

Executive Summary - U.S. Immigration: A Legislative History

Introduction

Immigration to the U.S. is one of the most dynamic and fiercely argued public policy issues – often around the questions of how many and from where. Poor economic conditions overseas, a relative abundance of opportunity here, flight from persecution and upheaval, and revolutions in communication and transportation are often cited as the major factors explaining the historic waves of immigrants to U.S. shores. U.S. immigration legislation is also a key factor in determining the numbers and composition of America’s new residents. This overview highlights the history of U.S. immigration legislation and the parallel rise and fall in numbers and changing ethnic makeup.

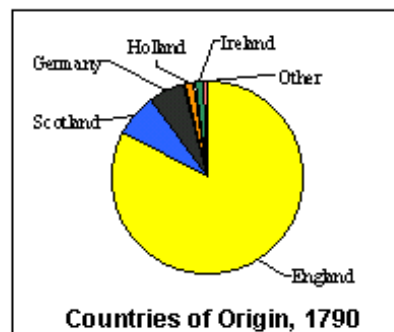
1790: The Start

Colonial America

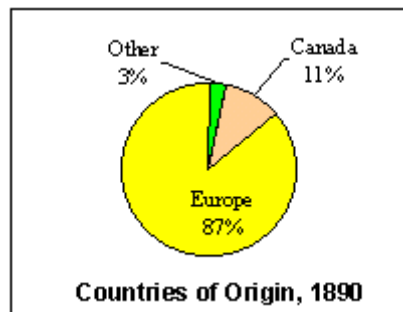
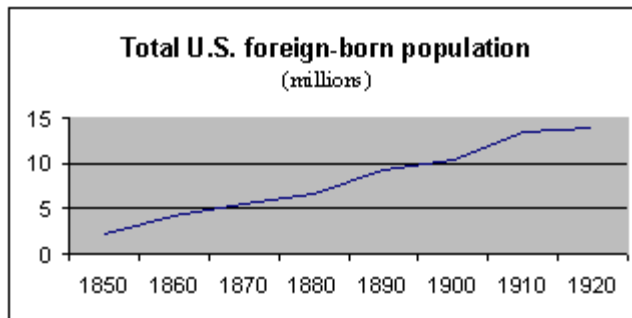
- Peoples of English nationality made up about 50% of 3.9 million U.S. population
- African Americans were almost 20%
- Germans and Scottish were each about 4%
- Native Americans not counted in first Census

Immigration numbers

- Immigration is relatively small, averaging only 6000 per year, in U.S.’s early years
- Conclusion to War of 1812 resumes immigration from Britain, Ireland and Western Europe at increased pace
- Legislation follows increased immigration. Steerage Act of 1819 requires ship captains to keep detailed records of immigrants.



1820 – 1920: "Century of Immigration"



Immigration Restricting Legislation: Limiting "Undesirables", Not Immigrant Numbers

* 1862 and 1875 Immigration Acts

- First act aimed at a specific group
- Outlawed the transporting of Chinese "coolies" on American ships
- Made the supplying of Chinese "coolie" labor a felony
- Prohibited entry to criminals and prostitutes
- Additional acts in 1882, 1885, 1891, 1903, 1907, and 1917 excluded immigrants for a variety of economic, health, moral, and physical reasons

1882 Chinese Exclusion Act

- Suspended Chinese worker immigration for ten (10) years
- Barred Chinese from naturalization
- Chinese exclusion laws made permanent in 1904, until repealed in 1943

1907 Gentleman's Agreement

- Restricted Japanese laborer immigration
- Followed in 1924 by the Japanese Exclusion Act
- 1917 Immigration Act
- Created the Asia-Pacific "Barred Zone," further limiting Asian immigration

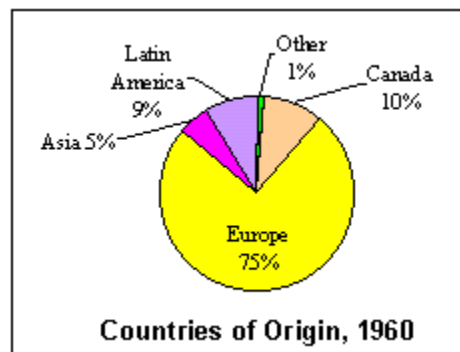
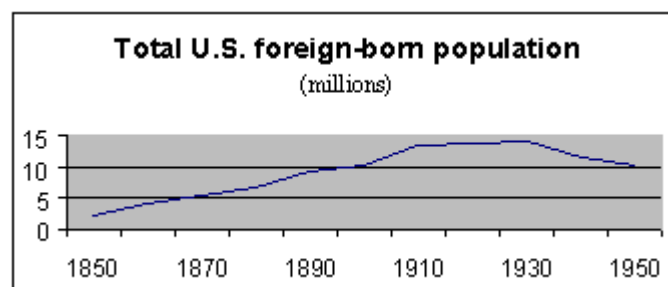
Numbers and percentages of US foreign born rise sharply

- European poverty, rapid industrialization and western expansion in the U.S., and vastly improved communication (telegraph, improved mail) and transportation (trains, steamships) leads to a large inflow of European immigrants
- 2.2 million foreign born in 1850 expands to 13.5 million in 1910
- 9.7% of population in 1850, grows to 14.7% in 1910

During the "Century of Immigration", almost 36 million people came to the U.S., 20 million through Ellis Island, including approximately 6 million Germans, 4.8 Italians, 4.6 million Irish, 4.3 million from the collapsing Austro-Hungarian empire, 4.3 million English/ Scot/ Welch, 3.4 million Russians, and 2.3 million Scandinavians

Nearly 8 million immigrants came to the US in one decade alone, 1901-1910

1920 – 1965: Quotas and External Factors Decrease Numbers



1921 Quota Act

- First quantitative immigration law
- Restricted any Eastern Hemispheric nationality coming to the U.S. to 3% of their 1910 resident population. The 350,000 "quota immigrants", therefore, came mostly from Northern and Western Europe
- No limit on immigration from Western Hemisphere

1924 National Origins Quota Act

- Established the "national origins quota system"
- Annual quota cap was 150,000 immigrants (plus wives and children)

- Eastern Hemispheric nationalities were limited to their U.S. population proportion of 1920, again favoring the early immigrant countries of UK, Germany and Scandinavia
- Limits didn't apply to Western hemispheric natives

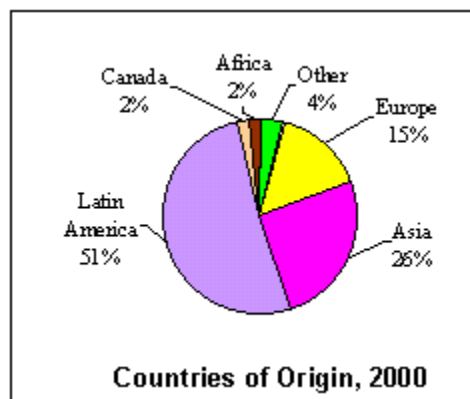
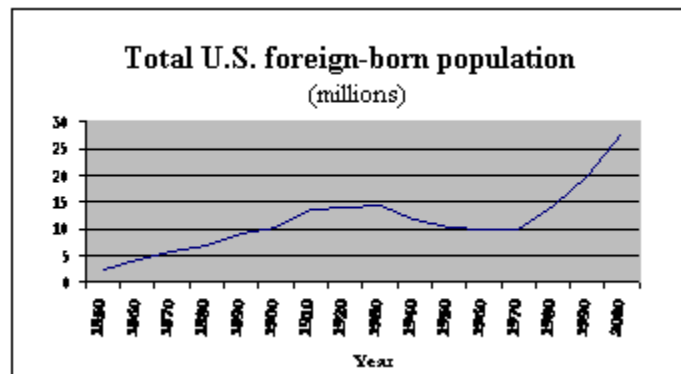
1925-1930

- Restrictive legislation cuts immigrant inflows approximately 50% to about 220,000 per year, during the 1925-1930 timeframe
- Italian, Russian, Polish numbers fell. Only 15,000 Italians per year were admitted, for example, in 1925-1930 timeframe versus 222,000 in 1921.

Quotas, Depression, and WWII: Numbers Decrease

- 500,000 admitted in 1930s
- 1 million admitted in 1940s

1965-Present: Growing Numbers Again



1965 Immigration and Nationality Act:

- Eliminated country-specific quotas
- Broad numerical limits were nearly doubled from 154,000 to 290,000
- Changed Eastern Hemispheric annual quotas to 170,000 (20,000 per country)
- Created a first time annual cap of 120,000 for the Western Hemisphere

- Special preference rules making immediate family members exempt from numerical quotas, however, caused the 290,000 official ceiling to be shattered.
- Coupled with European economic prosperity in mid 1960s, European immigrants to the US dropped to less than 20%. Latin America and Asia become the leading sources of immigrants.

Refugee Act of 1980

- U.S. broadens definition of allowable refugees
- 125,000 refugees allowed annually
- From 1981-1986, more than 450,000 refugees and asylum seekers

1986 Immigration Reform and Control Act (IRCA)

- Legalized 2.7 million unauthorized aliens (about 1.6 million illegal residents who entered prior to 1982, and 1.1 million illegal agricultural laborers who had worked in the U.S. for at least 6 months)
- Sought to curb illegal immigration by establishing penalties for employers who knowingly hire illegal aliens

1990 Immigration Act

- Raised the annual ceiling from 270,000 to 700,000 for 1992-94 and 675,000 afterwards (including 480,000 family-sponsored, 140,000 employment-based, and 55,000 "diversity" immigrants)
- Allows an unlimited number of visas for immediate relatives –children, parents and spouses – of US citizens, not counted under the cap
- The 125,000 allowable refugees are also not counted under the cap
- Almost nine (9) million immigrants came to the U.S. in the 1990s

1996 Immigration Reform Law

- Addressed concerns about illegal immigration through a variety of law enforcement measures, including increased border control personnel, equipment and technology.
- Doubled, for example, the number of border patrol agents from 5,175 in 1996 to almost 10,000 by 2000.
- Confronted concerns about *illegal immigrants* access to government benefits by making undocumented immigrants ineligible for Social Security benefits
- Illegal immigrants still currently enter the U.S. at an estimated rate of 300,000 per year. Seven million illegal immigrants are currently estimated to be living in the U.S.

1996 Welfare Reform Law

- Barred *legal immigrants* entering the U.S. after 1996 from most federal means- tested programs (food stamps, CHIP, Medicaid, etc) for 5 years

- Raised the income and legal standards for U.S. residents who sponsor immigrants
- Barred *illegal immigrants* eligibility from most federal, state and local public assistance

2000 H-1B Visa Legislation

- Increased the number of temporary immigration visas for high-technology workers from 65,000 in 1990 to 115,000 for fiscal years 1999-2000 to 195,000 for fiscal years 2001-2003. In fiscal year 2004 the number was returned to 65,000.

2004 Proposed Immigration Reform

- On January 7 President Bush proposed a series of changes to immigration regulation, it is still pending.
- Workers in the United States illegally can join a temporary labor program, administered by the Department of Homeland Security.
- Workers in the temporary labor program can apply for permanent U.S. residency.
- Employers hiring these workers must show they cannot find U.S. laborers to fill the jobs.
- Workers get guaranteed wage and employment rights.
- Workers receive a temporary three-year visa, renewable once. They are expected to return to their countries once their visas expire.
- Annual limit of 140,000 green cards increased.

Four and a half (4.5) million immigrants were admitted in the 1970s. Six (6) million immigrants were admitted in the 1980s. Over eight (8.6) million immigrants came in the 1990s, surpassing the previous decade record of 8 million (1901-1910).

This executive summary was updated by Andrew Batchelor of the Population Resource Center in December 2004. Sources include: Center for Immigration Studies, Immigration and Naturalization Service, Population Reference Bureau, and U.S. Census Bureau, and CNN. For further information, please contact the Population Resource Center at (202) 467-5030; 1725 K Street, NW, Suite 1102, Washington, D.C. 20006; prc@prcdc.org; or (609) 452-2822; 15 Roszel Road, Princeton, NJ 08540.