

Legislation Time-Line of American Immigration

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Preface to the Legislation Time-Line of American Immigration

The contemporary diversity of U.S. society is preceded by a deep history of immigration and migration stemming from a wide variety of circumstances. Native Americans were joined by Europeans, Africans, Asians, Latinos, Caribbeans, and Middle Easterners, and others in patterns of human movement still present today—movement ranging from the voluntary to the forcibly compelled. Given this wide range of immigrants' homelands and circumstances driving their relocation, the circumstances of U.S. immigration probe a question that historians and others have long considered: What exactly makes one an American? Answers vary widely and always depend on the particular narratives and case histories considered. This timeline of American immigration legislation will shed light on the social processes of inclusion and exclusion as set into law. In particular, it will provide a detailed look at what exactly made some Americans and kept others out, as well as the impact of such measures on our current order.

A look at law and policy tells us a great deal about who was expected to assimilate easily into the new United States, who would have greater difficulty, who was considered only a temporary guest, and who was not welcomed at all. From early on American migration and assimilation patterns favored Western European immigrants. After decades of population growth from this area of the world this preference was codified into law in 1924 by establishing a quota system that ensured continued proportionately high numbers. Not until over forty years later in 1965 were racial and national quotas eliminated, significantly contributing to the increasingly diverse landscape we now see and giving rise to “multiculturalism” in the U.S. In some form immigration law has always been concerned with population and border control, cultural preservation, and defining who gets access to the rights and responsibilities of citizenship.

Often immigration laws favoring Western Europeans had the corollary effect of construing other cultures as threats. The ideas of the Eugenics movement, which assumed that racial difference was scientifically sound and promoted ideas of racial superiority and inferiority, was expressed in a series of laws that further privileged Western European immigrants. This was reinforced by the American courts through the nineteenth century and into the twentieth by a number of restrictive measures. For examples see: Immigration Act of 1875, Chinese Exclusion Act of 1882, Immigration Act of 1907, Immigration Act of 1917, Johnson Act of 1921, and Immigration Act of 1924.

American immigration law was also concerned with marriage and the formation of families. The perceptibly exotic Chinese practices of polygamy and prostitution caused Puritan Americans to be alarmed at increasing Asian immigration. Much of Asian culture was viewed as immoral by many Protestants, and Asian immigrants were strongly restricted. For examples see: Prohibition of Chinese “Coolies” of 1862, , Page Laws of 1875, Expatriation Act of 1907, Oriental Exclusion Act of 1924, National Origins Act of 1929, and Immigration Act of 1917.

After their capture and forced slavery, African-American immigrant experiences can be characterized by fugitive laws of slavery, the tribulations of settlement after emancipation, and the long fight for civil rights. Furthermore, the immigration of Africans after 1965 has added to African-descended populations in the U.S. For examples see: Slave Trade Act of 1794, Slave Trade Act of 1807, Fugitive Slave Act of 1850, Thirteenth Amendment of 1865, Fourteenth Amendment of 1868, Naturalization of 1870, Jim Crow Laws and Etiquette of 1876.

For native populations, the U.S. entered into many treaties with Native Americans, deals that always seemed to favor American interests. Such actions resulted in Native Americans losing autonomy and eventually control of their lands. Native American inclusion into American society

then took on a different meaning after they became more dependent on the U.S. government. For examples see: Indian Removal Act of 1830, American homestead Act of 1863, 1924 Indian Citizenship, 1954 Bureau of Indian Affairs Relocation program, and the Secure Fence Act of 2006.

The history of these immigration laws and more is crucial for understanding the role of citizens and residents both lawful and unlawful in answering the question of what exactly makes one an American. For citizens, their heritage played a significant role in how their ancestors became Americans and, consequently, continues to play a role in how their own “Americanness” is defined. For example, while immigrants from Western Europe had long been favored, some U.S. citizens of Mexican heritage were deported in the 1930s on the basis of race. This shows how immigration law has defined what exactly in means to be an Americans. The current exclusion of Native Americans in policy decisions pertaining to their lands, as well as the detention and deportation of lawful residents are examples of how immigration policy continues to shape what it means to be American. These cases demonstrate that citizenship or legal status alone does not make one an “American.” Being considered fully American is closely linked to heritage and the contemporary order established by that heritage. For example see: American Homestead Act of 1863, Illegal Immigration Reform and Immigration Responsibility Act of 1996, and Secure Fence Act of 2006.

The patterns of immigration law reflected in this timeline allow for a comprehensive view of all immigration narratives and case histories, perhaps bringing us closer to answering the question, “What exactly makes one an American?” It is hoped this background can help cultivate greater understanding of individual stories and contribute to the unification of diverse perspectives. Indeed, the history of American immigration law is rife with policies that divided those establishing the population. In many ways the current order continues to reflect this. To move toward ahead, we must understand and appreciate the very divisions that have produced our current order. Perhaps in time and with greater understanding that order can be one of greater unity and cooperation.

United States Timeline of Immigration Legislation

1705 Slave Codes of 1705

The **Slave Codes of 1705** were comprehensive set of laws enacted by Colonial Virginia's House of Burgesses to regulate the growing slave population in Virginia. Virginia's Slave Codes provided a model for other colonies on handling the issue of slavery. The following Virginia slave codes are examples of this colonial legislation:

"Whereas some doubts have arisen whether children got by any Englishmen upon a Negro shall be slave or Free, Be it therefore enacted and declared by this present Grand assembly, that all children born in this country shall be held bond or free only according to the condition of the mother."

(Virginia Slave Code 1662: 14th Charles II. Act XII §2 cl.170)

"All servants imported and brought into the Country...who were not Christians in their native Country...shall be accounted and be slaves. All Negro, mulatto and Indian slaves within this dominion...shall be held to be real estate."

(Virginia Slave Code 1705: 4th Anne, Chap XXXIII §3 cl.333)

Prior to the unification of the colonies that would later form the United States, slave codes defined the conditions of slavery and rationalized white superiority based on race, religion, and ancestry. These codes gave power to white men in American territory. They aimed to create a justifiable link between African ancestry and slavery.

(Moore 1941:176-178)

1789 The Constitution of United States of America

The **Three-Fifths Compromise** was created at the Constitutional Convention in Philadelphia where fifty-five delegates met to finalize the Constitution of the United States of America. The Compromise states that, "Representatives and direct taxes shall be appointed among the several States which may be included within this Union, according to the respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." (U. S. Constitution, Art. I, § 2, cl.3)

Representatives discussed who should be considered in the statement "We, the People." On the issue, representatives from southern and northern states were divided on how slaves should be counted within the American population. The delegates formed a compromise to count slaves as three-fifth of a person, and this allowed for a distinction between a "free" person and "other" in the U.S. Constitution. If slaves were counted as a whole person, the southern states would receive leverage in the House of Representatives, and not counting slaves would give advantage to northern states with larger populations.

Note: The Constitution was adopted on September 17, 1787, but it did not take effect as the primary base for law until 1789.
(Lynd 1966: 225-231)

1790 Naturalization Act of 1790

The **Naturalization Act of 1790** was adopted on March 26, 1790. It was the first act regarding naturalization privileges, which stated that only “free white persons” were eligible to apply for naturalized citizenship. Those eligible were required to hold a minimum of two years residence in the U.S. and a good moral character. The first Naturalization Act intended to uniform the naturalization process, which prompt standards of American naturalization law.

No other racial or ethnic groups qualified for naturalization because they did not fit the ideal, racial characteristics at the time. This meant that slaves, indentured servants, free African Americans, and Asians were not granted citizenship.
(1790. Pub. L. 1, 103 Stat.; Weissbrodt 1998:3-5)

1794 Slave Trade Act

The **Slave Trade Act**, which prohibited the slave trade, was passed on March 22, 1794. This act limited American involvement in the slave trade and the selling of “human cargo” because although slavery was legal in the country, new shipment of slavery was prohibited. The Slave Trade Act was built on the Gradual Abolition of Slavery Act of 1780 from the colonial period. The Law stated:

No Negro or Mulatto, now within this state, shall from and after the said first day of November, be deemed a slave or servant for life, or till the age of thirty one years, unless his or her name shall be entered as aforesaid on such record, except such Negro and Mulatto slaves and servants as are herein after excepted; the said clerk to be entitled to a fee of two dollars for each slave or servant.

(Johnson 1921; Moore 1941)

1795 Naturalization Act of 1795

The **Naturalization Act of 1795** repealed the Act of 1790. It raised the established minimum of residency required for naturalization from two to five years and introduced a required declaration of intention to seek citizenship at least three years in advance of naturalization. The declaration of intention had the function of showing an immigrant’s intent to become a citizen and renouncing allegiance to his or her country of origin.

(1795. Pub.L. 1, 414 Stat.)

1798 The Alien and Sedition Acts

The **Alien and Sedition Acts** consisted of four laws: the Naturalization Act, Alien Friends Act, Sedition Act and Alien Enemies Act, which were signed into law by

President John Adams. The threat of war with France led the U.S. to enforce strict control over the admission of new aliens from adversarial countries. The first three acts either expired or were repealed, but the Alien Enemies Act remains intact today.

The **Naturalization Act** was enacted on June 18, 1798. This Act established uniform conditions for naturalization, beyond those of the Naturalization Act of 1790. The Declaration of Intention took place in the U.S. courts. The procedure required the following documents: immigrant's public renouncement of allegiance with country of origin, and his or his U.S. registration information. The Declaration of Intention needed to be completed five years in advance of Citizenship application. For an alien to file for the procedure he had to reside in the U.S. for fourteen years.

Aliens residing in the United States within the conditions of this act prior to Jan. 29, 1795, were allowed to declare their intentions within one year, and within four years were admitted citizenship with residency of at least five years. The Act was repealed in 1802 by the enactment of naturalization of 1802, and the residency laws of Naturalization Act of 1795 were re-established.
(1798. Pub.L. 1, 566 Stat.)

The **Aliens Friends Act** was enacted on June 25, 1798. It was officially known as An Act to Establish a Uniform Role of Naturalization and was the first federal law pertaining to immigration and not naturalization. It allowed the President to arrest and deport any aliens who were deemed dangerous to the United States. It also required captains of ships to report the arrival of aliens on board of any vessel to the collector, or other chief officer, who were making sure aliens were registered with proper documentation according to the Customs of the Port. This law expired two years after its enactment.
(1798. Pub.L. 1, 570 Stat.)

The **Alien Enemies Act** was enacted on July 6, 1798. This Act was officially known as An Act Concerning Aliens, and it referred to alien males of fourteen years and older. It gave the power to the President in cases of war to detain or remove from the U.S. any male alien originally from an enemy country, but with protection of their property rights as specified by treaty.
(1798. Pub. L. 1, 577 Stat.)

The **Sedition Act** was enacted on July 14, 1798. It was officially known as an Act for the Punishment of Certain Crimes against the United States. It prohibited false or scandalous writing, speaking, and publishing about the President, Congress, or using propaganda to turn the public against the Government. The Sedition Act was left to expire in 1801.
(Wallace 1920: 385-390)

1802 Naturalization Act

The **Naturalization Act of 1802** was enacted on April 14th. It lowered the required residency period for naturalization from fourteen to five years as previously stated in the Act of 1795. It also established additional requirements for naturalization such as good moral character, allegiance to the Constitution, and a formal declaration of intention. It was now required as a form with the applicant's name, birthplace, age, nation of allegiance, country of emigration, and place of intended settlement, and granted each applicant a certificate that could be presented to the court. In the enactment of Naturalization Act of 1802 an application was designed for the declaration of intention instead of requiring only a public declaration of intention as stated in the Naturalization act of 1798.
(1802. Pub. L. 2, 153 Stat.)

1807 Slave Trade Act of 1807

Under pressure from Great Britain, which had abolished slavery the United States initiated the **Slave Trade Act** which was passed into law on March 25, 1807. The Law stated that after January 1, 1808, it would "not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such [person] ... as a slave, to be held to service or labour." Congress allowed nine months for all slave trading businesses from the date of enactment of the Slave Trade Act to close down. This bill did not abolish slavery within the U.S., but it was a step toward limiting the growth of slavery.
(Johnson 1921; Moore 1941)

1819 Immigration Act of 1819

The **Immigration Act of 1819** set standards for vessels bringing immigrants. Ship captains had to provide collectors, or other chief officers, who had the obligation of keeping records of admitted immigrants. Those records were to describe where the immigrants came from; where they were going; and their age, sex, and occupation. Passengers ill with contagious diseases had to be quarantined. States carried out the provisions of this law; thus regulations varied depending on the port of entrance. The first Bureau of Immigration was then established, which gathered data and compiled immigration statistics for future reference. The Steerage Act and Passenger Act was part of the Immigration Act of 1819.
(Sanderson 1856)

The **Steerage Act** was enacted on March 2, 1819. This was the first significant Federal law referring to immigration. It set strict recording measures of immigration to the United States that required passenger lists of all arriving vessels to be delivered to the Collector of Customs, along with copies sent to the Secretary of States, and that the lists be reported to Congress. It set strict provisions for the number of passengers on ships leaving U.S. ports to Europe.

(1819. Pub. L. 3, 488 Stat.)

The **Passenger Act** was enacted on March 2, 1819 and was part of the Steerage Act. This act set provisions for ships boarding from U.S. on how many people could travel in comparison to the weight of the ship. Also, a requirement was set for supply of water, vinegar, and ship bread. It made a reference to the third part of the Steerage Act of 1819, and it created specific regulations for the security of the passengers on merchant vessels, but also expended allowance for passengers' space. (Sanderson 1856:17)

1820 Compromise of 1820

The admission by Congress of Missouri as the 24th state further exacerbated the northern and southern conflict over the extension of slavery. This Compromise, which was created by Senator Henry Clay, consisted of three parts: the admission of Missouri as a slave state, Maine as a free state, and the rest of the Louisiana Purchase as a free state. The admissions of the three states made the number of free versus slavery states equal within the Union. (Omohundro Institute of Early American History and Culture 1901: 5-8)

1824 Naturalization Act of 1824

The **Naturalization Act of 1824** allowed for naturalization of eligible aliens who entered the United States as minors by lengthening the period between formal declaration of intention and admission of citizenship from two years to three years. Immigrants who came to the United States and were under the age of 18 at the time could become citizens upon turning 21 years of age, after five years of residence. (1824. Pub. L. 4, 36 Stat.)

1830 Indian Removal Act

The **Indian Removal Act of 1830** commanded the removal of Native Americans East of Mississippi River to reservations in Oklahoma (also known as "The Trail of Tears"). The Indian removal was a direct cause of over 300,000 Native American deaths in the migration process. Jacksonian administration argued that Cherokees' "voluntary" relocation would eliminate their competition with the white population. The administration claimed that the Cherokees must voluntarily move or submit to state law.

The Cherokee Nation was granted independence from the Federal law and had the legal rights to their traditional lands. Scholars evaluate the Jacksonian administration to be biased in terms of superiority of white race, which then led to discriminatory actions toward Native Americans.

Although Native Americans experienced discrimination, from the beginning of colonial period Native Americans were given the status of tribal nations. They were

not considered American citizens until much later, even after African- Americans were granted citizenship rights by the enactment of the 14th Amendment. (Grose 1985:181-184; Magliocca 2003:889-892)

1835 Treaty of New Echota

This Treaty was an attempt of the United States Government to once again force the relocation of Native Americans to Indian reservations away from white settlements. During the Reconstruction Era, the American government had a routine approach to solving cultural conflicts by moving minority populations out of the way of the growing white industrial population.

The **Treaty of New Echota** was signed on Dec. 29, 1835 in New Echota, Georgia between the United States Government and the Cherokee Nation. It was an agreement that the United States would pay the Cherokee Nation five million dollars for their reservation in Georgia in exchange for the relocation to Oklahoma territories. The Cherokee Nation rejected the treaty; but the United States Government enacted the treaty despite the rejection. Native American relocation resulted in fifteen years of the Cherokee civil war and murders of American representatives who enacted the treaty. (Cherokee Observer 2005)

1846 Cherokee Treaty

The Treaty of New Echota caused the Cherokee Nation's government to split in a dispute over the inaccuracy of the treaty, which caused the removal of Indians to the territories of Oklahoma. Representatives from the two split sides of the Cherokee Nation went to Congress to ask for separate territories due to the many massacres of the Indian people. Since the Cherokee Nation was divided, its political voice with the United States was weakened. The separation of the Cherokee Nation was agreed in the **Cherokee Treaty of 1846**. (Magliocca 2003:915)

1847 Treaty of Guadalupe Hidalgo

The end of Mexican War granted American citizenship to about 80,000 Mexican residents of the Southwest territory dominated by the United States under the **Treaty of Guadalupe Hidalgo**. This Treaty also transferred 55% of Mexican land to United States, which included the territories of Arizona, California, New Mexico, Texas, and parts of Colorado, Nevada, and Utah. The result of the Mexican War was the United States' vision of Manifest Destiny—the belief in divine rights to land—which justified U.S. borders reaching from the Atlantic to Pacific coast. (Reeves 1905: 309-312)

Passenger Act

The **Passenger Act** was approved on Feb. 22, 1947, which required vessel owners to abide guidelines of safety. The act aimed to protect passengers who arrived and departed U.S. ports. The Law listed a space requirement per passenger and defined who was a passenger. An adult or two children under the age of eight were considered one passenger. Children under one year were not included in the passenger count.

(1847. Pub. L.9, 127 Stat.)

1850 Compromise of 1850

The **Compromise of 1850** also known as Omnibus Bill presented by Senator Henry Clay on January 29 consisted of the following five provisions: California was admitted to the Union as a free state; New Mexico and Utah territories were granted popular sovereignty on the question of slavery; Texas lost the New Mexico territory, but received \$10 million from the federal government for its loss; the slave trade was abolished in the District of Columbia; a new Fugitive Slave Act was passed. The Compromise intended to keep the Union together and to resolve the dispute over slavery.

(Russel 1956:292)

The last law, the Fugitive Slave Act of the Compromise was the most controversial. This act made it easier for slave-owners to have control over the escapees and greater enforcement for retrieving run-away slaves. The Law forced numbers of run-away African American slaves wanting to make a home in the North to migrate to Canada.

(Hodder 1936:525,530)

The **Fugitive Slave Act** stated that anyone who helped a slave escape would be punished. This act was the result of 100,000 slaves running from the South to North through the Underground Railroad with the help of free African-Americans and Whites. The government assisted the southern states with enforcement of the Law and many former slaves, even those who had been free for many years, were returned to the South.

(Johnson 1921:161,169-172)

1854 The Kansas-Nebraska Act

The **Kansas-Nebraska Act** granted sovereignty to the settlers in the territories of Kansas and Nebraska regarding slavery. It upset the agreement between the South and North in reference to the Missouri Compromise of 1820, as it stated not to allow slavery to continue in the new territories. The decision of popular sovereignty, which allowed residents of the states to vote on the issue of slavery, conveyed potential risk of violating the Law of the Missouri Compromise.

(Johannsen 1953: 129-135)

1855 Passenger Act

The **Passenger Act** of March 3, 1855 repealed the Passenger Act of 1847. It reaffirmed the duty of the captain of any vessel to report the arrival of alien passengers, and required reporting the difference between permanent and temporary immigration to the Secretary of State. (1855. Pub. L. 10, 715 Stat.)

1862 Prohibition of Chinese “Coolies”

On February 19, 1862 Chinese laborer, also known as “coolies,” were prohibited from transportation on American vessels. The name “coolie” comes from two Chinese words, *koo* meaning to rent, and *lee* meaning muscle. In 1949 Californian Governor Bigler invented the label for Chinese contract workers to emphasize their distinct origin. American disappointment from the Gold Rush led to hatred against Chinese, who during the Gold Rush had been welcomed. (1862. Pub. L. 12, 340 Stat.; Fong 1971:407)

1863 American Homestead Act

The **American Homestead Act** aimed to develop the western part of the land acquired by the Hidalgo Treaty with Mexico. Land was distributed to any man or woman at least twenty-one years old or the head of a family. Each person was granted 160 acres of undeveloped land. In return the United States government required the person to live on the land for five years and pay an eighteen dollar fee, build a home, make improvements, and farm the land before the government would grant ownership. The resident then could purchase the land for \$1.25 per acre after living on it for six months. It was signed by President Lincoln and took effect on January 1, 1863.

The land that was distributed under the American Homestead Act was land taken away from Native Americans. (Plante 1962: 183-193)

1864 Immigration Act of 1864

The **Immigration Act of 1864** was enacted on July 4th. It was the first Congressional effort to centralize control of immigration. It set out the following provisions: A Commissioner of Immigration was appointed by President Lincoln to serve under the Secretary of State, which allowed admission of contract laborers. Twelve months of work in the U.S. were legalized, but laborers were required to promise payment in return for transportation. The aim of the Government was to encourage immigration, and it was the only time that it was directly legislated. However, on March 30, 1868 this act was repealed due to popular disagreement. (1864. Pub. L. 13, 385 Stat.)

Contract Labor Law

The **Contract Labor Law** intended to encourage immigration by paying for migrants' travel. The Law increased immigration between 1860 and 1880 to approximately 5,127,015 immigrants arrived since the establishment of the U.S. The remaining years of the 19th century, immigration peaked at a high of 5,246,613 between 1881 and 1890 with immigrants primarily from Germany, Great Britain, and Ireland. Also large numbers escaped famine from Sweden, Norway, and China. Late 19th century immigration from Italy, Austria-Hungary, and southern and eastern Europe, especially Russia increased continuing into the 20th century. (Hing 2004:26)

1865 Amendments to Constitution of the United States of American

The Thirteenth and Fourteenth Amendments are outcomes of the Abolitionist Movement in 1830s. Although the Movement raised awareness about discrimination against African Americans and Native Americans, the added Amendments to the U.S. Constitutions included only African Americans.

The **Thirteenth Amendment** officially ended slavery. A direct quote from Section 1 of the Amendment stated that:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

(Graham 1954: 10-12)

1868 The **Fourteenth Amendment** was enacted three years after the Thirteenth Amendment and granted equal protection rights under the U.S. citizenship. It included all people born or naturalized in United States. The Amendment also prohibited states from denying "life, liberty or property" without a court trial. It stabilized in general the civil rights of American citizens, including freed slaves and people of African descent, but not Native Americans and Asians. (Schuck 1984:21)

1870 Naturalization Act of 1870

The **Naturalization Act of 1870** was enacted on July 14th. It granted the right to the naturalization process to white persons and to African Americans, who had long been excluded from citizenship. Native Americans and Asians were not given that benefit of naturalization, which further excluded them from American society. The Act also established a control system for the naturalization process and penalties for fraud practices.

(1870. Pub.L. 16, 254 Stat.)

1875 Civil Rights Act

The **Civil Rights Act** was enacted by Congress March 1, 1875 stating that no person will be discriminated from employment opportunity, public transportation, and other accommodations based on race or color. However, in 1883 the Supreme Court ruled the law unconstitutional.
(Glenn 2002:38-40)

Immigration Act of 1875

The Act was established on March 3, 1875, marking the first time immigration law prohibited specified immigrants. The following provisions were made: the Act excluded criminals and prostitutes from admission; immigrating contract workers and “coolie” laborers were charged as felons; it required an inspection of immigrants by collectors at ports who registered immigrants and recorded their age, sex, occupation, money count, and reason for U.S. entrance. The Page Laws were part of the **Immigration Act of 1875**, which set greater provisions on Chinese women.
(1875. Pub. L. 16, 254 Stat.; Weissbrodt 1998:6-7)

The **Page Laws** prohibited Chinese women from entering United States. Chinese women were excluded because since the majority of migrating Chinese women in 1870's were either prostitutes or second-wives. The Page Law regulated sexuality and marriage because the Chinese laborers admitted to the U.S. did not have the chance to start families. This immigration law aimed to stop the transplanting of cultures and the growth of the Chinese population in the U.S.
(Abrams 2005:653-716)

1876 Jim Crow Laws and Etiquette

Since 1868 African Americans had been citizens, but ideas of white superiority in American society continued racial discrimination of African Americans. White superiority dominated not only in individual relations between Whites and Blacks, but profoundly affected Government legislation. The Jim Crow Laws and Etiquette were the result of such prejudice.

A series of laws commonly known as **Jim Crow Laws** in effect from 1877 to 1965 focused on diminishing the rights of African Americans. The laws prohibited African American citizens from having the same rights as white citizens to public transportation, education, jobs, housing, and many other basic necessities.

The **Jim Crow Etiquette** functioned as an informal law that forced African Americans to feel inferior in social contacts with Whites. The etiquette had informal rules that instilled the racial difference by prohibiting any intimacy between white person and a black person.

The Jim Crow etiquette set socialization patterns of American citizens, categorizing Whites as first-class and Blacks as second-class citizens.
(Troesken 2002:734)

1882 Chinese Exclusion Act

The **Chinese Exclusion Act** was the first major law that restricted immigration to the United States. The Act was signed on May 6, 1882 by President Chester A. Arthur. The Chinese Exclusion Act was an agreement with the Chinese and was formed as a treaty between the two nations with an understanding that only certain Chinese were admitted to the U.S. It stopped Chinese migration for 10 years and prohibited any Chinese in America from becoming citizens. The Chinese subjects denied admission were those with occupations of “salesmen, clerks, buyers, bookkeepers, accountants, mangers, storekeepers, apprentices, agents, cashiers, physicians, proprietors of restaurants, etc.” However, the United States made an exception for a limited number of “Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure”
(1882. Pub. L. 22, 58; Act of Treaty with China 1884:Art. III)

The U.S. used the category of occupation, the Chinese “coolie,” to reject admission to the Chinese. Americans claimed that the Chinese were stealing scarce jobs and shipping wealth to China. The Chinese Exclusion Act was repealed December 17, 1943.

(Calavita 2000:4-6)

Immigration Act of 1882

The **Immigration Act of 1882** was enacted on August 3rd. This Act increased immigrant restrictions and excluded aliens who were likely to become a public charge, such as “lunatics, idiots, and convicts.” It also established a fifty cent tax on each passenger brought to the U.S., which then funded this system of immigration control. Those who belonged to the excluded group of persons were deported to their country of origin. The Law was constructed to protect the U.S. borders from immigrants who did not bring benefits to the American commerce. The Immigration Act of 1882 created a mark for deportation law, affecting it ever since.
(1882. Pub. L. 22, 214 Stat.; Kanstroom 2007:94)

1885 Contract Labor Law

The **Contract labor Law** was signed on February 26, 1885. This Act prohibited admission of immigrants under a labor contract. Exceptions were granted to immigrants admitted to work as secretaries, servants or domestic workers, actors, artists, lecturers, and skilled foreigners working in an industry not yet developed in United States. The Secretary of the Treasury had the power to deport any one who violated the law.

(1885. Pub.L.23. 332 Stat.)

1887 Dawes Act

The **Dawes Act** provided land to the Native Americans and a greater protection of their right to those lands. Congress distributed land to Indian tribes according to these provisions: to each head of the family $\frac{1}{4}$ of a section; to each single person over 18 years of age, and to each orphan children less than 18 years $\frac{1}{8}$ of a section; to each single person less than 18 years of age now living or born before this Act $\frac{1}{16}$ of a section was granted. In cases reservation land was limited, heads of families would pick first, following by minors and orphans. Patents were issued to the Native Americans for their sections of land. The Native Americans who disavowed their tribal allegiances were granted American citizenship. (1887, Pub. L. No. 388-391. 24 Stat)

Contract Labor Law of 1887

This act was signed on **February 23, 1887**. It empowered the Secretary of the Treasury to enforce the Contract Labor Law of 1885. (1887. Pub. L. 24, 414 Stat.)

1888 Amendment to the Contract Labor Laws

The amendment signed in **October 19, 1888** as an addition to the Contract Labor Laws allowed for deportation within one year of an alien violating the law. (1888. Pub.L. 25, 566 Stat.; Hing 2004:209)

1890 Indian Naturalization Act

The act of **Indian Naturalization** granted the right to Native Americans to naturalize through an application process, just as non-U.S. born residents. However, Native Americans were still aliens and not guaranteed citizenship. (Fuchs 1993)

1891 Immigration Act

The **Immigration Act of 1891** was the first comprehensive law that established national control over immigration. The first step of the Government was to recreate the Bureau of Immigration under the Treasury Department to administer immigration laws, but their power excluded the Chinese Exclusion Act. Categories of restriction were added: immigrants likely to become a public charge, those with contagious diseases, felons or those convicted of crimes, polygamists, and contracted immigrants were prohibited from admission. The advertising of immigration was also considered illegal. The Secretary of the Treasury was allowed to regulate immigration inspections along the borders of Canada and Mexico, but not to disturb the passengers in ordinary travel between the countries. And lastly,

the Secretary of Treasury handled deportation of immigrants who entered the U.S unlawfully.
(1891. Pub. L. 26, 1084 Stat.)

1892 Geary Act of 1892

The **Geary Act of 1892** was issued by Congressman Thomas J. Geary, and it extended the Chinese Exclusion Act of 1882 for another 10 years. Chinese residing in United States had to register and carry a certificate at all times. A lack of identification of a Chinese immigrant subjected the immigrant to deportation, imprisonment, and a year of hard labor.

Many Chinese refused to obey the Law because they felt that these new restrictions were unconstitutionally selective. Those who refused faced punishment as defined in the Geary Act.
(Hing 2004)

1893 Contract Labor Laws

The **Contract Labor Laws** act was enacted on March 3, 1893. The master or commander of any boarding vessel had the duty to report to the inspector of immigration the following information about each immigrant landing in the United States:

the full name, age, sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination [...] whether the immigrant has paid his own passage or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and if so, whether upwards of thirty dollars and how much if thirty dollars or less; whether going to join a relative, and if so, what relative and his name and address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied to perform labor in the United States; and what is the immigrant's condition of health mentally and physically, and whether deformed or crippled, and if so, from what cause.

A medical inspection followed by a surgeon employed by the boarding vessel to detect any passenger that might be “an idiot or insane person, or a pauper or likely to become a public charge” etc. or deemed any other from the list of excluded admission stated in Immigration Law of 1891. The United States enforced a mandatory certificate for any foreign vessels to obtain and make their clients aware at their agencies selling travel tickets about the U.S. Law of 1891, which had listed persons excluded from admission.
(1893. Pub. L. 27. 570 Stat.)

1901 Anarchist Exclusion Act

The **Anarchist Exclusion Act** made it unlawful to assist in the illegal process of naturalization of foreigners. The assassination of President McKinley by an illegal anarchist created this strict law that discriminated immigrants based on their political views.

(Weissbrodt 1998:250-251)

1907 Immigration Act of 1907

The **Immigration Act of 1907** updated the Immigration Act of 1882 and 1891. The head tax was increased for new immigrants to five dollars, and the mentally ill or physically defective persons who were not capable to support themselves were added to the excluded list of immigrants. The Expatriation Act and Gentlemen's Agreement were part of the new Immigration Act.

The **Expatriation Act**, also known as the Citizenship Act, declared that when accepting oath from any foreign nation American citizens are considered to have expatriated themselves. Additional provisions followed the law: after living in a country of origin for three years, or in any other foreign nation for five years, it was presumed that the U.S. citizen had ceased to be an American; in times of war U.S. citizens were not permitted expatriation; married American women to foreign men accept husband's nationality; foreign women married to American men after termination of marriage retained American citizenship unless she voluntarily expatriated herself; and children of alien parents received citizenship by birth in the U.S. or from naturalized parents.

(Weissbrodt 1998:382-385)

The **Gentlemen's Agreement** was a treaty signed by Japan and United States to prevent Japanese laborers from entering the United States. The following points were agreed upon: Japan would not issue passports to laborers, skilled or unskilled, unless they were previously admitted or had family members residing in U.S. The Passports were issued in limited amounts under a close supervision of Foreign Office and included restrictions on the Hawaiian Islands. The applications of admitted Japanese were investigated to check for likely laborers. Immigration statistics were to be exchanged monthly between Japanese and American governments.

(Inui 1925:189-191)

1910 White-Slave Act

The **White-Slave Act**, also known as the Mann Act, prohibited white slavery. It banned the importation of females for "immoral purposes," such as prostitution, between states and national borders. The main aim of this act was to control the development of prostitution, immoral behavior, and human trafficking in U.S.

(Virginia Law Review 1917: 653-655)

1917 Immigration Act of 1917

The **Immigration Act of 1917** granted power to the Secretary of Labor to deport any immigrant within five years who threatened national security. The excluded persons included: illiterates, mentally ill, alcoholics, those suffering from attacks of insanity, and racially discriminated Hindus and other Asians. The Immigration Act of 1917 created an “Asiatic Barred Zone” by restricting Asian immigration to the United States. Part of the Immigration Act of 1917 was the requirement for aliens to take literacy test. There were few exceptions to this bill: children less than 16 years of age, the physically handicapped, and the families of those already settled in United States were exempt from the literacy test. President Wilson vetoed literacy tests and prior to Wilson, Presidents Cleveland, and Taft also vetoed the bill. During World War I Congress managed to get 2/3 of votes and passed the bill in 1917 despite the veto.

(Hing 2004:210)

With the Immigration Act three other laws were passed: the Espionage Act, the Jones-Shafroth Act, and the Trading with the Enemy Act.

The **Espionage Act** was passed on June 15, 1917 and stated that anyone who interfered with the nation’s army and production for the war was subject to imprisonment of up to twenty years and a fine of ten thousand dollars.

The **Jones-Shafroth Act** was signed March 2, 1917 and gave citizenship to Puerto Ricans under the condition of US military recruitment.

The **Trading with the Enemy Act** was signed into law on October 6th, 1917. It permitted the Government to investigate and prohibit trading previously censored materials between the outside parties and the U.S.

This bill was passed under President Wilson, and the imposed literacy tests on newly admitted immigrants who lacked English proficiency favored the older immigrants. The literacy tests intended to deem the newly admitted immigrants as inassimilable by producing biased evidence on which to reject their admission.
(Weissbrodt 1998: 9-10)

1918 Passport Act

The **Passport Act** was enacted on May 22, 1918, and authorized the President to enforce additional reasons for deportation on immigrants during wartime. The Anarchist Act of 1918 already established conditions for anarchist deportation. The Passport Law expanded the deportation to those interfering in foreign affairs and possession of explosives and narcotic offenders.

(Hing 2004:210)

The **Anarchist Act** was passed on Oct. 16, 1918 and amended in 1920, authorized exclusion and deportation of anarchists, and also other persons involved in activities that opposed the U.S. foreign relations strategy.
(Hing 2004:210; Weissbrodt 1998:10)

1921 Johnson Act

The **Johnson Act**, also known as “Quota Law” for the first time numerically limited immigrant admission. The quota restricted migration from other countries to 3% of the number of immigrants from the foreign country already residing in the U.S. The majority of immigrants originated from northern and western Europe, favoring these areas with large quotas. The immigrant populations from all countries were stifled during era of the quota law because of the small number of immigrants from those countries already living in the U.S.
(Hing 2004:68; Weissbrodt 1998:10-11)

1922 Cable Act

The **Cable Act** no longer obligated women to change citizenship because of marriage. It meant that a woman did not automatically inherit citizenship with marriage, but had to file for naturalization. The Cable Act repealed the Expatriation Act of 1907 which caused women to lose U.S. citizenship if married a foreigner. The repeal of the Law allowed women who previously lost citizenship to file for naturalization and regain it.
(1922, Pub. L. No. 411. 42 Stat.)

1924 Immigration Act of 1924

The **Immigration Act of 1924**, also known as the Johnson-Reed Act or National Origins Act, mostly affected migration of groups not eligible for U.S. citizenship, including many Asian groups. Furthermore, the Act limited immigrants from European countries to 2% of immigrants from that country already residing in the U.S., disproportionately reducing Southern and Eastern European population. This Act aimed to restrict immigration to 350,000 per year, excluding Western Europeans, in an effort to conserve American homogeneity. The Asian countries, China, Japan, and India, and also independent African countries, as Liberia, Ethiopia, and South Africa all received 100 slots per year. The Oriental Exclusion Act was part of the Immigration Act of 1924, which imposed more restrictions on Asian immigration.

The Immigration Act of 1924, for the first time required migrants to have a U.S.-issued visa and a passport at the port of entrance. Lacking either document led to deportation. As the U.S. became increasingly concerned with national security and perceived threats posed by immigration, the government went on to strengthen the Immigration Act of 1924 with the Immigration and Nationality Act of 1952.
(Ngai 1999:67-71, 2004:7-8, 58-62; Weissbrodt 1998:11-12)

Indian Citizenship Act

Under **Indian Citizenship Act**, Native Americans were granted citizenship for serving in the World War II. However, many Western states still restricted Indians' voting rights by violence, destruction of their property, economic pressure, poll taxing, hiding the polls, and literacy test requirements.
(Shumway 1995:186-188)

1929 National Origins Act

The **National Origins Act** set a cap on immigration to 150,000 per year and banned almost all Asian immigration like stated in Law of 1924. It was the second phase of national Immigration Act of 1924, which caused Eastern and Southern European ethnicities to disintegrate to the mainstream lacking the community support from new comers.
(Eckerson 1966:4-14)

1934 Tydings-McDuffie Act

Under the **Tydings-McDuffie Act** the Philippines, a U.S colony acquired from Spain nearly forty years prior, received independence from the United States on July 4, 1946. However, the Filipinos could no longer receive U.S. citizenship and their immigration was restricted. The invasion of the Japanese and start of World War II delayed progress toward independence of the Philippines.
(Tyner 1999: 54-70)

1940 Nationality Act of 1940

The **Nationality Act of 1940** referred to citizenship, naturalization, and expatriation. It created provisions based on birth and strict conditions on naturalization for foreign-born. The sections on expatriation gave a condition that if an American citizen resides for three years in a country of origin or five years in any foreign state, he or she loses American nationality. The expatriation section intended to eliminate dual nationality by cutting off ties with the country of origin.

This act lacked the definition of "born in United States." A child born to alien parents on Ellis Island might be deemed an alien, but in other cases a child born on a ship on the way to the U.S. might receive citizenship.
(Weissbrodt 1998:331-338)

The Alien Registration Act

The **Alien Registration Act**: was passed by Congress on June 29th, 1940, and it made it illegal for anyone in the U.S. to advocate, abet, or teach on how to overthrow the government. The law required all alien residents in the U.S. over 14

years of age to file a comprehensive statement of their personal and occupational status and a record of their political beliefs.
(Virginia Law Review 1940: 815-816)

1941 Bracero Program

The **Bracero Program**, officially known as the Labor Importation program, intended to supply inexpensive workers to the U.S. As World War II caused shortages of labor in agriculture and industry Mexican, Jamaican, British Hondurans and Barbadians were granted admission to the United States as temporary workers between 1942 and 1964. The program did not adequately compensate workers for their labor, and migrants are still fighting for wages owed.
(Gilmore 1963: 265-266)

1942 GI Bill

The **GI Bill**, formally known as the Servicemen's Readjustment Act of 1944 was enacted on June 22, 1944. The Bill created incentives for the elimination of prejudice. Black and White veterans were suppose to receive the same funds, and Catholics, European immigrants, and Jews were accepted to Ivy League Universities previously restricted by quotas. The Bill with intentions to assist veterans of World War II ultimately benefited larger portion of immigrants and minorities. However, the segregation of Blacks caused for over crowded educational institutions with little room to accommodate waves of Black veterans, thus many Blacks were not able to take advantage of the GI Bill.
(Mettler 2002:351)

1945 Alien Removal Proclamation

President Franklin D. Roosevelt issued Proclamation No. 2525, also known as **Alien Removal Proclamation** on July 14, 1945. It stated that persons who threaten peace and security of Americans were subjects to deportation. During World War II those of Japanese nationality if suspected to violate the Law were brought before Alien Enemy Hearing Board and the Repatriation Hearing Board, if judged to be a subject threatening the U.S. the subject was ordered to leave in 30 days. If the Japanese alien failed to leave voluntarily he or she was then deported. Some Japanese Americans who were U.S. citizens voluntarily renounced their citizenship and returned to Japan. Only after 40 years did the U.S. Government announce that U.S. military had no evidence that Japanese were a threat to national security.
(Hing 2004:220-221)

War Brides Act

The **War Brides Act** allowed for foreign-born wives of U.S. citizens who served in the US armed forces to enter the United States.
(Weissbrodt 1998:13-14)

1948 The Displaced Persons Act

The **Displaced Persons Act** admitted 202,000 refugees after World War II over two years and added refugee entrance to quotas of national origin. The United States law defined displaced persons as those who entered Germany, Austria, or Italy on, or before Dec. 22, 1945. The act was a change from the original bill that admitted 400,000 refugees without quota restrictions. Also the Law required 30% of admitted refugees to consist of agricultural workers and the remaining to fill professional or high skill jobs. This formed a shift in American approach to refugees, by selecting refugees based on economic promise rather than the fact that they are displaced and stateless individuals. The Displaced Persons Act predominately discriminated against Jews and Catholics.
(Ngai 2004:236)

1950 The Internal Security Act

Despite that President Truman vetoed the bill; the **Internal Security Act** was passed by Congress. It prohibited immigration of any foreigner involved in Communist activities which might be a threat to public interest, welfare, or the safety of the United States. The Law established provisions that allowed for expulsion, deportation, and denaturalization of Communists in the United States.
(Ngai 2004:237; Weissbrodt 1998:14)

1951 United Nations Refugee Convention

The **United Nations Refugee Convention** was formed for the protection of employment and welfare of refugees. This law was then amended in 1967 to all who became refugees after 1951. The Convention required hosting nations to provide refugees with identity documentation for the usage at the admission and for travel outside of the country.
(Weissbrodt 1998:300-308)

1952 Immigration and Nationality Act

The **Immigration and Nationality Act of 1952**, also known as the McCarran-Walter Act, was vetoed by President Truman but was passed into law by Congress. The McCarran-Walter Act reaffirmed racial restriction of immigrants based on national-origin quota system of 1924, but also established a new way of immigrant selection based on education level, professional skills, and family ties in the U.S. The act did not include spouses and children of U.S. citizens, people born in the Western Hemisphere, and refugees.

Congress established a quota of 155,000 immigrants per year. Racial quotas were established for Blacks from Caribbean Islands, British colonies, and the “Asiatic-Pacific Triangle,” which confined Asians to Asiatic-Pacific quotas disregarding

their residence in the world. However, the McCarran-Walter Act terminated the exclusion of Japanese, Koreans, Chinese, Indians, and Filipino from U.S. citizenship.

The McCarran-Walter Act introduced a new component to immigrant selection, which depended on economic productivity and the assumptions of immigrant assimilation. Congress stated that half of the admission from the country of origin would be reserved for persons with specialized skills, which were in short supply in the U.S.

Regular EB-5 Investment Program

The **Regular EB-5 Investment Program** under the Immigration and Nationality Act issued 10,000 green cards each year to foreign investors in new business that hired U.S. workers. To qualify, the individual had to invest one million dollars. For areas of high unemployment or rural areas, five hundred thousand dollars in investment was enough to qualify for the green card.
(Magill 2004: 1383)

Bureau of Indian Affairs (BIA) Relocation program

The **BIA** program relocated individuals who were not historically residents of the Indian territories, but identified themselves as Native American. This program increased the Native American population in urban areas such as Chicago, Cleveland, Dallas, Los Angeles, Seattle, and San Francisco. Typically the urban migration of Native Americans took two patterns of relative location: the Indians migrated to cities for economic opportunities but stayed close to reservations, and the BIA relocation program caused chain migration, which then increased Native American population in cities.

(Sandefur 1986:55,56-58; Shumway 1995:193-195)

1953 Refugee Relief Act

Under the **Refugee Relief Act**, refugee status was granted to non-European migrants displaced by war. In total 200,000 refugees were admitted, with discriminating those needing asylum the most. It included 38,000 Hungarians and 2,800 Chinese Revolution fighters. Following the asylum status after a year of residents in the U.S. refugees may apply for permanent resident status.
(Weissbrodt 1998)

1954 Operation Wetback

Operation Wetback was a forced deportation of undocumented Mexican workers and resulted in 3.8 million deported immigrants. Many Americans, who were born

citizens, were unjustly deported without a trial, as well as those of other Hispanic nationalities.

(Johnson 2007: 20, 126-129)

1964 Civil Rights Act

The **Civil Rights Act** prohibited discrimination in public facilities and employment for African Americans.

(Johnson 2007: 1221-122)

1965 Immigration and Nationality Act

The **Immigration and Nationality Act of 1965**, also known as the Hart-Celler Act, ended the quota system of the Immigration Act of 1924, dramatically changing the face of American immigration. The number of admissions was raised to 290,000 per year, and out of that total 170,000 admissions were reserved for the Eastern Hemisphere (Europe, Asia, and Africa). The Western Hemisphere, which had not been included in the McCarran-Walter Act of 1952, was now prescribed a limit of 120,000 immigrants per year without specification of quotas and preferences. Rates of immigration and migrant labor from Latin America and the Caribbean increased significantly. This Act also significantly contributed to increased rates of undocumented Mexican migrants, as long-established flows were now restricted for the first time ever. The Hart-Celler Act admitted immediate family of U.S. citizens as non-quota immigrants, which increased the population of Asian and Asian American populations in the U.S. Asians came to outnumber European immigrants between 1968 and 1980. From the Eastern Hemisphere, Filipinos constituted the largest population of immigrants to the U.S. Between 1960s and 1970s, Asian physicians constituted two-thirds of all admitted physicians, but for the next decade much more were admitted on the basis of family ties.

(Fong 1971: 406; Ngai 2004:258-262; Schuck 1984:13)

Voting Rights Act

The **Voting Rights Act** banned any voting discrimination against U.S. citizen. This act considered literacy tests in many southern states to be a form of discrimination.

1974 The Indian Financing Act

The **Indian Financing Act** guaranteed Loan Guaranty, Insurance, and Interest Subsidy programs from the Bureau of Indian Affairs (BIA). Congress envisioned two ways of encouraging commercial lenders to loan funds to Indian businesses that might otherwise be denied financing.

(1974. Pub. L. 93, 262 Stat.)

1975 IndoChina Migration and Refugee Assistance Act

The **IndoChina Migration and Refugee Assistance Act** created provision for admission of refugee migration from Southeast Asia to the United States after a long period of exclusion.
(1975. Pub. L. 89, 87 Stat.)

1980 Refugee Act

The new **Refugee Act of 1980** intended to unite the U.S. law with United Nations Protocol Relating to the Status of Refugees—in 1968 the U.S. accession to the UN State Parties conforming to the protocols of the refugee status. The refugee or asylum status was defined by fear of persecution in one's country of origin due to race, religion, nationality, association based on activism or opinion with a particular social groups or political views. No longer did the U.S. law give special privileges to refugees fleeing communist countries or from the Middle East, but Congress decided on territories from which admitted refugee application. Generally it included countries in Africa, East Asia, Europe, Latin America and the Caribbean, near East, and Southeast Asia, but also refugees from Vietnam, Cuba, and former Soviet Union were given consideration during times of war. The Law created a division between immigrants and refugees, and united the application process for related status of refugees and asylees. The difference is that refugees must apply abroad for refugee status, and asylees enter the U.S. as non-immigrant and apply for asylum of eligible. The refugee reform created a quota system on how many refugees and asylees yearly were allowed residents in the U.S. Although asylum status did not have quotas applicants were admitted to the U.S. based on accounts deemed credible by the interviewing officer.
(1980. Pub. L. 94, 102 Stat.; Hing 2004: 238-9; Weissbrodt 1998:19-20, 280).

1986 Immigration Reform and Control Act of 1986 (IRCA)

On November 6th, under President Reagan, the **Immigration Reform and Control Act of 1986** was signed into law. This act granted amnesty to about 3 million undocumented immigrants and created penalties for employers hiring illegal aliens. The legislative package was an addition to the Immigration and Nationality Act and was meant to address employer sanctions, deal with border security, and legalization of immigrants.
(1986 Pub. L. 100, 3359 Stat.; Weissbrodt 1998: 21-25)

1988 The Redress Act

During World War II, about 120,000 Japanese Americans and permanent resident aliens of Japanese ancestry were interned, relocated, or evacuated from their homes in the United States because of their race. Fifty years later the United States apologized for damage to the Japanese population for the injustice. The **Redress Act** provided compensation of \$20,000 to Japanese and Japanese Americans who were forcefully placed in internment camps during World War II.

(Dundes 1995: 618)

1990 The Immigration Act of 1990

The **Immigration Act of 1990** was enacted on Nov. 29, 1990. The Act increased quotas for immigration up to 700,000 immigrants annually. Congress also removed homosexuality as a reason for exclusion of admittance to the U.S., thus giving asylum to refugees fleeing persecution because of sexual orientation. The U.S. Government also prohibited exclusion of aliens on basis of past affiliations with a totalitarian group, distinct beliefs, and associations otherwise legal in the U.S.

The new immigration law followed a number of criminal restrictions. The U.S. Government forbid admission to those involved with terrorist organizations, participants of the Nazi persecution or genocide, and those whose actions violated U.S. foreign policy. The U.S. excluded immigrants, who aimed to “espionage or sabotage,” engage in unlawful activity, and to take on any activity involving force, violence, or any other means unlawful in the U.S. The act terminated the deportation of members of totalitarian parties, but prohibited anarchists, supporters of expansion of communism, members of Communist Party, and those wanting to overthrow the U.S. Government to exercise right to naturalization, such provisions were retained from the McCarran-Walter Act of 1952. (Johnson 2004:72-73; Weissbrodt 1998:32-44).

“Diverse” Immigrant Program

Part of the Immigration Act of 1990 was a two year lottery program under the title of **“Diverse” Immigrant Program**, which randomly selected visas to immigrants of diverse nations. The program disproportionately issued lottery visas to Europeans, than to Africans and Asians together. The U.S. unequally issued visas, despite that African and Asian countries needed American assistance more. (Johnson 2004:22-23)

Americans with Disabilities Act (ADA)

The **ADA** was a civil rights act for people with disabilities, guaranteeing the right to employment and access to travel and communication. Because Federal policy encouraged tribal sovereignty and had moved toward helping tribes become autonomous, tribal governments were excluded from complying with much federal legislation, including the ADA. (Percy 1993: 87)

1993 North American Free Trade Agreement (NAFTA)

NAFTA, the trade agreement between United States, Canada, and Mexico, was signed on December 8th and took effect on Jan. 1, 1994. The trade agreement was suppose to help in Mexico’s development, but instead was counter productive.

Under NAFTA, the Mexican Government attempted to create an attractive market for foreign investors. As a result, the domestic market had low activity and thousands of Mexican workers did not have a place in the formal labor pool. Due to NAFTA deteriorating economic conditions in Mexico can be understood as a reason for increasing illegal Mexican immigration to the United States.

Maquiladoras are Mexican factories that directly work with U.S. businesses, and were the result of NAFTA. The *Maquiladoras* are a visible impact of NAFTA, giving opportunities of wage labor, but at the same time ignoring employees' rights. (1993. Pub. L. 107, 2057 Stat.)

Blockade Strategy

The **Blockade Strategy** was the U.S. Government's attempt to create an obstacle for Mexican immigrants by creating a wall along the desert. By 2003 this strategy had led to the death of nearly 3,000 people attempting to illegally cross the border to the United States. (Johnson 2007: 123)

EB-5 Pilot Program

The **EB-5 Pilot Program** was created to encourage foreign investment in U.S. economy. This program under a private corporation issued three thousand green cards per year to the defined geographic regions and individual investors. The regional Center Investment Program confirmed that the individuals qualified for the program. The requirement was similar to the previous Eb-5 program, which required investment of at least one million dollars, or five hundred thousand if in areas of high unemployment or rural regions. (Magill 2004)

1994 Proposition 187

California voters passed **Proposition 187** which prohibited undocumented immigrants from having access to public education, welfare, and health care. However, in November 1997 the Proposition was found unconstitutional and repealed. (Johnson 2007: 150-153)

1996 Illegal Immigration Reform and Immigration Responsibility Act

The **Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA)** was signed into law under President Clinton. It provided additional obstacles for refugee migrants and established income minimum for sponsoring of legal immigrants. The following laws were part of the Illegal Immigration Reform and Immigration Responsibility Act: The Personal Responsibility and Work Opportunity

Act, Illegal Immigration Reform and Immigration Act (IIRIA), and Antiterrorism and Effective Death Penalty Act.

The **Personal Responsibility and Work Opportunity Act** was passed by Congress and established citizenship as a condition for public benefits. The Law is commonly known as the Welfare Reform, which intended to eliminate immigrants from abusing Government assistance programs. The reform targeted illegal immigrants, but the Law also denied access to public assistance to legal immigrants, who were paying taxes like any other American. The Government claimed that immigrants were taking advantage of American wealth instead of working; it only perpetuated American dislike of the immigrants. In reality the only non-citizen group that used welfare in significant numbers was the refugees, who by law could not legally work in the U.S. during the application process. (1996. Pub. L. 110, 2105 Stat.; Johnson 2004:103-106, Weissbrodt 1998:437-440)

The **Illegal Immigration Reform and Immigration Act (IIRIA)** limited or eliminated immigrant access to social welfare programs, both documented and undocumented. With this act the term “admission” was redefined. It served as transmission of authorized immigrants after being inspected by an officer prior to physically traveling to the United States. The “unlawfully presence” term was also redefined, which referred to those illegally crossing the border and those that remained in the United States past their period of admittance. The “unlawful presents” could not extend beyond 120 days to be eligible for filing an application for an extension of temporary legal status. This law went into effect April 1, 1997. (1996. Pub. L. 110, 3009 Stat.)

The **Antiterrorism and Effective Death Penalty Act** served as a protection of National Security due to the Oklahoma City bombing. This act redefined who is considered a “United States person.” The Law stated that any citizen, permanent resident, or anyone residing in United States, who violated the Law in context of terrorist activity will be persecuted under this act. (1996. Pub. L. 110, 1214 Stat.; Weissbrodt 1998:44-47, 177,182)

Citizenship USA

After his reelection in 1996, President Clinton made naturalization a national priority. The **Citizenship USA Act** encouraged the naturalization process, which resulted in one million naturalized citizens in one year. In the 1990’s the U.S. Immigration and Naturalization Service held oath ceremonies in courts with thousands of legal residents ready to be naturalized. (Johnson 2007:191-193)

Refugee Act of 1996

The new procedures of the **Refugee Act** allowed an applicant to appeal the decision if the asylum status was denied.

(Weissbrodt 1998:282-283)

1998 American Competitiveness and Workforce Improvement Act

The **American Competitiveness and Workforce Improvement Act** allowed for an increased number of skilled temporary workers, who received legal status through their American employer.

2001 USA PATRIOT Act

The **Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act**, better known as the **PATRIOT Act**, was enacted in the wake of the Sep. 11, 2001 Al Qaeda attack on the World Trade Center and the Pentagon. The goals of the USA PATRIOT Act were the following: to strengthen U.S. procedures to prevent, detect and prosecute international money filtering and financing of terrorism; to especially examine foreign authority, foreign financial institutions, and international transactions or accounts that are susceptible to criminal abuse; to require all appropriate elements of the financial services industry to report potential money laundering; and to strengthen measures to prevent use of the U.S. financial system for personal gain by corrupt foreign officials and facilitate repatriation of stolen assets to the citizens of countries to whom such assets belong. (Adler 2006:48)

DREAM Act

The **DREAM Act** was first introduced in 2001 during the 107th Congress. The Development, Relief, and Education for Alien Minors (DREAM) Act addresses the situation faced by young people who were brought to the United States as undocumented immigrant children and who have since grown up in United States without a direct connection to their country of origin. These students face barriers to higher education, are unable to work legally in the United States, and often live in constant fear of detection by immigration authorities. However, this act remains to be enacted.

(Sproule 2002:65; Morales 2009:1177)

2002 Enhanced Border Security and Visa Entry Reform Act

Congress passed the **Enhanced Border Security and Visa Entry Reform Act** to monitor admitted aliens and student visas. Since the Al Qaeda attack Sep, 11, 2001, the U.S. Government may detain non-citizen terrorist suspects for up to a week without filed charges. This government decision violated the rights of all people within the U.S. borders.

(Johnson 2004:83).

2004 Intelligence Reform and Terrorism Prevention Act of 2004

President George W. Bush signed the Act on December 17th in effort to strengthen border control and identity cards standards.
(CSR Report for Congress 2004)

REAL ID Act

The **REAL ID Act** legitimized State Driver's License as a valid Identification card accepted for "federal purposes," such as accessing planes, trains, national parks, and court houses.
(Johnson 2007: 5, 164)

2005 Secure America and Orderly Immigration Act

The **Secure America and Orderly Immigration Act** bill was first introduced on May 13, 2005, by Senator John McCain and Senator Edward Kennedy. This bill remains to be enacted, but if passed would allow United States to hire temporary foreign workers. In part this bill would provide amnesty for the undocumented, since they would be permitted to stay after paying a \$1500 fee.
(National Immigration Law Center 2005)

2006 Secure Fence Act of 2006

The **Secure Fence Act** was an aim to erect a fence across the Southern borders of California, New Mexico, and Texas in effort to stop illegal migration from Mexico.
(White House Pres. George W. Bush 2006)

2007 Immigration Reform

During his Presidential campaign, Senator Barack Obama spoke of **Immigration Reform** in context of "earned" citizenship for the undocumented. Supporters of the reform hold that undocumented aliens will be given a path to citizenship by admitting to breaking the law, paying a fine, paying back taxes, passing a background check, and learning English.

The Coalition for Comprehensive Immigration Reform (CCR) states that once the immigrant applies, the requirement would be to work in the United States for six years, being "productive" and "hard" working. The side of the Conservatives state that citizenship is not quantifiable with actions, but an emotional state. They call for stronger family values and work ethics, which will strengthen American culture.
(Dorsey 2007:90)

2009 EB-5 Regional Center Program and Basic Pilot Program

The bill regarding **EB-5 Regional Center Program and Basic Pilot Program** was signed on March 09, 2009. The Senate passed the bill that included provisions, which extended two immigration related programs: the EB-5 Regional Center

program and Basic Pilot program through September 30, 2009. The bill now waits for the President's approval.

(Association to Invest in the U.S. 2007)

References

Books and Articles

Abrams, Kerry

2005 Polygamy, prostitution, and the federalization of immigration law. *Columbia Law Review* 105(3):641-716.

Adler, Rachel H.

2006 New Jersey neighborhood status, class, and ethnicity in a post-Patriot act. *American Behavioral Scientist* 50:48.

Association to Invest in the U.S.

2007 The EB-5 regional center investment program.
http://iiusa.org/index.php?/pages/the_eb_5_regional_center_investment_program

Calavita, Kathy

2000 The paradoxes of race, class, identity, and "passing": enforcing the Chinese Exclusion Acts, 1882-1910. *Law and Social Inquiry* 25(1):1-40.

Cherokee Observer

2005 Treaty of New Echota. *Cherokee Observer*.

CSR Report for Congress

2004 Intelligence Reform and Terrorism Prevention Act of 2004: National Standards for Drivers' Licenses, Social Security Cards, and Birth Certificate.
<http://www.fas.org/irp/crs/RL32722.pdf>

Dorsey, Margaret E., and Miguel Díaz-Barriga

2007 Senator Barack Obama and immigration reform. *Journal of Black Studies* 38:90.

Dundes Renteln, Alison

1995 A psychological analysis of the Japanese American internment. *Human Rights Quarterly* 17(4):618-648.

- Eckerson, Helen F.
 1966 Immigration and national origins. *Annals of the American Academy of Political and Social Science* 367: 4-14.
- Fong, Hiram L.
 1971 Immigration and naturalization laws: today's need for naturalization law reform. *International Migration Review* 5(4):406-418.
- Fuchs, Lawrence H.
 1993 Agenda for tomorrow: immigration policy and ethnic policies. *The Annals of the American Academy of Political and Social Science*.
- Gilmore, N. Ray
 1963 The Bracero in California. *The Pacific Historical Review* 32(3): 265-282.
- Glenn, Evelyn Nakano
 2001 *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor*. Cambridge, Mass.: Harvard University Press.
- Graham, Howard J.
 1954 Our 'declaratory' Fourteenth Amendment. *Stanford Law Review* 7(1):3-39.
- Grose, B. Donald
 1985 Edwin Forrest, "metamora," and the Indian Removal Act of 1830. *Theatre Journal* 37(2):181-191.
- Hing, Bill Ong
Defining America Through Immigration Policy. Philadelphia: Temple University Press.
- Hodder, F.H.
 1936 The authorship of the Compromise of 1850. *The Mississippi Valley Historical Review* 22(4):525-536.
- Inui, Kiyo Sue
 1925 Gentlemen's Agreement: how it has functioned. *Annals of the American Academy of Political and Social Science* 122:188-198.
- Johannsen, Robert W.
 1953 The Kansas-Nebraska Act and the Pacific Northwest Frontier. *The Pacific Historical Review* 22(2): 129-141.
- Johnson, Allen
 1921 The constitutionality of the Fugitive Slave acts. *The Yale Law Journal* 31(2):161-182.
- Johnson, Kevin R.

- 2004 *The “Huddled Masses Myth:” Immigration and Civil Rights*. Philadelphia: Temple University Press.
- 2008 *Opening the Floodgates: Why America Needs to Rethink Its Borders and Immigration Law*. New York: New York University Press.
- Kanstroom, Daniel
- 2007 *Deportation Nation: Outsiders in American History*. Cambridge, Mass: Harvard University Press.
- Lynd, Staughton
- 1966 The compromise of 1787. *Political Science Quarterly* 81(2):225-250.
- Magill, M. Elizabeth
- 2004 Agency choice of policymaking form. *The University of Chicago Law Review*, 71(4): 1383-1447.
- Magliocca, Gerard N.
- 2002 The Cherokee Removal and the Fourteenth Amendment. *Duke Law Journal* 53(3):875-965.
- Mettler, Suzanne
- 2002 Bringing the state back in to civic engagement: policy feedback effects of the G.I. Bill for World War II veterans. *The American Political Science Review* 96(2): 351-365.
- Morales, Amanda, Socorro Herrera, and Kevin Murry
- 2009 Navigating the waves of social and political capriciousness: inspiring perspectives from DREAM-eligible immigrant students. *Journal of Hispanic Higher Education* 20(10):1177.
- Moore, Wilber E.
- 1941 Slave law and the social structure. *The Journal of Negro History* 26(2):171-202.
- National Immigration Law Center
- 2005 An analysis of the Secure America and Orderly Immigration Act of 2005. http://www.nilc.org/immlawpolicy/CIR/SAOIA_analysis_070805.pdf
- Ngai, Mae M.
- 1999 The architecture of race in American immigration law: a reexamination of the Immigration Act of 1924. *The Journal of American History* 86(1):67-92.
- 2004 *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press.

- Omohundro Institute of Early American History and Culture
 1901 Missouri Compromise. *The William and Mary Quarterly* 10 (1): 5-24.
- Plante, Charles, and Ray H. Mattison
 1962 The "First" Homestead. *Agricultural History* 36(4): 183-193.
- Percy, Stephen
 1993 ADA, Disability Rights, and Evolving Regulatory Federalism. *Publius* 23 (4): 87-105.
- Reeves, Jesse S.
 1905 Treaty of Guadalupe-Hidalgo. *The American Historical Review* 10(2):309-324.
- Russel, Robert R.
 1956 What Was the Compromise of 1850. *The Journal of Southern History* 22 (3):292-309.
- Sandefur, Gary D.
 1986 American Indian migration and economic opportunities. *International Migration Review* 20(1): 55-68.
- Sanderson, John P.
 1856 *Republican Landmarks: the Views and Opinions of American Statesmen on Foreign Immigration: Being a Collection of Statistics of Population, Pauperism, Crime etc.* Philadelphia: J.B. Lippincottand Co. <http://nrs.harvard.edu/urn-3:HUL.FIG:002416416>
- Schuck, Peter H.
 1984 The transformation of Immigration Law. *Columbia Law Review* 84(1):1-90.
- Shumway, Matthew J., and Richard H. Jackson
 1995 Native American Population Patterns. *Geographical Review* 85(2):185-201.
- Sproule, Clare M.
 2002 The effect of the USA Patriot act on workplace privacy. *Cornell Hotel and Restaurant Administration Quarterly* 43:65.
- Troesken, Werner
 2003 The limits of Jim Crow: race and the provision of water and sewerage services in American cities, 1880-1925. *The Journal of Economic History* 62 (3): 734-772.
- Tyner, James A,
 1999 The Geopolitics of eugenics and the exclusion of Philippine immigrants

from the United States. *Geographical Review* 89(1):54-73.

Virginia Law Review

1917 The Scope of the White Slave Traffic Act. *Virginia Law Review* 4(8): 653-660.

1940 Aliens. Disability. Validity of State Alien Registration Act. *Virginia Law Review* 26(6): 815-816.

Wallace, M.G.

1920 Constitutionality of Sedition Laws. *Virginia Law Review* 6(6):385-399.

Weissbrodt, David

1998 *Immigration Law and Procedure*. St. Paul: West Group.

White House- Pres. George W. Bush

2006 Fact Sheet: The Secure Fence Act of 2006. <http://georgewbush-whitehouse.archives.gov/news/releases/2006/10/20061026-1.html>

U.S. Statutes at Large

1790. Pub. L. 1, 103 Stat

1795. Pub. L. 1, 414 Stat.

1798. Pub. L. 1, 566 Stat.

1798. Pub. L. 1, 570 Stat.

1798. Pub. L. 1, 577 Stat.

1802. Pub. L. 2, 153 Stat.

1819. Pub. L. 3, 488 Stat.

1824. Pub. L. 4, 36 Stat.

1847. Pub. L. 9, 127 Stat.

1855. Pub. L. 10, 715 Stat.

1862. Pub. L. 12, 340 Stat

1864. Pub. L. 13, 385 Stat.

1870. Pub. L. 16, 254 Stat.

1875. Pub. L. 16, 254 Stat

1882. Pub. L. 22, 58 Stat

1882. Pub. L. 22, 214 Stat.

1885. Pub. L.23. 332 Stat.

1887, Pub. L.388, 24 Stat.

1887. Pub. L. 24, 414 Stat.

1888. Pub. L. 25, 566 Stat

1891. Pub. L. 26, 1084 Stat.

1893. Pub. L. 27. 570 Stat.

1922, Pub. L. 42, 411 Stat.

1974. Pub. L. 93, 262 Stat.
1975. Pub. L. 89, 87 Stat.
1980. Pub. L. 94, 102 Stat
1986 Pub. L. 100, 3359 Stat.
1993. Pub. L. 107, 2057 Stat.
1996. Pub. L. 110, 1214 Stat.
1996. Pub. L. 110, 2105 Stat.
1996. Pub. L. 110, 3009 Stat.

Constitutional Legislation and Treaty

U. S. Constitution

1789. Art. I, § 2, cl.3.

Treaty with Chicago

1884. Art. III

Virginia Slave Code

1662. 14th Charles II. Act XII §2 cl.170 (1662).

1705. 4th Anne, Chap XXXIII §3 cl.333 (1705).