

# A Brief History of Immigration Policy in the United States<sup>1</sup>

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## Introduction

The modern economic history of the US can be divided into four cycles. All cycles begun with a dominant presidency and finished by a fallen one and each of them had a well-developed economic movement and a special effect in immigration. The first era was characterized by the founders and pioneers determining migration since 1776. All belonged to one ethnic group: they were English and Scotch but behind those leaders a mass group of uneducated, poor Scotch and Irish workers made role.<sup>2</sup> The growing tensions mostly in economy led to the presidency of Andrew Jackson and later to the last figure of the founder generation the decayed John Quincy Adams. During Jackson's period pioneer farmers became most successful settling down in the middle parts of the country. Their political influence was strengthened gradually partly because of their growing demographical weight. They were moving to the frontiers of the west. The period ended by the Civil War but farmers accumulated capital far enough by employing cheap immigrating labor force. Their sons were not in such fortunate situation even because of the growing supply in labor market by immigrants. Third period can be characterized by the growing cities and the millions of immigrants working in mines and factories. Most of them were Irish but still more Italian and Eastern-European. Along the white, protestant ruling class and the black a new, catholic and Jewish strata appeared in the US and were accepted often with mistrust in small towns. Cheap labor force

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<sup>2</sup> R. CHEPESIUK, *The Scotch-Irish: From the North of Ireland to the Making of America*, London 2005.

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inflow was ended by the Great Depression and the next era of the growing suburbs started only after the Second World War.<sup>3</sup> Accumulated wealth of the emerging baby-boom middle classes created the basis for a better and prospering life but at least two different problem was following this social process: first the services dysfunction after the growing population retirement and second the growing social gab after post industrialization.

### **First Cycle**

After independence was proclaimed in 1776 constitution came into effect in 1789 and just one year later the first immigration law came into existence: the Naturalization Act of 1790. This law stated and uniformed regulation of naturalization and prescribe a two years residence time for a free, white person with good moral character to naturalize.<sup>4</sup> After eight years President John Adams got right through the Naturalization Act of 1798 to deport foreigners deemed to be dangerous. Political reasons led to increase residency for fourteen years as long Republican voter immigrants didn't become citizens. Jefferson administration revised this act and reduced the residency to five years in 1802. In the following decades immigration became more important question despite only small changes occurred in effective regulations. In 1808 slave import was banned formally without much effect and in 1819 shipmasters were required to enumerate about transported aliens. In the same year the Secretary of State was required to report to Congress the number of immigrants admitted but nothing else happened until the Civil War. During these decades immigration increased rapidly.

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<sup>3</sup> G. FRIEDMAN, *The Next 100 Years: A Forecast for the 21st Century*, New York 2010, pp. 120–136.

<sup>4</sup> M. LEMAY – R. B. ELLIOT (Eds.), *US Immigration and Naturalization Laws and Issues: A Documentary History*, Westport, Conn., 1999.

## The number of immigrants in the US between 1820–1870

Decades	1821–1830	1831–1840	1841–1850	1851–1860	1861–1870
Immigrants	143,439	599,125	1,713,251	2,598,214	2,314,825

Source: U.S. Immigration and Naturalization Service, 1997. Table 1.

Immigrants came mostly from Europe that time and had several reasons to do so. Push factors were crop failures in Germany, Irish Potato Famine between 1845–1851 and largely the whole rapid industrialization and the consequence: social turbulence and political unrest in the middle of the century. The Mexican War ended in 1848 with a treaty and extended citizenship with about 80,000 Mexicans living in the southwest mostly in Texas and California the same year when gold was discovered there. Thus gold rush contributed to immigration mainly from China and to a severe internal migration also. The dramatic increase led to enlarge census questions with the place of birth in 1851.

Society changed rapidly by the growing number of immigrants in every era. The middle of the 19<sup>th</sup> century was characterized by catholic Irish immigrants thus fear of their dominance and a possible influence of the pope appeared. The short living Know Nothing Party is an example for anti-Catholicism. The party was mostly composed of protestant, male, middle-class members and were active in the mid-fifties but didn't exclude other non-Catholic leaders like the first generation American Jewish politician Lewis Charles Levin, former congressman.<sup>5</sup> The first Immigration Center known as Castle Garden opened at the southern peak of Manhattan, New York in 1855 and was the only until 1890.

<sup>5</sup> S. WILLENTZ, *The Rise of American Democracy*, New York 2005, pp. 681–682.

## **Second Cycle**

With Civil War general changes occurred both in the whole social structure and in immigration tendencies. This period until the First World War can be characterized mostly by the Homestead acts, the very first in 1862. These acts gave an applicant ownership of lands in the Middle West without any cost. Unutilized federal lands up to 160 acres were given as grants to immigrants eminently from the overpopulated European countries and helped the northern agriculture by individual farmers as opposed the southern slave-owners as well. The first of the six acts in this era was signed by Abraham Lincoln excluded only those took up arms against the US or were below 21 and had no residency without limitation but the second in 1866 extended to release social inequality and let poor tenant farmers in the south to own lands also. Passed lands size increased to 640 acres until 1916.<sup>6</sup> But this era was not a time of integration; the series of modern exclusion acts begun in 1862 also. The first in the raw, the Anti-Coolie Act were passed by the California Legislature to soothe growing pressure in labor market and anger among whites because the gaining upon Chinese labor force. Protecting white laborers during the gold rush from cheaper Chinese work a special monthly tax were instituted on Chinese immigrants seeking for business in California.<sup>7</sup> Economic development produced growing supply of labor force in the constructions of the railroads. The first transcontinental railroad from San Francisco to Omaha was built by the Central Pacific which hired Chinese laborers and the Union Pacific which hired Irish laborers. The two lines met at Promontory Summit, Utah in 1869 but different other great investments took up oversupply in labor force occasionally. Asian immigrants' status weren't solved by the Naturalization Act of 1870 in which African Americans included to citizenship. 1870 was a turning point in equality as long as the fifteenth amendment ratified voting rights to everybody irrespectively of color, race and previous condition of

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<sup>6</sup> J. M. McPHERSON, *Battle Cry of Freedom: The Civil War Era*, London 1998, pp. 193–195.

<sup>7</sup> T. E. BOSWELL, *A Split Labor Market Analysis of Discrimination against Chinese Immigrants, 1850-1882*, in: *American Sociological Review*, Vol. 51, No. 3, 1986. pp. 52–71.

servitude. After the 1865 amendment abolished slavery and provided equal protection under the law and the fourteenth in 1868 included the privileges and immunities, due process, and equal protection clauses the fifteenth finished reconstruction and gave theoretical equality right until the Civil Rights Law of 1964. The Burlingame-Seward Treaty of 1868 between China and the US beside many friendly statements granted the privilege of naturalization thus Chinese immigration to the States was encouraged.<sup>8</sup> As a result of the increasing inflows this treaty was suspended in 1880 and the greatest exclusion act came into force in 1882. The act prohibited Chinese immigration to the country and was renewed in 1892 and made permanent in 1902 till the Magnus Act repealed it in 1943.

Changes in Russia brought changes in immigration history of the United States. In 1882 Tsar Alexander the Third's May Laws came into existence and remained in existence for three decades. Jews had to settle in ghettos and in admitted agricultural villages only and were restricted in business and many other fields of life. As a consequence of this and the regular pogroms a mass emigration begun from Russia. First settlers led by Israel Belkind arrived to Palestine but most of the emigrants shipped overseas. Approximately two million Jews arrived to the US until 1920.

The number of immigrants in the US between 1871–1920

Decades	1871–1880	1881–1890	1891–1900	1901–1910	1911–1920
Immigrants	2,812,191	5,246,613	3,687,564	8,795,386	5,735,811

Source: U.S. Immigration and Naturalization Service, 1997. Table 1.

<sup>8</sup> J. SCHRECKER, *For the Equality of Men - for the Equality of Nations: Anson Burlingame and China's First Embassy to the United States, 1868*, in: *Journal of American-East Asian Relations*, Vol. 17, No. 1, 2010, pp. 9–34.

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In the same year of the Chinese Exclusion Act and the May Laws in Russia a new Immigration Act came into force in the US levying a 50-cent tax on all immigrants for the state expenses of regulating and care of immigrants after landing at ports. New categories were created for immigrants ineligible for citizenship like convicts, lunatics, idiots and persons likely to become public charges. Even at the beginning of the era in 1864 a contract labor law came into existence to support companies to provide passage to their workers in exchange for labor. Despite this law was soon repealed its effect didn't pass traceless. Immigration from Eastern and Southern Europe increased dramatically and in 1885 a new Alien Contract Labor Law was created. The act prohibited the importation and immigration of foreign labor force under contract or agreement except to perform domestic service and skilled workmen needed by newly established firms and industries.<sup>9</sup> Permanently high migration inflows resulted a kind of melting pots in big cities. Mostly European lived side by side and social reactions appeared and institutionalized immediately. Hull House was founded in 1889 by Jane Addams and Ellen Gates Starr in Chicago, Near West Side in the middle of a place with ten thousand Italian settlers and Irish, German, Jew, Greek immigrants living close to the area. By 1911 the complex had grown to thirteen buildings helping immigrants in studies, research and arts, lectures, clubs for free.<sup>10</sup>

An act of Congress approved in 1891 that aliens should be excluded from admission to the United States in accordance with the existing acts as follows: all idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from a loathsome or dangerous contagious disease. Office of the Superintendent of Immigration within the Treasury Department was also established to regulate admissions.<sup>11</sup> Ellis Island – the

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<sup>9</sup> M. C. LEMAY, *Guarding the Gates: Immigration and National Security*. Westport, Conn. 2006, p. 67.

<sup>10</sup> B. G. POLIKOFF, *With One Bold Act: The Story of Jane Addams*, New York 1999.

<sup>11</sup> Book of Instructions for the Medical Inspection of Immigrants. Treasury Department. Bureau of Public Health and Marine-Hospital Service, 1903, p. 1.

only accessing point for overseas immigrants – were a harsh treatment, poor housing building on the southern-most tip of Manhattan until 1888. Federal Government inspection started and led to establish a new Immigration Station in 1890 on the island. The first wooden house opened two years later and worked for five more years until it burnt totally. In the following years new islands were filled: No. 2 in 1898 and third in 1905. A new Hospital was built, artesian wells were dug and a second station were opened in 1900. The peak year at Ellis Island was 1907, with 1,004,756 immigrants processed, just on the 17<sup>th</sup> of April 11,747 immigrants arrived.<sup>12</sup>

### **Changes among Migrants**

The first decade in the 20<sup>th</sup> century was the peak of immigration in US history until the 1990's with an 8,795,386 immigrants. Eastern and Southern Europeans dominated, Little Sicily and Jewish Quarter has grown out in big cities. This is quiet natural that even language assimilation couldn't occur at once and anomalies happened like anarchism and other political ideologies spread. Emma Goldman arrived from Lithuania in 1886 and for thirty years made an important leading role until her deportation to Russia for conspiring to obstruct the draft. In 1901 President William McKinley was shot by a Polish anarchist and as a consequence Exclusions were enlarged with prohibition of people judged to be anarchists or political extremities. During Theodore Roosevelt the 1790 Naturalization Act was revised and the new act in 1906 required immigrants to learn English and also established standardized naturalization forms, requiring the verification of arrival, names and the details of wife and children. A newly established Bureau of Immigration and Naturalization in the Commerce Department regulated overseas immigrants' policy.<sup>13</sup> By the new Expatriation Act in 1907 persons could lose their citizenship in case of

<sup>12</sup> J. T. CUNNINGHAM, *Ellis Island: Immigration's Shining Center*, New Hampshire, p. 145.

<sup>13</sup> W. J. OLSON – A. WOLL, *An Historical Examination of the English Literacy Requirement in the Naturalization of Aliens*, One Nation Policy Paper Series. One Nation Indivisible, Inc., Sterling 2002.

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naturalization in a foreign state or taking an oath of allegiance to a foreign state. Naturalized citizen residing for two years in one's foreign state of origin or five years in any other foreign state also lost their citizenship but the act provided that citizenship could only be lost in peacetime. American women who married foreigners also lost their citizenship but foreigner women who acquired citizenship by marriage kept it after its termination and even an American woman could keep her citizenship residing abroad by contacting a Consul there.<sup>14</sup> The act evoked the protestation of the suffrage movement and resulted to be repealed by the Cable Act in 1922.

After Meiji Restoration in 1868 Japanese immigration to the United States increased. Especially unskilled agriculture workers, peasants arrived to California. In 1906 in San Francisco California Board of Education passed a regulation that children of Japanese descent was required to attend racially separated schools. The increasing pressure within the society was not without consequences. The Gentleman's Agreement in 1907 was an informal agreement as a aftermath whereby the United States promised not to restrict Japanese immigration if Japan don't allow emigration and by giving not passports to unskilled Japanese although the US Government still permitted the immigration of businessmen, students and those of family unification. In exchange the Roosevelt Cabinet promised to crack down on discrimination and to accept present immigrants. Despite this agreement Japanese Government still issued passports to the Hawaii Islands from where people could travel to the US with few controls which led to the new generations of Exclusion Acts in this particular case to the 1924 Japanese Exclusion Act.<sup>15</sup> The same year of the Gentlemen's Agreement the Government established a new Immigration Commission under the leadership of Vermont Senator William Paul Dillingham. The Commission had concluded by 1911 that immigration from Southern and Eastern Europe

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<sup>14</sup> TSIANG, I-MIEN: *The question of expatriation in America prior to 1907*, Baltimore 1942, p. 114.

<sup>15</sup> R. DANIELS, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion*, Berkeley 1999.

reached such a high level which means a serious threat to American society and culture and should therefore be greatly reduced.

#### Foreign Born Population in the US by World Region

Regions population was born	1880	1890	1900	1910	1920
Northern-Europe (Great Britain, Ireland, Scandinavia)	3,212,431	4,056,160	3,917,815	3,953,947	3,501,149
Western-Europe (Austria, France, Germany, etc.)	2,287,458	3,232,757	3,286,834	3,352,378	2,740,767
Southern-Europe (Italy, Spain, Greece, etc.)	248,620	728,851	1,674,648	4,500,932	5,670,927
Eastern-Europe (Russia, Poland, Hungary, etc.)	182,371	512,464	1,134,680	2,956,783	3,731,327
Asia	107,630	113,383	120,248	191,484	237,950
Africa	2,204	2,207	2,538	3,992	16,126
Australia, Oceania	6,859	9,353	8,820	11,450	14,626
Latin-America	90,073	107,307	137,458	279,514	588,843
Northern-America (Canada)	717,286	980,938	1,179,922	1,209,717	1,138,174

Source: Gibson, 1999

Activity and pressure of the Commission particularly the 42-volume report published in 1911 resulted serious changes in migration and alien politics in the 1920's. Immigration restriction acts being provided by overall findings brought a turning point in immigration in the States. The Emergency Quota Act

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of 1921 favored immigration from Northern and Western Europe and restricted the annual number of immigrants from any given country to 3 percent of the total number of people from that country living in the United States in 1910. Finally the National Origins Formula of 1929 limited immigration at 150,000 annually and inhibited Asian immigration altogether.<sup>16</sup> Events accumulated against immigration and aliens. Fully valuable citizens were only of English origins Irish or any European followed them like Germans, French but Southern and Eastern European became almost enemies in that years let alone Asians. The California Alien Land Law of 1913 prohibited owning agricultural lands or even possessing long-term leases over it by those were ineligible for citizenship. Chinese, Indian, Japanese and Korean farmers lost their hopes and the situation led to an international conflict as long as the Japanese Minister of Foreign Affairs called the law essentially unfair and inconsistent. Immigrants came from mostly Southern and Eastern European countries really in the first two decades to the United States. Italians, Russians, Polish and Hungarian were most of them.

Immigration to the US of region and selected country of last residence

	1901–1910	1911–1920	1921–1930
Austria, Croatia, Czech, Hungary and Slovakia together	2,145,266	896,342	63,548
Czechoslovakia			102,194
Russia	1,597,306	921,201	61,742
Italy	2,045,877	1,109,524	455,315
China	20,605	21,278	29,907
Japan	129,797	83,837	33,462

Source: U.S. Immigration and Naturalization Service, 1997. Table 2.

The Immigration Act of 1917 – passed by the majority of the Senate overriding

<sup>16</sup> R. F. ZEIDEL, *Immigrants, Progressives, and Exclusion Politics: The Dillingham Commission, 1900–1927*, DeKalb 2004.

Wilson's veto – added disabilities to disclose persons of immigration. Homosexuals, criminals, epileptic, alcoholics, professional beggars, mentally or physically defective people and polygamists as well as anarchists were all included as non-desirable persons but perhaps the most notorious part was the disclosure of those above sixteen and illiterate.<sup>17</sup> Most controversial was the section: Asiatic Barred Zone which prohibited immigration from Asian and Pacific countries. Comparing the proportions above this is clear that despite all hostility against Eastern and Southern Europeans xenophobic sentiment oriented mostly toward Asians. This phenomenon appears clearly in the landmark case of *United States v. Bhaghat Singh Thind*. In 1923 the Supreme Court ruled that Indians cannot become US citizens. Today the whole situation seems to be grotesque arguing on if a Sikh Indian as an Aryan white or not especially regarding the consequences that previous citizenships were revoked and the followings that Thind received U.S. citizenship through the state of New York a few years later.<sup>18</sup>

Another great fear appeared that time in the United States the First Red Scare. After the Bolshevik Revolution anarchist bombings and labor movement connected in a general paranoia fueled by the American nationalism of the First World War. The 1920's political and public moral was characterized by exaggerated rhetoric combined with illegal search and arrest of unwarranted people. The deportation of several hundred suspected radicals and anarchists were common and in addition, the growing anti-immigration nativist movement among Americans suggested that growing immigration from Southern and Eastern Europe was a threat to the American society.

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<sup>17</sup> F. VAN NUYS, *Americanizing the West: Race, Immigrants, and Citizenship, 1890–1930*, Lawrence 2002.

<sup>18</sup> *Echoes of Freedom: South Asian Pioneers in California, 1899–1965*. University of California, Berkeley. <http://www.lib.berkeley.edu/SSEAL/echoes/chapter13/chapter13.html> (12. 9. 2013).

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#### **Third Cycle**

The Emergency Quota Act of 1921 was a turning point in immigration history as well as emigration history of many Eastern and Southern European countries. As mentioned above National Origins Formula limited the number of immigrants annually taking native-born residents into calculations by their minority rate in the country census of 1910. According to prior calculation 357,802 new immigrants would be allowed entering to the country annually. The mean annual inflow of immigrants in the 1900's was 191,004 from Northern and Western Europe, and 610,606 from Southern and Eastern Europe. In the 1910's annually 328,963 immigrants arrived from Eastern and Southern Europe and 99,744 from Northern and Western Europe. Their rate are very similar 3.2 for the previous and 3.3 for the latter decade. The Act brought general transformation of immigration level and content too. There were many factors behind this decision to restrict Eastern and Southern European immigrants. With the growing labor force supply wages fell down causing increasing pressure but widespread unemployment after the war also contributed to strengthen the decision. Composition of labor force tilted to the predominance of unskilled thus very understandable that professionals were to be admitted without regard to their country of origin. Regarding these rational considerations we can't get around the case of strengthening wildings of culturalism in the United States. In retrospect to 1894 when the Immigration Restriction League was founded by Harvard Graduates it was officially associated with Eugenics. Their aim was to restrict immigration from Eastern and Southern Europe as unwanted race in the US and did their best to prevent such immigration. Two years after foundation the National Association of Immigration Restriction Leagues was created. One of the founders of the original League, Prescott F. Hall, served as its General Secretary from 1896 to 1921. During his leadership in 1918 the League passed a bill into the Congress about immigration limitation.<sup>19</sup> They viewed Eastern and

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<sup>19</sup> J. HIGHAM, *Strangers in the Land: Patterns of American Nativism, 1860–1925*, New Brunswick 1955 p. 447.

Southern Europeans who were less evolved or civilized and posed a biological threat to the American population thus lobbied for literacy test in immigration procedure in consideration that these rates are lower among inferior races. As we have seen these tests were vetoed previously in 1897, 1913 and 1925 by the Presidents and even by Wilson but finally unsuccessfully. The League allied themselves with the American Breeder's Association (today American Genetic Association) and in 1909 they established a Committee on Eugenics and the Eugenics Record Office in the following year. The latter was financed by Mary Harriman, widow of railroad king E. H. Harriman, the Rockefeller family and then the Carnegie Institution until 1939.<sup>20</sup> The Committee had members such as Charles Davenport, the prominent eugenicist, but also scientist such as Alexander Graham Bell, Vernon Kellogg, and Luther Burbank. There is no doubt that eugenicism influenced law making during the 1920's.<sup>21</sup> Considering those acts and laws passed in the first half of the 20<sup>th</sup> century for example about sterilization by thirty states first of all in Indiana in 1907 or the marriage acts first in Connecticut in 1896 prohibiting imbeciles of marrying all of that proof that eugenics was part of mass judiciary thinking.<sup>22</sup>

Reduction in immigration didn't stop by 1921 Act further reduction followed by the year of 1924. The Johnson-Reed Act included three laws: the Immigration Act, the National Origins Act and Asian Exclusion Act. Annual immigration was lessened to 2 % and the correlated census was changed to the 1890 one. The purpose of the act was to preserve the ideal of American homogeneity with the exclusion of Jew and other Eastern European immigrants.<sup>23</sup> The 1921 quota was based on the number of people born outside of the United States, or the number of immigrants in the United States but the

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<sup>20</sup> P. K. WILSON, *Harry Laughlin's eugenic crusade to control the 'socially inadequate' in Progressive Era America*, in: *Patterns of Prejudice*, Vol. 36, Is. 1, 2002, pp. 49–67.

<sup>21</sup> S. J. GOULD, *The Mismeasure of Man*, New York 1996.

<sup>22</sup> E. BLACK, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*, New York 2004.

<sup>23</sup> H. F. ECKERSON, *Immigration and National Origins*, in: *The Annals of the American Academy of Political and Social Science*, Vol. 367, 1966, pp. 4–14.

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new method traced the origins of the whole American population including natural-born citizens. As a consequence partition of English or Western European origins increased as long as Eastern and Southern part of the immigrants decreased. This regulation was permanent until the 1952 revision and new act of immigration. Total immigration fell down from 706,896 to 294,314 for the following year and reached that level only in 1989 again. Main purposes succeeded as long as immigration from England and Ireland fell only 19 % but from Italy more than 90 %. The act provided that percentage formula changed to a limitation of 150,000 annual immigrants allowed by the 1920 census data beginning the year 1927 but postponed to 1929. As a result the number of immigrants admitted for legal permanent residence fell in the 1930's under hundred thousand. As long as more than two million Italian and more than one and half million Russian arrived in the first decade of the century their number during the 1930's were only 68,028 and 1,370, almost 1/1200<sup>th</sup> in case of Russians. The 1924 quota for Italy was 3,845 and for Russia 2,248.<sup>24</sup>

The 1924 Act excluded immigrants who were ineligible for U.S. citizenship from entrance to the United States thus Japanese became enemies after Chinese and Indian became prior to this Act. This part was against the Gentlemen's Agreement and Japanese Government protested. The act prohibited even foreign-born wives and the children of American citizens of Chinese ancestry. US Border Patrol was founded in that year to control the Mexican and Canadian borders and the Gulf coast since 1927. This was not the first effort to prevent illegal migration but the beginning of the Federal Organization working up today.<sup>25</sup>

Great Depression and the Second World War decreased migration themselves and diverted attention about international conflicts derived from the Acts of the 1920's. The war led to labor shortages because of many drafted into the military thus Government sought to use immigration to fill labor force. In the year of 1943 when the Chinese Exclusion Act was repealed President

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<sup>24</sup> Statistical Abstract of the United States. Washington, D.C. Government Printing Office, 1929, p. 100.

<sup>25</sup> K. L. HERNANDEZ, *Migra! A History of the U.S. Border Patrol*, Berkeley 2010.

Roosevelt negotiated a bilateral treaty with Mexico providing farm workers to the US. The following Bracero Program extended to other Southern American countries.<sup>26</sup> Although the Smith Act about alien registration in 1940 allowed deportation of any alien because of a membership in an illegal organization or being communist, Trotskyist or fascist and required aliens applying for visas to register and be fingerprinted general change didn't happen in immigration regulation until 1952. The Displaced Persons Act of 1948 allowed some European person's admission to the United States after the Second World War mostly from Germany, Austria, Italy and British or French sectors but any victim Nazi persecution and those had to flee in Czechoslovakia were accepted too. Approximately two hundred thousand visas were issued over the quota but the law was expanded to admit other two hundred thousand above the existing limit because of former technical restrictions to exclude Jews and Catholics.<sup>27</sup>

Before 1952 year different laws regulated immigration and citizenship and the situation was getting less and less traverse thus a need for a general corpus had been arisen. The Immigration and Nationality Act of 1952 abolished racial limitations in immigration going back to even 1790 but maintained the National Origins Formula or quota system of 1924 for nationalities but with the 1920 census basis. A preference system was rather developed about which ethnic or labor force group was needed. The law reinforced the national origins quota system and limited immigration from the eastern countries while leaving the western part of Europe unrestricted. It also established preferences for skilled workers and family ties to the US citizens and enlarged security standards and procedures. The annual quota should not exceed over 270,000 except refugees and those had special skills or profession made an exemption. The law also

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<sup>26</sup> M. SNODGRASS, *The Bracero Program, 1942–1964*, in: M. OVERMYER-VELÁSQUEZ (ED.), *Beyond the Border: The History of Mexican-U.S. Migration*, New York 2011, pp. 79–102.

<sup>27</sup> Constitution of the International Refugee Organization. The Avalon Project – Documents in Law, History and Diplomacy. Lillian Goldman Law Library – Yale University. December 15, 1946. [http://avalon.law.yale.edu/20th\\_century/decad053.asp](http://avalon.law.yale.edu/20th_century/decad053.asp) (13. 9. 2013).

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allowed the deportation and restriction of immigration of anybody connected to the Communist party in or out of the US, alien or citizen, being a member or just was a member decades previously. Those years of McCarthyism or the Second Red Scare could be characterized by civil restrictions begun with the Smith Act in 1940. The McCarran Internal Security Act of 1950 stretched out control over parties and membership suspected by fascist or communist connections or ideology. The whole paranoid era was understandable from one side but exaggerated from the other side: considering the example of the baseball team Cincinnati Reds who were renamed the Cincinnati Redlegs to avoid losing money and ruining their career by calling them Reds.<sup>28</sup> The peak of the situation was the Immigration Act of 1952 which led to exclude such personalities as Graham Green, Gabriel Garcia Marquez, Michel Foucault, Pablo Neruda or Abe Kobo.<sup>29</sup>

### Immigrants from different regions between 1941 and 1970

Decades	1941–1950	1951–1960	1961–1970
Eastern Europe	22,610	57,475	87,590
Southern Europe	76,955	260,581	420,804
Western and Northern Europe	513,096	972,746	603,494
Asia	37,028	153,249	427,642
Canada	171,718	377,952	413,310
Other America	183,086	618,992	1,303,064
Africa	7,367	14,092	28,954
Oceania	14,551	12,976	25,122

Source: U.S. Immigration and Naturalization Service, 1997. Table 2. (Own calculations)

<sup>28</sup> L. R. Y. STORRS, *The Second Red Scare and the Unmaking of the New Deal Left*, Princeton 2012.

<sup>29</sup> Larry McMurtry testimony. Subcommittee on Courts, Intellectual Property, and Administrative Justice of the House Judiciary Committee, January 3, 2005, PEN/USA.

### **Modern Times in Immigration Policy**

There was only one minor topping in immigration from Eastern Europe during these decades: the Hungarian Revolution in 1956. The violent Soviet intervention led to the fall of it and resulted about 200,000 refugees to escape from the country of which 36,637 went to the US. The main trend after the Second World War was the increase in immigration from South America and from Asia. In the 1960's the previous exceeded the whole European immigration. In the middle of that decade the Immigration and Nationality Act of 1965 changed the immigration procedure of the US. The Act abolished the National Origins Formula and replaced with a country of origin quota but still without limitations for Western and Northern European countries. As long as this act didn't change immigration system in general it was considered obsolete immediately that time only one year after the Civil Rights Act. The immigration limit was 170,000 in total for that year but was never more than 300,000 in later years. Although limitations in general remained unchanged exceptions' role increased by the growing importance of family ties and skills in the Act. Despite the end of the Bracero Program that year the lack of quotas for the western hemisphere and a demographic boost in the Latin American countries resulted an increasing immigration wave from there. As a consequence restrictions were expanded to western countries in 1976<sup>30</sup> and limitations had a direct impact on Mexican immigration which was the only country prior to 1976 that exceeded the annual 20,000 immigrants. Since the 1950's and 1964 the Korean and later the Vietnam War created a pool of Asian refugees to the States and despite the Eisenhower border strengthening control program called Operation Wetback in 1954 Latin American immigration also increased thereafter. Two years later another amendment was created to the Immigration and Nationality Act of 1965. The 1978 law set a single annual world quota of 290,000 immigrants combining the hemisphere quotas.

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<sup>30</sup> M. LEMAY – R. B. ELLIOT (Eds.), *US Immigration and Naturalization Laws and Issues: A Documentary History*, Westport, Conn., 1999, p. 270.

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#### Immigration into the US between 1971 and 2010

Decades	1971–1980	1981–1990	1991–2000	2001–2010
Immigrants	4,493,314	7,338,062	9,080,528	10,501,053

Source: 2011 Yearbook of Immigration Statistics. Table 1.

Along with the growing pressure of refugees mentioned above another amendment came into force by Jimmy Carter in 1980. The Refugee Act of 1980 was also to bring into compliance the US politics with the UN convention on refugees in 1951. Refugees were defined as individuals unable or unwilling to return to their country based on a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political affiliation. The annual admission of refugees were set to 50,000 but legalizing those permanent immigrants about 10 million were admitted legally to the United States. Since illegal immigration was growing mainly because of economic reasons from Mexico and Central America<sup>31</sup> the Immigration Reform and Control Act of 1986 legalized aliens who had resided in the United States in an unlawful status since January 1, 1982 most of them in agriculture. About three million undocumented immigrants were granted legal status. The Act also established sanctions prohibiting employers from hiring, recruiting, or referring for a fee aliens known to be unauthorized to work in the United States. As an effort to reform immigration a new classification of temporary agricultural workers was created and a visa waiver pilot program allowing the admission of certain non-immigrants without visas was established. In the same year Congress passed the legislation to establish the Visa Waiver Pilot Program in which participant countries' citizens could travel to the US and stay for 90 day without visa. The first partner country was the UK in 1988.

In transformed political environment after the bipolar system general changes occurred in immigration policy of the US. The Immigration Act of 1990

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<sup>31</sup> O. C. ANDERSON (Ed.) *Illegal Immigration: Causes, Methods, and Effects*, New York 2010, pp. 107–121.

created a Diversity Immigrant Visa Program for receiving a United States Permanent Resident Card by a lottery process begun by the year of 1995. Despite the system let only 55,000 permanent resident visas available – by contrast of the raised ceiling of the annual limit to 700,000 – the aim to diversify the immigrant population was absolute new in US history. The major path to entry was family unification appeared prior to the act of 1990 but making a broader way since 1990 and the law also provided for the admission of immigrations from under-represented countries to increase the diversity of the immigrant flow anyway. The act also limited unskilled workers immigration and revised all grounds for exclusion and deportation and removed homosexuality as cause for exclusion.<sup>32</sup> Since 1965 the Spanish minority in southern states started to increase pressure and conflicts became unavoidable notably a proposition in 1995 was enacted by California Legislature prohibiting physicians from providing medical care to illegal aliens. The law was ultimately repealed as unconstitutional but illustrates the difficulty of the situation.

#### Rate of Hispanic population in California in some Census years

Census year	1940	1970	1980	1990	2000	2010
Participation in total population (%)	6	13,7	19,2	25,8	32,4	37,6

Source: Gibson – Jung 2002. Table 19. California – Race and Hispanic Origin: 1850 to 1990 and Censuses of 2000 and 2010.

Liberalization and growing legal and even illegal immigration from Mexico led to the Welfare Reform Reconciliation Act of 1996 cutting the availability of government aid to legal immigrants. Illegal Immigration Reform and Immigrant Responsibility Act of the same year made it more difficult for persons who had entered the United States illegally to gain legal status and made easier to deport them without documents. The 2001 incident shocked the world and led to an

<sup>32</sup> 1990 Immigration and Nationality Act. S. 358, Pub.L. 101–649, 104 Stat. 4978. 101<sup>st</sup> Congress, November 29, 1990.

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immediate reaction of immigration policy such as issuing the U.S. Patriot Act in that year. The act was an amendment to stretch the scope of aliens ineligible for admission on the ground of any activity or membership connected to terrorism.<sup>33</sup>

## **Conclusions**

During the last two centuries factors directing migration were purely economic or combined by different political reasons such as prosecution or political pressure based on religion or any other. The immigration policy in the United States always reacted to the changing situation earlier or later but restrictions were discriminative in any times and influenced emigration from those territories were restricted generally. The most egalitarian juridical viewpoint and regulation appeared only by Immigration Act of 1990 creating a new era in both migration policy and in the relation between the US and the rest of the world. Such racist aspects as the disclosure of Eastern Europeans changed to a more liberal consideration of popular diversity which can led to emerge the US society both economically and demographically to an unexpected level in the future. And despite since the Emergency Quota Act of 1921 broadly disclosed Eastern European from immigration and despite patterns in emigration from Easter Europe changed generally in the last couple of years<sup>34</sup> America as a target country remained in their minds when thinking about emigration.

## **Keywords**

United States of America, Europe, immigration, politics, culture

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<sup>33</sup> USA Patriot Act (H.R. 3162). <http://epic.org/privacy/terrorism/hr3162.html>.

<sup>34</sup> P. KOUDELA, *International Migration Outflows from Hungary, Inflows to the UK as A Typical East-West Direction in the EU*, in: Ege Stratejik Arastirmalar Dergisi (Ege Strategic Research Journal), Vol. 4, No. 1, 2013, pp. 1–14.



