

# U.S. IMMIGRATION HISTORY

BEGINNING OF TIME TO 1874: UNRESTRICTED ENTRY

- Homestead Act of 1862, encourages immigration to settle the West.

**1865: Exclusion** of criminals, prostitutes, and Chinese contract laborers

**1882: Chinese Exclusion Act**, suspends immigration of all Chinese

**1882: Exclusion** of ‘lunatics’, and those likely “to become a public charge”

**1891: Immigration Act** was first comprehensive national immigration law, it created Bureau of Immigration, deportation of those who entered unlawfully, and excluded polygamists and people w/ contagious diseases

**1903: Anarchist Exclusion Act** bars anarchists and other political extremists

**1906: Naturalization Act** combined immigration and naturalization into a Bureau of Immigration and Naturalization, required knowledge of English a requirement for naturalization, and setup standard procedures, forms and fees for naturalization

**1907: Immigration Act** excludes ‘imbeciles’, ‘feeble-minded’, people afflicted with a physical or mental disability, with TB, children not accompanied by a parent, individuals who have committed ‘crimes of moral turpitude’

**1907: Gentleman’s Agreement** ended immigration from Japan

**1917: Immigration Act** barred immigration from nations in the Asia-Pacific triangle

**IMMIGRATION LEVELS IN 1890 REACHED 14.8 % OF THE POPULATION; IN 1910 REACHED 14.75 OF THE POPULATION as compared to 12.5% of the population in 2006**

**1921: Quota Law** imposed numerical limits on immigration, capping immigration to 350,000/year, and to 3% of the number of people from countries already living in the U.S. in 1910, favoring immigrants from northwestern Europe, except for immigration from western hemisphere (Canada, Latin America, Caribbean).

**1924: National Origins Act** reduced the overall cap to 165,000/year, and the country cap to 2% of the number of people from that country living in the U.S. in 1890.

**1924: Created the U.S. Border Patrol**

**1929: National origins quota system** went into effect creating a consular control system, required a visa from an American consular office in the home country, and non-immigrant / temporary visitors. But immigrants from western hemisphere nations were exempt as well as wives and unmarried minor children of male U.S. citizens.

**1940: Alien Registration Act** during WWII required registration and fingerprinting of all foreigners over the age of 14, and made membership in proscribed political organizations grounds for exclusion and deportation.

**1942: Relocation of persons of Japanese ancestry** into relocation/concentration camps until the end of WWII.

**1942: Bracero Program** begins large-scale importation of temporary agricultural workers from Mexico bringing a total of 5 million Mexican field workers into the U.S.

**1943:** opened immigration from Chinese at a quota of 105 per year and made persons of Chinese descent eligible for naturalization

**1946:** extended quota of immigration and eligibility for naturalization to Indians and Filipinos, and repealed the Barred-Zone (Asia-Pacific triangle)

**1948:** allowed for the admission of up to 205,000 refugees, primarily from parts of Europe annexed by the Soviet Union

**1950: Internal Security Act** makes past or present membership in the Communist party or any other totalitarian political party grounds for inadmissibility and deportation

**1952: Immigration and Nationality Act (McCarran-Walter Act)** created one comprehensive statute from the previous immigration related laws, eliminating race as a basis of exclusion, but retained the racist national-origins quota system. For countries outside the western hemisphere the annual quota was set at 1/6th of one percent of the number of persons of that ancestry living in the U.S. as of 1920 (mainly benefiting the United Kingdom, Ireland and Germany), and a quota for skilled workers.

**1954: 'Operation Wetback'** implemented to deport Mexicans, including some legal and U.S. citizens of Mexican descent

**1965: Immigration Act** passed one year after the Civil Rights Act abolished the national-origins quota system by eliminating race, ancestry or national origin as a basis for denying immigration to the U.S. Numerical limitations were set by hemisphere – 170,000 from the Eastern Hemisphere with a 20,000 per country limit. And 120,000 for the Western Hemisphere without a per country limit. And, created the 7-category preference system for family members of U.S. citizens and legal permanent residents (LPRs), still in place today. Immigrants from the Western Hemisphere were exempt from the preference system, as were relatives of U.S. citizens.

**1975: Indochina Migration and Refugee Assistance Act** is created to resettle Vietnamese and Cambodian refugees. Includes Laotian refugees in 1976.

**1976:** the 20,000 per country limit and preference system are applied to Western Hemisphere countries

**1978:** Numerical ceilings for the Eastern and Western Hemispheres are combined into one world-wide cap of 290,000.

**1980: Refugee Act** created a domestic resettlement program for all refugees, defining 'refugee' in accordance with 1967 U.N. protocols and removed refugees from the immigration preference system. Also reduced the world-wide cap to 270,900 (not including refugees)

**1986: The Immigration and Control Act** allowed for the legalization of undocumented immigrants living in the U.S. (cut-off date 1982?) and created sanctions against employers who knowingly hired undocumented immigrants. IRCA also increased funding for border enforcement. And created the H-2A category for temporary, seasonal agricultural work. IRCA did not raise the cap on legal immigration. Created a blue ribbon commission to study undocumented immigration.

**1990: Immigration Act** raised the annual cap on immigration to 700,000 per year from 1992 to 1994, and to 675,000 per year thereafter, with 480,000 allocated for family-sponsored immigrants, 140,000 for employment-based, and 55,000 for 'diversity immigrants.' The law revised the political and ideological grounds for exclusion and deportation and authorized the Attorney General to grant 'temporary protected status' to undocumented immigrants from countries afflicted by natural disasters or armed conflicts. Plus, the law created 65,000 H-1B visas for highly skilled temporary workers, and 66,000 H-2B visas for seasonal, non-agricultural workers.

### **1996 A PARTICULARLY BAD LEGISLATIVE YEAR FOR IMMIGRANT access to due process and public benefits**

**1996: Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)** created new grounds for inadmissibility to and removal from the U.S. by expanded the definition of 'aggravated felony' to include non-violent offenses committed long before passage of the law, and required the mandatory detention of non-U.S. citizens defined as 'aggravated felons', and created an 'expedited removal' process to speed the deportation of immigrants without a formal hearing, and established 3 and 10 year bars to re-entry for immigrant unlawfully present in the U.S., and ramped up border enforcement.

**1996: Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)** made most legal permanent residents (LPRs) ineligible for public benefit programs for five years after receiving a green card, and ineligible for Medicare and Social Security for 10 years after receiving a green card. Undocumented immigrant were barred from any kind of public benefit program.

**1996: Antiterrorism and Effective Death Penalty Act (AEDPA)** expedited procedures for the removal of suspected foreign terrorists from the U.S. and allowed the detention and deportation of

non-U.S. citizens on the basis of 'secret evidence' that they or their attorneys would be allowed to see, and instituted stricter procedures for the granting of asylum

### **Post 9/11: Linking Immigration Control with National Security**

**2002:** Administratively set up (NSEERS) Special Registration and 'voluntary interview' programs targeting foreign-born Muslims, Arabs, and South Asians.

**2002: Enhanced Border Security and Visa Entry Reform Act** implemented new procedures for the review of visa applicants and required travel and entry documents be machine-readable, tamper-resistant, and include biometric identifiers.

**2002: Transportation and Security Act** required airport screeners to be U.S. citizens, and the screening process to be taken over by the federal government.

**2005: REAL ID Act** required states to demand proof of citizenship or legal immigration status before issuing a driver's license, and to make driver's licenses resistant to fraud or tampering.

**2006: Secure Fence Act** called for the building of an additional 850 miles of fencing along the U.S.-Mexico border.

### **IMMIGRATION REFORM BILLS IN 2006 AND 2007 MEET RESISTANCE AND FAIL**

Taken from an essay by Walter A. Ewing for the Immigration Policy Center, November 25, 2008.