

# Justice Gonzalez

History of U.S.  
Immigration Policy

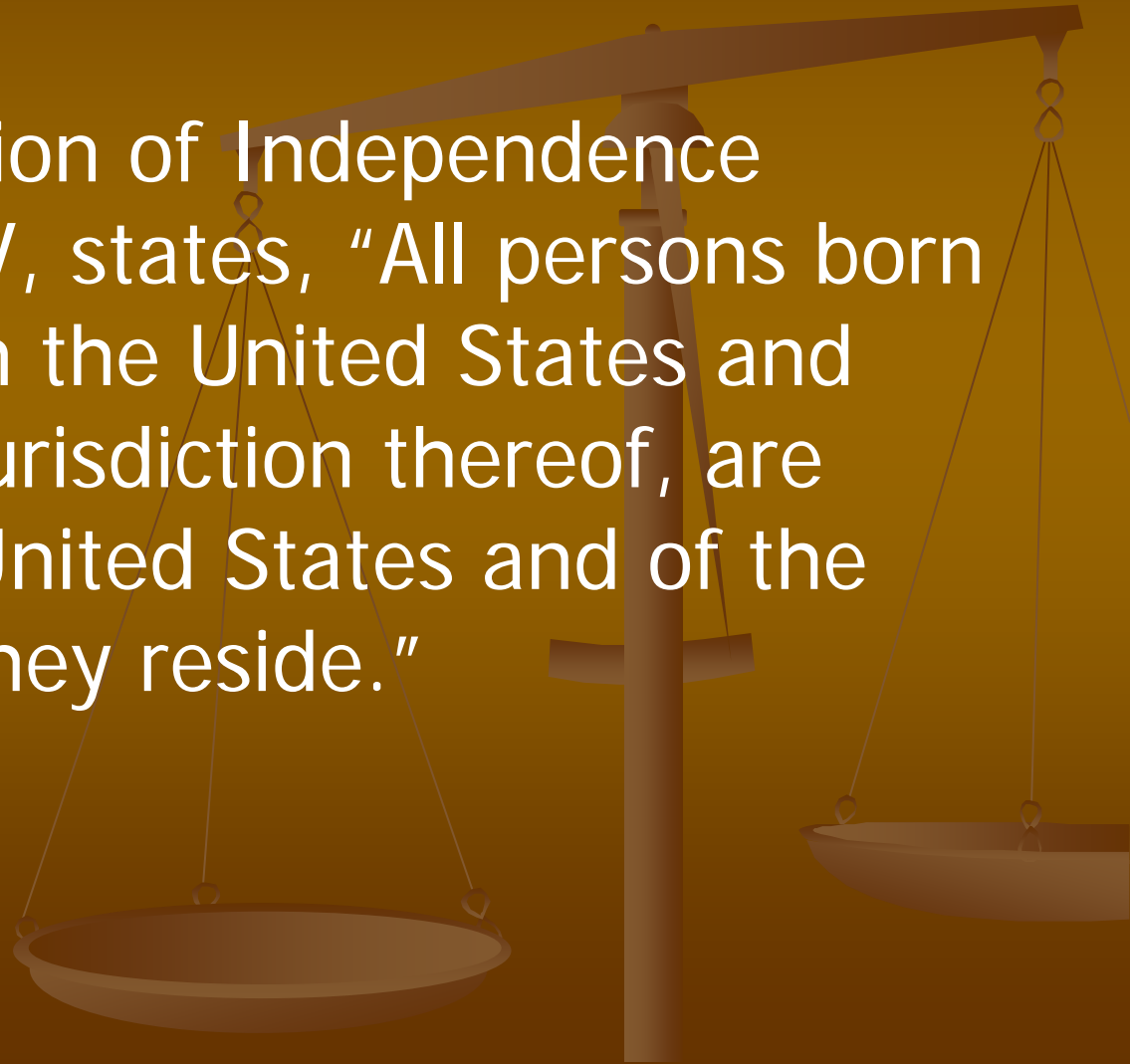


# Cold Distance



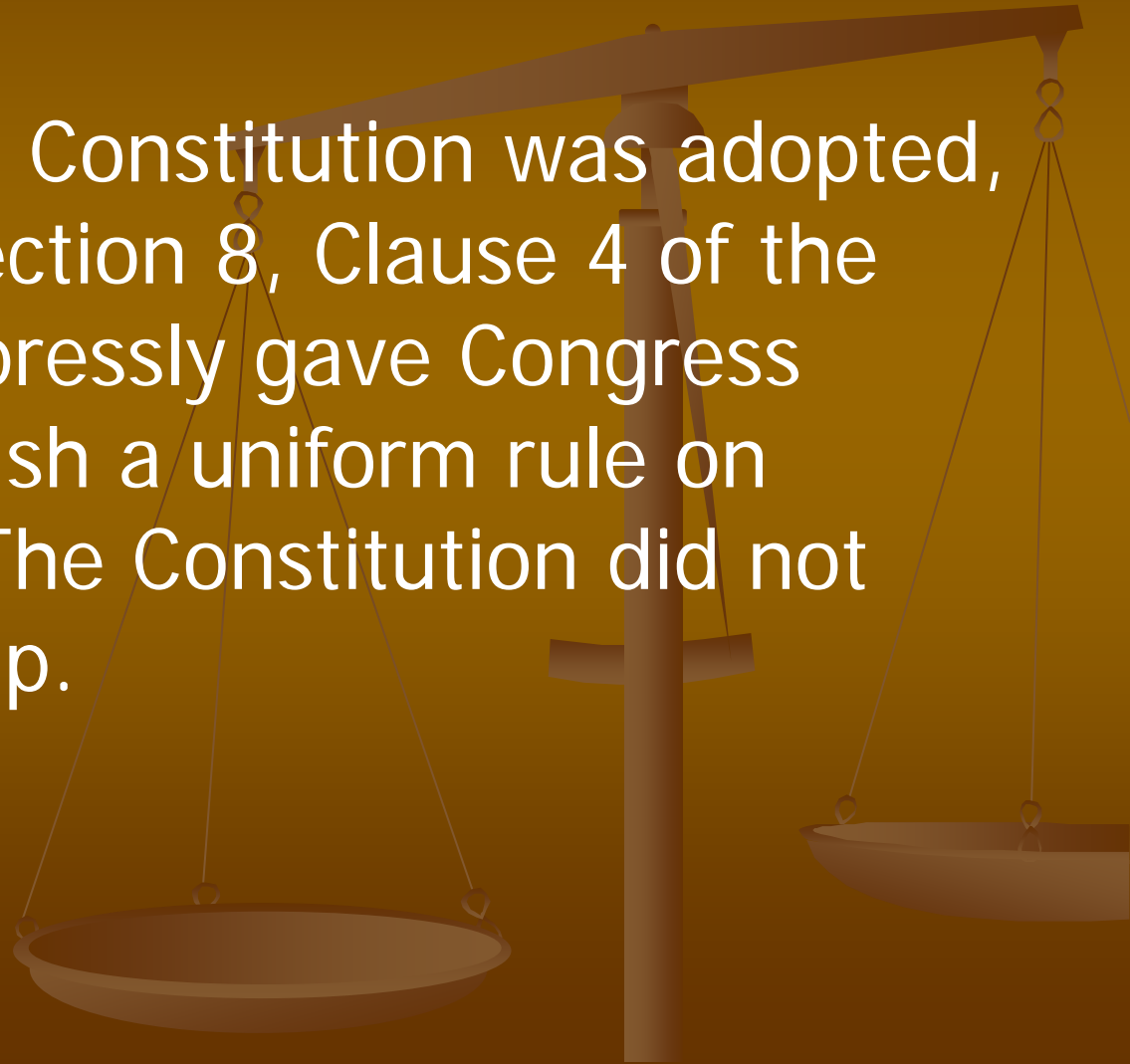
# Pre 1800's

- **1776:** Declaration of Independence  
Amendment XIV, states, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."



# The Constitution

- **1787:** The U.S. Constitution was adopted, and Article I, Section 8, Clause 4 of the Constitution expressly gave Congress power to establish a uniform rule on naturalization. The Constitution did not define citizenship.



# First Naturalization Act

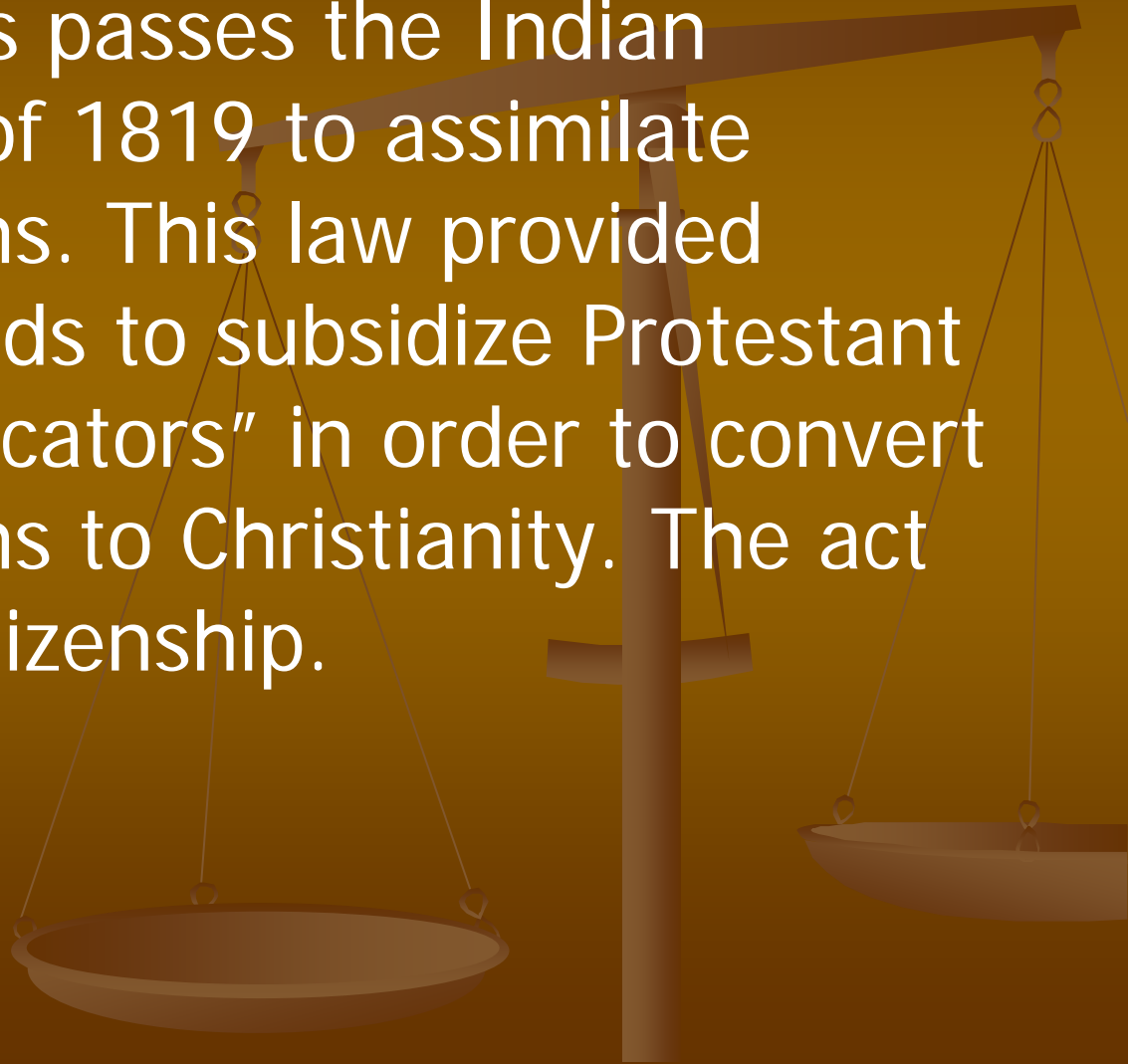
- **1790:** Pursuant to this power, Congress passed the first naturalization law for the U.S., the Naturalization Act of 1790. The law enabled those who had resided in the U.S. for two years and had kept their current State of residence for a year to apply for citizenship. However, it restricted naturalization to “**free white persons**” of “good moral character.”

# 1800's

- **1802:** The Naturalization Law of 1802 established additional requirements such as allegiance to the Constitution, and a formal declaration of intention to become a citizen. It also introduced the first naturalization application, applicants filled out a form with their name, birthplace, age, nation of allegiance, and place of intended settlement

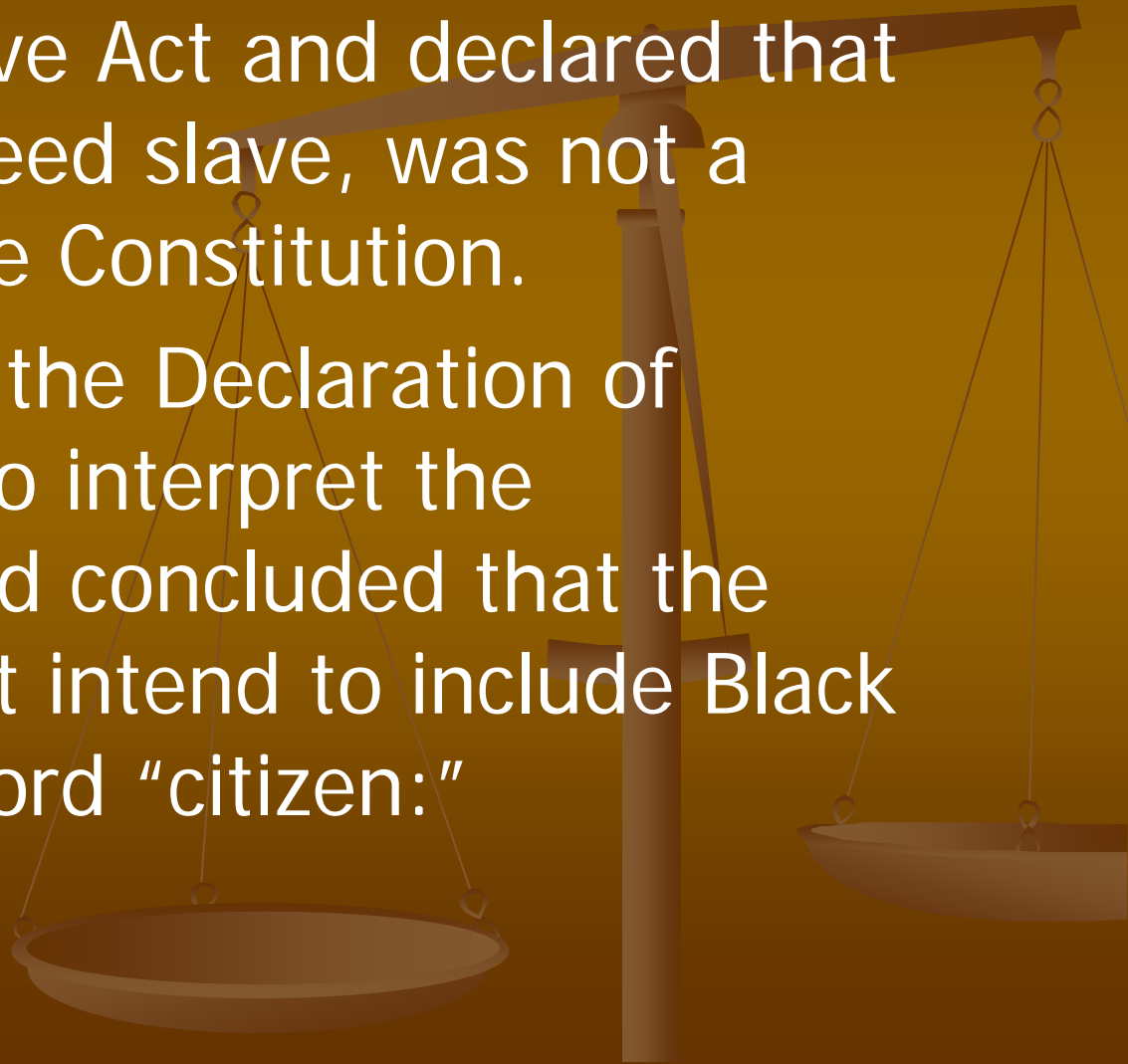
# Indians

- **1819:** Congress passes the Indian Civilization Act of 1819 to assimilate Native Americans. This law provided government funds to subsidize Protestant missionary “educators” in order to convert Native Americans to Christianity. The act did not grant citizenship.



# *Dred Scott Case*

- **1857:** The U.S. Supreme Court upheld the Fugitive Slave Act and declared that Dred Scott, a freed slave, was not a citizen under the Constitution.
- The Court used the Declaration of Independence to interpret the Constitution, and concluded that the founders did not intend to include Black people in the word "citizen:"





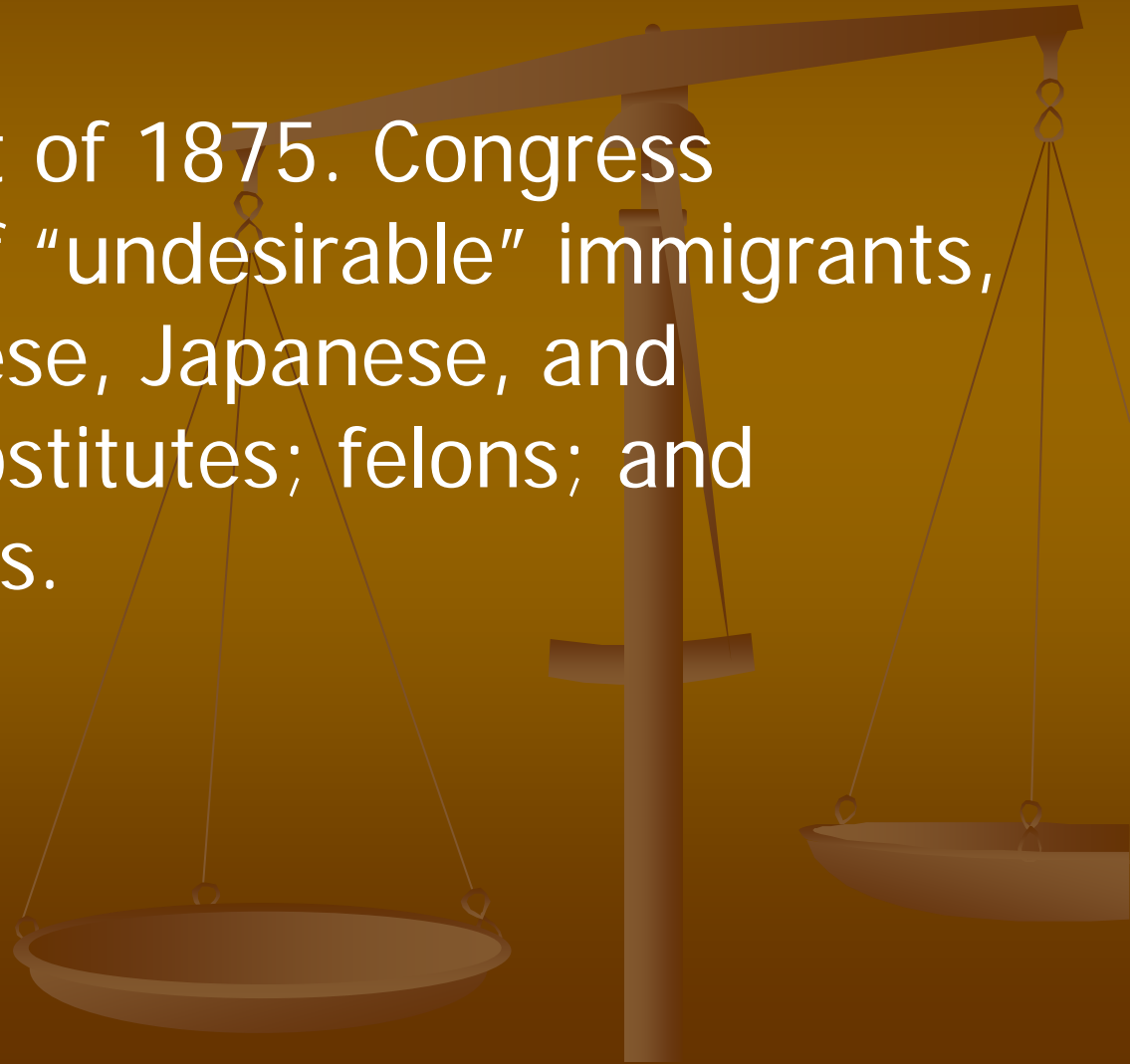
# 14<sup>th</sup> Amendment

- **1868:** The Fourteenth Amendment is adopted. Rights from the Civil Rights Act of 1866 are preserved in the Constitution. The relevant language: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."



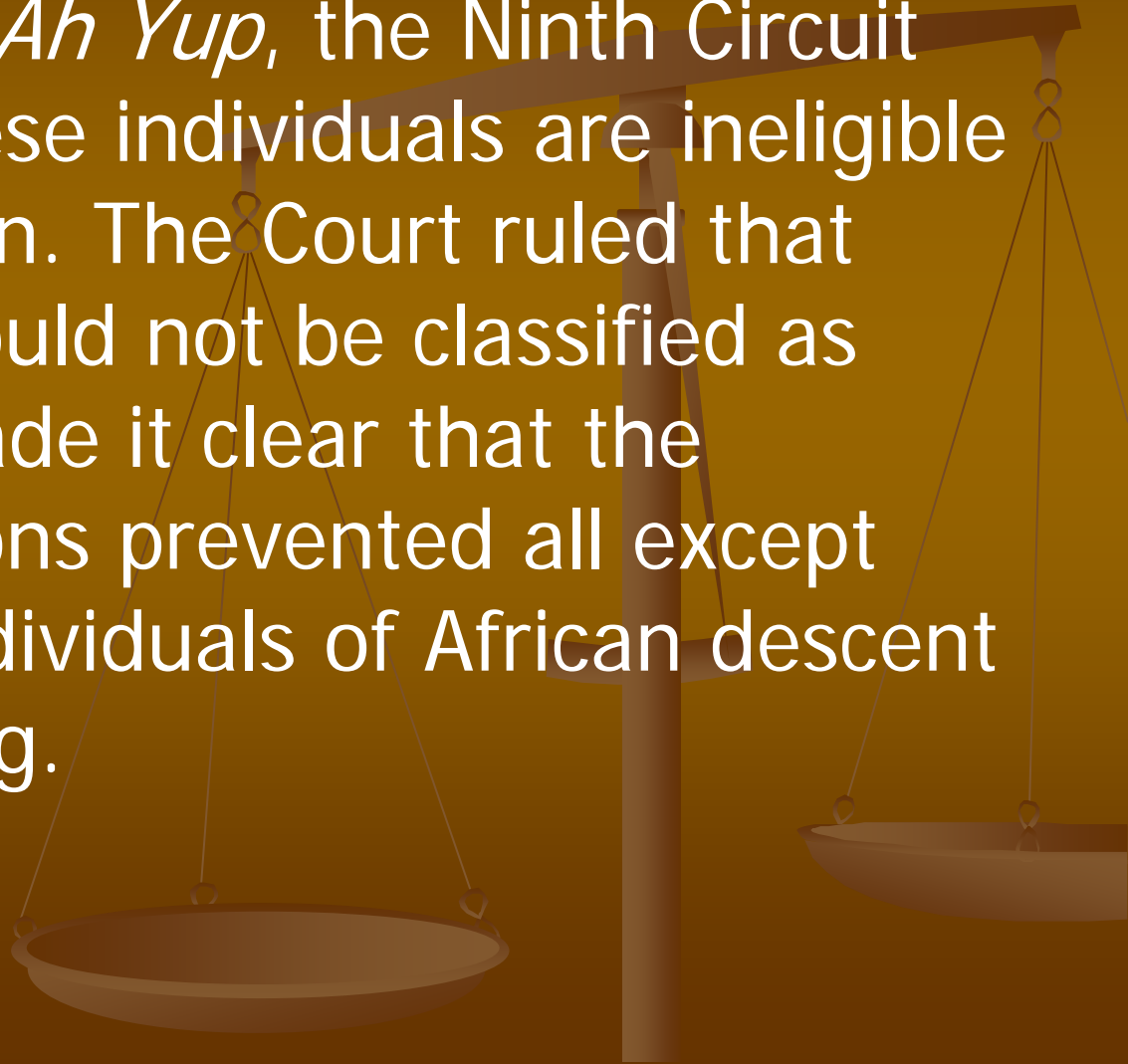
# Explicit Anti-Asian Policy

- **1875:** Page Act of 1875. Congress banned entry of “undesirable” immigrants, including: Chinese, Japanese, and “Mongolian” prostitutes; felons; and contract laborers.



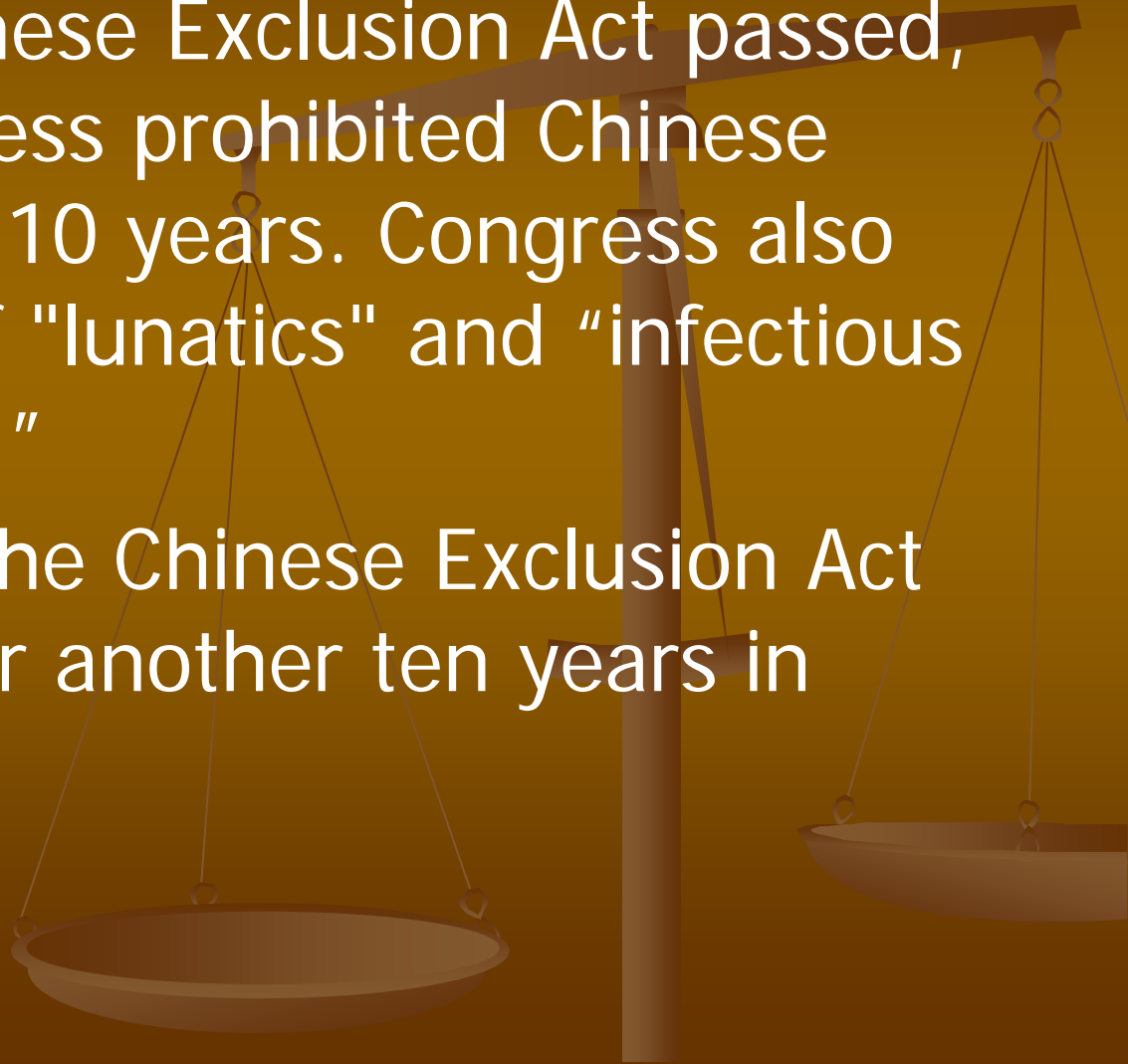
# Courts Agree

- **1878:** In *In re Ah Yup*, the Ninth Circuit ruled that Chinese individuals are ineligible for naturalization. The Court ruled that “Mongolians” could not be classified as “white,” and made it clear that the existing provisions prevented all except “whites” and individuals of African descent from naturalizing.



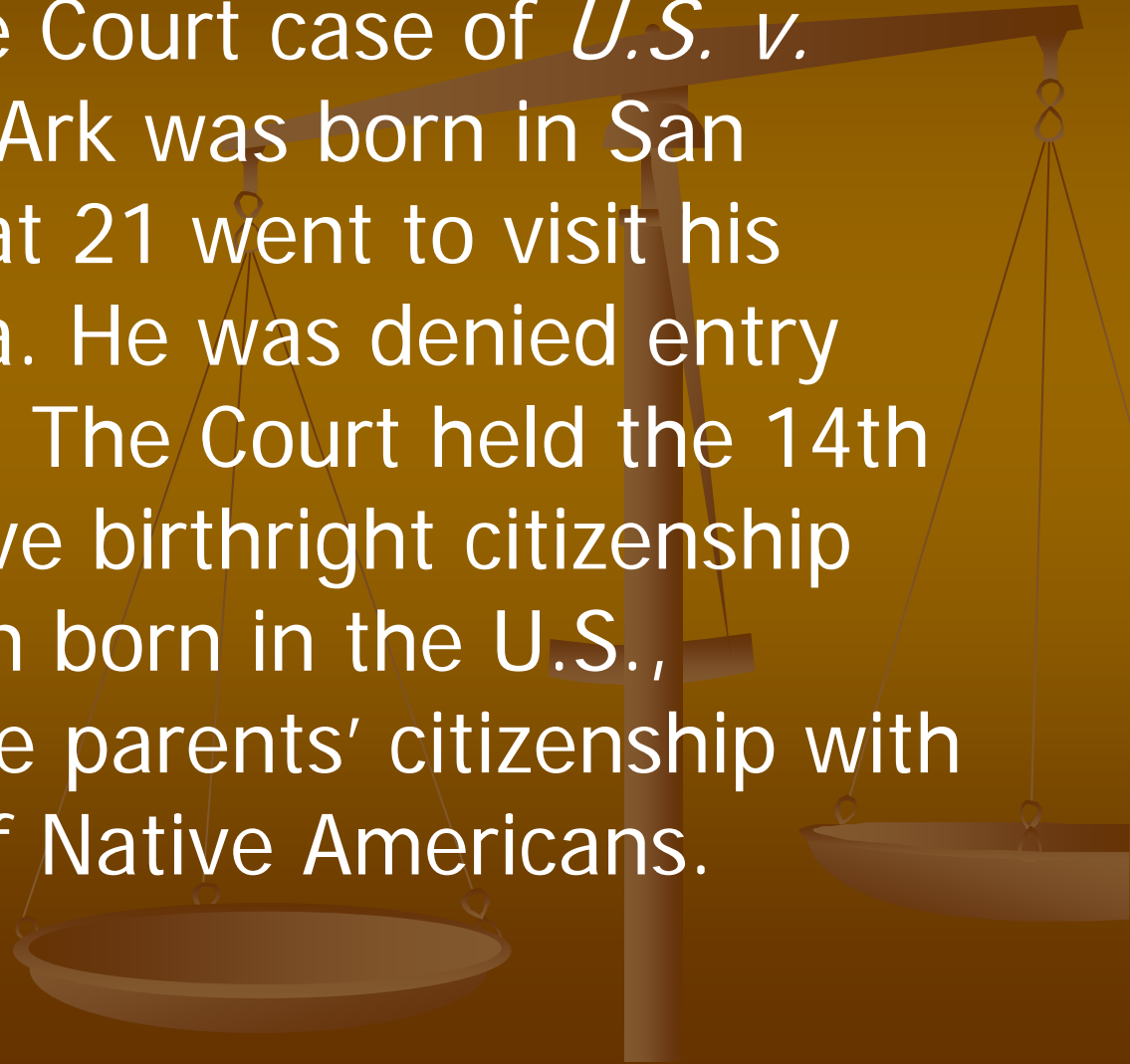
# Chinese Exclusion Act

- **1882:** The Chinese Exclusion Act passed, by which Congress prohibited Chinese immigration for 10 years. Congress also banned entry of "lunatics" and "infectious disease carriers."
- **1892, 1902:** The Chinese Exclusion Act was renewed for another ten years in 1892 and 1902.



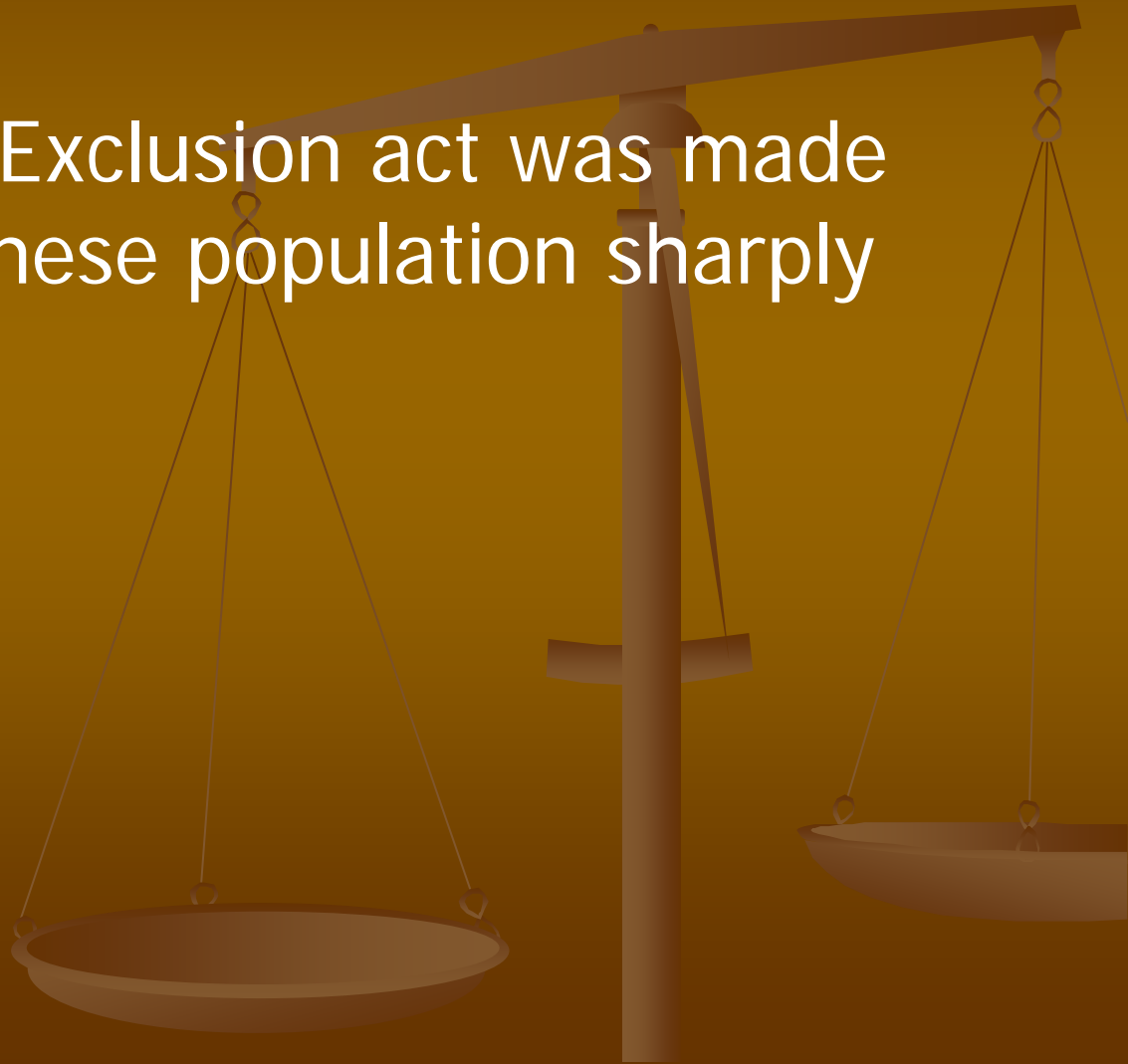
# Court Got One Partly Right

- **1898:** Supreme Court case of *U.S. v. Wong Kim Ark*. Ark was born in San Francisco, and at 21 went to visit his parents in China. He was denied entry when returning. The Court held the 14th Amendment gave birthright citizenship upon all children born in the U.S., regardless of the parents' citizenship with the exception of Native Americans.



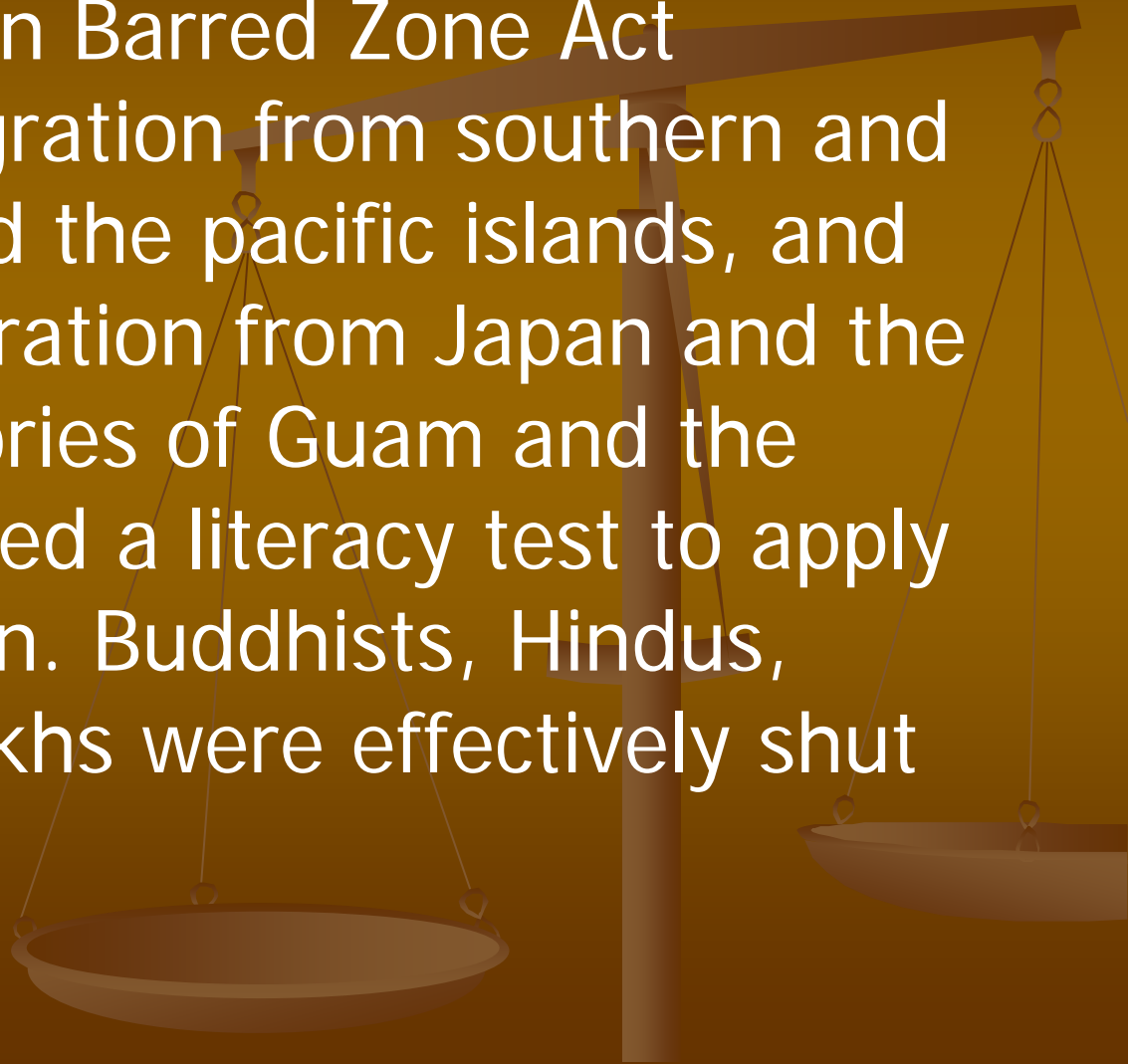
# 1900's

- **1902:** Chinese Exclusion act was made permanent; Chinese population sharply declined



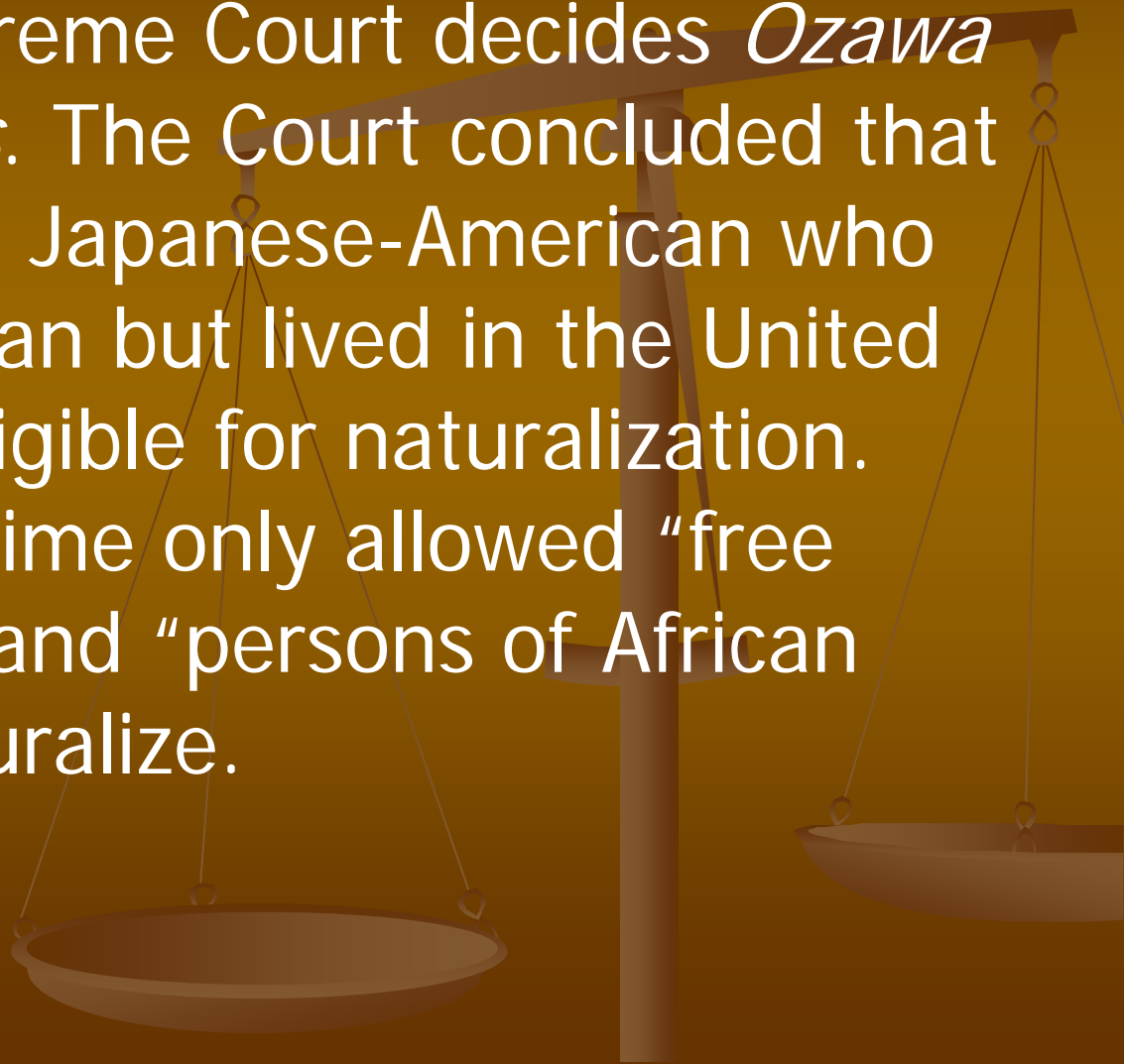
# We Persisted

- **1917:** The Asian Barred Zone Act restricted immigration from southern and eastern Asia and the pacific islands, and excluded immigration from Japan and the American territories of Guam and the Philippines. Added a literacy test to apply for naturalization. Buddhists, Hindus, Muslims, and Sikhs were effectively shut out of the U.S.



# Ozawa Case

- **1922:** The Supreme Court decides *Ozawa v. United States*. The Court concluded that Takao Ozawa, a Japanese-American who was born in Japan but lived in the United States, was ineligible for naturalization. The law at the time only allowed “free white persons” and “persons of African descent” to naturalize.





# Japanese are not White

- Manifestly the test [to determine whiteness] afforded by the mere color of the skin of each individual is impracticable, as that differs greatly among persons of the same race. . . . The federal and state courts, in an almost unbroken line, have held that the words 'white person' were meant to indicate only a person of what is popularly known as the Caucasian race

# *U.S. v. Thind*

- “[w]e hold that the words ‘free white persons’ are words of common speech, to be interpreted in accordance with the understanding of the common man, synonymous with the word ‘Caucasian’ only as that word is popularly understood. . . . the physical group characteristics of the Hindus render them readily distinguishable from...persons in this country commonly recognized as white.”

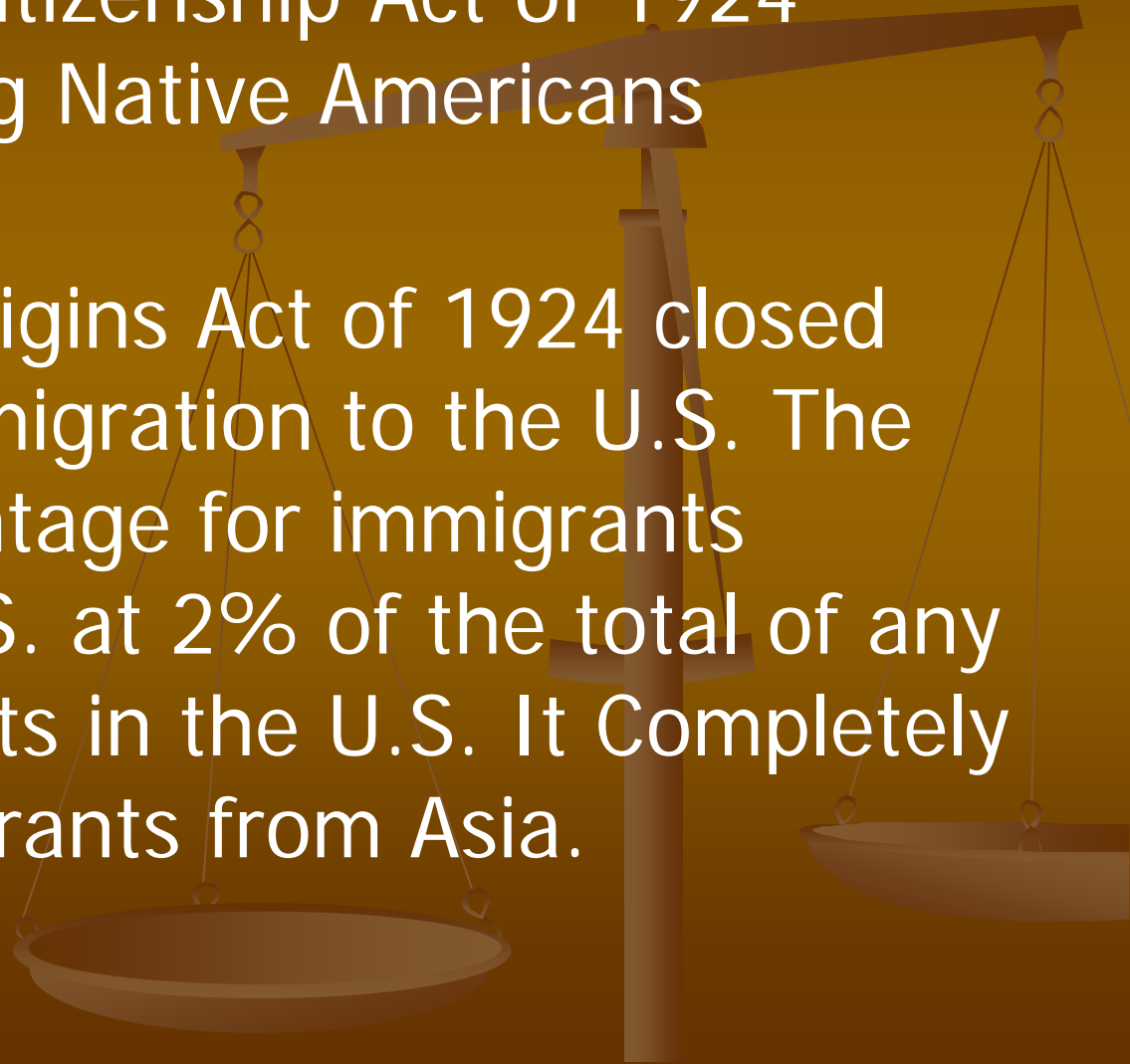
# Denaturalization Followed

- The *Thind* decision created the official stance to classify South Asian Indians as non-white, and allowed Indians who had already been naturalized to be retroactively stripped of their citizenship.



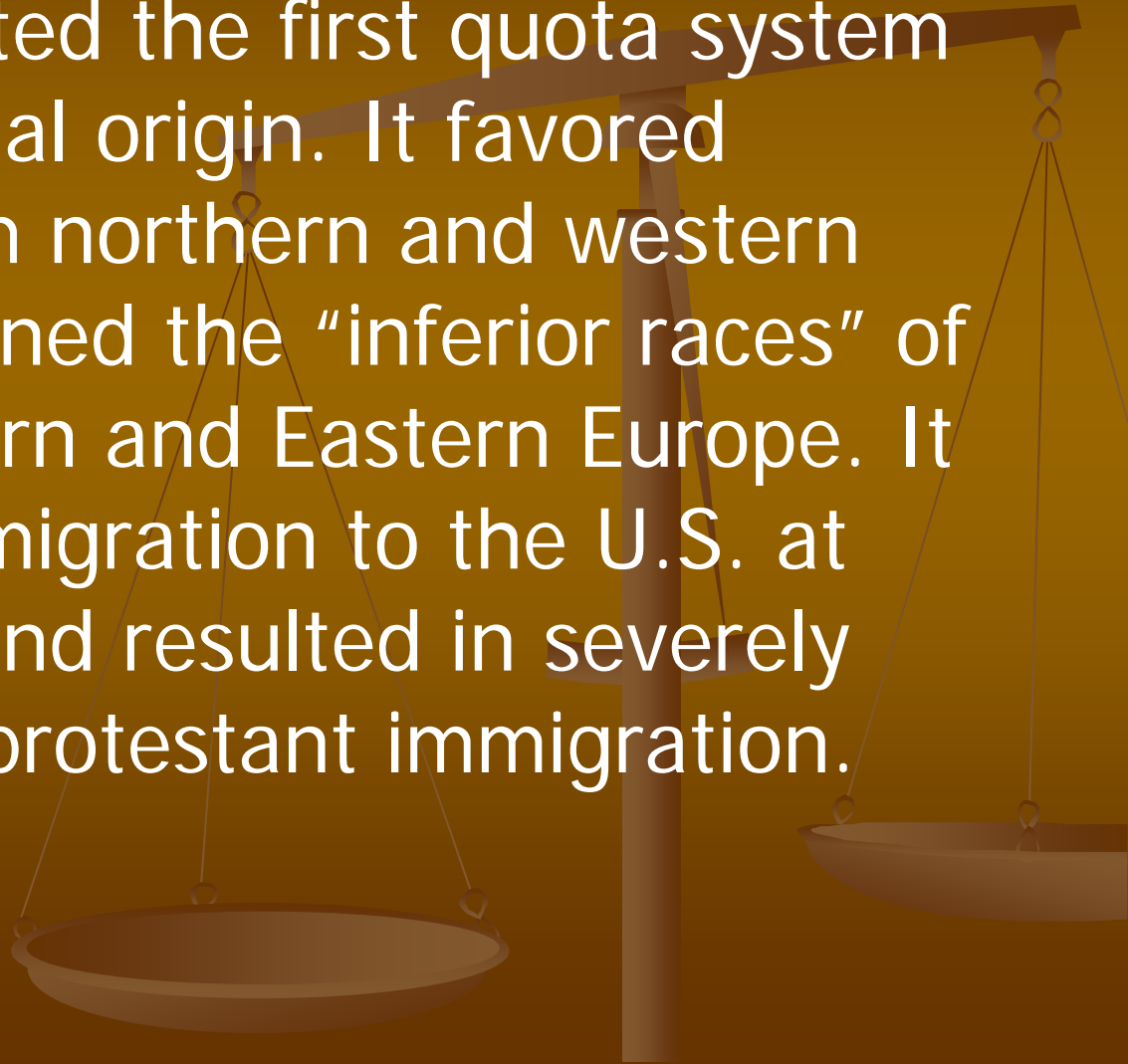
# We Still Persisted

- **1924:** Indian Citizenship Act of 1924 passed, granting Native Americans citizenship.
- The National Origins Act of 1924 closed the door on immigration to the U.S. The act set a percentage for immigrants entering the U.S. at 2% of the total of any nation's residents in the U.S. It Completely excluded immigrants from Asia.



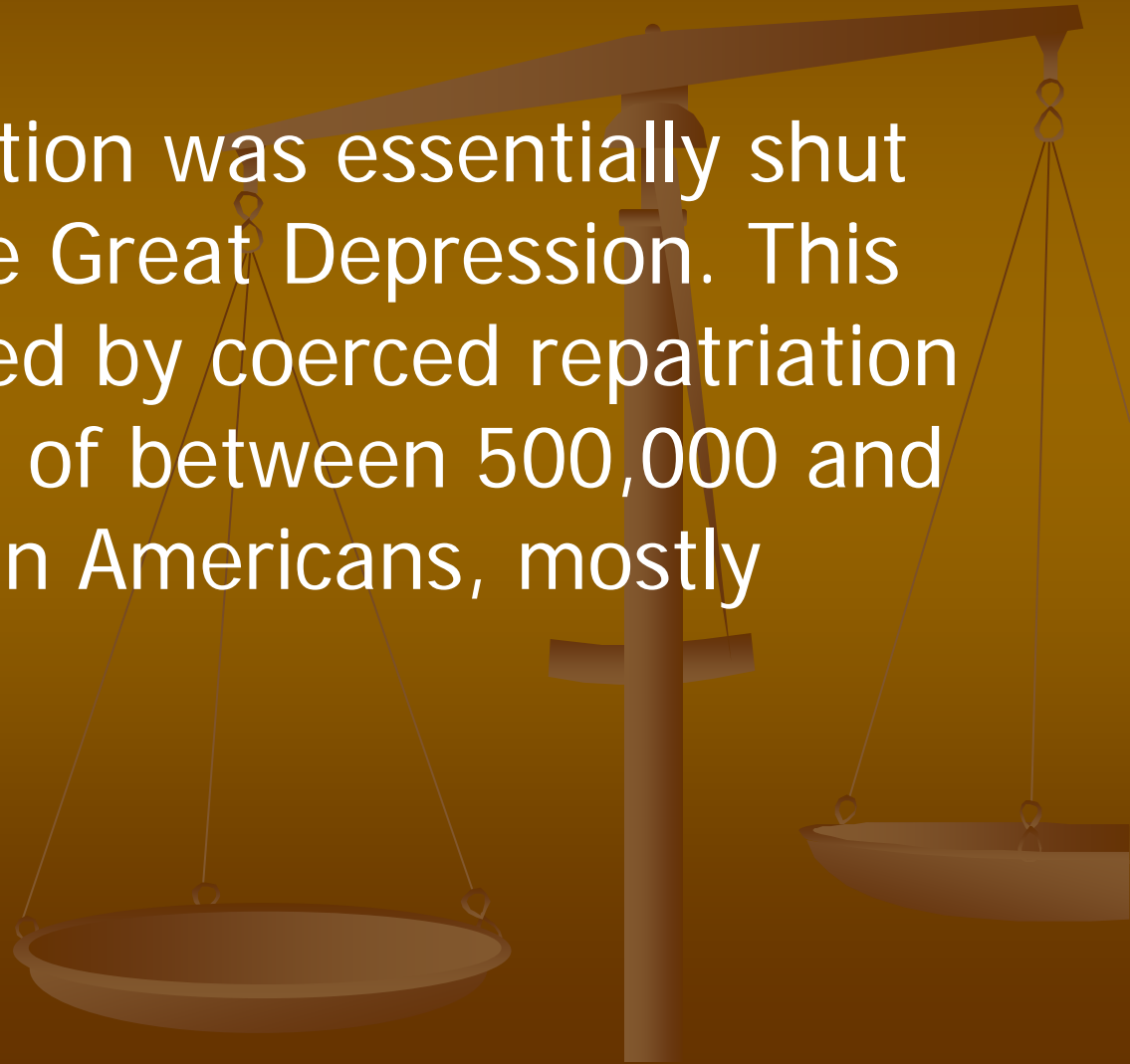
# Quota System

- **1929:** We created the first quota system based on national origin. It favored immigrants from northern and western Europe and banned the “inferior races” of Asia and southern and Eastern Europe. It also capped immigration to the U.S. at 150K per year and resulted in severely restricting non-protestant immigration.



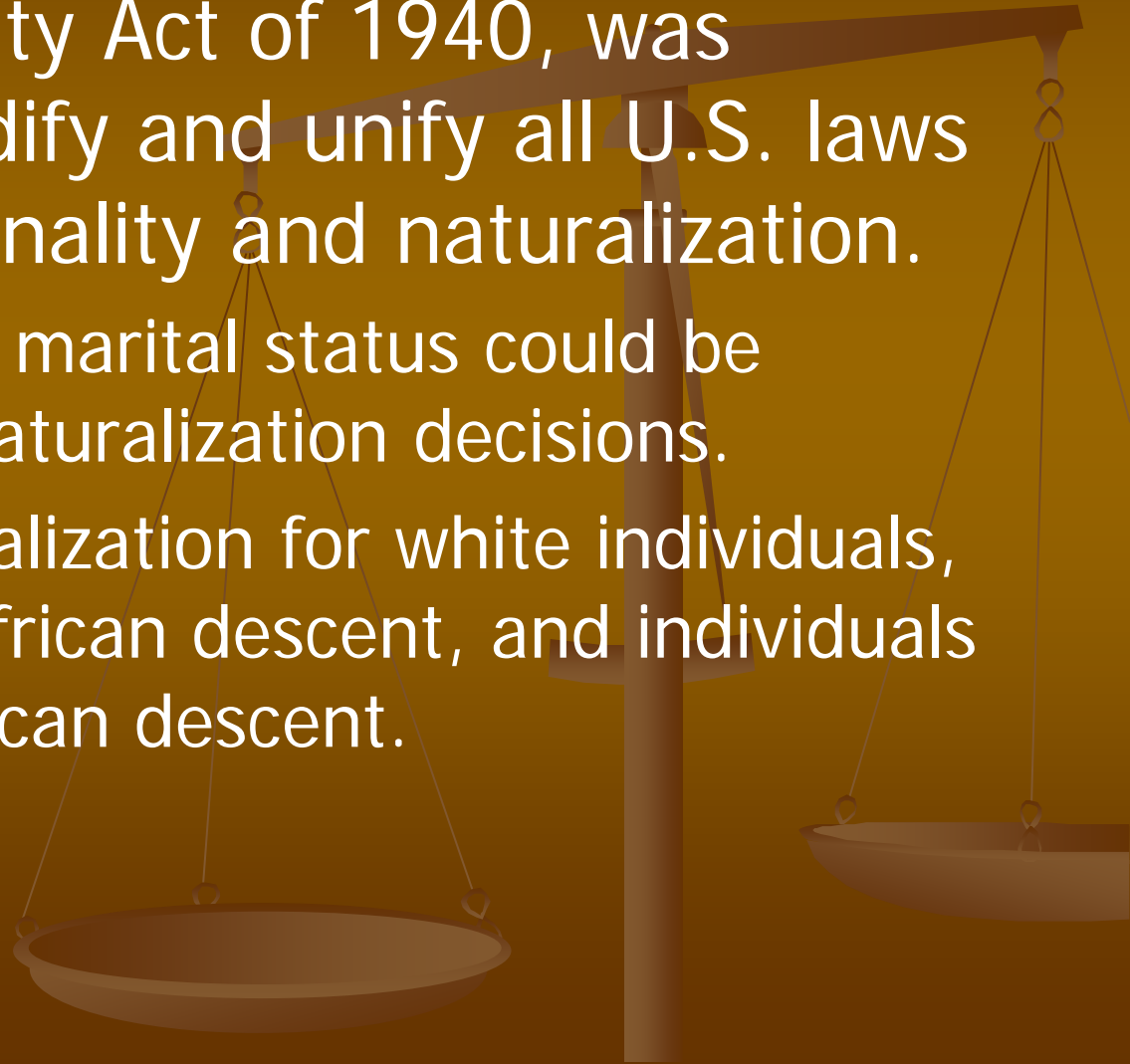
# Mass Deportations

- **1932:** Immigration was essentially shut down during the Great Depression. This was accompanied by coerced repatriation and deportation of between 500,000 and 2 million Mexican Americans, mostly citizens.



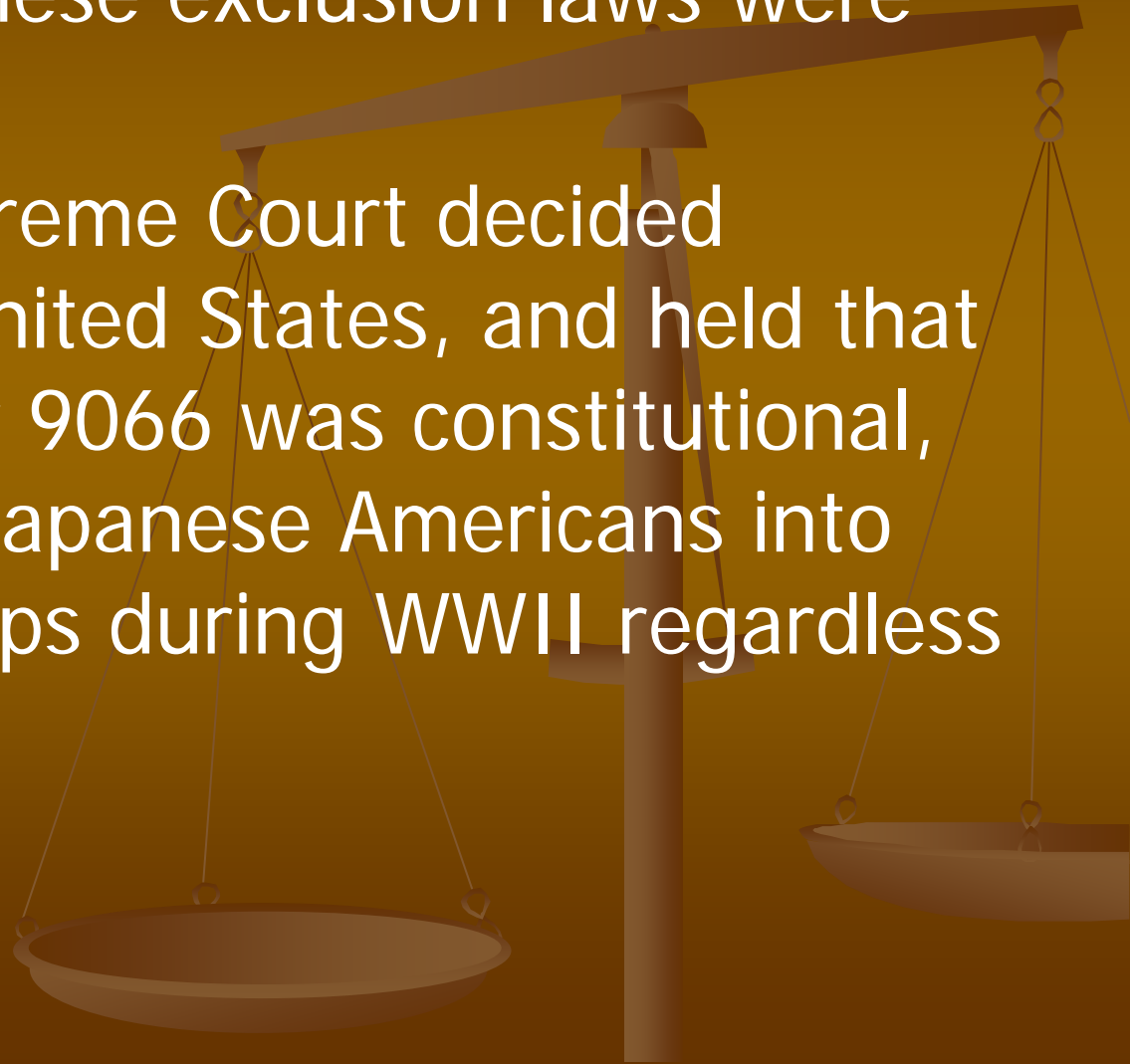
# Nationality Act

- **1940:** Nationality Act of 1940, was supposed to codify and unify all U.S. laws relating to nationality and naturalization.
  - Neither sex nor marital status could be considered in naturalization decisions.
  - Reserved naturalization for white individuals, individuals of African descent, and individuals of Native American descent.



# Chinese Exclusion Ended

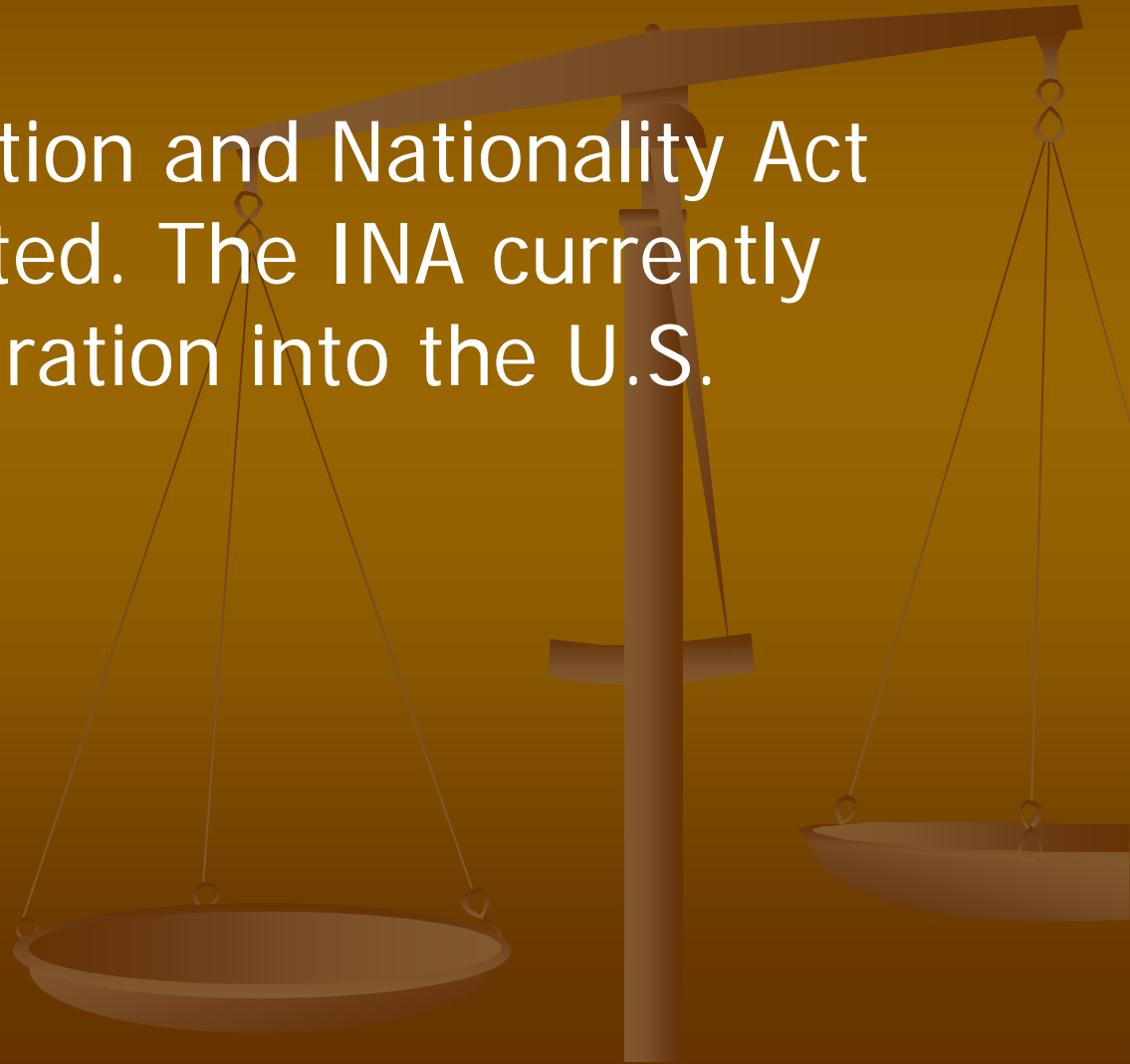
- **1943:** The Chinese exclusion laws were finally repealed.
- **1944:** The Supreme Court decided *Korematsu v. United States*, and held that Executive Order 9066 was constitutional, which ordered Japanese Americans into internment camps during WWII regardless of citizenship.





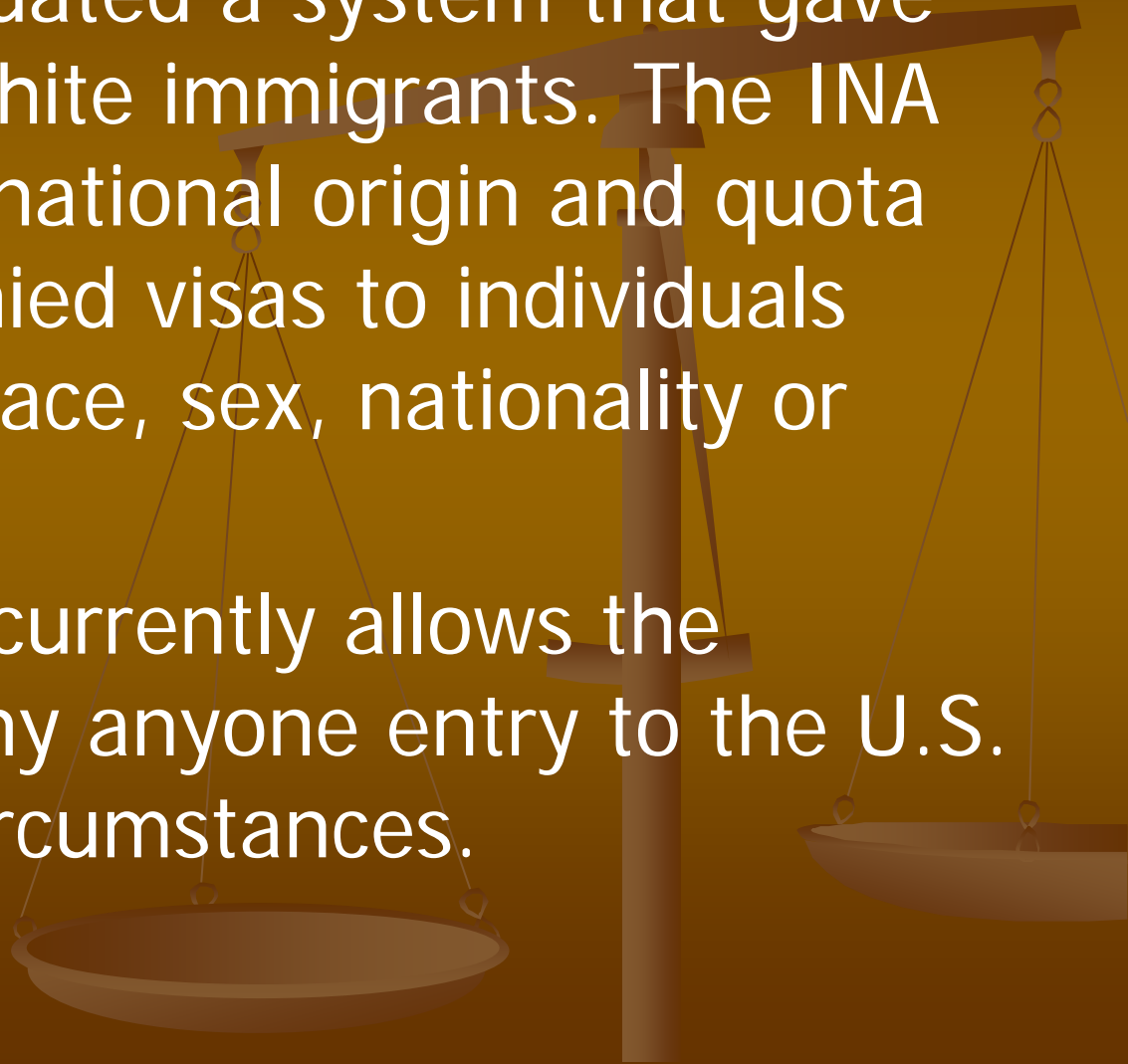
# INA

- **1952:** Immigration and Nationality Act (INA) was enacted. The INA currently regulates immigration into the U.S.



# Quotas Continue

- The INA perpetuated a system that gave preference to white immigrants. The INA implemented a national origin and quota system that denied visas to individuals based on their race, sex, nationality or place of birth.
- Section 212(f), currently allows the president to deny anyone entry to the U.S. under special circumstances.



# Operation Wetback

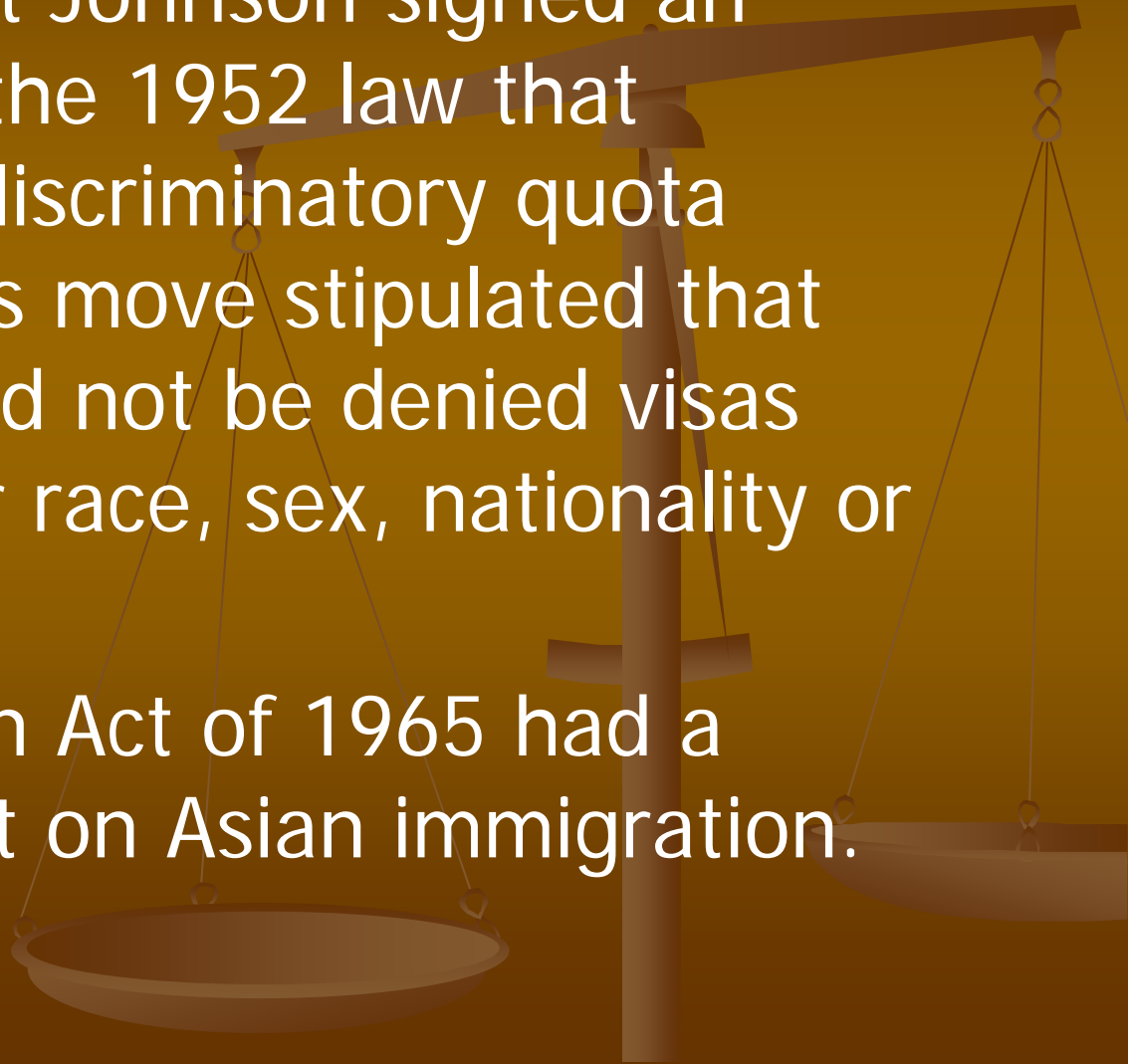
- **1954:** Government implements Operation "Wetback."
- Police enforcement focused predominately on Latino neighborhoods in the Southwestern states. Regardless of where police enforcement occurred, officers looked for 'Mexican-looking' individuals and asked those individuals for identification of their immigration status. Fear of violence, unemployment and the potential militarization of their

# Mexican Americans

- Fear of violence, unemployment and the potential militarization of their neighborhoods and homes caused many Mexicans to flee regardless of their status. Approximately 3.7 million Mexicans were deported during Operation [']Wetback.[']...] United States citizens of Mexican descent as well Mexican nationals were forcibly removed from the United States.

# INA Amended

- **1965:** President Johnson signed an amendment to the 1952 law that eliminated the discriminatory quota imbalances. This move stipulated that immigrants could not be denied visas because of their race, sex, nationality or place of birth.
- The Immigration Act of 1965 had a profound impact on Asian immigration.



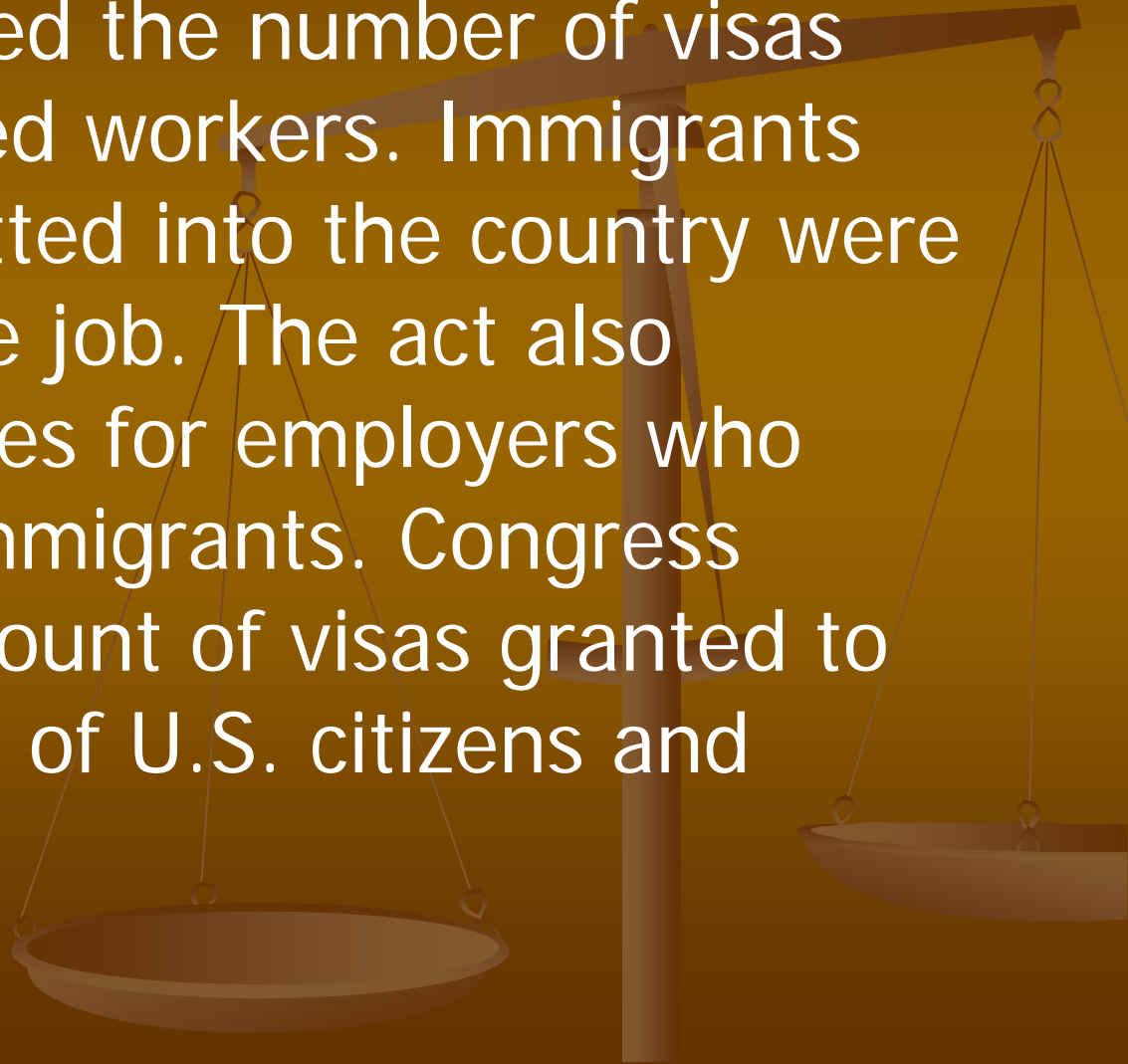
# 1965

- For the first time Asian countries were considered equal to European countries.
- The Immigration Act of 1965 created visas for unskilled workers. There was an increase in the number of immigrants from Asia.



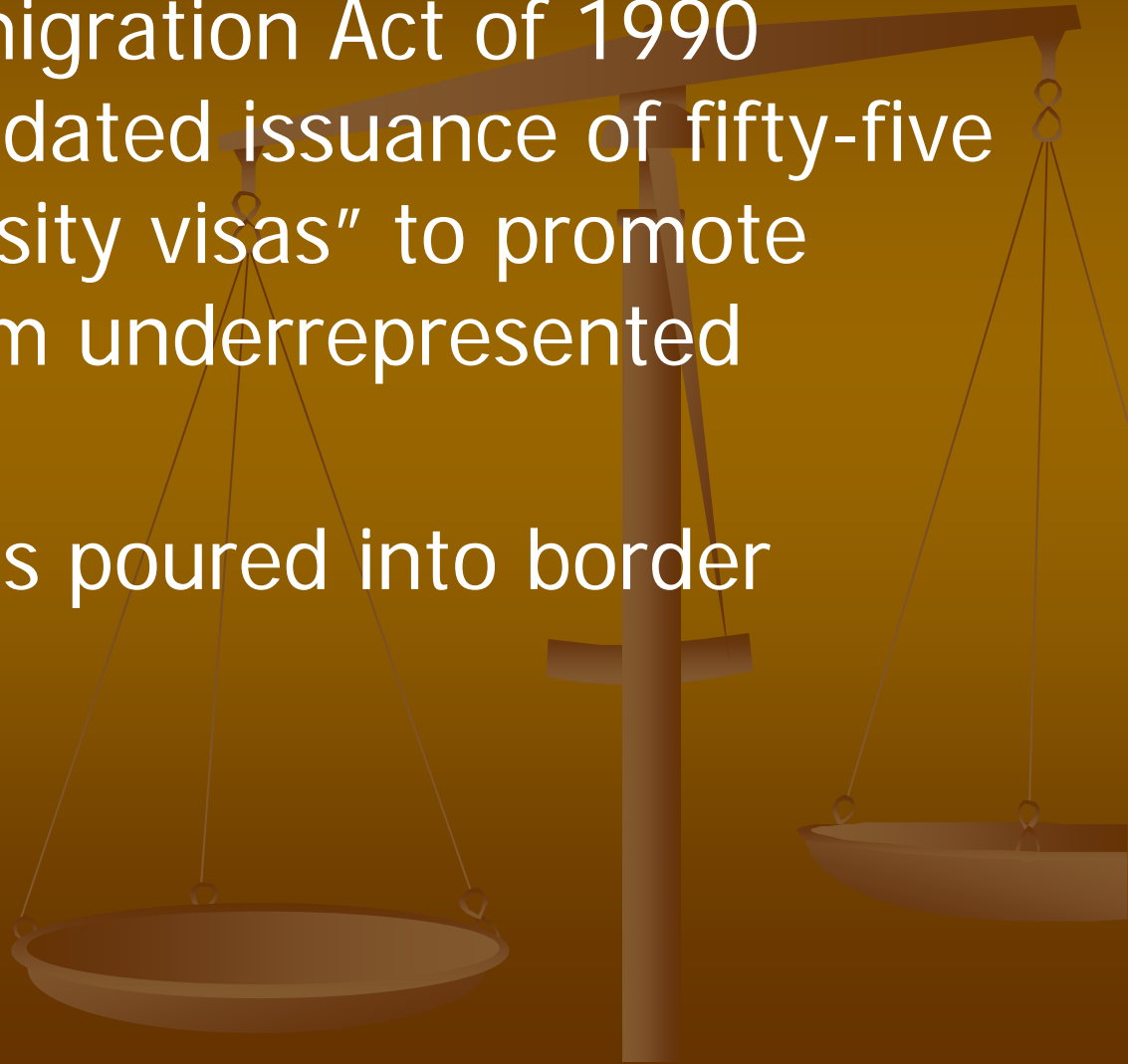
# 1970's

- Congress reduced the number of visas given to unskilled workers. Immigrants who were admitted into the country were required to have job. The act also imposed penalties for employers who hired “illegal” immigrants. Congress reduced the amount of visas granted to family members of U.S. citizens and residents.



# 1990's

- **1990:** The Immigration Act of 1990 enacted. It mandated issuance of fifty-five thousand “diversity visas” to promote immigration from underrepresented countries.
- More money was poured into border enforcement.





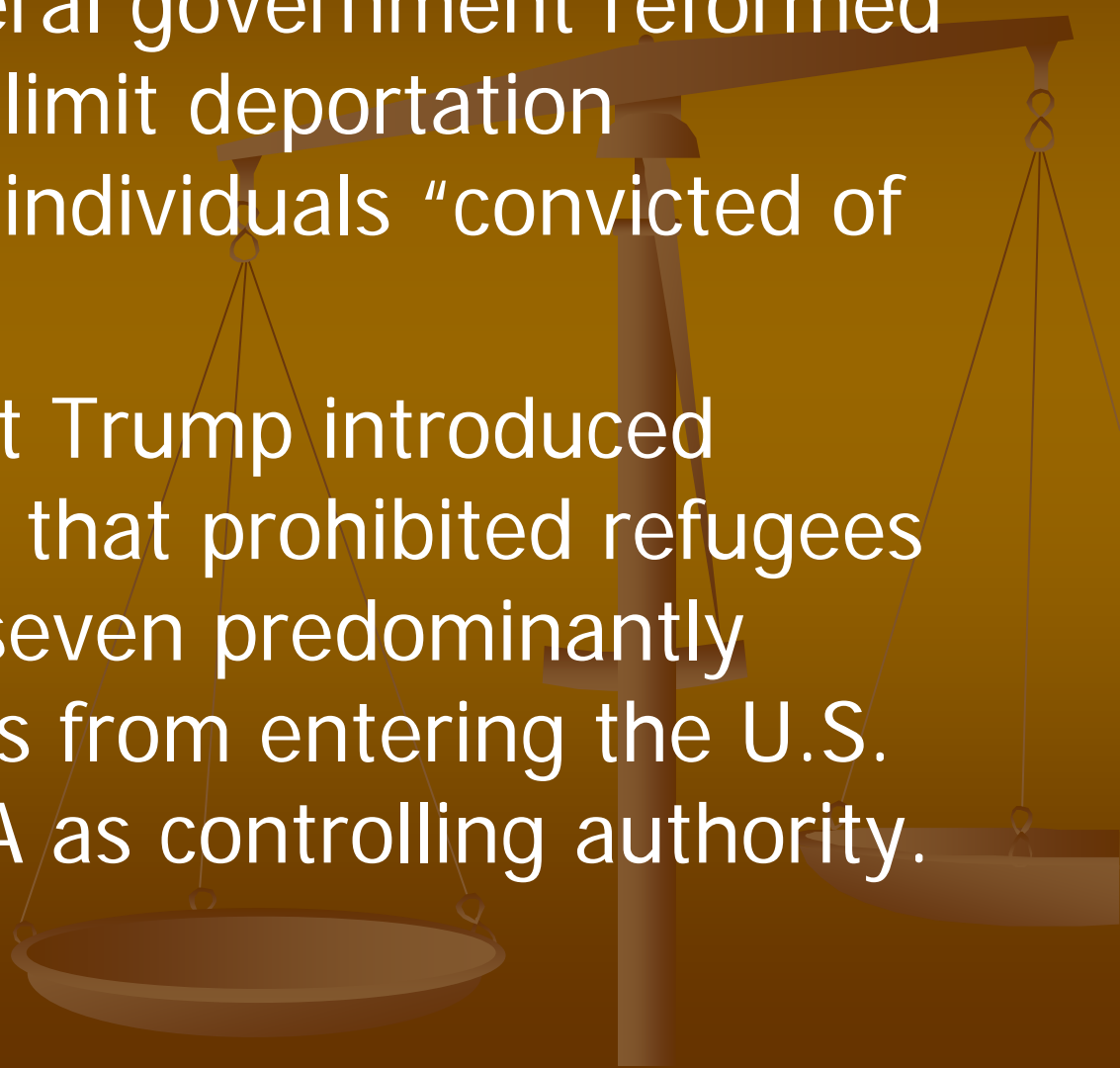
# 2000's

- After 9/11 immigration policy is debated through the lens of national security leading to the highest spike in deportations since 1996.
- **2003:** Immigration agencies replaced by the new Department of Homeland Security (DHS).



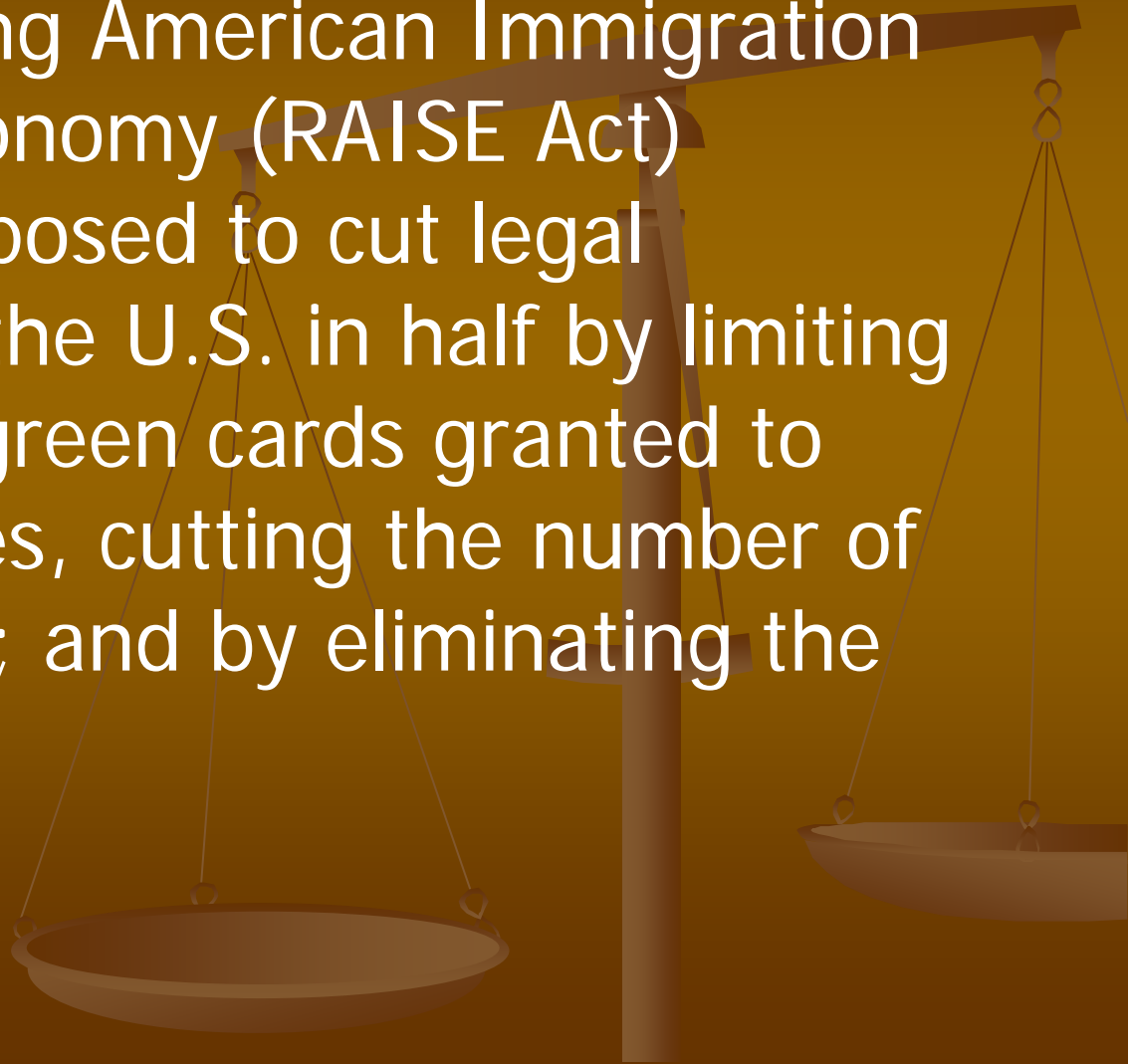
# 2010's

- **2011:** The federal government reformed its campaign to limit deportation enforcement to individuals "convicted of serious crimes."
- **2016:** President Trump introduced Executive Order that prohibited refugees and citizens of seven predominantly Muslim countries from entering the U.S. He cited the INA as controlling authority.



# Recent Proposals

- **2017:** Reforming American Immigration for a Strong Economy (RAISE Act) introduced. Proposed to cut legal immigration to the U.S. in half by limiting the number of green cards granted to reuniting families, cutting the number of refugees in half; and by eliminating the diversity visa.



# Intent

- President Trump said the new system would favor applicants "who can speak English, financially support themselves and their families, and demonstrate skills that will contribute to our economy."
- **2018:** President Trump asked for \$25 billion to build a border wall. We would pay for it.

