

MAJOR US IMMIGRATION LAWS, 1790 - PRESENT

1790

- The **1790 Naturalization Act** (1 Stat. 103) establishes the country's first uniform rule for naturalization. The law provides that "free white persons" who have resided in the United States for at least two years may be granted citizenship, so long as they demonstrate good moral character and swear allegiance to the Constitution. The law also provides that the children (under 21) of naturalized citizens shall also become US citizens.

1798

- Congress enacts four laws known collectively as the **Alien and Sedition Acts**, which contain a number of stringent immigration enforcement provisions. Among other provisions, the laws require that noncitizens have resided in the United States for 14 years prior to naturalization, authorize the President to apprehend, restrain, and remove noncitizens who are citizens or subjects of countries with which the United States is at war, and allows the Executive Branch to deport any noncitizen deemed "dangerous to the peace and safety of the United States." Congress eventually repeals the naturalization provisions in 1802 and the other portions of the laws are permitted to expire.

1864

- The **Immigration Act of 1864** (13 Stat. 385) establishes the position of the Commissioner of Immigration, who will report to the Secretary of State, and provides that labor contracts made by immigrants outside the United States shall be enforceable in the US courts.

1882

- Congress enacts the **Immigration Act of 1882** (22 Stat. 214), constituting one the first attempts at broad federal oversight of immigration. The law levies a tax of 50 cents for each passenger arriving by ship from a foreign port who is not a US citizen, to be paid by the ship's owner. The proceeds are deposited into a fund in the US Treasury called the "immigration fund," which the Treasury Secretary is authorized to use to defray expenses incurred in regulating immigration. The law further establishes that the United States will screen arriving passengers and that anyone deemed a "convict, lunatic, idiot, or person unable to take care of himself or herself without becoming a public charge" shall not be allowed to land.

- Congress passes the first ***Chinese Exclusion Act*** (22 Stat. 58), the United States' first attempt at regulating immigration along racial lines. The law suspends the immigration of Chinese laborers for ten years, but allows those Chinese who were in the United States as of November 17, 1880 to remain. The 1882 law paves the way for a series of laws between 1882 and 1904 that severely restrict Chinese immigration flows and provide for the deportation of many Chinese nationals already residing in the United States.

1888

- The ***1888 Scott Act*** further restricts Chinese immigration by prohibiting lawfully residing Chinese nationals who departed the United States from returning, even when such nationals previously received certificates authorizing their re-admission. The following year, the Supreme Court upholds the constitutionality of the Scott Act in *Chae Chan Ping v. United States* (130 U.S. 581).

1891

- A law signed by President Benjamin Harrison on March 3, 1891 (26 Stat. 1084) makes it a federal misdemeanor to bring into the United States or aid in bringing into the United States any noncitizen not lawfully entitled to enter. It also establishes the position of a federal superintendent of immigration situated within the Treasury Department.

1892

- Congress passes the ***Act to Prohibit the Coming of Chinese Persons into the United States*** (27 Stat. 25), known as the Geary Act. The law extends the prohibitions of the 1882 *Chinese Exclusion Act* for an additional ten years and requires all Chinese nationals residing in the United States to obtain certificates indicating their lawful presence. The law also provides that any Chinese national who is found residing in the United States unlawfully may be imprisoned and sentenced to one year of hard labor. In the landmark 1896 immigration case *Wong Wing v. United States* (163 U.S. 228), the Supreme Court strikes down the hard labor provision as unconstitutional under the 5th Amendment.

1917

- The ***1917 Immigration Act*** (39 Stat. 874) draws on the prohibitions of the Chinese exclusion laws and creates an "Asiatic barred zone" covering British India, most of Southeast Asia, and almost all of the Middle East. Nationals from countries within the zone are prohibited from immigrating, though the law exempts students, as well as certain professionals (e.g. teachers, government officers, lawyers, physicians, and chemists), and their wives and children. The law also expands the list of grounds of inadmissibility to include, among other grounds, anarchists, persons previously deported who seek re-entry within a year without obtaining special permission, and all individuals over the age of 16 who are deemed "physically capable of reading" and who cannot read.

1921

- The ***1921 Emergency Quota Act*** constitutes Congress' first attempt to regulate immigration by setting admission "quotas" based on nationality. The law limits the number of immigrants of each nationality allowed to immigrate to the United States

each year to 3 percent of the number of foreign-born persons of that nationality present in the United States as of the 1910 census. Temporary visitors, government officials, and nationals of Western Hemisphere countries are excluded from the quotas.

1924

- The **1924 National Origins Quota Act** (known as the Johnson-Reed Act) establishes that quotas will be calculated based on 2 percent of each nationality's proportion of the foreign-born US population in 1890, as indicated in the 1890 census. The use of the 1890 census to set the quotas is criticized as discriminating against southern and eastern Europeans, who arrived in the United States in greater numbers during the last decade of the 19th century and the first two decades of the 20th century. Students, nationals of Western Hemisphere countries, members of certain professions, and the wives and minor children of US citizens are exempted from the quotas.

1942

- Prompted by labor shortages in the United States as a result of World War II, the United States and Mexico enter into the 1942 **Bracero Agreement**, allowing Mexican nationals to enter the United States to serve as temporary agricultural workers. The agreement, which Congress extended in 1949 and 1951, provides that US employers will pay the transportation and living expenses of Mexican laborers, as well as wages equal to those of American farmworkers doing similar work. The program continues in some form until 1964.
- Sixty years after the first *Chinese Exclusion Act*, the **Magnuson Act** (57 Stat. 600) repeals the *Chinese Exclusion Acts* and allows Chinese nationals to become US citizens.

1945

- The **War Brides Act** (59 Stat. 659) authorizes the admission of the foreign-born spouses and children of US citizens serving in or honorably discharged from the armed forces during World War II.

1948

- The **Displaced Persons Act of 1948** (62 Stat. 1009) allows over 200,000 individuals displaced from their homelands by Nazi persecution to immigrate to the United States. The law also states that up to 15,000 individuals residing in the United States as of April 1, 1948 who meet the displaced person definition may adjust their status and become lawful permanent residents. President Truman signs the law "with very great reluctance," expressing concerns that the law's requirements will exclude many Jewish refugees.

1952

- The **Immigration and Nationality Act** (known as the McCarran-Walter Act) (182 Stat. 66) consolidates several immigration laws into one statute, and preserves the national-origins quota system (though the law updates the way in which the quota is calculated). For the first time, Asian nations are assigned quotas that allow their nationals to immigrate to the United States. The new law also establishes that US consular officers will screen foreign nationals for admissibility to the United States, and that officers will not issue visas to individuals found inadmissible.

1953

- The *Refugee Relief Act of 1953* (94 Stat. 102) authorizes the admission of up to 205,000 non-quota immigrants who are fleeing persecution or have been expelled from their homes in Europe.

1962

- President John F. Kennedy signs the *Migration and Refugee Assistance Act of 1962* (76 Stat. 121), which authorizes funds to assist foreign nationals from the Western Hemisphere who have fled their countries of origin because of persecution or a fear of persecution on account of race, religion, or political opinion. The law is intended to assist Cuban nationals fleeing Communism.

1965

- The *1965 Immigration and Nationality Act* (known as the Hart-Cellar Act) (79 Stat. 911) abolishes the national-origins quota system and replaces it with a system whereby immigrants are admitted based on their relationship to a US citizen or lawful permanent resident family member or US employer. While caps are placed on the total number of immigrants who may be admitted each year in most family-based and employer-based categories, the law provides that there will be no cap on the number of “immediate relatives” (spouses, parents, and minor children) of US citizens admitted each year. Like immediate relatives, immigrants from the Western Hemisphere countries are also exempted from the law’s system of “preference categories” for those who are admitted. However, the law provides that beginning in 1968, there will be a cap of 120,000 on the total number of permanent residents who may be admitted from the Western Hemisphere.

1975

- The *1975 Indochina Migration and Refugee Assistance Act* (89 Stat. 87) expands the definition of the term “refugee,” as defined in the *Migration and Refugee Assistance Act of 1962*, to include individuals fleeing persecution or fear of persecution from Cambodia and Vietnam.

1976

- The *Immigration and Nationality Act Amendments of 1976* (90 Stat. 2703) adopts the 1965 Immigration and Nationality Act’s system of immigration “preference categories” for immigrants from Western Hemisphere countries.

1980

- The *Refugee Act of 1980* (94 Stat. 102) establishes a new statutory system for processing and admitting refugees from overseas as well as asylum seekers physically present at US borders or in the country. The law defines a “refugee” as any person outside the person’s country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or particular opinion.

1986

- The ***Immigration Reform and Control Act*** (IRCA) (100 Stat. 3359) provides for a 50 percent increase in border patrol staffing, and imposes sanctions on employers who knowingly hire or recruit unauthorized immigrants. The law also creates two legalization programs. One allows unauthorized aliens who have lived in the United States since 1982 to regularize their status; the other permits people who have worked for at least 90 days in certain agricultural jobs to apply for permanent resident status. Under these programs, roughly 2.7 million people who were then illegally residing in the United States eventually become lawful permanent residents.

1988

- The ***Anti-Drug Abuse Act*** (ADAA) (102 Stat. 4181) adds “aggravated felony” as a new but limited ground for deportation. Initially, this category is limited to serious crimes (e.g., murder and drug and weapons trafficking), regardless of the sentence imposed and the longevity of the alien’s residence in the United States.

1990

- The ***1990 Immigration Act*** (104 Stat. 4978) raises legal admissions to 50 percent above the pre-IRCA level (mainly in the category of employment-based immigrants), eases controls on temporary workers, and limits the government’s power to deport immigrants for ideological reasons. It also expands the scope of aggravated felony to include nonpolitical crimes of violence for which a prison sentence of at least five years was imposed, while eliminating important discretionary relief for certain aggravated felons. The act also abolishes judicial recommendations against deportation, thus terminating the discretion of sentencing judges to grant relief from deportation for criminal offenders.

1994

- The ***Violent Crime Control and Law Enforcement Act*** (VCCLEA) (108 Stat. 1791) gives the US Attorney General the option to bypass deportation proceedings for certain alien aggravated felons, enhances penalties for alien smuggling and reentry after deportation, and increases appropriations for the Border Patrol.

1996

- The ***Antiterrorism and Effective Death Penalty Act*** (AEDPA) (110 Stat. 1214) adds new crimes to the definition of aggravated felony. AEDPA also establishes the “expedited removal” procedure for arriving noncitizens who border officials suspect of lacking proper entry documents or being engaged in fraud; the procedure is amended later that year by the ***Illegal Immigration Reform and Immigrant Responsibility Act*** (see below).
- The ***Illegal Immigration Reform and Immigrant Responsibility Act*** (IIRIRA) (110 Stat. 3009) adds new grounds of inadmissibility and deportability, expands the list of crimes constituting an aggravated felony, creates expedited removal procedures, and reduces the scope of judicial review of immigration decisions. The law expands the mandatory detention of immigrants in standard removal proceedings if they have previously been convicted of certain criminal offenses. It also increases the number of Border Patrol agents, introduces new border control measures, reduces government benefits available to immigrants (as

did the welfare reform measures enacted the same year), increases penalties for unauthorized immigrants, toughens procedural requirements for asylum seekers and other immigrants, mandates an entry-exit system to monitor both arrivals and departures of immigrants (now US-VISIT), and establishes a pilot program in which employers and social service agencies could check by telephone or electronically to verify the eligibility of immigrants. IIRIRA establishes a statutory framework for subsequent actions by states and localities, known as 287(g) programs, to take on immigration law enforcement roles that had traditionally been exercised solely by federal immigration enforcement agencies.

1997

- The ***Nicaraguan Adjustment and Central American Relief Act*** (NACARA) (111 Stat. 2160) provides several avenues for relief from deportation and adjustment of status for qualified Nicaraguans, Cubans, Salvadorans, Guatemalans, and nationals of former Soviet-bloc countries.

1998

- The ***Haitian Refugee Immigration Fairness Act*** (HRIFA) provides similar benefits to qualified Haitian nationals as did NACARA (see above description).

2001

- The ***USA Patriot Act*** (115 Stat. 272) broadens the terrorism grounds for excluding aliens from entering the United States and increases monitoring of foreign students.

2002

- The ***Enhanced Border Security and Visa Entry Reform Act*** (116 Stat. 543) requires the development of an interoperable electronic data system to be used to share information relevant to alien admissibility and removability. It also requires the implementation of an integrated entry-exit data system: the US-VISIT program is established to implement this system.
- The ***Homeland Security Act*** (116 Stat. 2135) creates the Department of Homeland Security (DHS). In 2003, nearly all of the functions of the US Immigration and Naturalization Service (INS) — the Department of Justice agency responsible for provision of immigration services, border enforcement, and border inspection — are transferred to DHS and restructured to become three new agencies: US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS).

2005

- The ***REAL ID Act*** (119 Stat. 302) establishes statutory guidelines for removal cases, expands the terrorism-related grounds for inadmissibility and deportation, includes measures to improve border infrastructure, and requires states to verify an applicant's legal status before issuing a driver's license or personal identification card that may be accepted for any federal purpose. (States' protests persuade Congress to delay implementation of the drivers' license provisions of the law.) It also bars the use of habeas corpus as a vehicle for challenging removal orders, thus virtually completing the concentration of judicial review in the courts of appeals.

2006

- Congress enacts the *Secure Fence Act* after the Senate fails to adopt immigration reform legislation that had passed the House in 2005. The law mandates the construction of more than 700 miles of double-reinforced fence to be built along the border with Mexico, through the US states of California, Arizona, New Mexico, and Texas in areas that experience illegal drug trafficking and illegal immigration. It authorizes more lighting, vehicle barriers, and border checkpoints and requires the installation of more advanced equipment, such as sensors, cameras, satellites, and unmanned aerial vehicles, in an attempt to increase control of illegal immigration into the United States.

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