Amerasians who would benefit from the legislation.

Mr. Chairman, let me close by saying that I applaud you for your fine work with this subcommittee. I am confident that your humanitarian and considered views about immigration policy in general will extend to the consideration of the plight of the Amerasian children.

I thank you for the opportunity, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Denton. We appreciate your remarks.

[Correspondence submitted by Senator Denton follows:]



**Gonzaga University** / SPOKANE, WASHINGTON 99258 (509) 328-4228

DEC 08 1981

Office of the President

December 3, 1981

Dear Senator Denton:

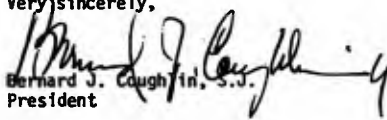
In response to your letter of November 23 with reference to S.1698, I am enclosing a copy of a letter from Alfred Carroll, S.J., Associate Dean of the College of Arts and Sciences at Gonzaga University. Father Carroll has worked closely with the Amerasian students who are attending Gonzaga. He has visited Korea and has come to know the Americans who have been working with the Amerasian students in Korea over many years.

His letter speaks for itself. I have had contact, as President, with all of the Amerasian students and have come to know several of them very well. You would be proud of them. They are a source of pride to the administration of Gonzaga University; they are fine students, excellent people, and extremely well accepted here on our campus by American students.

They deserve American citizenship, and I hope the United States Senate will support that policy.

Best wishes.

Very sincerely,

  
Bernard J. Coughlin, S.J.  
President

The Honorable Jeremiah Denton  
Senate Office Building  
Washington, D.C. 20510

cc: The Honorable Alan K. Simpson



**Gonzaga University**/SPOKANE, WASHINGTON 99258 • (509) 328-4220

College of Arts and Sciences  
Office of the Dean

November 20, 1981

Father Bernard Coughlin, S.J.  
Office of the President

Dear Father Coughlin,

This letter is to supply information to answer Senator Denton.

When the first Amerasians arrived at Gonzaga University in January, 1980, I too had some of the questions the Senator raised. There were fears and hesitations in my mind before I met the students. After two years of very close association with these young people, it is clear to me that these young students are not delinquents, but industrious scholars and outstanding people.

I have daily contact with the sixteen Amerasian students now attending the university. I am aware of their academic progress, and take an active interest in their lives as a whole. Everyday brings at least one Amerasian into my office.

As I have watched these students, I believe that the following factors strongly influence their conduct: a deeply rooted philosophy of goodness and industry; a strong sense of gratitude and loyalty to friends and benefactors; a determination to prove themselves as good Americans; and an openness to express their problems and situations in order to obtain advice.

None of these students have violated American laws. They not only exert great caution in this regard, but often inquire about the morality and legality of future activities.

Although Christianity is not the major religious persuasion in Korea, it is prominent. There are no efforts at prosletizing or discriminating against non-Christian students by the university, yet most of the Amerasians are practicing Christians. I wish I could say the same thing about our nominal Christian Americans.

The Amerasians have a strong commitment to become exemplary and successful. They do not wish to repeat the mistakes of their American fathers. These students have manifested better academic industry than any other foreign group on campus. Their work, both in the classroom and in positions of employment, has been seriously undertaken.



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College of Arts and Sciences  
Office of the Dean

Before the students arrived, the Director of the English Language Program and the Committee on Admissions and Academic Standing were skeptical about their initial admissions. Their performance, however, has changed this skepticism to an almost automatic acceptance of Amerasian applicants. They are welcomed into the university with high expectations, and they work accordingly.

The Senator may also wonder about the possibility that Amerasians may become dependents on taxpayers. These students do not wish to accept charity or public assistance. They came, asking for employment. Because of their student visas, they are allowed to work only on campus. Just this last week, a manager of our food service told me that they were the best student workers that he had. I cannot eat a meal in our Jesuit dining room without the cook telling me how hard the Amerasians work, how high is the quality of their work, and what excellent persons they are.

It is difficult to express the high quality of character in these young people without focusing on each individual. As you are aware, the Jesuits who are experienced educators and are perceptive of young people have very high regard for the Amerasians. They foster the intelligence and potentials in each person. Therefore, I wish to tell you of Danny Lee's great efforts, Jini Choi's talented art work, and Yong Cha Yi's friendliness. I cannot tell you enough of the qualities of each young person.

On the negative side, the Amerasians have difficulty understanding the flexibility of the American family system. In Korea, not only does the family revolve around the father, but its authoritarian structure forces each individual into extreme positions of inferior or superior positions.

In conclusion, I appreciate the concerns of Senator Denton and I want to assure him as strongly as possible that our experience with the Amerasians provides the solid hopes that if they are allowed citizenship they will be exemplary Americans.

I am enclosing a picture of the Amerasians at Gonzaga University.

Yours Sincerely,

J. Alfred Carroll, S.J.

JAC/aa



Gonzaga University / SPOKANE, WASHINGTON 99258 • (509) 328-4220

JUN 14 1982

6/10/82

College of Arts and Sciences  
Office of the Dean

AMERICANS FROM KOREA

REGULAR UNIVERSITY

	<u>CUMULATIVE</u>	
	<u>Credit</u>	<u>G P A</u>
1.	21	2.7
2.	42	2.4
3.	25	3.1
4.	21	2.7
5.	25	2.8
6.	59	2.6
7.	19	2.3
8.	52	3.5
9.	5	2.2
10.	13	2.5
11.	15	2.7
12.	19	<u>2.4</u>
	Average:	2.6
 <u>ENGLISH LANGUAGE PROGRAM</u>		
13.		3.4
14.		3.8
15.		3.0
16.		<u>2.6</u>
	Average:	3.2

Senator SIMPSON. Now, my good colleague from Detroit, who came to this place when I did, Senator Carl Levin.

**STATEMENT OF HON. CARL LEVIN, A U.S. SENATOR FROM THE STATE OF MICHIGAN**

Senator LEVIN. Thank you. Mr. Chairman and Senator Kennedy, first of all I want to thank you and commend you for holding these hearings as reflective of your own decency and humanity shown in all things you touch around the Senate.

I am grateful for the opportunity to testify because the legislation about which we speak today is vital and humane.

Before I begin my brief remarks I would like to thank our colleague from the House, Congressman Steward McKinney, for the generous assistance and support that he and his staff have given us on this issue. Congressman McKinney has long been the champion in this effort. I would also like to add my commendation and thanks to the kind and courageous Father Alfred Keane for his efforts on behalf of the Amerasian children and John Shade of the Buck Foundation for his extraordinary and gifted work.

I will not review the provisions of the bill, because Senator Denton has already outlined them ably for the committee. I would, however, like simply to share with the committee the remarks made by a couple from my own State of Michigan, Kris and Annie Lee of Grand Rapids, the adoptive parents of several Amerasian children.

I quote from their letter:

We are the parents of six children (five adopted). Two of these children are from a home of mixed race children in Korea. They are the children of a Korean woman and an American serviceman. We are concerned about the many other half-American children who live in Korea.

The children of Americans in certain Asian countries are not wanted by their birth countries. They are shunned and excluded from full participation in education, marriage and employment opportunities. Because of this rejection an Amerasian person comes to feel that he is a freak of nature, the punishment for his parent's disregard of social norms. He learns that he has no right to expect the basic things in life that other purer Asians take for granted. Cruel as this is, we cannot be too quick to blame his mother's world for their insensitivity to the Amerasians without also looking at ourselves and our own responsibility to our children born in other countries.

America is in a better position to accept children of mixed parentage than are the homogenous societies in Asia. In America there are many minority groups where individuals can derive a sense of identity. Culturally, financially and practically we have the ability to help the Amerasian children and young people.

There are many tragic situations in the world that we can do little about. But in this situation we can do something and we should feel especially compelled since this involves our own children. How can we as a country speak about human rights if we turn our backs on the rights of the American-Asian child? We do not believe that America will continue to ignore these children and young people.

Mr. Chairman, the United States is partly liable for the current conditions of Amerasian individuals. This country should meet its responsibility by providing the opportunity for a better future for these children of U.S. citizens.

In closing, I would like to quote briefly from an article entitled "The Warrior's Children," written by David Devoss in the November issue of GEO. He wrote about the approximately 8,000 homeless Amerasians in Siagon that were left there.



When the last U.S. helicopter rose from Tan Son Nhut Airport five years ago, an estimated 8,000 of them were left behind. Adorned with cowlicks and spattered with freckles, many resemble midwestern members of Future Farmers of America. Only their tattered pajamas and the pox they have acquired from sleeping in fetid back alleys brand them as "bui doi"—"dust of life." The rumpled, bureaucratic men who control South Vietnam today insist that Ameriasians are not their responsibility. For them, the children and their mothers are "American" and thus ineligible to attend public schools, hold a job, or receive a government ration card.

Mr. Chairman, in the words of Jean Mitchell of Grand Rapids, Mich., adoptive mother of two Amerasian girls, "America owes these children a chance to become good citizens in the country of their fathers."

Mr. Chairman, time is of the essence. Condemned children are waiting and hoping for the opportunity to come to a land that will accept them as our children.

Again, I want to thank the chairman and Senator Kennedy and other members of the subcommittee for the real concern they are showing on this matter.

Senator SIMPSON. Thank you, Senator Levin. It is also typical of your efforts in things that have to do with issues like the plight of Armenians or these persons we address today, and it is certainly consistent for you.

[The prepared statement of Senator Levin follows:]

## PREPARED STATEMENT OF SENATOR CARL LEVIN

MR. CHAIRMAN, I WOULD LIKE TO THANK YOU AND THE MEMBERS OF THIS SUBCOMMITTEE FOR THE OPPORTUNITY TO COMMENT ON S. 1698, WHICH I HAVE JOINTLY INTRODUCED WITH MY COLLEAGUE FROM ALABAMA, SENATOR JEREMIAH DENTON. I AM PARTICULARLY GRATEFUL FOR THIS OPPORTUNITY MR. CHAIRMAN BECAUSE THE LEGISLATION ABOUT WHICH WE SPEAK IS BOTH VITAL AND HUMANE.

MR. CHAIRMAN I WOULD LIKE TO TAKE A MOMENT TO COMMEND AND THANK MY COLLEAGUE FROM THE HOUSE CONGRESSMAN STEWART MCKINNEY FOR THE GENEROUS ASSISTANCE AND SUPPORT HE AND HIS STAFF HAVE AFFORDED ME AND MY STAFF ON THIS ISSUE. CONGRESSMAN MCKINNEY HAS LONG BEEN THE CHAMPION IN THIS EFFORT.

I WOULD ALSO LIKE TO COMMEND THE KIND AND COURAGEOUS FATHER ALFRED KEANE FOR HIS EFFORTS ON BEHALF OF AMERASIAN CHILDREN. AND FINALLY MR. CHAIRMAN, I WOULD LIKE TO SAY TO JOHN SHADE OF THE PEARL S. BUCK FOUNDATION, PLEASE CONTINUE YOUR EXTRAORDINARY AND GIFTED WORK.

THE PROPOSAL BEFORE US SEEKS TO CORRECT A FLAW IN THE CURRENT IMMIGRATION AND NATIONALITY ACT WHICH DENIES THE CHILDREN OF U.S. CITIZENS THEIR LEGITIMATE CLAIM TO PROPER IMMIGRATION STATUS. S. 1698 SPECIFICALLY ADDRESSES THE NEEDS OF THOSE INDIVIDUALS, OFTEN REFERRED TO AS AMERASIANS, WHO HAVE BEEN ABANDONED BY THEIR U.S. SERVICEMEN-FATHERS IN KOREA, VIETNAM, LAOS AND THAILAND.

UNDER THE PROVISIONS OF THIS BILL, AS OFFSPRING OF U.S. CITIZENS, AN AMERASIAN WOULD BE ABLE TO APPLY FOR IMMIGRATION TO THE UNITED STATES UNDER THE FIRST PREFERENCE (UNMARRIED SONS AND DAUGHTERS OF U.S. CITIZENS) AND FOURTH PREFERENCE (MARRIED SONS AND DAUGHTERS) CATEGORIES OF THE IMMIGRATION ACT.

CURRENTLY AN AMERASIAN CAN ONLY APPLY FOR A PERMANENT RESIDENT VISA UNDER THE SIXTH PREFERENCE (SKILLED AND UNSKILLED WORKERS IN SHORT SUPPLY) AND THE NONPREFERENCE CATEGORY WHICH GUARANTEES A 5 TO 10 YEAR WAIT BEFORE RECEIVING A VISA.

THE LEGISLATION REQUIRES THE APPLICANT TO HAVE A U.S. SPONSOR. THIS SPONSOR WOULD BE LEGALLY RESPONSIBLE FOR SUPPORTING THE APPLICANT FOR A PERIOD OF 5 YEARS BEGINNING ON THE DATE OF THE ALIEN'S ADMISSION FOR PERMANENT RESIDENCE. THE IMMIGRATING AMERASIAN MUST ALSO COMPLY WITH ALL OTHER REQUIREMENTS OF THE IMMIGRATION AND NATIONALITY ACT IN ORDER TO QUALIFY FOR ADMITTANCE TO THE UNITED STATES.

MR. CHAIRMAN, THIS LEGISLATION RESPONSIBLY ADDRESSES THE NEEDS OF THOUSANDS OF AMERASIANS AND THE OBLIGATION INCUMBENT UPON US AS A NATION TO BE SENSITIVE TO THOSE NEEDS. THE AMERASIAN WOULD COME AT NO EXPENSE TO THE TAXPAYER. HE OR SHE WOULD BE INCLUDED IN THE PRESENT QUOTA OF IMMIGRANTS FROM THEIR COUNTRIES AND WOULD NOT INCREASE THE TOTAL NUMBER OF PERSONS COMING TO THIS COUNTRY. THEY WOULD BE REQUIRED TO MEET ALL THE REQUIREMENTS OF HEALTH AND CHARACTER EXPECTED FROM OTHER IMMIGRANTS.

I WOULD LIKE TO SHARE WITH ALL OF YOU THE REMARKS OF A COUPLE FROM MY OWN STATE OF MICHIGAN, KRIS AND ARNIE LEE OF GRAND RAPIDS, THE ADOPTIVE PARENTS OF SEVERAL AMERASIAN CHILDREN.

AND I QUOTE:

WE ARE THE PARENTS OF SIX CHILDREN (FIVE ADOPTED). TO OF THESE CHILDREN ARE FROM A HOME OF MIXED RACE CHILDREN IN KOREA. THEY ARE THE CHILDREN OF A KOREAN WOMAN AND AN AMERICAN SEVVICE MAN. WE ARE CONCERNED ABOUT THE MANY OTHER HALF AMERICAN CHILDREN WHO LIVE IN KOREA.

THEY WENT ON TO SAY:

THE CHILDREN OF AMERICANS IN CERTAIN ASIAN COUNTRIES ARE NOT WANTED BY THEIR BIRTH COUNTRIES. THEY ARE SHUNNED AND EXCLUDED FROM FULL PARTICIPATION IN EDUCATION, MARRIAGE AND EMPLOYMENT OPPORTUNITIES. BECAUSE OF THIS REJECTION AN AMERASIAN PERSON COMES TO FEEL THAT HE IS A FREAK OF NATURE, THE PUNISHMENT FOR

HIS PARENT'S DISREGARD OF SOCIAL NORMS. HE LEARNS THAT HE HAS NO RIGHT TO EXPECT THE BASIC THINGS IN LIFE THAT OTHER PURER ASIANS TAKE FOR GRANTED. CRUEL AS THIS IS, WE CANNOT BE TOO QUICK TO BLAME HIS MOTHER'S WORLD FOR THEIR INSENSITIVITY TO THE AMERASIANS WITHOUT ALSO LOOKING AT OURSELVES AND OUR OWN RESPONSIBILITY TO OUR CHILDREN BORN IN OTHER COUNTRIES.

.....AMERICA IS IN A BETTER POSITION TO ACCEPT CHILDREN OF MIXED PARENTAGE THAN ARE THE HOMOGENEOUS SOCIETIES IN ASIA. IN AMERICA THERE ARE MANY MINORITY GROUPS WHERE INDIVIDUALS CAN DERIVE A SENSE OF IDENTITY. CULTURALLY, FINANCIALLY AND PRACTICALLY WE HAVE THE ABILITY TO HELP THE AMERASIAN CHILDREN AND YOUNG PEOPLE.

THEY WENT ON TO SAY:

THERE ARE MANY TRAGIC SITUATIONS IN THE WORLD THAT WE CAN DO LITTLE ABOUT. BUT IN THIS SITUATION WE CAN DO SOMETHING AND WE SHOULD FEEL ESPECIALLY COMPELLED SINCE THIS INVOLVES OUR OWN CHILDREN. HOW CAN WE AS A COUNTRY SPEAK ABOUT HUMAN RIGHTS IF WE TURN OUR BACKS ON THE RIGHTS OF THE AMERICAN-ASIAN CHILD? WE DO NOT BELIEVE THAT AMERICA WILL CONTINUE TO IGNORE THESE CHILDREN AND YOUNG PEOPLE.

MR. CHAIRMAN, THE UNITED STATES IS PARTLY ACCOUNTABLE FOR THE CURRENT CONDITIONS OF AMERASIAN INDIVIDUALS. THIS COUNTRY SHOULD MEET ITS RESPONSIBILITY BY PROVIDING THE OPPORTUNITY FOR A BETTER FUTURE FOR THESE CHILDREN OF U.S. CITIZENS.

ACCORDING TO AN ARTICLE ENTITLED "THE WARRIOR'S CHILDREN," WRITTEN BY DAVID DEVOSS IN THE NOVEMBER 1980 ISSUE OF GEO:

THIRTY YEARS OF U.S. MILITARY INVOLVEMENT IN KOREA HAVE PRODUCED AS MANY AS 6,000 AMERASIANS. ONLY 4,500 OF AN ESTIMATED 8,000 AMERASIANS HAVE BEEN LOCATED IN THAILAND. THERE ARE MORE THAN

5,000 "VIETNAM ERA" AMERASIANS IN THE PHILIPPINES, AND THE NUMBER OF UNWANTED HALF-AMERICANS IN VIETNAM ITSELF, WHICH HOSTED BETTER THAN 2.1 MILLION U.S. SOLDIERS BETWEEN 1965 AND 1973, COULD CONCEIVABLY TOTAL 25,000. ONLY THE HOMELESS AMERASIANS IN SAIGON WERE EVER COUNTED AND WHEN THE LAST U.S. HELICOPTER ROSE FROM TAN SON NHUT AIRPORT FIVE YEARS AGO, AN ESTIMATED 8,000 OF THEM WERE LEFT BEHIND. ADORNED WITH CONGLICKS AND SPATTERED WITH FRECKLES, MANY RESEMBLE MIDWESTERN MEMBERS OF FUTURE FARMERS OF AMERICA. ONLY THEIR TATTERED PAJAMAS AND THE POX THEY HAVE ACQUIRED FROM SLEEPING IN FETID BACK ALLEYS BRAND THEM AS BUI DOI - "DUST OF LIFE." THE RUMPLED, BUREAUCRATIC. MEN WHO CONTROL SOUTH VIETNAM TODAY INSIST THAT AMERASIANS ARE NOT THEIR RESPONSIBILITY. FOR THEM, THE CHILDREN AND THEIR MOTHERS ARE "AMERICAN" AND THUS INELIGIBLE TO ATTEND PUBLIC SCHOOLS, HOLD A JOB OR RECEIVE A GOVERNMENT RATION CARD. "OUR SOCIETY DOES NOT NEED THESE BAD ELEMENTS," SAYS VO VONH THUAN, A FORMER VIET CONG WHO ADMINISTERS SAIGON'S DEPARTMENT OF SOCIAL WELFARE.

MR. CHAIRMAN, IN THE WORDS OF JEAN C. MITCHELL OF GRAND RAPIDS, MICHIGAN, ADOPTIVE MOTHER OF TWO AMERASIAN GIRLS, "AMERICA OWES THESE CHILDREN A CHANCE TO BECOME GOOD CITIZENS IN THE COUNTRY OF THEIR FATHERS."

MR. CHAIRMAN, TIME IS OF THE ESSENCE. CONDEMNED CHILDREN ARE WAITING AND HOPING FOR THE OPPORTUNITY TO COME TO A LAND THAT WILL ACCEPT THEM AS OUR CHILDREN.

Senator SIMPSON. Now, Congressman McKinney, please, who indeed has had a long-term interest in this area. I believe your efforts began many years ago, and certainly we look forward to having your testimony, Congressman McKinney.

**STATEMENT OF HON. STEWART B. MCKINNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT**

Mr. MCKINNEY. Mr. Chairman, there is simply no way I can thank you enough for bringing this issue to the Senate Subcommittee on Immigration and Refugee Policy. As you stated, this is an issue that I have been with for quite a while, and one that disturbs me more than just a little.

I am delighted you are having hearings on Senator Jeremiah Denton's bill, S. 1698, which is the companion to my H.R. 808. While there are minor differences between them, both bills recognize the legitimate and long-ignored immigration claims of a group of children abandoned in Korea and throughout Southeast Asia.

At the same time, these bills would not increase the number of immigrants admitted to this country each year, but would only see that these children receive the same treatment as all other offspring of U.S. citizens. I trust and I would like to urge that after this hearing today, the subcommittee will work quickly to move this Amerasian legislation to the full Judiciary Committee and on to the Senate floor. I first introduced this bill in 1979 during the 96th Congress, yet the day is fast approaching in this, the 97th Congress, when it will once again be too late to make the Amerasian Immigration Act law.

Senator Denton's bill, the McKinney version and a recent proposal by the administration would grant the proper visa preference category to the sons and daughters of U.S. citizens who have been abandoned in Korea, Vietnam, Thailand, and Laos (in H.R. 808), the Philippines and Taiwan (added in S. 1698), and Kampuchea or Cambodia (in the administration bill). Under current immigration law, these children, known as Amerasians, have difficulty in proving paternity and thus fall into the last preference categories for obtaining a U.S. immigration visa. This translates into a 5- to 10-year wait for obtaining a visa to get into this country.

All three proposals would facilitate Amerasians obtaining a visa with three basic provisions. First, as offspring of a U.S. citizen, an Amerasian or someone on his or her behalf could apply for immigration to the United States under the first and fourth preference categories of the Immigration Act.

Second, the Department of State, in cooperation with the host governments and private voluntary agencies in the Amerasian's home country, must make greater efforts to substantiate U.S. paternity. Every possible form of evidence should be used on a case-by-case basis. This material could include, but not be limited to, photographs, letters, proof of past financial support from a U.S. father, and local testimony.

Let me point out, however, because there has been some confusion, that the effort will not be to identify the actual father. The effort will be to establish only that the young person is the offspring of a U.S. citizen.

Third, once U.S. paternity has been determined, a U.S. sponsor must be secured for the Amerasian. The sponsor will be legally responsible for 5 years for the Amerasian's financial security in an amount equal to 125 percent of the U. S. Census Bureau's poverty threshold. The sponsor provision in this bill is stricter than that required of any other immigrants, but was included to answer fears that these children will be merely dumped on our streets, rather than those of Korea or Vietnam.

It is well past the time for the United States to recognize these young people for whom they are—our children—and give them the opportunity for lives where they are not condemned to live as outcasts or, as Senator Levin said, "dust of life." I believe the approach we are proposing is both reasonable and realistic and, I must say, Mr. Chairman, an Amerasian's situation is severe.

The House Subcommittee on Immigration, Refugees and International Law, as you know, has taken a somewhat different approach to the problem. While the Senate Immigration Reform and Control Act of 1982 does not contain a provision dealing with Amerasians, Chairman Mazzoli has included a limited version of H.R. 808/S. 1698 in the House omnibus bill. Unfortunately, I find this more limited approach difficult to accept. The House provision provides only for the immigration of Amerasians who are under the age of 21 and unmarried. Those Amerasians who are 16 years old or under would have to be adopted by a U.S. citizen and those over the age of 16 could be sponsored by a U.S. citizen under a legally binding sponsorship.

I seriously question the effectiveness of this approach since many adoption agencies have stated how extremely difficult it is to place an older child. I think we also have to recognize the fact that families who are willing to sponsor a 16-year-old have already set their trusts, their wills, their educational plans for their children, and probably will not willingly take on an adopted child at that age.

In limiting immigration to the United States to those Amerasians under the age of 21, the provision does not confront the real problem of those older Amerasians who experience the most serious discrimination. We have seven Amerasians sitting here in this hearing room right now who can personally attest to this situation. They are all over 21, students at Gonzaga University in the State of Washington, and all will have to go back to Korea against their wills when they graduate if Congress does not act now.

Another problem with the House proposal is that it provides only for a 3-year period in which Amerasians can apply for a visa and then abolishes the entire program after 10 years. This fails to recognize that U.S. soldiers are still stationed in Korea, the Philippines and Japan, and they are still fathering babies and, Mr. Chairman, they are there at the order of the President and the Congress of the United States. Therefore, I think they are our responsibility.

It also would simply set up a special immigration category for Amerasians, rather than admit these are our children and establish for them the same rights enjoyed by all other children of U.S. citizens.

Since the House Subcommittee on Immigration, Refugees, and International Law first held hearings on H.R. 808 last November,

we have made definite progress toward correcting this sad situation. We are, indeed, fortunate to now have the administration in support of changing U.S. policy toward Amerasians. They have in recent weeks strongly endorsed our effort and given invaluable aid in bringing the measure this far.

Mr. Chairman, I have to add as an aside that I have a difficult time after all these years even using the word "immigration" in the same sentence with these children. In essence, these are not immigrants. These are American children. Mr. Chairman, if I could borrow a quote from Father Keane, who first interested me in the plight of these children nearly 4 years ago, "Think how long a year is in the life of a child."

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Congressman McKinney, and thank you again, Senator Levin and thank you particularly, Senator Denton, as principal sponsor in the Senate. You have a firsthand and long-term observance of this very real humanitarian issue, and I appreciate your cooperation, patience, and assistance in this hearing today so that we can move the remaining portion of the legislation in the Judiciary Committee.

Thank you very much.

Senator SIMPSON. We will now proceed with the administration panel, which consists of Ambassador Diego Asencio, Assistant Secretary for Consular Affairs, Department of State, and Commissioner Alan Nelson, Immigration and Naturalization Service, Department of Justice.

**STATEMENTS OF A PANEL CONSISTING OF AMBASSADOR DIEGO ASENCIO, ASSISTANT SECRETARY FOR CONSULAR AFFAIRS, DEPARTMENT OF STATE, AND COMMISSIONER ALAN NELSON, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

Ambassador ASENCIO. Thank you, Mr. Chairman.

Senator SIMPSON. If you would, proceed in the order as listed in the agenda, please.

Ambassador ASENCIO. Certainly, Mr. Chairman.

With your permission, I will give you the highlights of my prepared statement, and then go directly to the questions.

Ambassador ASENCIO. Thank you for this opportunity to appear before the committee to present the Department of State's views concerning various legislative proposals concerning various legislative proposals regarding Amerasian children. S. 1698, "A bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel," and proposed amendment (No. 1306) to S. 1698.

My involvement in this particular legislation is of more recent vintage than some of the preceding speakers. It came essentially last November when I appeared before the House Immigration Subcommittee during which there were some sharp exchanges concerning the legislation being considered at that time. I was challenged to the effect that if the administration did not agree with



the terms of the proposals being considered at that time, we should come up with something we could consider workable.

On that basis, I charged my deputy, Mr. Louis P. Goelz—Deputy Assistant Secretary for Visa Services—a man of vast experience in this field, to study this problem, and come up with a solution, I would also like to acknowledge the participation of Mr. Roy A. Mackay and Mr. Cornelias D. Scully of the Visa Office, and I am also prepared to acknowledge as participants in this process a little guidance from Father Keane in this area, too, spiritual guidance.

The Department's main concern with S. 1698 relates to the requirement that the putative father have been a member of the U.S. Armed Forces at the time of conception. It is the Department's understanding that substantial numbers of these children, particularly in Vietnam, were fathered by civilian U.S. citizens. The Armed Forces membership requirement should be dropped as too exclusive, and as an unnecessary complication which would result in an administrative nightmare in determining that status.

I would also like to lay out some of the principal lines that we think legislation of this sort should contain, and a number of these have been worked out, of course, in discussions with members of your staff. The beneficiary class should include aliens born since the beginning of the Korean war, and the beneficiary alien should be classified either as an immediate relative, a first family unification preference immigrant, or a third family reunification preference immigrant, depending upon age and marital status, on the basis of a petition filed by, or on behalf of, the beneficiary.

There should be a requirement for binding financial sponsorship of each beneficiary alien (and spouse and children, if applicable) for a specified time period, such as is included in S. 1698.

The standard for identification of the putative father should be that there is reason to believe that the beneficiary's father was a U.S. citizen, but without reference to whether or not the putative father may have been a member of the U.S. Armed Forces, and the countries concerned should be Korea, Vietnam, Laos, Kampuchea, and Thailand.

The Department suggests that section 204 of the Immigration and Nationality Act be amended to provide a new subsection (G) which would provide for the filing of a petition by any such alien, or any person on his behalf, with the Attorney General for classification as an immediate relative, or as the married or unmarried son or daughter of a U.S. citizen, as appropriate.

After the investigation, including consultation with appropriate governmental officials, officials of private voluntary organizations in the country of the alien's birth, the physical appearance of the alien, and any evidence the alien provides, including but not limited to birth and baptismal certificates, local civil records, photographs of and letters of support from the putative father and relevant probative testimony of witnesses. The Attorney General may approve the petition and forward a copy thereof to the Secretary of State.

We also have a number of technical points and suggestions that are made in my formal opening statement, Mr. Chairman, and I would be delighted to answer any questions.

Senator SIMPSON. Thank you very much, Diego. You are always very precise and helpful to the subcommittee in your remarks.

[The prepared statement of Diego Asencio and letter to Senator Thurmond from the State Department follow:]

PREPARED STATEMENT OF HON. DIEGO C. ASENCIO

MR. CHAIRMAN:

THANK YOU FOR THIS OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE TO PRESENT THE DEPARTMENT OF STATE'S VIEWS CONCERNING VARIOUS LEGISLATIVE PROPOSALS REGARDING AMERASIAN CHILDREN: S. 1698, "A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO PROVIDE PREFERENTIAL TREATMENT IN THE ADMISSION OF CERTAIN CHILDREN OF UNITED STATES ARMED FORCES PERSONNEL" AND PROPOSED AMENDMENT (No. 1306) TO S. 1698.

S. 1698 WOULD AMEND THE INA TO PROVIDE FOR PREFERENTIAL TREATMENT IN THE ADMISSION OF CERTAIN CHILDREN OF U.S. ARMED FORCES PERSONNEL. IF ENACTED, THE BILL WOULD ADD A NEW SECTION 210 TO THE IMMIGRATION AND NATIONALITY ACT. PROPOSED NEW SECTION 210(A) WOULD CONFER PREFERENCE STATUS FOR IMMIGRATION ON ALIENS APPLYING FOR THE STATUS TO THE ATTORNEY GENERAL, IF THE APPROPRIATE CONSULAR OFFICER SHOULD DETERMINE THAT THE ALIEN WAS BORN IN CERTAIN ASIAN COUNTRIES AFTER 1950 AND WAS FATHERED BY A UNITED STATES CITIZEN WHO, AT THE TIME OF THE ALIEN'S CONCEPTION, WAS SERVING ON ACTIVE DUTY WITH THE UNITED STATES ARMED FORCES OR WITH THE UNITED NATIONS. A GUARANTEE OF FINANCIAL SUPPORT WOULD BE REQUIRED FOR ANY ALIEN ACCORDED PREFERENCE BENEFITS UNDER THE NEW SECTION.

THE DEPARTMENT BELIEVES THAT MOST OF THE DOCUMENTS WHICH THE CONSULAR OFFICER WOULD NEED TO CONSIDER WHEN MAKING THE DETERMINATIONS REQUIRED BY PROPOSED NEW SECTION 210(B) WOULD BE FOREIGN DOCUMENTS, MANY OF WHICH WOULD BE OF QUESTIONABLE RELIABILITY. HOWEVER, WE DEFER TO THE DEPARTMENT OF JUSTICE ON THIS POINT.

THE DEPARTMENT'S MAIN CONCERN WITH S. 1698 RELATES TO THE REQUIREMENT THAT THE PUTATIVE FATHER HAVE BEEN A MEMBER OF THE UNITED STATES ARMED FORCES AT THE TIME OF CONCEPTION. IT IS THE DEPARTMENT'S UNDERSTANDING THAT SUBSTANTIAL NUMBERS OF THESE CHILDREN (PARTICULARLY IN VIETNAM) WERE FATHERED BY CIVILIAN UNITED STATES CITIZENS. THE ARMED FORCES MEMBERSHIP REQUIREMENT SHOULD BE DROPPED AS TOO EXCLUSIVE AND AS AN UNNECESSARY COMPLICATION WHICH WOULD RESULT IN AN ADMINISTRATIVE NIGHTMARE IN DETERMINING THAT STATUS.

SUBJECT TO SOME TECHNICAL CHANGES, WHICH HAVE BEEN COMMUNICATED TO THE SUBCOMMITTEE IN DRAFT LEGISLATION FORM, THE DEPARTMENT IS IN FAVOR OF THE MORE EFFECTIVE PROVISIONS OF AMENDMENT 1306.

AS YOU ARE AWARE, THE DEPARTMENT HAS CONTINUED TO STUDY THE VEXING QUESTION OF THE PLIGHT OF "AMERASIAN CHILDREN". AS STATED IN THE DEPARTMENT'S LETTER OF MAY 6 CONCERNING S.2222, THE DEPARTMENT NOW BELIEVES THAT ANY LEGISLATION TO BENEFIT AMERASIAN CHILDREN SHOULD BE FORMED ALONG THE FOLLOWING LINES:

- (1) THE BENEFICIARY CLASS SHOULD INCLUDE ALIENS BORN SINCE THE BEGINNING OF THE KOREAN WAR, AND A BENEFICIARY ALIEN SHOULD BE CLASSIFIED EITHER AS AN "IMMEDIATE RELATIVE", A FIRST "FAMILY REUNIFICATION" PREFERENCE IMMIGRANT OR A THIRD "FAMILY REUNIFICATION" PREFERENCE IMMIGRANT, DEPENDING UPON AGE AND MARITAL STATUS, ON THE BASIS OF A PETITION FILED BY, OR ON BEHALF OF, THE BENEFICIARY;
- (2) THERE SHOULD BE A REQUIREMENT FOR BINDING FINANCIAL SPONSORSHIP OF EACH BENEFICIARY ALIEN (AND SPOUSE AND CHILDREN, IF APPLICABLE) FOR A SPECIFIED TIME PERIOD, SUCH AS IS INCLUDED IN S. 1698; AND

(3) THE STANDARD FOR IDENTIFICATION OF THE PUTATIVE FATHER SHOULD BE THAT THERE IS REASON TO BELIEVE THAT THE BENEFICIARY'S FATHER WAS A UNITED STATES CITIZEN, BUT WITHOUT REFERENCE TO WHETHER OR NOT THE PUTATIVE FATHER MAY HAVE BEEN A MEMBER OF THE UNITED STATES ARMED FORCES; AND

(4) THE COUNTRIES CONCERNED SHOULD BE KOREA, VIETNAM, LAOS, KAMPUCHEA, AND THAILAND.

MORE SPECIFICALLY THE DEPARTMENT SUGGESTS THAT SECTION 204 OF THE IMMIGRATION AND NATIONALITY ACT BE AMENDED TO PROVIDE A NEW SUBSECTION (G) WHICH WOULD PROVIDE FOR THE FILING OF A PETITION BY ANY SUCH ALIEN (OR ANY PERSON ON HIS BEHALF) WITH THE ATTORNEY GENERAL FOR CLASSIFICATION AS AN IMMEDIATE RELATIVE, OR AS THE MARRIED OR UNMARRIED SON OR DAUGHTER OF A UNITED STATES CITIZEN, AS APPROPRIATE.

AFTER AN INVESTIGATION, INCLUDING CONSULTATION WITH APPROPRIATE GOVERNMENTAL OFFICIALS, OFFICIALS OF PRIVATE VOLUNTARY ORGANIZATIONS IN THE COUNTRY OF THE ALIEN'S BIRTH; THE PHYSICAL APPEARANCE OF THE ALIEN; AND ANY EVIDENCE THE ALIEN PROVIDES (INCLUDING BUT NOT LIMITED TO, BIRTH AND BAPTISMAL CERTIFICATES, LOCAL CIVIL RECORDS, PHOTOGRAPHS OF, AND LETTERS OF SUPPORT FROM, THE PUTATIVE FATHER AND RELEVANT, PROBATIVE TESTIMONY OF WITNESSES), THE ATTORNEY GENERAL MAY APPROVE THE PETITION AND FORWARD A COPY THEREOF TO THE SECRETARY OF STATE.

THIS NEW SUBSECTION (G) ALSO SHOULD CONTAIN A PARAGRAPH REQUIRING AN ALIEN ENTITLED TO A PREFERENCE STATUS THEREUNDER TO SUBMIT A GUARANTEE OF FINANCIAL SUPPORT EMBODYING THE TERMS SET FORTH IN SUBSECTION (C) OF AMENDMENT NO. 1306 TO S. 1698. ANY BILL SHOULD EMBODY THE PROVISIONS OF SUBSECTION (D) THEREOF, AS WELL.

A TECHNICAL POINT IN THE LAST PARAGRAPH OF SUBSECTION (C) OF AMENDMENT No. 1306 THE REFERENCE TO THE SECTIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981 REGARDING THE POVERTY LINE SHOULD REFER TO SECTION 673 THEREOF AS WELL AS SECTION 652.

WITH THE ADOPTION OF THE TECHNICAL SUGESTION MADE ABOVE THE DEPARTMENT OF STATE CAN WHOLEHEARTEDLY SUPPORT "AMERASIAN CHILDREN" LEGISLATION OF THIS NATURE.

I WOULD BE MOST HAPPY TO ANSWER ANY QUESTIONS THE COMMITTEE MAY HAVE.



## DEPARTMENT OF STATE

Washington, D.C. 20520

JUN 18 1982

JUN 24 1982

Dear Mr. Chairman:

The Secretary has asked me to reply to your letters of October 31, 1981 and March 31, 1982, enclosing for the Department's study and report a copy of S. 1698, "A bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel." Your letter of March 31, 1982 enclosed also a proposed amendment (No. 1306) to S. 1698 and invited comment on either bill or amendment, or both.

As you are aware, the Department has continued to study the question of the plight of "Amerasian children", in part, because S.2222, the "Immigration Reform and Control Act of 1982" which your Committee has just reported, originally contained a provision dealing with this issue. As stated in my letter of May 6 concerning S.2222, the Department now believes that any legislation to benefit Amerasian children should be formed along the following lines

- (1) the beneficiary class should include aliens born since the beginning of the Korean War, and a beneficiary alien should be classified either as an "immediate relative", a first "family reunification" preference immigrant or a third "family reunification" preference immigrant, depending upon age and marital status, on the basis of a petition filed by, or on behalf of, the beneficiary;
- (2) there should be a requirement for binding financial sponsorship of each beneficiary alien (and spouse and children, if applicable) for a specified time period, such as is included in S. 1698; and
- (3) the standard for identification of the putative father should be that there is reason to believe that the beneficiary's father was a United States citizen, but without reference to whether or not the putative father may have been a member of the United States Armed Forces; and
- (4) the countries concerned should be Korea, Vietnam, Laos, Kampuchea, and Thailand.

The Honorable  
Strom Thurmond,  
Chairman, Committee on the Judiciary,  
United States Senate.

More specifically the Department suggests that Section 204 of the Immigration and Nationality Act be amended to provide a new subsection (g) which would provide for the filing of a petition by any such alien (or any person on his behalf) with the Attorney General for classification under Section 201(b), 203(a)(1) or 203(a)(4) of the Act, as appropriate.

After an investigation, including consultation with appropriate governmental officials, officials of private voluntary organizations in the country of the alien's birth; the physical appearance of the alien; and any evidence the alien provides (including but not limited to, birth and baptismal certificates, local civil records, photographs of, and letters of support from, the putative father and relevant, probative testimony of witnesses), the Attorney General may approve the petition and forward a copy thereof to the Secretary of State.

This new subsection (g) also should contain a paragraph requiring an alien entitled to a preference status thereunder shall submit a guarantee of financial support embodying the terms set forth in subsection (c) of Amendment No. 1306 to S. 1698. Any bill should embody the provisions of subsection (d) thereof, as well.

A technical point in the last paragraph of subsection (c) of Amendment No. 1306 the reference to the sections of the Omnibus Budget Reconciliation Act of 1981 regarding the poverty line should refer to section 673 thereof as well as section 652.

The Office of Management and Budget has advised that from the standpoint of the Administrations program there is no objection to the submission of this report.

With cordial regards,

Sincerely,



Powell A. Moore,  
Assistant Secretary for  
Congressional Relations



Senator SIMPSON. Now, please, Alan Nelson. We would appreciate having your remarks on the legislation.

#### STATEMENT OF ALAN NELSON

Commissioner NELSON. Thank you, Mr. Chairman. It is good to be back with you again.

I think Ambassador Asencio has well covered the essential recommendations that the State Department makes, and I might start off by saying that the Immigration Service fully concurs with those suggestions. Ambassador Asencio and the other people testifying have gone through the provisions of the bill and the amendments. I will not do that, and I will be very brief in stating that the Immigration Service supports the intent of S. 1698 to provide preferential treatment in this case.

Remedial legislation of this type should be enacted for humanitarian reasons as a number of the witnesses have testified. Furthermore, the Immigration Service agrees on all points with the testimony of the Department of State regarding the bill and the amendment. We fully support the bill with the suggested changes that Ambassador Asencio set forth.

There was one point made in the State Department's testimony that might raise some question, and that is the question of fraud. Of course, as we all know, that is a potential problem in all matters, and particularly in the immigration field, but we do not believe that the administrative problems or the possibility of fraud in the Amerasian situation are of any significance and certainly they are far outweighed by this country's obligation to the Amerasian children.

Moreover, we believe there are a number of procedures that can be adopted to minimize that problem, so we do not think that should in any way be an impediment to the passage of the appropriate legislation.

Again, Mr. Chairman, we are in support of this concept and the changes mentioned by the State Department.

Thank you.

[The prepared statement of Commissioner Nelson follows:]

## PREPARED STATEMENT OF HON. ALAN C. NELSON

I am pleased to have the opportunity to appear before you today to testify on S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel, and proposed amendment No. 1306 to S. 1698.

The bill would add a new section 210 to the Immigration and Nationality Act which would confer preference status as the married or unmarried son or daughter of a United States citizen on certain aliens. In order for an alien to benefit from this provision, an application would have to be made to the Attorney General; a consular officer would have to determine that the alien was born in Korea, Vietnam, Laos, Thailand, Japan, the Philippines, or Taiwan after 1950 and that the alien was fathered by a United States citizen serving on active duty in the Armed Forces of the United States at the time of the alien's conception; and the alien would have to provide the Attorney General with a guarantee of financial support.

Amendment No. 1306 limits the class of aliens affected to those born in Korea after 1950, eliminates the requirement that the United States citizen father be on active duty in the United States Armed Forces at the time of the alien's conception, and adds the requirement that the alien's admission be in the public interest. The amendment also adds the requirement that the consular officer, in reviewing an application submitted under the provisions of this bill, consider the alien's physical appearance in addition to other factors included in S. 1698.

The Immigration and Naturalization Service (Service) supports the intent of S. 1698 to provide preferential treatment in the admission of certain Amerasian children. Remedial legislation of this type should most certainly be enacted for humanitarian reasons. Furthermore, the Service agrees, on all points, with the testimony of the Department of State regarding this bill and the amendment to it.

With respect to the State Department's reservations concerning the questionable reliability of many of the foreign documents which would be submitted to consular officers making determinations required by the proposed legislation, I must say that any administrative problems caused by the possibility of fraud are far outweighed by this country's moral obligation to Amerasian children. Furthermore, the possibility of fraud exists in many of the applications and petitions adjudicated by the Service. I believe that much potential fraud might be controlled by procedures implemented through the regulatory process. For example, the Service could selectively investigate the alien's claim to eligibility after approval of a petition filed with the Attorney General. A comparable procedure now exists in the processing of orphan petitions by the Service.

Moreover, it should be pointed out that the enactment of the proposed legislation would be part of a trend of according immigration benefits based upon a relationship between children born out of wedlock and their natural fathers. This type of relationship is presently recognized in Service precedent decisions for purposes of according immigration benefits if the child is born and resides in a country which eliminates all legal distinctions between "legitimate" and "illegitimate" children and if paternity has been acknowledged before the civil authorities.

I would be happy to answer any questions you may have.



U.S. Department of Justice  
Immigration and Naturalization Service

JUN 28 1982

Office of the Commissioner

Washington, D.C. 20536

CO 703.1192

24 JUN 1982

Honorable Alan K. Simpson  
Chairman, Subcommittee on  
Immigration and Refugee Policy  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Please find enclosed the Department's answers to questions posed by Senator Thurmond during your Subcommittee's hearing on June 21, 1982 regarding S. 1698. As requested the responses are submitted for inclusion in the permanent record.

Sincerely,

A handwritten signature in cursive script that reads "Alan C. Nelson".

Alan C. Nelson  
Commissioner

Enclosure

CC: HONORABLE STROM THURMOND, CHAIRMAN, Committee on the Judiciary

1. Commissioner Nelson, if this legislation is enacted, how many individuals do you believe will be affected by its provisions?

During the hearings on this subject Ambassador Asencio testified that 25,000 to 50,000 individuals could be affected. We accept the Department of State's estimate in that regard. The Department of Justice would, however, point out that aliens eligible for benefits under S.1698 would be chargeable to the numerical limitations for the unmarried or married sons and daughters of United States citizens. Under the State Department's recommended modification, which we support, aliens eligible for benefits would either be exempt from the numerical limitations as immediate relatives of United States citizens or chargeable to the numerical limitations for the unmarried sons and daughters of United States citizens, depending on their age and marital status.

2. Mr. Nelson, are you satisfied with the requirements in S. 1698 for providing the identification of the individuals applying for entry into the United States?

Yes. The statute itself in the State Department's proposal or in Amendment No. 1306 to S. 1698 would have various safeguards intended to control potential fraud. In both versions of the bill, consultation with appropriate government officials and officials of private voluntary organization in the country of the alien's birth would be required, in addition to consideration of the applicant's physical appearance and evidence including birth and baptismal certificates, local civil records, photographs of, and letters or proof of financial support from, the putative father who is a United States citizen, and the testimony of witnesses. Furthermore, the State Department's proposal stipulates that the Attorney General approve a petition filed pursuant to these provisions only after an investigation of the facts in each case.

In addition to the various statutory safeguards, procedures implemented through the regulatory process would be used to detect fraudulent claims to eligibility under the proposed legislation. For example, the Department of Justice could require an overseas investigation after approval of a petition filed with the Attorney General. A comparable procedure now exists in the processing of orphan petitions by the Service.

It should be noted that the possibility of fraud exists in many of the applications and petitions adjudicated by the Immigration and Naturalization Service. Therefore we have had a good deal of experience in dealing with potential fraud.

Senator SIMPSON. Thank you very much. Let me ask several questions.

Ambassador ASECIO, could you estimate the number of persons who might be affected by the Denton-McKinney proposals, and tell us whether there are any precedents in our own national experience for this action?

Ambassador ASECIO. We have a rather wideranging estimate. Like many estimates in this area, I think it is determined by which quadrant the wind is coming from, but somewhere between 25,000 and 50,000 probably closer to the lower range. I don't know of any previous precedent for this approach.

Senator SIMPSON. What impact, if any, do you see in this action upon foreign policy relationships with any of the other Asian countries?

Ambassador ASECIO. If adopted with the changes that we have indicated, I don't see this having any particular or specific foreign policy impact as such. I see it more as a humanitarian gesture.

I would think, however, that in some of the earlier measures considered, the complexity of the bureaucratic processes that would have been required, and the need for very close checking probably could have impacted in a very negative way in any number of societies.

I would think, as I look at what we are considering right now, I don't think it would impact as such on the societies we are discussing.

Senator SIMPSON. Do you feel that there should be any numerical limitation on the number of Amerasians allowed to adjust?

Ambassador ASECIO. I don't think the number, Mr. Chairman, if our estimates are correct, would really require any concern in that field. Certainly this is moot, but I would think if one accepts the estimate, I don't see any need for some sort of ceiling, since it is a limited number. In addition under S. 2222, they would be limited by their preference class.

Senator SIMPSON. Do you believe that the expansion of, say, the age of adoption, if we were to do that, or expansion of the definition of refugee would be able to handle this issue or handle this problem? Would that be sufficient?

Ambassador ASECIO. To expand the refugee definition to handle this as a specific problem?

Senator SIMPSON. Yes.

Ambassador ASECIO. This was one of the first things we tried very early on and for any number of reasons it didn't seem to work. So I would say after some considerable consideration, we now have something that I would consider administratively workable, and so I would certainly support this approach over going back to hassling with the refugee people.

Senator SIMPSON. That is an official statement?

Ambassador ASECIO. Yes. [Laughter.]

Senator SIMPSON. One of the witnesses who—

Ambassador ASECIO. I will pay for that one when I get back to the building, I am sure.

Senator SIMPSON. Yes, you certainly will. Call me and let me know how it goes.

One of the witnesses who will testify later today has pointed out that many Amerasian children are already entitled to U.S. citizenship because they are offspring of legitimate marriages in their own lands, of marriages between a U.S. citizen and an Asian mother.

This witness asserts that the State Department refuses those children passports regardless of how well documented this marriage may be. Can you tell us what the policy is of issuing passports to Amerasian children under those circumstances, please, if you could?

Ambassador ASENSIO. Certainly, where the citizenship of the child has been determined, if in fact the child is a U.S. citizen, there couldn't possibly be a situation where I would not issue a passport to such a child. If there are concrete cases, I would be delighted to look into them, but I can't conceive of such a thing happening.

We certainly would not stop the issuance of a passport to an Amerasian simply because he is an Amerasian. The operative part would be if we can document his citizenship status.

So I am shocked that someone should think that were the case, and if there has been something along those lines I would investigate it with alacrity.

Senator SIMPSON. I want to make that inquiry because, having come to know you these past years, I would believe that that would not have been the case, and so perhaps we can arrange for you to visit with that particular witness and take note of it. Knowing you, I know you will do that.

Ambassador ASENSIO. Thank you, Mr. Chairman.

Senator SIMPSON. Mr. Nelson, that issue of paternity, and you briefly mentioned it, what difficulties do you see with respect to the proof of paternity?

Commissioner NELSON. I know, of course that you refer to the many years that have passed since the child's birth, in many situations by the time a petition is filed. Although this complicates the determination, we run across such fraud problems in proof of appropriate status for other types of immigration petitions.

The issue of paternity is not a simple problem, but I think that a number of safeguards worked into this bill and amendments give sufficient criteria to deal with it. Even though we can never be absolutely certain about every situation, these criteria would enable us to make discernible, reasonably sound determination, and proceed accordingly.

Senator SIMPSON. Do you think whatever is there, that it can be worked out well?

Commissioner NELSON. Yes, I think so.

Senator SIMPSON. Without a true misuse of our humanitarian concerns through fraudulent activity, and that type thing?

Commissioner NELSON. I think it can be worked out effectively. Again, there is always going to be some margin of fraud in any type of application or petition but there is no reason to believe it would be any greater here.

In fact, we think that this proposed legislation has a number of criteria that would even improve our ability to detect fraud. So we

don't think that the possibility of fraud should be a bar to the need to go forward.

Senator SIMPSON. How do you believe the sponsorship would work, as we have discussed adoption and sponsorship. Share your views, if you would, on that.

Commissioner NELSON. I really don't have any in-depth views. We certainly very much concur with the principle that there must be definitely and clearly be sponsorship. It is appropriate, and I think all the witnesses have testified to that.

On the mechanics of the sponsorship, I don't have any specific comment. I can provide additional information if you wish.

Senator SIMPSON. No. I guess one of the things worth addressing, and which has been addressed in the past, is the fact that we would not be discussing legislative remedies at this point if the Amerasians did not face serious adjustment problems and discrimination in their own countries. I would inquire as to what your anticipation is as to the problems they might have here in the United States, especially if they come here as adults. Just your thoughts, your comments.

Commissioner NELSON. Mr. Chairman, again, like so many things in life, it is a question of comparing the alternatives, and I think as you and other witnesses have stated, there has been an intolerable situation in Asia with the lack of acceptance of these Amerasians in their own countries and communities. By allowing them to come to the United States, we can alleviate that very serious problem. As far as their being accepted in the United States, I can only say from my personal experience, and I think from yours and everyone's, that this country is amazing in its receptivity to accepting people of different backgrounds and cultures.

Certainly the recognition that these people are fathered by Americans, in most cases, is an additional factor. I therefore believe the American people would be very supportive. There is no question but that some individuals will experience problems and that an individual of older age could have adjustment problems, but again in comparison with the alternatives, we think the problems are minimal.

Senator SIMPSON. I think I share your assessment of our feelings on that.

One more question, then, Diego, if I can bounce back, or to both of you, perhaps, if you care to respond.

What do you believe might be the long-term solution to the problem of Amerasian children and adults? Would legislation be nothing more than a stopgap solution which would have to be updated in future years because of the continuing U.S. troop and other presence in the area? Are there policies which could be adopted by the Department of Defense or the Department of State which might alleviate this problem?

Ambassador ASENCIO. I just can't imagine what that could be.

Senator SIMPSON. Don't share my imagination. [Laughter.]

Ambassador ASENCIO. I think we would have to take the effects of stationing troops abroad as a given, and adjust accordingly. In considering this sort of legislation, we are going in the right direction.



Commissioner NELSON. I couldn't possibly add to the learned remarks of my colleague. [Laughter.]

Senator SIMPSON. I thank you both for your testimony and your assistance to the subcommittee in dealing with this very serious problem. Thank you very much.

Commissioner NELSON. Thank you, Mr. Chairman.

Senator SIMPSON. Now we will take testimony from the public panel consisting of Rev. Alfred V. Keane, director of Americans for International Aid, Marietta, Ga., and St. Vincent's Home for Amerasians, Inchon, Korea; Mr. John A. Shade, executive director, Pearl S. Buck Foundation, Perkasia, Pa.; Mr. Walter Martindale, American International Trade Group, Washington, D.C.; and Ms. Judith Foster, attorney-at-law, Springfield, Va.

**STATEMENTS OF A PANEL CONSISTING OF REV. ALFRED V. KEANE, DIRECTOR OF AMERICANS FOR INTERNATIONAL AID, MARIETTA, GA., AND ST. VINCENT'S HOME FOR AMERASIANS, INCHON, KOREA; JOHN A. SHADE, EXECUTIVE DIRECTOR, PEARL S. BUCK FOUNDATION, PERKASIE, PA.; WALTER MARTINDALE, AMERICAN INTERNATIONAL TRADE GROUP, WASHINGTON, D.C.; AND MS. JUDITH FOSTER, ATTORNEY-AT-LAW, SPRINGFIELD, VA.**

Father KEANE. Good afternoon, Mr. Chairman.

Senator SIMPSON. It is nice to have you all here, and we will start with you, Father Keane.

Father Keane, it is nice to see you again. I enjoyed my time with you, and certainly you are an extraordinary figure in this issue in every way.

Father KEANE. Thank you very much, Mr. Chairman. I really appreciate your taking this time out to hold these hearings.

I have a few supporting documents I would like to submit as part of my testimony.

Senator SIMPSON. Without objection, they will be entered.

[Supporting documents submitted by Father Keane follow:]

## D E N T O N / M c K I N N E Y

## L E G I S L A T I O N

S. 1698 and H.R. 808

The abandoned sons and daughters of American servicemen endure miserable lives in the Orient. Oriental societies look upon youngsters abandoned by their fathers as outcasts, belonging to no one.

These youngsters, because of their American paternity, suffer extreme prejudice and public insult. They have no opportunity for decent employment or a respectable marriage.

The United States is considered barbaric and is ridiculed because we abandon our offspring.

The Denton/McKinney legislation (S. 1698 and H.R. 808) will correct this disgraceful situation.

This legislation simply gives priority in existing immigration quotas to the sons and daughters of American servicemen.

It does not increase the quota of immigrants.

It does not cost the taxpayer.

It requires that willing citizens guarantee financial support.

We are asking coponsorship.

We are asking speedy passage.

Sympathy without coponsorship, and professions of support with delay will kill this legislation and continue the abandonment of our youngsters.

Rev. J. Alfred Carroll, S.J.  
Gonzaga University  
Spokane, Washington 99258  
(509) 328-4220, Ext. 3202

Enclosures

I am Norma Lee Walsh. In 1960, I was born in Korea to a Korean mother and an American father. Until I was five years old I lived happily with my mother and father. In December of 1965, my father bought me a beautiful red hat and coat and a new pair of shoes. I remember these as my last and best Christmas presents. Just before that Christmas, I remember my mother and I went to the airport to say "goodbye" to my father. Although he often wrote and sent money, I never saw him again.

For my birthdays, my father sent me birthday-cards and extra money for my mother to get me presents. Before my sixteenth birthday, I asked my mother to use the money for a birthday party. No birthday card or money came. I never heard from my father again, but I still know his name and address.

The life of sadness and trouble began for me when I started school. My mother took me to the American school because we expected that my father would soon bring us to America. The American principal refused to let me enter the school. My mother then took me to a Korean school. The teachers stared at me, the other children stared at me and the parents stared. I am a mixed-blood, left by my American father and abandoned by the American government.

The Korean people think that the father is everything. If a father does not take care of his daughter and the documents and the school, then the Koreans think that the daughter is a bad person. The Koreans think Amerasians are bad people because America and American fathers do not take care of us. I am not a bad person. My mother always told me to be good, and she made me be good.

Sister Anna Marie asked Father Keane to send me to America. In August of 1980, I came to Gonzaga University on a student visa. I have studied hard, and I want to major in Computer Science.

I have an Amerasian husband and a little baby. We are very happy in the land of our fathers. My husband is also a student at Gonzaga University. His father died in Korea and is buried in Arlington.

Please make the Denton/McKinny bill law so my baby, my husband and I can stay in America. We do not want to return to suffering. I will go crazy if my baby has to suffer in Korea.

I am very lucky to have two years in my father's country. I think about the other suffering Amerasians in Korea, and I hope that you will let them come here to their father's country.

Norma Lee Walsh  
917 East Indiana  
Spokane, Washington 99207

I am Johnny Chung.

I was born in 1961. My mother is a Korean. My father is an American who worked with the Army as an aircraft engineer in Korea. My father, my mother and I lived together until I was thirteen years old. During the Vietnamese war, my father went to Viet Nam with the Army and then came back to us with a wounded leg.

I do not want to remember life in Korea. It was hard and bad. I like the life in the United States. Here no one teases or ridicules me. I am comfortable here. Here is no prejudice. My host family is very nice and like a real family to me.

After my father left Korea, we were very poor, and I would never had had a chance to go to college. I was very happy when Father Keane told me of my scholarship to Gonzaga University. I want to be a Computer Scientist, and I will work very hard. I could never have had this opportunity in Korea, especially since I am half-American.

I do not want to go back to Korea. Life for Amerasians in Korea is very hard. Even if my education was equal to, or better than other Koreans, I still would not be able to get a job because I am not pure Korean.

If we want to get a better job in Korea, it is necessary to first complete a tour in the military service. I was not allowed to be a member of the Korean military service because I am half-American.

My dream is to get my United States citizenship so that I can join the United States Air Force. I would be so proud to be in the United States military. It is my dream.

Please help pass the Denton/McKenny bill. I am an American because my father is an American. I ask help not only for myself, but for all Amerasians. We are not asking for money, or a house, or a job, but just to live in our father's country, our true country.

Johnny Chung  
Route 1, Box 348  
Mead, Washington 99021

My name is Eddie Choi.

I was born on February 7, 1955. My mother is Korean. I have never known my father, but my mother and neighbors told me that my father was an American soldier. I am a black Korean. My mother told me that my father was a sergeant in the Army. He wrote some letters to my mother after he left, but they were later stolen.

I went to elementary school, but I was always called bad names. The other children fought with me. Most of the teachers were good to me, but I remember being ridiculed in front of the class by a teacher in high school.

Our family was poor in Korea. After I graduated from high school, I tried to get a job, but I didn't have any special skills. Later I found a job in a glass factory. Other factory workers ridiculed me and call me bad names. I was only able to work under those conditions for eight months.

In Korea I would have a very difficult time finding a wife. If I had children, they would have the same problems that I had. I could not let my children experience what I did in Korea. That is why I would not get married in Korea.

I came to the United States in August of 1980 in order to attend school at Gonzaga University. I studied English for a year, and I have just finished my Freshmen year this Spring, 1982 semester. I want to be an Engineer and join the Army when I finish college.

There are many black Amerasians in Korea. They have a very hard time. Koreans think of black people as slaves. Koreans are frightened of people with dark skin.

Please help us pass H. R. 808 and S. 1698. We just want our freedom and equality, and we are free and equal in America.

Eddie Choi  
 Box 144  
 Gonzaga University  
 Spokane, WA 99258

My name is Isaiah Lee.

I was born in 1957. My father was an American soldier, and my mother is a Korean. My father lived with my mother and me until I was 6 years old, and then he returned to the United States. As I was a young child when he left, I do not know his name. I can remember that my father brought me candy and toys. I can remember him taking me to American parties.

My life in Korea was difficult. Since I was black, the other children called me Nigger and often were mean to me because I was a mixed-blood--that is to say, not a pure Korean.

In 1980, Father Kaane sent me to the United States. I spent my first year studying English at Gonzaga University, and this last year I have been in California studying to become a Presbyterian minister. For the next four years, I will continue to study English and Theology in order to obtain a Master's Degree in Divinity and to be God's minister to help other people.

I know that my father was American, and since I learned in Korea that nationality and, in fact, one's whole being depends on the father, that means that I am really an American, even though my mother is a Korean and I have a Korean passport.

I plead with you to pass the legislation that will enable us, abandoned Amerasians, in the Orient to come to the land of our fathers, our true country.

I am not asking for any money from the United States government. I am simply asking to come to the land of my father.

In the two years I have been in the United States, I have received no financial assistance from the United States government. Good people have helped in order to finance my education and living expenses in this country. I only ask for the opportunity to stay in the land of my father, and I ask for the opportunity to get a good education to enable me to do God's work.

I am not only asking this for myself, but also for all the Amerasians who are ridiculed, looked down upon and so poorly treated in the Orient. Please help the passage of the Denton/McKinney legislation.

Isaiah Lee  
 914 S. Oxford Ave. B-5  
 Los Angeles, California 90006

My name is Jini Choi.

I was born in Korea in 1960. My father was an American and my mother is Korean. I have never seen my father in my life because he left Korea before I was born.

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After my father left, my mother wrote letters to him for awhile; however, he already had a family in America. Her letter writing caused many problems at the time, so she stopped writing and raised me by herself until 1980 when I came to the United States.

Life in Korea was really very difficult for me. To Koreans, I looked like an American, and they thought people with American fathers were supposed to go to American schools. But because my mother was Korean and I had no father, I went to Korean schools. During school, even the teachers teased me; I had a very hard time. I think it was more difficult for me because I had to worry about the way my classmates felt about me, as well as worry about how to get good grades. I never really had close friends because I was not pure Korean. Families of classmates did not like me to associate with their children because I was a mixed-blood. They did not want me around their children. Even on the street, I stood out--I was different.

I have never experienced freedom from prejudice in my life until now. In 1980, Father Keane helped me come to America for an education. Since then my life has completely changed. I think this is the world that I have been looking for over the past 20 years.

This is my father's land, and I do not understand why I cannot be here like my American friends who have American fathers. I enjoy studying here, and I like the people. There is no one to look at me like the Korean people do. I can enjoy life here. It does not matter how hard I have to study, or how hard I have to work. I am happy in America--my father's land.

The problem of having to return to a life of prejudice and ridicule after I finish my education is almost too much for me to bear. If I have to go back after I complete my studies and return to the life I tried so hard to get away from, I think that I will not survive.

I am studying Art at Gonzaga University. Since I have been in the United States, I have tried to contact my father. I asked my mother to give me his address so that I could try to reach him. She wrote a letter and found out that he had passed away about seven years ago. His wife wrote back to my mother and said that my father was dead. I know his address now and where his family lives, and I know that I have a couple of sisters in the United States, half sisters. I will not write letters to them because I do not want to cause an uncomfortable situation. I do not want to cause them any pain. His widow acknowledges that I am his daughter.

Please help me. Please help pass the Denton/McKinney bill. I beg you for myself and for the other Amerasians. We suffer because of our American heritage. We know we are Americans. We endlessly dream of coming home.

Jini Choi  
S. 1304 Browne  
Spokane, Washington 99204  
(509-487-9027)

My name is Kevin Kim.

I was born in Seoul, Korea in 1962. I attended primary school in Korea and came to the United States in 1981, where I finished high school at Gonzaga Preparatory school in Spokane, Washington. I am now attending Gonzaga University. I am studying to be an Electrical Engineer.

My mother is Korean, and my father was an American Naval Lieutenant. While stationed in Korea in 1961, he met my mother. I was born March 5, 1962. My father died a short time later on Nov. 16, 1962. in an automobile accident in Korea.

When my father died, my grandmother wanted us to move to the United States, but my mother did not wish to move as my father would not be with us.

Because of my American heritage, the people of Korea treated me like a foreigner. Making friends with full blooded Koreans was difficult because of their attitudes toward people of American-Korean ancestry.

I am very happy here in the United States. I feel like this country is my home. Everyone is friendly, and they try to understand me and make me feel welcome. I want to live in this country forever. My only chance to live without prejudice and to be treated as a human being exists here in this country. When I finish my college education, I want to be an active member of the American society. I want to be able to participate in the community as an equal, and I will not have to be ashamed of what I am.

Kevin Kim  
S. 3716 Skyview Drive  
Spokane, Washington 99202

My name is Sung Woo Hong.

I was born on October 17, 1959. I did not know that I was mixed blood until I began school. Then the hard times began. I had many fights with the other children. People looked at me and said bad words.

My American father lived with my Korean mother for about two years. Before I was born he left Korea. He planned to return to Korea and marry my mother. For three years after he left Korea, he wrote my mother many letters, maybe a couple hundred letters. Then he stopped writing--I do not know why.

I never saw my father, but I know his name and his old address. I also know the name and address of my American grandmother.

I suffered much in Korea. I always felt bad. I was different from Koreans because I am really American. My father was American, so I am an American. Some of my teachers were good to me because I was different, but the other children and people were not good to me.

I came to the United States two years ago. I studied English and now I am studying Electrical Engineering. I am now comfortable because I am in my father's land and I feel at home.

If I have to go back to Korea after my studies, I will not be able to get a good job because I am not a pure blood, and I have a different face. But because I am not a pure Korean, I was not allowed into the Korean army. Moreover, a good military record is necessary for success in Korea. In Korea, I cannot have a good marriage because a good Korean family would not let me into their family.

If I can stay in the United States, I will study hard, get a job as an Electrical Engineer, and then I will have enough money to help other Amerasians who hopefully will be able to come to America.

I ask the United States Congress to pass S. 1698 and H.R. 808 which will allow Amerasians to live in the United States.

Sung Woo Hong  
E. 908 Desmet  
Spokane, Washington 99202

(509-489-8450)

My name is Yong Cha Yi.

In 1958, I was born the second child of a Korean mother and an American father. I do not know my father because he left Korea when I was one month old. I only have one picture of my father because my mother did not show me other pictures, or read me the letters he sent. She always tried to protect my father.

I have a brother who is two years older than I am. We have the same father. He has a very hard life in Korea. He could not finish high school because he was not enrolled on the family registry. His teachers always told him to bring the family record, but his name was not on it, so he was unable to bring it. It is a shame to the family to have a half-American registered on the family registry. He cannot get a good job. He is an artist and has a little art studio outside an army base.

My brother and I look American. We do not look Korean. People always tease us. They say that we are American and that we should go to America.

I was lucky to be allowed to graduate from high school. After high school, I spent four years looking for a job. No one would employ me because I am an Amerasian. People always stared at me in Korea. I was very frightened walking down the streets in Korea because I am a girl and Koreans do not care if someone hurts me.



After four years, I found a job with the American army as a secretary-typist.

Last August I came to study at Gonzaga University. For the first time, I am home--I am happy--I am a human being. I am the same as Americans. Nobody stares at me, and everyone is kind to me.

Please pass the Denton/McKinney bill. Please let me stay in America. Let my brother come to his father's country of happiness. We are not Koreans. We are Americans.

If I cannot stay in America, I cannot have a good marriage because in Korea no good parents would want me to marry their son. I cannot get a job in Korea because jobs are for Koreans, not for Americans.

Please do not make me go back to a hard life with no happiness. Help the Americans and me and my brother.

Yong Cha Yi  
E. 710 Indians  
Spokane, Washington 99207

(509-484-4449)

My name is Danny Lee.

I am half-American, but I am not a United States citizen. I was really born on November 20, 1959. Since my father did not register my birth, my mother registered it two years later. That is why my record says that I was born on Feb. 1, 1961.

My father was in the American Army. He lived with my mother for about two years. He left for the United States before I was born.

After my father left, my mother had a difficult time trying to support me. She did not have any education, and her family was very unhappy about me. I can remember that her family was so ashamed of me that they would not let me go to my uncle's wedding.

Life was very hard for my mother and me because I am an American. Koreans always told me that I must go to my father's country because I am not a Korean and that I don't belong in Korea. I was called many low names in Korea because of my American face.

We Americans have big noses, our hair is a different color and we have hair on our bodies. We also have the Yankee smell, according to the Koreans. We are bigger than pure Koreans, and the people think that we are smarter--that is why I studied very hard.

When I became older, my mother was sick and could not afford to take care of me, so I lived alone. The American soldiers at Osan Air Force Base were kind to me and paid for my education in high school and helped me pay for my room and food.

When I came to the United States to study, I talked with my father on the telephone. Father Carroll wrote to him and told him how well I am doing in my studies. I won a scholarship at Gonzaga from amongst 4,000 other applicants. Now my father will sign papers saying that I am his son.

I believe that we humans have a right to live as humans--with dignity and without prejudice-- to live freely. A half-American in Korea is a nobody and a nothing. We do not belong in Korea.

We just want to live a right life. We just want to belong and not to have to live like animals.

Please help the Amerasians. In Korea we suffer because of our American fathers. Please let the Amerasians come to our Father's country.

Please pass the Denton/McKinney bill.

Danny Lee  
E. 908 Desmet  
Spokane, Washington 99202  
(509-489-8450)

My name is Lilly Lee.

I was born in Korea on February 27, 1962. My mother is Korean and my father is American. My mother and father never got married because he had another family in the United States and also because my father's parents never accepted my mother. He lived with my mother, going back and forth to American, Viet Nam and Korea. He left Korea for good when I was 11 years old. He wrote to my mother for about three years.

When I was a child I thought my father was very big, with a big nose, big eyes and white hair. Very often I remember my mother and father and I going to the U.S. base to have dinner and go to the movies. We also traveled a lot around Korea together.

When I came to America, I had my father's address. I called my father and his wife received the phone call and knew of me. He called me later that afternoon and my half-sister said that he cried all day. Last Christmas I visited my Dad and his wife and his four children. They were so kind to me. They want to help me.

When I was in elementary school a lot of children called me "high nose" and "Yankee." They never called me by my name. I remember crying all the time and finally my mother taught me how to fight back because I did not like what they said.

Since I went to a girls' middle and high school, the other students didn't bother me as much, but whenever I walked out on the street people stared at me and gave me funny looks and said, "Yankee walking on the street."

When I was a teenager, I couldn't fight back because I wasn't a kid anymore. The best way was to swallow my tears and I started to hate the Korean people. I can understand when I was little kid the children teasing me, but I'll never understand the older people bothering me. Everytime I walked on the streets I could hear names called at me, but never my name -- terrible names, Yankee, high nose and worst were names meaning mixed-blood animal. They think of us as monkeys in a zoo.

Going to school in Korea was hard. I studied hard in Korea and wanted to be a leader in school, but my teachers didn't like mixed bloods. They think only pure blood is normal.

The Koreans also think the family background is the most important thing in society. The Amerasians background is nothing because they don't have a father or their father's name.

Even if I graduate from college, I could not get a good job for my future. Most companies don't want to employ people without a good background, especially Amerasians. It would be difficult to get married. I don't have a background.

I came to Gonzaga in January, 1981. I was lucky. I really would hate to go back to Korea and Korean people.

I studied English for a year and I want to study science to become a doctor.

The American people don't care about my looks and my family background. I feel very comfortable here. I don't have to worry about the stares and gossip. I never got compliments or encouragement in Korea -- here I do. In America I have friends and the teachers are very good to me. I want to be a normal person. I can't in Korea.

All the Amerasians that I know want to come to America. I never want to go back to Korea.

Please help us in passing the Denton/McKinney bill.

Lilly Lee  
North 1312 Division  
Spokane, Washington



P.O. Box 2880, Eugene, Oregon 97402 (503) 687-2202

May 10, 1982

Father Alfred Keane  
134 Reedsdale Road  
Milton, Massachusetts 02186

Dear Father Keane:

Your request for information regarding the status of Amerasian children in Thailand was recently brought to my attention. I am sorry we have not responded sooner. However, as I was Holt's representative in Thailand for about four years, it was decided that I would be in the best position to address this issue. Unfortunately, I was out of the country for over five weeks, and only recently returned.

First, let me address the issue of citizenship for Amerasian children in Thailand. Some years back, I believe it was five or six years ago (perhaps longer), a bill was passed in Thailand denying Thai citizenship to anyone born in Thailand of a non-Thai father. My understanding of the reasoning behind this is that the Thai government did not want the children of refugees seeking refuge in Thailand to have a claim to Thai citizenship, which might then give the entire family an argument for remaining in the country. This law, however, effected not only refugees, but hill tribes residing in the border areas, most of whom who were in fact born in Thailand. And it also effected some 4,000 to 5,000 Amerasian children living in the country. The Thai government has agreed to accept petitions for becoming a Thai citizen on a case-by-case basis. I know the Pearl Buck Foundation in Thailand has done some work in this area.

Our associate agency in Thailand, the Holt Sahathai Foundation, has had some experience in the placement of Amerasian children, which in most cases, required that we first attain Thai citizenship for the children through the Department of Public Welfare in Thailand, and then going through the very time-consuming adoption process also through the Department of Public Welfare. Pataya Orphanage run by Father Ray Brennan at Pataya Beach south of Bangkok, has also had quite a bit of experience in placing Amerasian children. So, I would have to say that there are channels for the adoption of Amerasian children from Thailand, but it is an extremely lengthy and bureaucratic process. Without question, this is not in the best interest of those children.

Perhaps more important, however, is that the Thai government regulations severely restrict the possibilities for foreign placement of an Amerasian child born in Thailand. The vast majority of the Amerasian children fathered by American servicemen are between the ages of six or seven, up to the late teens. For those not living with a parent or relative, the chances of being adopted into a Thai family is virtually nil. And as the children are older, it is difficult to find foreign families who are willing to adopt these children, and who also meet the Thai government family requirements. The most difficult Thai government requirement to deal with is that adopting families may have no more than one child in the family and they must apply to adopt a child of the opposite sex.

Every child deserves a home of his own. *Harry Holt*

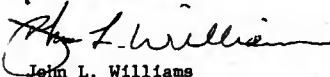
The preference, in fact, is for childless couples. We have recently learned that the Department of Public Welfare in Thailand may consider families that have two children if they are applying to adopt a child of the opposite sex of the two children they already have. If a couple already had a boy and a girl, then they could not adopt from Thailand. To date, the Department of Public Welfare has been unwilling to make exceptions even for the Amerasian children. Of course, one of the overriding problems is that the children do not have any nationality. This makes any placement more complicated. If the children were recognized as U.S. citizens, or could enter the United States on some sort of parole visa issued by the U.S. government, in lieu of a passport, the placement process would be much simpler.

The fact that these Amerasians are in effect stateless, raises the question as to whether they would ever be able to enter another country—even for the purpose of furthering their education. As I mentioned earlier, there is a procedure for petitioning to be recognized as a Thai citizen, but it seems there should be an option for claiming U.S. citizenship should that be a course that is determined to be in the best interest of the child. To my knowledge, about the only procedure at present for an Amerasian child in Thailand to be recognized as a U.S. citizen is for the U.S. citizen birth parent to legitimize the child. In most cases, this just is not possible.

At the present time, there are three private agencies authorized by the government to handle international adoptions. In addition to the three agencies, the Department of Public Welfare in Thailand also provides direct service in adoptions. The three private agencies are: Friends for All Children, Pataya Orphanage (run by Father Ray Brennan), and Holt Sahathai Foundation. All placements in Thailand, including those of the private agencies, must be processed through the Department of Public Welfare. Without their approval, it is impossible for a child going in adoption to obtain a passport. And before final approval can be given, at least one of the adoptive parents must travel to Thailand for a final interview. The process from the time that a child is matched with a family, until the child actually goes to the family, often takes up to a year or longer.

We all appreciate your efforts on behalf of Amerasian children, Father Keane. I hope that this information will be of some use. If I can answer any more specific questions you might have, please let me know.

Sincerely yours,



John L. Williams  
Assistant Director

JLW:ag



호적 성명 김 영 외  
 DATE OF BIRTH November 18, 1953 (Age: 29)  
 호적 생일 1953년 11월 18일  
 PLACE OF BIRTH  
 30 Dongsung-dong, Chongro-gu, Seoul.  
 호적 출생지  
 서울특별시 중구 동성동 30번지  
 PRESENT ADDRESS  
 276-1, Sadang 4-dong,  
 Donggac-gu, Seoul.  
 현 주소  
 서울특별시 중구 상당동 276-1

PERMANENT ADDRESS 16-1, Yunam-yi, Yunhyeon-myeon,  
 Yangju-gun, Gyeonggi Province. 본 적 가 1612 2222 2222 161번지

ETHNIC BACKGROUND Caucasian

인종계열 백인계

HEIGHT 160 cm 키 160 cm

WEIGHT 50 kg 몸무게 50 kg

COLOR OF HAIR BROWN 머리색 갈색

COLOR OF EYES Brown 눈색 갈색

MOTHER Yang Jeom Soem FATHER Unknown

ADDRESS 276-1, Sadang 4-dong, Donggac-gu, Seoul ADDRESS Unknown

호적 모 성명 양 정 순 부 성명 김

모 주소 서울특별시 중구 상당동 276-1 부 주소

EDUCATION & TRAINING Entered the Jin-myeong Junior High School, March 1965;

finished the three-year course of the same, Feb. 1968. Entered the Hong-ik Senior

High School, March 1968; finished the three-year course of the same,

Feb. 1971. Admitted to the Korea University, Mar. 1971; graduated from the same, Feb. 1975;

(English literature)



HOCHIMINH CITY. DEC. 20. 61.

APPLICATION FOR IMMIGRATION AT REFUGEESOBJAN AMERICAN HALFBREED CHILDREN  
TO ASKING PERMIT ENTRY INTO U.S.A.

DEAR SIR:

We are Vietnamese Women, and We have an American halfbreed children, presently we living in Hochiminh City ?

We are heard you an American Fighting Soldier come in VN. and check somethings we didn't know, But all we hope you don't forget a little thing to live in VN, Yes Sir! We are need you to helping all we children orphans right now living VN, and come to live in USA That is why, we write and send to you this application about of circumstances as below!

all we have an American halfbreed children, and on the theys face, theys had still abandoned now here, and also we are feeble Women, we did not have enough physical ability. for everyday labour as the VN Government policy required from U.S. in the present time, all we have been living a desperate life full of a great death and hardship, but sometimes we are have a little hope and waiting for the U.S. Government assistance to save us out of the present miserable living in VN,

ON account of humanity we know you very pious man, please you would not have the heart to leave American halfbreed children here, we are now considered as something named (American Remains TRaces) because of their mother conscience. We might not be brave to looking their later future and miserable beggary or robbery, so we send to you our petition to the U.S. Government assistance please intervene with the Government of VN. in order that we would be permitted to leave for VN and immigrate to the United States to live.

Dear Sir! With the halfbreed and miserable face, please understand for own our children, we and children be very hard to living here, we children can't go to school, and don't have food to eat, and no clother to wear, we children have a life





Here our address. We living in H.C.M. city.

N<sup>o</sup> ① LÊ THỊ MAI  
address = 800/51 ĐIỀN BIÊN PHŨ st.  
F. 14 QUẬN 10. H.C.M. City

I have name on the Readers list of  
Thailand, My Number = 38)



N<sup>o</sup> ②

NGUYỄN THỊ NGỌC HÀ  
address = 100/82. BÌNH THỜI st QUẬN 11  
H.C.M. city

Name on the Readers list of Thailand  
(N<sup>o</sup> 24) not receiver a letter to answer  
yet!



N<sup>o</sup> ③

NGUYỄN THỊ SƠN  
address = 247/12 BÌNH THỜI st  
F. 3. QUẬN 11. H.C.M. city

name on the Readers list of Thailand  
(N<sup>o</sup> 81)



N<sup>o</sup> ④

CHÂU QUỲ VINH  
address = 42/6 PHÁT ĐIỂM st  
F 23. QUẬN I  
H.C.M. city

Name on the Readers list of Thailand  
N<sup>o</sup> (216)

like into prison living, please understand for us sir, you E  
to take We out of VN and help We be immigrate into U. S. A.  
Over here We have requested for Exit Visa from Vietnamese authority  
for three years already, But they said that, the U. S. Govern  
didn't recognize them (The halfbreed children)

This is the fact that is very difficult for us, We hope that if  
the respectable president of an organization, please listen to  
our difficulties in everyday life in VN.

Very Well to give us assistance and a quick resolution to our  
destiny, We promise when We come to the United State of America  
We're sure We will be considered as life saving! ...

While waiting for your assistance and intervention  
please accept hereby our all gratitude and respectfully! .....

The Women and American  
Halfbreed Children Respectfully You



№ ⑤

PHAM THI THOA

address: 151-H. KHU 2. Phường: 5. Quận 10  
Tân Cú Petrusky. HCM city

Name on the Reaters list of Thailand

№ (22) NOT receive a letter to answer yet!



№ ⑥

NGUYEN KIM ANH

address: 130. LAC LONG QUAN. St

Phường 23 Quận Tân Bình. HCM

Name on the Reaters list of Thailand (№ 12)











№ ⑦

DUONG THI NHO

address: 52/70 Cù Xá Đô Thành. F. 5 Q 3

Điện Biên Phủ St. HCM. city

		No (8) LÊ THỊ LỢI address: 41/3 To 44. Huong Lo 13. F. 15. Q. Tân Bình name on the Reaters list of Thailand No (17) No have receiver a letter yet! Bà Cua. HCM city.	
			No (9) NGUYỄN THỊ XE address: 31/2. To 45. Huong Lo 13. F 15 Quận Tân Bình. Bà Cua. HCM c name on the Reaters list of Thailand No (16)
			No (10) LÊ THỊ NHỎ address: 12/1 To 2. AP 1. Tân Thới Hiệp Quận HOC MON Name on the Reaters list of Thailand No 18 not receiver a letter to answer yet:

Father KEANE. Thank you very much.

First of all, I want to express my gratitude for this opportunity of testifying before you today. My name is Father Alfred V. Keane, a Maryknoll missionary and director of Amerasian Affairs for Americans for International Aid, which has spent 24 years working in South Korea, the last 12 of which have been with the American-Asian children of that country. I will not speak to you today of the many problems, difficulties and sufferings that these children must encounter in their daily life because such is already well known and well documented. I will speak today from the perspective of the problem they face in relation to us as a nation and as a people.

It is a matter of fact and truth that these half-American children do exist in Southeast Asia, somewhere between 30,000 to 80,000 in number. Everyone in Southeast Asia, as well as millions of Americans who have lived in these countries, know where these children have come from. They are children of American fathers, born out of wedlock, who are denied any right or claim to U.S. citizenship or any privilege to immigrate to the United States, in spite of the fact that their fathers were citizens serving the interests of this Nation.

Recognizing that these children face many problems in the land of their birth, many solutions have been offered. I will comment on these. The first is adoption, which has been proposed as the best solution to a very tragic situation. This proposal arises from our own tradition and culture which has long seen adoption as a way to take care of children born out of wedlock. However, in Asian culture and society, adoption of someone who is not of your family or clan is a very foreign idea and is basically culturally unacceptable.

In the eyes of the Asian people, the only reason someone would adopt "another's child" would be to exploit the child. Therefore, adoption is not readily identified by the Asian mother as a possible option for her child.

If these children were to be placed for adoption at a very early age, the problem could possibly be resolved, but the fact is that most are not. The reason for this is twofold: One is that the real father is around for years and years, always promising to take care of his "family," and the other is that in Asian culture, when a child is born of a relationship, the woman assumes the obligation of caring for the man's child, even in cases of outright abandonment. Why? In case some day he might return, she has the duty of returning his child to him. For this reason, the Asian woman hesitates to place her child for adoption until it is too late.

Requiring adoption as a condition for immigration to the United States fails to take into consideration the natural ties that have been established between mother and child. There is a genuine affection and sense of mutual responsibility for each other established by many years of living as a family unit, and I would like to add under the most trying of circumstances. To require now that they sign away all of these natural ties could be considered a violation of a fundamental natural right.

Other practical problems with adoption as a solution is the fact that we do not have diplomatic relations with two countries mentioned in the bill, limited relations with one, and in all cases severely limited by the laws which these countries have with regard to adoption. Other factors to be considered are the high cost of foreign adoptions and the fact that many of these children are in the "hard to adopt age" when made available by the mother, or are actually over the age limit of 16 years.

A sponsorship system requiring the child to give up claim to its mother would also seem to violate the rights of a child to have its own mother.

Over the years many attempts have been made to assist the child to adapt to life in the country of its mother, but that has not proven to be successful, because these children have grown up in a culture which says that you are who and what your father is. They all look to America as their fatherland, and to Americans as their people. Citizenship is obtained in the mother's country, but nationality, race, and a person's identity comes from the father, according to Oriental tradition and custom.

Attempts have also been made to hold the fathers responsible for their actions, but this, too, is impossible because of the Status of Forces Agreements that our Government has entered into with the countries of the child's birth. The Privacy Act also makes it impossible to locate the father once he has left the country and finally the U.S. legal system will not enforce any judgments obtained in a court of the countries of the child's birth.

The real solution to the problem is in recognizing the American Asian for what he/she is. These children are as much American children as they are children of Asia. In spite of the obstacles mentioned above, we can and must do so by enacting legislation that is based upon the reality. Since the Congress has determined that citizenship cannot be given to children of American citizen males born out of wedlock outside the continental United States, the only remaining option is that we give these American Asians the right to immigrate, the right to choose between the heritage of their father or that of their mother.

S. 1698, as proposed by Senator Denton, is the legislative tool which dissolved the dilemma because it is a bill based upon admission of the truth—they are children of U.S. citizens.

As such, they then will be placed in their proper category within our present immigration law so that they can immigrate to the United States by first or fourth preference.

It only recognizes their desire and provides the opportunity to immigrate to the country of their fathers and to have his nationality.

This proposed legislation provides for necessary safeguards against fraud and requires a sponsorship that is legally and financially binding insuring that these children will be properly taken care of and assisted in integrating into American society without any danger of needing public assistance.

While not costing the U.S. Government and taxpayers a single cent, this bill also gives to individual Americans the legal right to help them by sponsorship.

S. 1698 is a good bill because it does not increase the number of those entering the United States in a given year. It only allows our children to have the opportunity to be among the 20,000 coming from these countries every year anyway.

S. 1698 also responds to the reality that these children are still being born in some of these countries, thus protecting the rights of the unborn child as well as the born child.

Passage of this bill is of the utmost importance to us as a nation as well, because it allows us to be free from the one criticism that does so much damage to us in the countries of Asia, namely, that we are a country of barbarians who would abandon even its own flesh and blood.

Enactment into law would also mean that countries unfriendly to the United States would not be able to exploit the children for any gain or propaganda against the interests of the United States.

Most of all, passage of the legislation would show the entire world that we are a nation of truth, willing and able to follow truth no matter where she should take us, no matter how difficult, embarrassing or shameful that truth might be.

It would also show the world that, no matter how weak some of our citizens might be or how imperfect we might be as a nation, through our democratic institutions we are a people who can seek "Justice Through Law," as is written over the entrance to the U.S. Supreme Court.

Finally, President Reagan, our Commander in Chief, has said that not all problems can be solved by the Federal Government, the private sector must do its part. The private sector stands ready to move on this. Give them the necessary legal tools to do so.

The compassion of our people for its children, truth, justice, and freedom—these are the issues at stake before us today as we consider this important legislation that not only affects the half Americans that we have forgotten in Asia for so long, but also us as a nation for it will tell us who we are.

Thank you very much, Mr. Chairman.

Senator SIMPSON. Thank you very much, Father Keane.

Now, please, John Shade.

Mr. SHADE. Thank you, Mr. Chairman.

## STATEMENT OF JOHN SHADE

Mr. SHADE. I represent the Pearl Buck Foundation. I would like to indicate that our colleagues, the Holt International Children's Service of Eugene, Oreg., with whom we share a joint venture, Vietnam specific, concur in the testimony and the recommendations made in our testimony today.

Our testimony results from nearly 50 years of collective experience, between founder and institution contact and dialog with the governments of Japan, the Republic of China, the Republic of the Philippines, the Royal Thai Government, the Republic of Korea, various departments of the U.S. Government, including White House staff, and 3 years' negotiations with representatives of the Socialist Republic of Vietnam.

We recommend certain basic and practical premises to guide these deliberations.

First, Amerasian children and adults do exist. They exist in large numbers. Their numbers are growing as their birth rate is inclining. There is no effective and humane, much less reasonable, method to halt the birth of Amerasians. There is no one remedy, no preferred legislative format, which will resolve the problem overnight, in a fortnight, or in the next 20 years for that matter.

Second, any legislative modality must address the issue on its broadest geographical base, inclusive of all countries named in S. 1698 and H.R. 808, if limited remedy is to be equitably applied.

Third, there needs to be special consideration of this body to the advisability of including Socialist or Communist nations, namely, Kampuchea and Vietnam, in such final legislation, as the present lack of diplomatic relations between the U.S. Government and these nations appears to effectively limit the true and ultimate effect of such remedy, as it is decided and then applied.

Moreover, this body must be aware that the Department of State has an Amerasian specific policy draft which could prove effective with regard to Vietnamese Amerasians, but which will be superseded by action of the Congress unless provision is made within legislative remedy for its inclusion, or authorization otherwise given for its implementation.

Fourth, it must be realized that if the U.S. Congress were to pass a law guaranteeing carte blanche entry to the United States for all Amerasians, most would not come. Leave it to the sociologists and psychologists to explain this phenomena, but I express this not only as my belief, but as a fact.

There will be those Amerasians who wish to come and they should not be barred, especially the Vietnamese Amerasians. Still, there is the need for legislative remedy. Despite the fact that most Amerasians will not flood American points of entry and despite the fact that the present Immigration and Naturalization policies could apply to Amerasians, neither will happen. In order to permit some to enter, the U.S. Congress must act.

Mere amendment of Immigration and Naturalization Service internal regulations or the issuance of technical memoranda on this issue will not suffice. I quote former Assistant Secretary of State William J. Dyess, in a letter to me, dated November 20, 1980, speaking at that time for both the Department of State and the ad-

ministration: "It is true that relatively few of these children qualify for admission under our present laws."

Fifth, there will be a need to clarify and explain whatever legislative remedy is enacted to the Asian governments involved through normal diplomatic channels, so that they clearly understand the U.S. legislation and may take corresponding action to make facile implementation and thereby assist the U.S. Government in the goal it has chosen.

With regard to all Asian countries in which Amerasians are to be found in materially significant numbers, we recommend basic provisions of S. 1698, while preferring its addition of a broader geographic target area to the administration's draft of section 204, and we prefer designation of the target petitioner as a son or daughter of a U.S. Government employee or U.S. citizen, as opposed to the earlier cast as children of U.S. Armed Forces personnel. We believe that Senator Denton's direction in amendment No. 1306 to consider the appearance of the petitioner to also be well advised.

There is also the need for the involvement of private voluntary organizations in this matter as suggested by Congressman McKinney in H.R. 808.

With regard to Vietnam, the government there has recently expressed its preparedness to deal with this question by defining three categories of Amerasians:

Category I. Amerasians whose fathers are known or otherwise come to be known and who demonstrate a desire to have their children or adolescents, as the case may be, will be permitted to join the natural head of their household in the United States.

Category II: Presumed Amerasians, who may lack specific documentation but whose fathers are known, will be permitted to leave Vietnam and enter the United States.

Category III. Presumed Amerasians who lack specific documentation may be permitted to leave Vietnam subject to a case-by-case review of the status and circumstances of each individual.

At present, the Socialist Republic of Vietnam views Amerasians as U.S. nationals. The U.S. Government views Vietnamese Amerasians as SRV nationals. The limited point of agreement is that the matter should be reviewed on a case-by-case basis.

Department of State Amerasian-specific ODP policy formulation could be of service to such an Amerasian target group. Similar policy formulation could be advanced with regard to Laos. It is the foundation's belief that few Amerasians survive in Kampuchea, but some do, in fact, survive.

Therefore, we find the administration draft of section 204, as broadened by the target area of S. 1698, to be a proper basis for legislative remedial relief to the Amerasian children.

The Pearl S. Buck Foundation recommends to this body the most positive and serious deliberation on this issue that it may afford. We further recommend that the earliest possible report to the floor of remedial legislation is in the best interests of the United States of America and in keeping with the policy of this administration as we know it.

Certainly there exist sufficient proposals to establish a limited yet human and effective legislative remedy. It is time to make a start. Some of our children want to come home.

Pearl Buck stated that when the price of policy of any nation is children, the price is too high. Let it be clear that America has not intended nor made deliberate the plight of Amerasian children, but let it be America's first order of business to exercise its traditional, intended and deliberate role in caring for children, this time its own.

Thank you very much.

Senator SIMPSON. Thank you, Mr. Shade.

[The prepared statement of Mr. Shade follows:]



## PREPARED STATEMENT OF JOHN A. SHADE, JR.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, DISTINGUISHED MEMBERS OF CONGRESS, LADIES AND GENTLEMEN:

MY NAME IS JOHN SHADE AND I REPRESENT THE PEARL S. BUCK FOUNDATION AND I AM HERE TO PRESENT A VIEW OF THE AMERASIAN CHILDREN. NONE OF WHAT I SAY IS MEANT TO TRANSGRESS ANY LIMITATIONS PLACED UPON US BY LAW.

\* \* \*

MR. CHAIRMAN, IN THE INTEREST OF TIME, I WOULD LIKE TO PICK UP MY TESTIMONY ON PAGE 5 OF MY PREPARED TEXT.

THE TERM AMERASIAN IS A POSITIVE TERM COINED BY THE LATE NOBEL AND PULITZER PRIZE-WINNING AUTHOR, PEARL S. BUCK. THE TERM REFERS TO THE MIXED-RACE PROGENY OF U.S. GOVERNMENTAL EMPLOYEES AND ASIAN FEMALES. THE TERM WAS BELIEVED NEEDED BY MISS BUCK, AS ALL TERMS PRIOR, AND SOME SINCE HAVE BEEN USED TO DESCRIBE THE AMERICAN MIXED-RACE CHILD AND ADULT IN ASIA ARE, AT LEAST, CRITICAL, AND, MORE OFTEN, PEJORATIVE.

THE AMERASIAN ISSUE - A HUMAN RIGHTS ISSUE - DATES BACK TO 1898 AND THE TIME OF THE SPANISH AMERICAN WAR IN THE PACIFIC ARCHIPELAGO, TODAY KNOWN AS THE PHILIPPINES. GENERATIONS OF HALF-AMERICAN CHILDREN HAVE BEEN Sired FROM THAT TIME TO THIS WITH LITTLE CONGRESSIONAL AWARENESS NOR AMERICAN PUBLIC CONSCIOUSNESS. TO DATE, NO FORMAL U.S. GOVERNMENTAL RELIEF OR SUCCOR IS EXTENDED TO THE UNIVERSE OF AMERASIANS ANYWHERE IN ASIA, SAVE SPECIFIC PVO/ PARTNERSHIP PROJECTS GRANTED UNDER MATCHING FUND REGULATIONS OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE VARIOUS DEVELOPMENTAL SELF-HELP PROJECTS RESULTANT, WHILE HELPFUL, ARE NOT EQUAL TO THE NEED, NOR WERE THEY EVER INTENDED TO RESOLVE ALL THE PROBLEMS FACED BY THE AMERASIANS. INDEED, ALL AMERASIAN PROBLEMS MAY NEVER BE RESOLVED.

THE ONLY OTHER EXPENDITURE OF U.S. TAX DOLLARS, FOR WHICH THE FOUNDATION POSSESSES RECORD, WAS A U.S. MILITARY CENSUS OF THE AMERICAN-MESTIZOES IN, AND ABOUT, WHAT IS TODAY KNOWN AS THE METRO MANILA AREA.

WHEN THE FATHER IS ABSENT, WHICH IS ALMOST ALWAYS THE CASE WITH THE AMERASIANS, THE KEY TO LIFE IN ASIA, AND ALL ITS ASPECTS OF SOCIALIZATION AND ACCULTURATION, AS WELL AS GENERAL SOCIETAL ACCEPTANCE, IS MISSING. THE FATHER IS KEY TO BIRTH REGISTRATION, LEGITIMACY, CITIZENSHIP, EDUCATION, EMPLOYMENT AND MARRIAGE. WITHOUT SOME SUBSTITUTE OR ADVOCATE, THERE ARE OFTEN PROBLEMS WHICH SIMPLY CANNOT BE OVERCOME. THE AMERASIAN, AS A CLASS, IS NOT ANALAGOUS TO THOSE WHO MAY SHARE HIS LOW SOCIO-ECONOMIC PROFILE OR CERTAIN OF HIS DEPRIVATIONS. THERE ARE NONE WHOSE DAY TO DAY SURVIVAL IS EITHER SO CONVOLUTED OR SO UNCERTAIN. THERE ARE NONE WHO, BY THEIR BIRTHRIGHT, HAVE THE POTENTIAL FOR SO MUCH AND WHO HAVE BEEN GIVEN SO LITTLE. AND AMONG THE AMERASIANS, THE VIETNAMESE - AMERASIANS FACE A STILL MORE UNCERTAIN FUTURE.

THE AMERASIAN CHILDREN EXIST IN A POLITICAL LIMBO WHERE CITIZENSHIP IS IN QUESTION IN MORE THAN ONE COUNTRY WHERE THEY ARE FOUND, AND THE BASIC RIGHTS OF THE CHILD ARE DENIED. IT IS NOT DIGRESSION TO NOTE THAT, IN 1950, THE U.N. ECONOMIC AND SOCIAL COUNCIL UNDERTOOK A PROJECT TO ENUMERATE THE RIGHTS OF THE CHILD. NINE YEARS LATER, THE REPORT WAS ISSUED AND VOTED UPON THE FLOOR OF THE ASSEMBLY. IT IS PRECISELY THESE RIGHTS WHICH THE AMERASIAN CHILD IS DENIED: THE RIGHT TO A NAME, A FAMILY - INCLUDING A FATHER - CITIZENSHIP, AN EDUCATION, NUTRITION, AND SO FORTH...

SINCE THE TURN OF THE CENTURY, THE UNITED STATES HAS VISITED HUNDREDS OF THOUSANDS OF AMERASIAN CHILDREN UPON ALREADY OVERBURDENED AGRARIAN POPULATIONS IN ASIA WHILE SIMULTANEOUSLY LAUNCHING A "GREEN" REVOLUTION AND SUPPORTING POPULATION CONTROL MEASURES FOR ASIAN INDIGENOUS POPULATIONS. THE EAST SEEMS UNABLE TO COPE WITH THE AMERASIAN PROBLEM, WHILE THE WEST HAS FOUND IT EXCEEDINGLY DIFFICULT TO DEVELOP POLICIES TO DEAL WITH THIS UNCOMFORTABLE AND UNWIELDY HUMAN RIGHTS ISSUE.

THE VALIANT EFFORTS OF SOME OF AMERICA'S MOST HUMANE LEADERS HAVE NOT YET RESULTED IN ANY FORMAL U.S. POLICY ON THIS ISSUE. NO SITTING PRESIDENT HAS YET TO ADDRESS THE AMERASIAN ISSUE, NOR ANY SECRETARY OF STATE, NOR ANY ATTORNEY GENERAL, FOR WHICH THE FOUNDATION HAS EITHER KNOWLEDGE OR RECORD. THIS FACT MAY SOON BE CHANGED BY THE WHITE HOUSE IN THIS ADMINISTRATION.

REMEDIAL PRECEDENT EXISTS ON THIS ISSUE WHICH IS BOTH TIMELY AND ASIAN SPECIFIC. I SPEAK OF THE FRENCH EXAMPLE PROVIDED IN INDO-CHINA AND KNOWN TO THE DEPARTMENT OF STATE, WHEREBY CITIZENSHIP DOCUMENTATION, SOCIAL WELFARE BENEFITS, EDUCATION AND TRANSPORT TO FRANCE ARE OFFERED IN A MULTIFACETED HUMAN OUTREACH TO THE CHILDREN SIBERED BY THE FRENCH IN THEIR OWN ASIAN INVOLVEMENTS. THE FRENCH AMBASSADOR TO THE UNITED STATES CAN BE CALLED UPON TO PRESENT THIS EXAMPLE, IN DETAIL, AND PROVIDE CLEAR EXAMPLE TO THOSE INTERESTED.

IN TESTIMONY BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON IMMIGRATION, REFUGEES AND INTERNATIONAL LAW ON TUESDAY, NOVEMBER 17, 1981, THE PEARL S. BUCK FOUNDATION SUPPORTED THE PRINCIPAL FRAME OF H.R. 808 AND DEMONSTRATED ITS VALUE AS HISTORICALLY CORRECT, LEGISLATIVELY AND FISCALLY ECONOMICAL, AND LEGALLY AND CULTURALLY COMPETENT.

WE ARE AWARE THAT IN PROCEEDINGS BEFORE THE SENATE ON APRIL 20TH, OF THIS YEAR, AMBASSADOR ASCENCIO OPPOSED SECTION 204 OF THE PENDING IMMIGRATION REFORM ACT. WE CONCUR WITH HIS TESTIMONY AND WITH THE SUBSEQUENT ACT OF THE CHAIR IN THOSE PROCEEDINGS. WE ARE AWARE OF SEPARATE AND DISTINCT ACTION IN THE HOUSE WHICH HAS RESULTED IN AN AMENDMENT TO THE HOUSE VERSION OF 204. WE OPPOSE THAT DRAFT AS INADEQUATE AND WILL EXPLAIN IF AND WHEN HEARINGS ARE HELD BEFORE THE APPROPRIATE COMMITTEE OF THAT BODY.

WE ARE ALSO AWARE OF AN ADMINISTRATION DRAFT PROPOSING A RE-WRITING OF SENATE SECTION 204 AND FIND ASPECTS OF THAT DRAFT TO HAVE SUBSTANTIAL MERIT, WHILE FALLING SHORT OF THE MARK. STILL, THERE EXISTS THE INGREDIENTS WITHIN THE ADMINISTRATION DRAFT OF SECTION 204 AND S. 1698, AS WELL AS H.R. 808, TO PROVIDE RESPONSIBLE TIMELY, AND ADEQUATE REMEDIAL RELIEF BY LEGISLATION.

WE TESTIFY IN THE BEST INTERESTS OF THE AMERASIAN CHILDREN, AND IN THE BELIEF THAT OUR TESTIMONY IS IN THE BEST INTEREST OF OUR UNITED STATES OF AMERICA. OUR TESTIMONY RESULTS FROM NEARLY 50 YEARS OF COLLECTIVE SOCIAL WELFARE EXPERIENCE BETWEEN FOUNDER AND INSTITUTION ON THIS ISSUE, CONTACT AND DIALOGUE WITH THE GOVERNMENTS OF JAPAN, THE REPUBLIC OF CHINA, THE REPUBLIC OF THE PHILIPPINES, THE ROYAL THAI GOVERNMENT, THE REPUBLIC OF KOREA, VARIOUS DEPARTMENTS OF THE UNITED STATES GOVERNMENT, INCLUDING WHITE HOUSE STAFF, AND THREE YEAR'S NEGOTIATIONS WITH REPRESENTATIVES OF THE SOCIALIST REPUBLIC OF VIETNAM.

WE RECOMMEND CERTAIN BASIC AND PRACTICAL PREMISES TO GUIDE THESE DELIBERATIONS:

FIRST: AMERASIAN CHILDREN AND ADULTS DO EXIST. THEY EXIST IN LARGE NUMBERS. THEIR NUMBERS ARE GROWING AS THEIR BIRTH RATE IS INCLINING. THERE IS NO EFFECTIVE AND HUMANE, MUCH LESS REASONABLE, METHOD TO HALT THE BIRTH OF AMERASIANS. THERE IS NO ONE REMEDY, NO PREFERRED LEGISLATIVE FORMAT WHICH WILL RESOLVE THE PROBLEM OVERNIGHT, IN A FORTNIGHT, OR IN THE NEXT TWENTY YEARS, FOR THAT MATTER.

SECOND:

ANY LEGISLATIVE MODALITY MUST ADDRESS THE ISSUE ON ITS BROADEST GEOGRAPHICAL BASE INCLUSIVE OF ALL COUNTRIES NAMED IN S. 1698 AND H.R. 808 IF LIMITED REMEDY IS TO BE EQUITABLY APPLIED.

THIRD:

THERE NEEDS TO BE SPECIAL CONSIDERATION OF THIS BODY TO THE ADVISABILITY OF INCLUDING SOCIALIST OR COMMUNIST NATIONS, NAMELY: LAOS, KAMPUCHEA AND VIETNAM IN SUCH FINAL LEGISLATION, AS THE PRESENT LACK OF DIPLOMATIC RELATIONS BETWEEN THE USG AND THESE NATIONS APPEARS TO EFFECTIVELY LIMIT THE TRUE AND ULTIMATE EFFECT OF SUCH

REMEDY, AS IT IS DECIDED AND THEN APPLIED. MOREOVER, THIS BODY MUST BE AWARE THAT THE DOS HAS AN AMERASIAN SPECIFIC POLICY DRAFT WHICH COULD PROVE EFFECTIVE WITH REGARD TO VIETNAMESE AMERASIANS BUT WHICH WILL BE SUPERCEDED BY ACTION OF THE CONGRESS UNLESS PROVISION IS MADE WITHIN LEGISLATIVE REMEDY FOR ITS INCLUSION, OR AUTHORIZATION OTHERWISE GIVEN FOR ITS IMPLEMENTATION.

FOURTH: IT MUST BE REALIZED THAT IF THE U.S. CONGRESS WERE TO PASS A LAW GUARANTEEING CARTE BLANCHE ENTRY TO THE U.S. FOR ALL AMERASIANS, MOST WOULD NOT COME. LEAVE IT TO THE SOCIOLOGISTS AND PSYCHOLOGISTS TO EXPLAIN THIS PHENOMENA, BUT I EXPRESS THIS NOT ONLY AS MY BELIEF BUT AS A FACT. THERE WILL BE THOSE AMERASIANS WHO WISH TO COME AND THEY SHOULD NOT BE BARRED, ESPECIALLY THE VIETNAMESE AMERASIANS. (STILL, THERE IS THE NEED FOR LEGISLATIVE REMEDY. DESPITE THE FACT THAT MOST AMERASIANS WILL NOT FLOOD AMERICAN POINTS OF ENTRY AND DESPITE THE FACT THAT THE PRESENT INA COULD APPLY TO AMERASIANS, NEITHER WILL HAPPEN. IN ORDER TO PERMIT SOME TO ENTER, THE U.S. CONGRESS MUST ACT. MERE AMENDMENT OF INS INTERNAL REGULATIONS OR THE ISSUANCE OF TECHNICAL MEMORANDA ON THIS ISSUE WILL NOT SUFFICE. I QUOTE FORMER ASSISTANT SECRETARY OF STATE, WILLIAM J. DYESS, IN A LETTER TO ME, DATED NOVEMBER 29, 1980; SPEAKING AT THAT TIME FOR BOTH THE DOS AND THE ADMINISTRATION: QUOTE IT IS TRUE THAT RELATIVELY FEW OF THESE CHILDREN QUALIFY FOR ADMISSION UNDER OUR PRESENT LAWS END QUOTE.)

FIFTH: THERE WILL BE A NEED TO CLARIFY AND EXPLAIN WHATEVER LEGISLATIVE REMEDY IS ENACTED TO THE ASIAN GOVERNMENTS INVOLVED THROUGH NORMAL DIPLOMATIC CHANNELS, SO THAT THEY CLEARLY UNDERSTAND THE U.S. LEGISLATION AND MAY TAKE CORRESPONDING ACTION TO MAKE FACILE IMPLEMENTATION AND THEREBY ASSIST THE USG IN THE GOAL IT HAS CHOSEN.

WITH REGARD TO ALL ASIAN COUNTRIES IN WHICH AMERASIANS ARE TO BE FOUND IN MATERIALLY SIGNIFICANT NUMBERS, WE RECOMMEND THE BASIC PROVISIONS OF S-1698, WHILE PREFERRING ITS ADDITION OF A BROADER GEOGRAPHIC TARGET AREA TO THE ADMINISTRATION'S DRAFT OF SECTION 204, AND WE PREFER DESIGNATION OF THE TARGET PETITIONER AS A SON OR DAUGHTER OF A USG EMPLOYEE OR U.S. CITIZEN, AS OPPOSED TO THE EARLIER CAST AS CHILDREN OF U.S. ARMED FORCES PERSONNEL. WE BELIEVE THAT SENATOR DENTON'S DIRECTION IN AMENDMENT NO. 1306 TO CONSIDER THE APPEARANCE OF THE PETITIONER TO ALSO BE WELL ADVISED.

THERE IS ALSO THE NEED FOR THE INVOLVEMENT OF PRIVATE VOLUNTARY ORGANIZATIONS IN THIS MATTER AS SUGGESTED BY CONGRESSMAN MC KINNEY IN H.R. 808. WITHOUT SUCH INTERMEDIARY ROLE PLAYING, VIRTUALLY NOTHING CAN RESULT, AND VERY LITTLE HAS, IN THE ABSENCE OF DIPLOMATIC RELATIONS BETWEEN THE SRV AND THE USG. WE ARE MAKING NO COMMENT OR RECOMMENDATION, AT THIS TIME, CONCERNING THAT ISSUE.

WITH REGARD TO VIETNAM, THE SRV GOVERNMENT HAS RECENTLY EXPRESSED ITS PREPAREDNESS TO DEAL WITH THIS QUESTION BY DEFINING THREE CATEGORIES OF AMERASIANS:

CATEGORY I

AMERASIANS WHOSE FATHERS ARE KNOWN OR OTHERWISE COME TO BE KNOWN AND WHO DEMONSTRATE A DESIRE TO HAVE THEIR CHILDREN OR ADOLESCENTS, AS THE CASE MAY BE, WILL BE PERMITTED TO JOIN THE NATURAL HEAD OF THEIR HOUSEHOLD IN THE U.S.

CATEGORY II

PRESUMED AMERASIANS, WHO MAY LACK SPECIFIC DOCUMENTATION BUT WHOSE FATHERS ARE KNOWN, WILL BE PERMITTED TO LEAVE VIETNAM AND ENTER THE UNITED STATES.

CATEGORY III

PRESUMED AMERASIANS WHO LACK SPECIFIC DOCUMENTATION MAY BE PERMITTED TO LEAVE VIETNAM SUBJECT TO A CASE

BY CASE REVIEW OF THE STATUS AND CIRCUMSTANCES OF EACH SUCH INDIVIDUAL.

AT PRESENT, THE SRV VIEWS AMERASIANS AS U.S. NATIONALS. THE USG VIEWS VIETNAMESE-AMERASIANS AS SRV NATIONALS. THE LIMITED POINT OF AGREEMENT IS THAT THE MATTER SHOULD BE REVIEWED ON A CASE BY CASE BASIS.

DOS VIETNAM AMERASIAN-SPECIFIC ODP POLICY FORMULATION COULD BE OF SERVICE TO SUCH AN AMERASIAN TARGET GROUP. SIMILAR POLICY FORMULATION COULD BE ADVANCED WITH REGARD TO LAOS. IT IS THE FOUNDATION'S BELIEF THAT FEW AMERASIANS SURVIVE IN KAMPUCHEA BUT SOME DO, IN FACT, SURVIVE.

THEREFORE, WE FIND THE ADMINISTRATION DRAFT OF SECTION 204, AS BROADENED BY THE TARGET-AREA OF S. 1698, TO BE A PROPER BASIS FOR LEGISLATIVE REMEDIAL RELIEF TO THE AMERASIAN CHILDREN.

THE PEARL S. BUCK FOUNDATION RECOMMENDS TO THIS BODY THE MOST POSITIVE AND SERIOUS DELIBERATION ON THIS ISSUE THAT IT MAY AFFORD. WE FURTHER RECOMMEND THAT THE EARLIEST POSSIBLE REPORT TO THE FLOOR OF REMEDIAL LEGISLATION IS IN THE BEST INTERESTS OF THE UNITED STATES OF AMERICA AND IN KEEPING WITH THE POLICY OF THIS ADMINISTRATION, AS WE KNOW IT.

CERTAINLY THERE EXISTS SUFFICIENT PROPOSALS TO ESTABLISH A LIMITED YET HUMANE AND EFFECTIVE LEGISLATIVE REMEDY. IT IS TIME TO MAKE A START. SOME OF OUR CHILDREN WANT TO COME HOME.

WE ARE GATHERED HERE TODAY TO CONDUCT THE BUSINESS OF THE U.S. GOVERNMENT ON A PARTICULAR ISSUE RELATING TO HALF-CASTE CHILDREN. JESUS BADE US: SUFFER THE LITTLE CHILDREN TO COME UNTO ME... THE PRESIDENT'S COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD ISSUED A REPORT RECOMMENDING THE REVIEW WHICH THIS BODY IS NOW CONDUCTING. THE USG IS SIGNATORY TO THE U.N. DECLARATION OF THE RIGHTS OF THE CHILD, WHICH DOCUMENT POINTS UP AND DESCRIBES

THE DENIAL AS DEPRIVATIONS WHICH FACE AMERASIAN CHILDREN.

ON AN EMOTIONAL NOTE, EMMA LAZURUS, WHO WROTE THE WORDS INSCRIBED ON THE BASE OF THE STATUE OF LIBERTY, NEVER EXPECTED THE "WRETCHED REFUSE" TO CONSIST OF AMERICA'S OWN THROWAWAY CHILDREN. SHE COULD NOT CONCEIVE THAT THE "GOLDEN DOOR" WOULD ONE DAY BE BARRED TO AMERICA'S OWN.

PEARL BUCK STATED THAT WHEN THE PRICE OF POLICY OF ANY NATION IS CHILDREN, THE PRICE IS TOO HIGH. LET IT BE CLEAR THAT AMERICA HAS NOT INTENDED NOR MADE DELIBERATE THE PLIGHT OF AMERASIAN CHILDREN, BUT LET IT BE AMERICA'S FIRST ORDER OF BUSINESS TO EXERCISE ITS TRADITIONAL, INTENDED AND DELIBERATE ROLE IN CARING FOR CHILDREN, THIS TIME ITS OWN.

THE PEARL BUCK FOUNDATION STANDS READY TO ASSIST, EVEN TO PROVIDING THE MODEL SHOULD THE U.S. PURSUE THE FRENCH EXAMPLE, IN THIS HUMAN RIGHTS QUESTION.

THANK YOU FOR THE PRIVILEGE OF ADDRESSING THIS BODY ON SO IMPORTANT AN ISSUE. THE FOUNDATION DEEPLY APPRECIATES THIS OPPORTUNITY, AS I DO, PERSONALLY.

THIS CONCLUDES THE FOUNDATION STATEMENT.

...GIVE ME YOUR TIRED, YOUR POOR, YOUR  
HUDDLED MASSES YEARNING TO BREATHE FREE,

THE WRETCHED REFUSE OF YOUR TEEMING SHORES,

SEND THESE, THE HOMELESS, TEMPEST TOST TO ME.  
I LIFT MY LAMP BESIDE THE GOLDEN DOOR.



Senator SIMPSON. Now, Mr. Martindale.

#### STATEMENT OF WALTER MARTINDALE

Mr. MARTINDALE. Thank you, Mr. Chairman, for the opportunity to share with you my personal and professional views concerning the status of American-Asian children remaining in Asia.

My testimony is based upon 13 years of Federal service, of which over 10 years was spent engaged in consular and refugee affairs with the military, U.S. State Department and the Agency for International Development. As a Foreign Service officer overseas, I was not allowed in the isolation of our embassies, as duties dictated that I live and work at the grassroots level.

This was necessary in order to better understand the country of assignment, its people, culture, history, as to better implement government policies consistent with U.S. interests.

My educational studies, government duties, professional acquaintances and friends in this part of the world have gained me a great appreciation for the Asian cultures, their traditions and aspirations of the people. It is with this understanding and insight, as well as information gained from Asian colleagues across the years that I present my thoughts on the subject of Amerasian children.

The plight of the Amerasian child is one which most Americans are either unaware of, have chosen to ignore, or have misconceptions concerning them as a group. Americans have usually considered their numbers too small to be an issue and have assumed that they have been accepted and cared for by the government and country of birth. In cold reality, these children of mixed heritage in Asia more often lead a painful existence as they are not readily accepted or assimilated into these homogeneous racial societies.

These strictly structured societies, intentionally and unintentionally, stigmatize these children not only due to their mixed blood and western physical features, but concurrently due to the status assigned them in the social hierarchy. Regardless of how well one of these children excels or how good their knowledge of the language or culture, they are still basically considered outsiders, a foreigner within their own country.

A case in fact involves a popular young singer in Korea of mixed parentage, who told friends that he will eventually have to go to America as he does not feel at home in Korea even though he has lived there his whole life and is a commercial success. To go further, although these children may enjoy individual compassion, they can spend their entire youth, if not entire life, as an object of sometimes scorn, abuse, ridicule and/or discrimination by fellow countrymen.

They feel they do not belong and know they are different, but are not responsible and cannot change their fate. These children hurt and have to carry this extra baggage of emotional stress with them in their already-difficult transition into adulthood.

The Amerasian children, as a group and individually, endure common problems throughout Asia in their attempts to live in these strict and stratified cultures, although their situations may differ somewhat country to country. For example, in Korea, with a strong infrastructure of active Christian dominations as well as the

traditional Buddhist faith, mixed blood children may receive some assistance.

Nevertheless, this does not make them feel more accepted or fulfill their need to belong.

In Thailand, people of mixed parentage are immediately ostracized as illegitimate offspring between foreigners and Thais of a lower class, such as prostitutes. This outlook is also shared by traditionalist Vietnamese. The greater tragedy for these minors of mixed blood in Vietnam is that they now live under a Communist regime which will not let them forget who they are and the sins of their fathers, and which, because of their failures as a government and system, the regime cannot feed them and/or will not educate them.

People must understand that these children as a whole face discrimination in Asia due to their American heritage, particularly those black Amerasians. I have personally witnessed this time and time again from the marketplace of the Vietnam highlands to the refugee camps of Malaysia.

My most recent recollection is last year in the Bidong Refugee Camp in Malaysia. Among the almost 30,000 refugees on this small island, I kept seeing the face of a tall American looking teenager. He had left Vietnam by boat, as he told me, since life had become unbearable and he was looking for his father, a lieutenant colonel in the U.S. Marines who was an adviser in Danang. He had his father's name and address in Arlington, Va., but no other information. The cable we sent to the colonel went unanswered and, under current refugee criteria, we could not give him any special consideration even though we tried to help by getting him accepted as a minor in the U.S. program.

There are many who have been deserted by both parents, orphaned by events of history. I have seen too often their faces in the streets of Asia, searching for some type of recognition.

To make my point further, here I will share something that I have not related to my own adopted children, who are Vietnamese-American and are here today. Their mother, a Catholic from North Vietnam, pleaded with me in 1973 in Plieku Province that I take the children, not because she did not love them, but because she was afraid that she could not care for them due to her failing health and the war. She also believed there was no real place for them in Vietnam, particularly if the Communists won, and recounted the acts of revenge by the Viet Minh against the half-French children in 1954 after the French defeat. She further believed, as I do, that these children and children like them would have a happier, more equitable opportunity to achieve their potential in a multiracial society such as the United States.

It will take some congressional efforts to establish the guidelines of an Amerasian assistance program, but the framework is already in place within the context of the U.S. refugee and immigration programs.

The State Department, the Immigration Service, the Department of Health and Human Service and U.S. volunteer agencies all maintain the ability, resources, personnel and expertise to initiate this acceptance policy to include identification, documentation, and processing.

We are not talking about vast numbers of Amerasian entrants, and now have some 2,000 appeals in such cases from Vietnam, although the total number of such children has been estimated to be as high as 20,000.

If we were able to house, feed, clothe, and process 40,000 refugees at one time in Guam in 1975, surely we could handle this much smaller number over a period of time.

In fact, we should also be sure to include these young adults of mixed blood who have also been denied their rights, possibly giving them preferred and preference for immigration.

The French have recognized and accepted their mixed blood children. So should we.

It was in part the consequences of U.S. foreign policy and the presence of Americans in Asia, both military and civilian, that we find this shameful current dilemma of these special children. They should not be made to bear the burden of our policies nor be denied the rights of their American heritage. They are our obligation. We cannot turn our backs on them. We must bring our American-Asian children home to America.

Thank you.

Senator SIMPSON. Thank you very much.

Ms. Judith Foster, please.

#### STATEMENT OF JUDITH FOSTER

Ms. FOSTER. Mr. Chairman, members of the subcommittee, I thank you for inviting me to testify today.

I am Judith Foster. I am an attorney engaged in the practice of immigration and nationality law in Springfield, Va.

I agree with the apparent intent of the proposed amendment to remedy the peculiar disabilities of Amerasian children. But these amendments, as presently drafted, will not accomplish what they are intended to do.

As presently drafted, the amendment will have no effect at all on the situation or status of legitimate or legitimized Amerasian children, and it may not even help those who are illegitimate.

I will speak here with reference to three problems presented by this bill.

First, Amerasian children fall into two groups, legitimate and illegitimate, each presenting a different legal situation and a different set of legal difficulties.

Illegitimate Amerasian children have no special legal ties to, or claim to protection by the United States. Under current U.S. law, these children stand in the same position as any other alien seeking to enter the United States. But given their inadequate resources and lack of protection accorded them by their countries of birth, this operates as an effective and permanent bar to their entry into the United States.

For illegitimates the proposed amendments provide the first and only practical means for entry to the United States. However, it is quite conceivable that the benefits of this amendment will not, in practice, be extended to illegitimates because of the use of the word "fathered" in section 212(a)(1)(B). "Father" and "child" are terms of art in immigration law, and apply only to those parent-offspring

relationships arising either in context of a valid, bona fide marriage relationship between the parents at the time the offspring is born, or arising out of legal legitimation under applicable local laws during the minority of the offspring. Hence the proposed amendment, if interpreted consistently with prior law, would not, in its present form, apply to illegitimates.

If it is the intent of Congress that the benefits of the proposed amendment apply to illegitimates, then section 212(a)(1)(B) must be rephrased in language making it clear that a biological, as opposed to legal, fathering is being referred to.

Second. Under current U.S. law, all legitimate and properly legitimated children born abroad to a U.S. citizen father and an alien mother are U.S. citizens at birth. The validity of the parents' marriage is determined by the law of the place in which the marriage was contracted. Substantial numbers of Amerasian children fall into this group, as their U.S. servicemen fathers did enter into valid local marriages with their mothers.

The legal and practical situation confronting these legitimate and legitimated Amerasian children is vastly different from that confronting illegitimate children. They are already entitled, under current law, to full U.S. citizenship. The problem is that the Department of State has refused in many cases to issue passports to such Amerasian children, requiring an unusually high standard of proof. I have been told directly by State Department officials involved in the handling of such cases that they presume documents pertaining to marriage in such cases arising out of the Philippines and other areas of East Asia are fraudulent and that the burden of proof is on the applicant to prove that the documents are not fraudulent.

Nowhere has Congress or the Constitution authorized the Department of State to place such an insurmountable burden of proof on the shoulders of any claimants to U.S. citizenship.

This heavy burden of proof is not required in cases arising out of Canada or Europe, where the applicants are usually white and the local conditions accord them greater resources. Rather, this insurmountable burden of proof is applied solely in cases involving non-whites, and especially Asians. This pattern and practice of State Department maladministration extends throughout East Asia, from the Philippines and Okinawa to Korea. Remedial legislation is very much needed to change this unconscionable State Department practice.

Because the proposed amendments apply only to "aliens," none of their benefits would be available to legitimate or legitimated Amerasian children unless such children denied their legitimacy and thus renounced their claim to U.S. citizenship.

If such children did perjure themselves, claiming to be illegitimate, and gained entry to the United States under the proposed amendments, such perjury, if discovered, would render them deportable, at which point the prior false oath might estop them from asserting any claim to U.S. citizenship to halt deportation.

Further, the "benefits" accorded by the proposed amendments in the form of entry to the United States and permanent resident status, are far less than the benefits of full U.S. citizenship to

which these Amerasian children are already legally entitled, but which they are administratively denied.

But the benefits of the proposed amendments are sufficient that, if enacted, they would give to illegitimates, in practice, status far superior to that accorded, in practice, to legitimate and legitimated children.

Third. Finally, I would like to note that the problem of Amerasian children extends throughout East Asia, from Korea to the Philippines, from the days of World War II to the present. All suffer various legal and numerous social, disabilities.

Justice requires that the benefits accorded Amerasian children born out of the Vietnam war in the handful of countries listed be extended to all bona fide Amerasian children in East Asia regardless of date or country of birth.

Justice further requires that legitimate children receive status and privileges no less than those accorded illegitimates.

Senator SIMPSON. Thank you, Ms. Foster.

I have a few questions here.

Father Keane, let me inquire of you with the same question I asked of the administration panel. Do you have anything to share with us because of your tremendous experience in this area on what you believe we might have in the way of a long-term solution or continuing solution to the problem of Amerasian children?

Are we simply embarked here on a stopgap legislative solution which will have to be updated in future years because of continuing presence in Asia either of American military or civilians? Are there policies that might be adopted by this Government to address this problem, or is that rather just a thought?

Father KEANE. The Department of Defense in Korea and elsewhere has done a lot to educate the troops, the men involved with these women, regarding their responsibilities, in newspapers and magazines and over the radio and TV. All the troops arriving in Korea are subject to a 1-hour program so that they understand that if they bring a child into the world, this child is going to suffer difficulties.

But once a man is off duty, he is on his own time and free to do what he wants pretty much. The publicity doesn't seem to affect them, at least from my experience in walking through these areas, it does not seem to cut back on their activities one bit.

As far as limiting the birth of their children the military encouraged that, and certainly efforts at birth control throughout all of Asia, efforts have been made to educate these women how to do it. And have been successful.

We should understand, though, that in an Asian culture the only reason the child is born is that the father says, "I love you and I want the baby." If he says, "I don't want you and don't want the baby," the child is not born. In 9 out of 10 cases, an abortion happens.

The only reason the American child is born is because the father says, "I want you and the baby."

If you can stop the men from promising love and promising to take care of them, you can stop it, but until that happens, I don't see how we can do it.

Senator SIMPSON. What is the attitude of these children and adults toward the United States after this unfortunate experience and the conflict and the feelings that we know are obviously there? How well adjusted do they become toward themselves, their families and society, as you in your long experience have seen this in dealing with them?

Father KEANE. In Korea itself?

Senator SIMPSON. Yes.

Father KEANE. The children are usually ashamed of their parents and how they look. Some Amerasians tell me they won't come out during the day, but only at night. People stare at them. Usually they withdraw from people. There are a number of them that try to get actively involved in Korean society, but sometimes they are rather pugnacious, a lot of them feel their hair, or whatever, is different. Other people kind of gang up on them in fights, and of course they always lose.

In terms of coming to this country, there seems to be a lot of concern about the older Amerasians having difficulty adapting. Some of them are 20 and 30 years of age, and yet there are full Asians, 40 or 50 years old, but that doesn't present a problem with their immigration.

The Amerasians are highly motivated to come here. They see coming to America in most cases as their only hope in life for anything, and of the older children, I have 34 of them presently here on a student visa and they are adapting beautifully.

We have older kids, 10, 11, 12, and 14, who have been adopted and we have had no problems with them. They have all done very well.

Senator SIMPSON. I understand that the French Government had a program for children of mixed parentage born during the time the French were in Vietnam. How did that function? Are you aware of that?

Father KEANE. As I understood it, the French Government, when they were in Vietnam, did realize that in the French Army you had Americans and British and Germans as part of the French Foreign Legion. Yet the French Government's attitude was, "They were there for our government's interest, the national interests of France," and therefore the French Government had a responsibility. I believe they took 25,000 children back to France with them in 1954. They gave them French citizenship, they paid for their way over there, and provided for their support in France in foster homes and paid for their education.

But those that chose to remain with their Vietnamese mothers, they gave them until the age of 18 to choose French citizenship. Any time along the line they decided to be a French citizen, they were issued a French passport and brought to France.

Those who chose to become French citizens and chose to remain with their Vietnamese mothers, the French Government provided French education for them in Vietnam and then took them to France if they chose to go.

Senator SIMPSON. Let me ask you one other question. You are an extraordinary resource. I was stationed in Germany and saw many sad effects of mixed parentage in Europe. What did you find in your research and your personal contact and your ministry about

those of mixed parentage in Europe and what occurred with them versus this group in Korea that you dealt with?

Father KEANE. I understand especially those with black parentage do experience quite a bit of difficulty in Germany. I understand this from asking around of people who have been there—I have not been in these countries myself, but I have been interested enough to ask—that in France there doesn't seem to be a difficulty. It seems that every country is different. In the Orient, it is kind of a unique situation. In some countries of Europe it will be a problem and in some countries not a problem.

Really and truly, if it comes down to it, they are our children, and we have to ask ourselves how do we fulfill our responsibilities to them.

Senator SIMPSON. I thank you very much.

Mr. Shade, you say in your testimony that most Amerasians will not choose to take advantage of special legislation which might be enacted and would prefer to remain in their homelands. What evidence do you have to share with us on that assertion, and what percentage, then, do you believe would like to come to the United States?

Mr. SHADE. I don't know that I have a specific percentage, Mr. Chairman. The very concept that we are talking about, for example, in Korea. The very problems that arise within that individual child, adolescent, young adult, are problems of not fitting into that society.

The ready answer, then, is not to remove that person from society, because the entire process of socialization, the entire process of acculturation, again relative to the age group, has taken its toll. It is sometimes the admission of defeat to leave a country where people refer to themselves as one blood.

It is the problem of trying to fit into a society, the older the individual, the more acute that sensation. We have seen older Amerasians in Korea turn down offers of study abroad. One might conjecture because it is not permanent. Another would say, "They simply did not want to leave the land that they love."

But we are not regarding ourselves simply to Korea. We are regarding ourselves also to Thailand and other Asian countries in more specific instances.

Senator SIMPSON. Does your organization or other agencies provide counseling and information for mothers to prepare their children for the difficulties they may face as they begin this new life, and participate again in either that society or this one?

Mr. SHADE. Yes, but we operate primarily a sponsorship program and various licensures within the Asian countries in which we are located as an adoption entity. We are licensed in the Commonwealth of Pennsylvania stateside, as a placement agency. We counsel a new case, mother and child, specifically with the mother if we are dealing with an infant, in terms of the options open to her at that point in time. We try not to exert pressure, which we find too often in the field, for adoptive setting or placement. We go back on a biannual basis to ask the mother's interest in placement, especially in these places where we find the disadvantages are most acute for the child.

Mothers who relinquish their children under those circumstances to Pearl Buck agencies, to the American Council, a group of voluntary agencies, do so as an expression of love. We hear too much, I think, about mothers willingly giving up their children. We don't regard clearly enough the great deal of emotion, love and caring which these mothers do express in relinquishing their children.

Senator SIMPSON. I thank you.

Mr. Martindale, may I ask you, since we have no real diplomatic relations with the Government of Vietnam, and since that government is not issuing exit visas to Amerasians, what do we do in the United States to facilitate the departure of Vietnamese Amerasians from Vietnam?

Mr. MARTINDALE. Mr. Chairman, there is now under the Orderly Departure Program of the State Department, it is administered in Bangkok, and in liaison with the United Nations High Commission for Refugees in Ho Chi Minh City, Saigon, it is through their good offices that we have handled cases which now qualify under the Orderly Departure Program who have documentation. So that same framework and that same system can be utilized now. We just trained—the State Department just trained some people who were on duty in other refugee camps in the Philippines and Malaysia to go to Bangkok and work for this specific purpose.

Senator SIMPSON. We know, of course, that we have this orderly departure program there, and I just wondered how we draft such sensitive programs with Communist governments in Vietnam, Laos and Kampuchea, and that has concerned me.

Mr. MARTINDALE. Well, sir, I think the United Nations there could be the key. They represented our interests on other issues besides the boat people and other issues involving American citizens who wish to leave Vietnam.

Again, the contact is there, and in terms of expanding it further and giving better language and more teeth in fact to assist these people. We do it, incidentally—after I left the Foreign Service last year, I received a number of letters from former personnel working for me in Malaysia telling me their success in identifying a number of Amerasian children among the boat people and being successful in including them either as minors and also including their mothers in the exit permits.

Senator SIMPSON. Ms. Foster, might I ask: Did you know the House subcommittee amendments to S. 2222 would change the definition of illegitimate child to permit recognition for the establishment of paternity? That is something that we are all interested in, and of course it would be established through the father. What impact would that have on the Amerasian problem?

Ms. FOSTER. In cases involving illegitimates where paternity can be definitely established, that would help the applicant. However, there are also cases involving illegitimate Amerasians where the particular father is not known. All that can be determined is that the father was indeed a U.S. citizen.

Senator SIMPSON. One of the common concerns voiced with regard to this issue, and which any solution must minimize, is the potential for fraud. That has been referred to several times. We know that backlogs for visas from many Asian countries are the



heaviest in the world, and that often sham marriages do take place.

I think you in your practice would know about the marriages which are contracted for the purpose of solely obtaining a visa without delay, and those are not uncommon. How can we best avoid multiplying the level of such activity without jeopardizing the rights of the Amerasian children whom we are seeking to assist? I would just appreciate your thoughts as a practitioner.

Ms. FOSTER. Mr. Chairman, fraud is already very vigorously investigated, particularly in Asia. Immigration laws already provide a variety of benefits obtained through marriages which may take place in Asia. The same investigation into fraud which is performed in other immigration matters could also be performed in matters involving the establishment of U.S. citizenship on the part of legitimate Amerasian children.

Senator SIMPSON. Thank you. Also, I would suggest that you might contact Ambassador Asencio and consult with him on that issue that was raised.

I want to thank you all very much. You have been very helpful to the subcommittee, and I feel certain that we will have something that will be pleasing and truly of humanitarian assistance to these special people.

Thank you very much.

I think some of the other members of the subcommittee may have written questions, and I shall submit those and ask your responses.

That concludes this hearing. Thank you very much.

[Whereupon at 4:17 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]



## A P P E N D I X

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AMERICAN COUNCIL OF  
VOLUNTARY AGENCIES FOR FOREIGN SERVICE, INC.,  
*New York, N.Y., June 30, 1982.*

HON. ALAN K. SIMPSON,  
*Chairman, Senate Subcommittee on Immigration and Refugee Policy,  
Dirksen Senate Office Building, Washington, D.C.*

DEAR SENATOR SIMPSON: On behalf of the Children's Committee of the American Council of Voluntary Agencies for Foreign Service I would like to express our deep appreciation for your leadership in holding a hearing on Amerasian children last Monday, June 21.

We hope that the unanimously positive testimonies from both the Administration's witnesses as well as the representatives from private and voluntary agencies will lead to further legislative activities on the subject.

The Children's Committee of the American Council would like to submit for inclusion in the records a statement which offers suggestions for a more comprehensive bill to provide a long-term solution to the problem of Amerasian children. Some of these suggestions relate to subjects not covered in the current legislation, i.e. the preservation of relationship between the natural mothers and half-siblings of Amerasian children.

We look forward to an early follow-up of the hearings on the Amerasians. Thank you for your concern for these unfortunate children and young adults.

Respectfully,

(MRS.) DAO N. SPENCER,  
*Secretary, Children's Committee and Assistant Executive Director.*

AMERICAN COUNCIL OF VOLUNTARY AGENCIES FOR FOREIGN SERVICE, INC., 200 PARK  
AVENUE SOUTH, NEW YORK, N.Y. 10003

### STATEMENT OF THE CHILDREN'S COMMITTEE ON AMERASIAN CHILDREN AND YOUTHS

The Children's Committee of the American Council of Voluntary Agencies for Foreign Service welcomes the recent initiatives in both the Senate and the House of Representatives on behalf of the Amerasians, i.e. children and young adults fathered by U.S. citizens while in Asia. These initiatives are in keeping not only with the deep concern of the American people for human and civil rights of all the peoples in other parts of the world but also with the multi-racial characteristic of the U.S. society. As a signatory of the U.N. Declaration of the Rights of the Child (1959) the U.S. government accepts the principle that each child is entitled to a name, a nationality, a family, including a father, education and social services. The National Commission on the International Year of the Child (1979) recommended that "every child with at least one parent who is a U.S. citizen at the time of the child's birth is entitled to U.S. citizenship . . . whether or not the child's parents are married, as long as parentage can be clearly established."

The American public has consistently and generously responded to the needs of children in cases of disaster and emergencies occurring in foreign countries by indicating their desire to adopt or sponsor, or by offering funds to assist them through voluntary agencies' programs. Recently programs on the media about the plight of Amerasian children and youths elicited a great deal of interest and support on the part of the American people.

In view of the long-standing humane immigration policy of the U.S., its international commitments relating to the rights of children and the demonstrated support of the American public, it is appropriate for Congress to begin to develop a response to this problem inherent in the stationing of U.S. troops and personnel on foreign soil to carry out U.S. foreign policy.

The Children's Committee of the ACVAFS includes resettlement agencies with long experience in the placement through family reunification, sponsorship and adoption of unaccompanied minors and orphans in this country, as well as those major private voluntary agencies which provide assistance to children in foreign countries. The Committee would like to offer the following recommendations for consideration in any legislation relating to Amerasians:

1. Any person with one parent of U.S. citizenship, and who was born outside the U.S., has two heritages. Such a person should be given the opportunity to exercise his/her birthright to choose one heritage.

2. Amerasian children and young adults who have special needs and are faced with social and economic hardships because of their mixed heritage should be given an immigration preference as sons and daughters of U.S. citizens, such preference being subject to the established country quota.

3. Verification procedures should be carried out by a U.S. consular officer in cooperation with the appropriate local government agency and the private and voluntary agencies in the child's country of origin. In the case of Vietnam where the U.S. has no representatives, steps might be taken to adjust the Orderly Departure Program to include Amerasian children and young adults, as children of U.S. citizens.

4. Provisions should be made in the legislation to avoid unnecessary separation of minors from their natural mothers and half siblings. Pre-immigration counselling services should be made available to the Amerasian child and his/her family to determine the placement procedure that is in his/her best interest.

5. The placement of Amerasian children and young adults in the U.S. should be carried out by well qualified child welfare agencies. Different alternatives such as family reunification, adoption, foster care or group placement should be considered according to individual cases.

6. Consideration to the financial status of sponsors should be given in the placement of children so that such children and young adults will not cause excessive burdens on the existing welfare system.

7. Voluntary agencies should be encouraged to provide assistance to Amerasian children who remain in Asian countries.

The Children's Committee believes that legislation incorporating the above recommendations would provide an equitable and enduring solution to the long-neglected problem of Amerasian children.

American Council on Nationalities Service, Pearl S. Buck Foundation, CARE, Catholic Relief Services, Christian Children's Fund, Church World Service, Holt's International Children Services, International Social Service/American Branch, Lutheran Immigration & Refugee Service, Save the Children, Young Men's Christian Association, Young Women's Christian Association, International Rescue Committee, United States Catholic Conference/Migration & Refugee Services, and World Relief Corp.

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FORT SANDERS OBSTETRICAL AND GYNECOLOGICAL GROUP P.C.,  
Knoxville, Tenn., June 29, 1982.

HON. ALAN K. SIMPSON,  
*Chairman, Subcommittee on Immigration and Refugee Policy,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR SIMPSON: I appreciate your recent letter of report concerning immigration policy. It seems to me that we can no longer be a country that serves as an area for all other peoples to congregate in.

I am also annoyed with the recent fact that it has been reported that all immigrants are on the Social Security role and unemployment roles for many months after they come to this country. Then the government turns around and suggests that everybody that was here prior to the late 1970's be considered a legal resident. That is only going to encourage more of what we are talking about.

Respectfully yours,

A. W. DIDDLE, M.D.

