

History of U.S. Immigration Law and Policy

The history of U.S. immigration reflects the social, economic, and political climate of the time. It also illustrates the nation's ongoing ambivalence about immigration, as well as offers insights on the role of race, prejudice, fear, and nativism in shaping U.S. immigration policy. This section provides a quick overview of U.S. immigration law and policy from the 1700s to May 2006.

Yes, we need to control our borders. No one argues with that... But we don't need ballot initiatives that make people think we want them to abandon their hopes because some of us don't believe the American Dream is big enough to share anymore."

—Senator John McCain, R-AZ, 2005

We can't strengthen our nation's borders by strangling our nation's economy."

—Representative John Boehner, R-OH
December 2005

HISTORY OF U.S. IMMIGRATION LAW AND POLICY

- 1790:** Congress passed a law allowing naturalization for “free white persons.” This racial requirement remained in effect until 1952, although naturalization was opened to immigrants from certain Asian countries in the 1940s.
- 1798:** The passage of the Aliens and Sedition Acts authorized the President to deport any foreigner deemed to be dangerous.
- 1882:** Passage of the Chinese Exclusion Act codified racism into federal law, denying citizenship for Chinese immigrants and suspending their entry into the United States. It was not repealed until 1943.
- 1906:** The ability to speak and understand English became a requirement for naturalization.
- 1917:** Congress designated Asia as “a barred zone,” prohibiting immigration from all Asian countries except Japan and the Philippines.
- 1919:** The Palmer Raids resulted in the deportation of 10,000 labor and immigrant activists.
- 1921-1930:** Thousands of Mexican workers, including many U.S. citizens, were deported.
- 1924:** The Johnson-Reed Act created a new national-origins quota system favoring immigrants from northern Europe and banning immigration by persons “ineligible to citizenship,” a provision that primarily affected the Japanese.
- 1942-1945:** The United States interned 120,000 Japanese Americans.
- 1942-1964:** The “Bracero” guestworker program, begun to meet wartime labor shortages, brought close to five million farmworkers, predominantly Mexicans, to the United States.
- 1954:** Operation Wetback deported more than 1.1 million Mexican immigrants.
- 1965:** Thanks to the Civil Rights Movement of the 1960s, the 1965 Immigration Act eliminated race-based admission criteria and instituted ones based on the would-be immigrant’s skills, profession, or relationship to family in the United States.
- 1975:** Congress passes legislation to permit the resettlement of Southeast Asian refugees in the aftermath of the Vietnam War.
- 1986:** The Immigration Reform and Control Act granted amnesty to about three million undocumented immigrants and instituted sanctions for employers who hire undocumented workers.
- 1995:** California voters approved Proposition 187 to prohibit undocumented immigrants from accessing publicly funded education, welfare, and health services. The proposition was later found to be unconstitutional.
- 1996:** Three acts of Congress—welfare reform, immigration reform, and anti-terrorism legislation—significantly reduced immigrants’ access to social safety-net programs, toughened border enforcement, closed opportunities for undocumented immigrants to legalize their status, made it difficult to gain asylum, stripped many due-process rights, reduced access to the courts, and greatly expanded grounds for deportation.
- 2001:** Shortly after the attacks of September 11, 2001, Congress passed the USA PATRIOT Act, giving the federal government, among other things, broad powers to indefinitely detain suspected terrorists. At least 1,200 South Asian and Middle Eastern men were swept up in government dragnets, detained without charge, and denied due-process rights. Few, if any, of these detainees were charged with involvement in terrorist activities.

2002: The Department of Homeland Security put in place “Special Registration” which required all non-immigrant males age 16 and older from 24 countries to report in person, register, and be fingerprinted. All but one of the countries targeted by this program were those with large Muslim populations. An estimated 13,000 men were placed in deportation proceedings during the first year of this program. Although it was terminated, Special Registration was the most visible and systematic government-instituted program to detain members of specific ethnic groups in the United States since the internment of Japanese Americans during World War II.

2005: Congress passed the REAL ID Act, raising the standard for political asylum seekers, creating additional grounds for deporting immigrants, and restricting the issuance of driver’s license and state ID documents to certain categories of immigrants. More than 150 anti-immigrant bills were introduced in 30 states, although few bills were eventually enacted into law. Arizona, Virginia, and Arkansas adopted anti-immigrant laws that target vulnerable populations, including undocumented immigrants, day laborers, and low-income families. Arizona’s Proposition 200, approved by the state’s voters, requires state and local government employees to report undocumented immigrants seeking publicly funded health and social services to federal immigration authorities.

2006: The State of Georgia passed the Georgia Security and Immigration Compliance Act. Under this state law, effective July 1, 2007, Georgia employers must use a federal database to verify their workers’ immigration status; recipients of most state benefits, including welfare and Medicaid, must prove their legal status; workers who cannot provide a Social Security number or other taxpayer identification are required to pay a six percent state withholding tax; corrections officials must report incarcerated undocumented immigrants to federal authorities; and local authorities are authorized to seek training to enforce federal immigration laws.

In spring 2006, as this report was being finalized, Congress debated immigration reform legislation. Some proposals focused strictly on strengthening border and other immigration enforcement, while others called for guestworker programs, opportunities for undocumented immigrants to earn legal status, and provisions to address the family-visa backlogs. Depending on the outcome of this debate, the political environment for immigrants could change dramatically in the upcoming years, possibly driving some immigrants deeper in the shadows or giving those who could benefit from any new laws the opportunity to become fully integrated into U.S. society.

SOURCES:

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