

Chronology: Changes in Immigration and Naturalization Law

1790 - Naturalization is authorized for "free white persons" who have resided in the United States for at least two years and swear loyalty to the U.S. Constitution. The racial requirement would remain on the federal books until 1952, although naturalization was opened to certain Asian nationalities in the 1940s.

1798 - The ***Alien and Sedition Acts*** authorize the President to deport any foreigner deemed to be dangerous and make it a crime to speak, write, or publish anything "of a false, scandalous and malicious nature" about the President or Congress. An amended Naturalization Act imposes a 14-year residency requirement for prospective citizens; in 1802, Congress would reduce the waiting period to five years, a provision that remains in effect today.

1882 - The ***Chinese Exclusion Act*** suspends immigration by Chinese laborers for ten years; the measure would be extended and tightened in 1892 and a permanent ban enacted in 1902. This marks the first time the United States has restricted immigration on the basis of race or national origin.

1891 - To the list of undesirables ineligible for immigration, Congress adds polygamists, "persons suffering from a loathsome or a dangerous contagious disease," and those convicted of "a misdemeanor involving moral turpitude."

1906 - The first **language requirement** is adopted for naturalization: ability to speak and understand English.

1907-8 - Under a so-called "**Gentlemen's Agreement**," the United States promises not to ban Japanese immigration in exchange for Japan's pledge not to issue passports to Japanese laborers for travel to the continental United States (although they remain welcome to become agricultural workers in Hawaii). By a separate executive order, President Theodore Roosevelt prohibits secondary migration by Japanese from Hawaii to the mainland.

1917 - Over President Wilson's veto, Congress enacts a literacy requirement for all new immigrants: ability to read 40 words in some language. Most significant in limiting the flow of newcomers, it **designates Asia as a "barred zone"** (excepting Japan and the Philippines) from which immigration will be prohibited.

1921 - A new form of immigration restriction is born: **the national-origins quota system**. Admissions from each European country will be limited to 3% of each foreign-born nationality in the 1910 census. The effect is to favor Northern Europeans at the

expense of Southern and Eastern Europeans. Immigration from Western Hemisphere nations remains unrestricted; most Asians will continue to face exclusion.

1924 - Restrictionists' decisive stroke, the ***Johnson-Reed Act***, embodies the principle of preserving America's "racial" composition. Immigration quotas will be based on the ethnic makeup of the U.S. population as a whole in 1920. The new national-origins quota system is even more discriminatory than the 1921 version. "America must be kept American," says President Coolidge as he signs the bill into law. Another provision bans all immigration by persons "ineligible to citizenship"--primarily affecting the Japanese.

1943 - To appease a wartime ally, a token quota (105) is created for Chinese immigration. Yet unlike white immigrants, whose quotas depend on country of residence, all persons of "Chinese race" will be counted under the Chinese quota regardless of where they reside.

1950 - The ***Internal Security Act***, enacted over President Truman's veto, bars admission to any foreigner who might engage in activities "which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States." It excludes or permits deportation of noncitizens who belong to the U.S. Communist Party or whose future activities might be "subversive to the national security."

1952 - The ***McCarran-Walter Act*** retains the national-origins quota system and "internal security" restrictions, despite Truman's opposition. For the first time, however, Congress sets aside minimum annual quotas for all countries, opening the door to numerous nationalities previously kept out on racial grounds. Naturalization now requires ability to read and write, as well as speak and understand, English.

1965 - The United States finally **eliminates racial criteria** from its immigration laws. Each country, regardless of ethnicity, will receive an annual quota of 20,000, under a ceiling of 170,000. Up to 120,000 may immigrate from Western Hemisphere nations, which are still not subject to country quotas (an exception Congress would eliminate in 1976).

1986 - The ***Immigration Reform and Control Act*** gives amnesty to approximately three million undocumented residents. For the first time, the law punishes employers who hire persons who are here illegally. The aim of employer sanctions is to make it difficult for the undocumented to find employment. The law has a side effect: employment discrimination against those who look or sound "foreign."

1990 - The ***Immigration Act of 1990***, raises the limit for legal immigration to 700,000 people a year.

1996 - A persistent recession in the U.S. in the early 90's, among other reasons, leads to calls for new restrictions on immigration. The ***Illegal Immigration Reform and***

Immigrant Responsibility Act is passed, toughening border enforcement, closing opportunities for undocumented immigrants to adjust their status, and making it more difficult to gain asylum. The law greatly expands the grounds for deporting even long-resident immigrants. It strips immigrants of many due process rights, and their access to the courts. New income requirements are established for sponsors of legal immigrants. In the ***Personal Responsibility and Work Opportunity Act***, Congress makes citizenship a condition of eligibility for public benefits for most immigrants.

1997 - A new Congress mitigates some of the overly harsh restrictions passed by the previous Congress. In the Balanced Budget Agreement with the President, **some public benefits are restored** for some elderly and disabled immigrants who had been receiving them prior to the 1996 changes. With the ***Nicaraguan Adjustment and Central American Relief Act***, Congress restores an opportunity for certain war refugees living in legal limbo to become permanent residents.

1998 - Congress continues to mitigate some of the nativist provisions passed by the Congress in 1996 by partially restoring access to public benefits for additional groups of legal immigrants. The *Haitian Refugee Immigration Fairness Act* resolves the legal limbo status of certain Haitian refugees, and allows them to become permanent U.S. residents. Responding to the pleas of powerful employer groups, Congress passes the *American Competitiveness and Workforce Improvement Act*, which significantly raises the number of skilled temporary foreign workers U.S. employers are allowed to bring to the U.S.

2000 - Congress continues to move incrementally in a pro-immigrant direction, passing the compromise *Legal Immigration Family Equity Act*, which creates a narrow window for immigrants with family or employer sponsors to adjust to legal status in the U.S.; resolves the legal limbo of certain immigrants denied legalization in the mid-1980's; and provides temporary visas for certain family-sponsored immigrants waiting for their green cards. For the second time in three years, Congress significantly raises the ceiling for skilled temporary workers. The *Child Citizenship Act* grants automatic U.S. citizenship to foreign-born adopted children. The *Victims of Trafficking and Violence Protection Act* provides visas for trafficking and crime victims. Congress modifies the Naturalization law to allow severely disabled immigrants to become citizens even if they cannot understand the Oath of Allegiance.

Adapted from and provided courtesy of the National Immigration Forum Website 2001.

Sources:

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