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LRM ID: IMS159

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

URGENT

Monday, September 29, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference *Handwritten signature: J. Jukes*

OMB CONTACT: Ingrid M. Schroeder

PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: OMB Statement of Administration Policy on S1198 Religious Workers Act of 1997

* DEADLINE: 11:30am Monday, September 29, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

* COMMENTS: S. 1198 is scheduled for House floor action TODAY - under suspension of the rules. The House amendment to S. 1198 is attached. Please provide comments ASAP.

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*Immigration**Religious Workers*

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LRM ID: IMS159 **SUBJECT:** OMB Statement of Administration Policy on S1198 Religious Workers Act of 1997

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

Concur

No Objection

No Comment

See proposed edits on pages _____

Other: _____

FAX RETURN of _____ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

September 29, 1997
(House)

S. 1198 -Religious Workers Act of 1997
(Abraham (R) Michigan and 7 cosponsors)

The Administration supports House passage of S. 1198 as proposed to be amended by the House. The House amendment would: (1) extend authority for the admission of non-ordained religious workers; (2) provide for the waiver or reduction of non-immigrant visa fees for certain persons entering the United States to perform charitable services; and (3) modify the effective date for certain paperwork changes in the employer sanctions program.

Section 1 extends, through September 30, 2000, the authority to admit certain non-ordained religious workers as special immigrants. The Administration strongly prefers a permanent extension of this program as passed by the Senate; however, given the compelling need to extend this program, the Administration does not oppose the three-year extension provided in the House amendment to S. 1198.

Section 2 requires the Secretary of State to establish criteria by which to waive or reduce non-immigrant visa fees for certain persons entering the United States to perform charitable services. The Administration supports this provision, which promotes charitable work in the United States.

Section 3 extends by six months the effective date for paperwork changes in the employer sanctions program. This provision will affect every business in the United States that hires workers. The Administration transmitted legislation to Congress earlier this year to extend this effective date for 12 months in order to allow for a more deliberate regulatory process and adequate time to educate the employer community. Although the Administration continues to support a 12-month extension, the Administration supports the six-month extension provided in the House version of S. 1198.

* * * * *

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**SUSPEND THE RULES AND PASS THE BILL, S. 1198, WITH
AMENDMENTS**

(The amendments strike out all after the enacting clause and insert
a new text and a new title)

105TH CONGRESS
1ST SESSION

S. 1198

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1997

Referred to the Committee on the Judiciary

AN ACT

To amend the Immigration and Nationality Act to provide
permanent authority for entry into the United States
of certain religious workers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT**
4 **RELIGIOUS WORKER PROGRAM**

5 (a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1101(a)(27)(C)(ii)) is amended by striking "1997," each
8 place it appears and inserting "2000,".

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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act.

4 **SEC. 2. WAIVER OF NONIMMIGRANT VISA FEES FOR CER-**
5 **TAIN CHARITABLE PURPOSES.**

6 (a) IN GENERAL.—Section 281 of the Immigration
7 and Nationality Act (8 U.S.C. 1351) is amended by add-
8 ing at the end the following new sentence: "Subject to
9 such criteria as the Secretary of State may prescribe, in-
10 cluding the duration of stay of the alien and the financial
11 burden upon the charitable organization, the Secretary of
12 State shall waive or reduce the fee for application and is-
13 suance of a nonimmigrant visa for any alien coming to
14 the United States primarily for, or in activities related to,
15 a charitable purpose involving health or nursing care, the
16 provision of food or housing, job training, or any other
17 similar direct service or assistance to poor or otherwise
18 needy individuals in the United States."

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on the date of the enact-
21 ment of this Act.

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1 **SEC. 3. 6-MONTH EXTENSION OF DEADLINE FOR DESIGNA-**
2 **TION OF EFFECTIVE DATE FOR PAPERWORK**
3 **CHANGES IN EMPLOYER SANCTIONS PRO-**
4 **GRAM**

5 (a) IN GENERAL.—Section 412(e)(1) of the Illegal
6 Immigration Reform and Immigrant Responsibility Act of
7 1996 (Public law 104-208; 110 Stat. 3009-668) is
8 amended by striking "12" and inserting "18".

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect as if included in the enact-
11 ment of the Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996.

Amend the title so as to read: "A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes."

**TABLE 39. NONIMMIGRANTS ADMITTED BY CLASS OF ADMISSION
SELECTED FISCAL YEARS 1981-96**

Class of admission ¹	1981	1985	1990	1993 ²	1994	1995	1996
All classes ³	11,756,903	9,539,880	17,574,055	21,566,404	22,118,706	22,640,539	24,842,503
Foreign government officials and families	84,710	90,190	96,689	102,121	105,299	103,606	118,157
Ambassadors, public ministers, career diplomatic or consular officers (A1)	NA	21,168	22,018	23,783	24,237	23,259	25,354
Other foreign government officials or employees (A2)	NA	67,084	72,511	76,393	79,143	78,299	90,765
Attendants, servants, or personal employees of A1 and A2 classes (A3)	NA	1,938	2,160	1,945	1,919	2,048	2,038
Temporary visitors	10,650,592	8,405,409	16,079,666	19,879,443	20,318,933	20,886,867	22,880,270
For business (B1)	1,135,422	1,796,819	2,661,338	2,961,092	3,164,099	3,275,334	3,770,326
Visa Waiver, business	X	X	294,065	640,397	786,739	942,538	1,370,452
For pleasure (B2)	9,515,170	6,608,590	13,418,328	16,918,351	17,154,834	17,611,533	19,109,944
Visa Waiver, pleasure	X	X	4,528,112	8,624,006	8,969,404	9,407,254	11,192,978
Transit aliens	214,218	236,537	306,156	331,208	330,936	320,333	325,538
Aliens in transit (C1)	NA	138,957	153,801	173,149	175,285	168,602	170,219
Aliens in transit to the U.N. (C2)	NA	1,804	1,296	796	875	903	1,368
Foreign government officials and families in transit (C3)	NA	7,010	6,190	7,923	8,359	9,099	11,285
Transit without visa (C4)	NA	88,766	144,869	149,340	146,417	141,729	142,666
Treaty traders and investors and families	80,802	96,489	147,536	144,644	141,030	131,777	138,568
Treaty traders (E1)	NA	65,406	78,658	65,362	60,196	53,557	54,289
Treaty investors (E2)	NA	31,083	68,878	79,282	80,834	78,220	84,279
Students	240,805	257,069	326,264	370,620	394,001	364,220	426,903
Academic students (F1)	NA	251,234	319,467	362,700	386,157	356,585	418,117
Vocational students (M1)	NA	5,835	6,797	7,920	7,844	7,635	8,786
Spouses and children of students	31,056	28,427	28,943	32,652	33,720	31,260	32,485
Academic students (F2)	NA	27,747	28,490	32,103	33,071	30,849	31,978
Vocational students (M2)	NA	680	453	549	649	411	507
Representatives (and families) to international organizations	54,223	57,203	61,449	72,755	74,722	71,982	79,528
Principals of recognized foreign governments (G1)	NA	8,316	8,256	9,032	9,662	9,319	10,563
Other representatives of recognized foreign governments (G2)	NA	6,989	3,110	8,962	9,344	9,497	13,455
Representatives of nonrecognized foreign governments (G3)	NA	271	376	362	352	290	407
International organization officers or employees (G4)	NA	40,397	43,104	52,856	53,768	51,410	53,656
Attendants, servants, or personal employees of representatives (G5)	NA	1,230	1,603	1,543	1,596	1,466	1,447
Temporary workers and trainees ⁴	44,770	74,869	139,587	162,976	185,988	196,760	227,440
Registered nurses (H1A) ⁵	X	X	X	6,506	6,106	6,512	2,046
Specialty occupations (H1B) ⁶	NA	47,322	100,446	92,795	105,899	117,574	144,458
Performing services unavailable in the United States (H2)	NA	24,544	35,973	29,475	28,872	25,587	23,980
Agricultural workers (H2A)	X	X	18,219	14,628	13,185	11,394	9,635
Nonagricultural workers (H2B)	X	X	17,754	14,847	15,687	14,193	14,345
Industrial trainees (H3)	NA	3,003	3,168	3,126	3,075	2,787	2,986
Workers with extraordinary ability/achievement (O1) ⁷	X	X	X	3,105	5,029	5,974	7,177
Workers accompanying and assisting in performance of O1 workers (O2) ⁷	X	X	X	964	1,455	1,813	2,112
Internationally recognized athletes or entertainers (P1) ⁸	X	X	X	17,109	22,500	22,397	25,968

See footnotes at end of table.

**TABLE 39. NONIMMIGRANTS ADMITTED BY CLASS OF ADMISSION
SELECTED FISCAL YEARS 1981-96—Continued**

Class of admission ¹	1981	1985	1990	1993 ²	1994	1995	1996
Artists or entertainers in reciprocal exchange programs (P2) ³	X	X	X	422	613	660	1,727
Artists or entertainers in culturally unique programs (P3) ³	X	X	X	4,036	4,942	5,315	5,938
Workers in international cultural exchange programs (Q1) ³	X	X	X	994	1,546	1,399	2,056
Workers in religious occupations (R1) ³	X	X	X	4,444	5,951	6,742	8,992
Spouses and children of temporary workers and trainees ⁴	10,110	12,632	28,687	39,704	43,207	46,380	53,572
Spouses and children of H1, H2, and H3 workers (H4)	10,110	12,632	28,687	37,833	40,490	43,247	50,106
Spouses and children of O1 and O2 workers (O3) ³	X	X	X	322	549	751	877
Spouses and children of P1, P2, and P3 workers (P4) ³	X	X	X	498	562	592	667
Spouses and children of R1 workers (R2) ³	X	X	X	1,051	1,606	1,790	1,922
Representatives (and families) of foreign information media (I1)	16,708	16,753	20,252	21,032	27,691	24,220	33,596
Exchange visitors (J1)	80,230	110,942	174,247	196,782	216,610	201,095	215,475
Spouses and children of exchange visitors (J2)	27,793	30,271	40,397	42,623	42,561	39,269	41,250
Fiancées (ees) of U.S. citizens (K1)	5,456	6,975	6,545	8,541	8,124	7,793	9,011
Children of fiancées (ees) of U.S. citizens (K2)	742	832	673	816	764	768	1,012
Intracompany transferees (L1)	38,595	65,349	63,180	82,606	98,189	112,124	140,457
Spouses and children of intracompany transferees (L2)	26,449	41,533	39,375	49,537	56,048	61,621	73,305
NATO officials and families (N1-7)	7,124	8,323	8,333	8,902	9,135	8,579	10,945
Professional workers, U.S.-Canada Free-Trade Agreement (TC) ⁵	X	X	5,293	16,610	5,031	X	X
Spouses and children of U.S.-Canada Free-Trade Agreement workers (TB) ⁵	X	X	594	2,386	498	X	X
Professional workers, North American Free-Trade Agreement (TN) ⁵	X	X	X	X	19,806	23,904	26,987
Spouses and children of North American Free-Trade Agreement workers (TD) ⁵	X	X	X	X	5,535	7,202	7,694
Unknown	142,520	77	189	446	878	779	310

¹ See Glossary for detailed descriptions of classes of admission.

² Data for fiscal year 1993 differ from data published in previous *Yearbooks* due to corrections in the underreporting of student entries and more minor adjustments to entries for other classes of nonimmigrant admission. See Nonimmigrant section of text.

³ Excludes classes of admission processed in the Nonimmigrant Information System in the following years: for all countries—1985 - 64,487 parolees (R1-3), 3,239 withdrawals (R4) and stowaways (R5), and 68,044 refugees (RE); 1990 - 90,265 parolees (R1-3), 19,984 withdrawals (R4) and stowaways (R5), and 110,197 refugees (RE); 1993 - 123,628 parolees, 26,435 withdrawals (WD) and stowaways (ST), and 113,152 refugees (RE); 1994 - 111,403 parolees, 22,461 withdrawals (WD) and stowaways (ST), and 114,471 refugees (RE); 1995 - 113,542 parolees, 21,567 withdrawals (WD) and stowaways (ST), and 95,576 refugees (RE); 1996 - 133,504 parolees, 17,653 withdrawals (WD) and stowaways (ST), and 66,966 refugees (RE).

⁴ Excludes admissions under the U.S.-Canada Free-Trade Agreement and the North American Free-Trade Agreement (shown separately).

⁵ Admissions began October 1, 1990 (fiscal year 1991).

⁶ Prior to October 1, 1991 (fiscal year 1992), H1B admissions were termed "Distinguished merit or ability."

⁷ Admissions began in April 1992.

⁸ Admissions under the U.S.-Canada Free-Trade Agreement began January 1989 and ended December 31, 1993. Admissions under the North American Free-Trade Agreement began January 1, 1994.

NOTE: "Family," "immediate family," and "spouse and children" are defined as spouse and unmarried minor (or dependent) children.

NA Not available. X Not applicable.