Phases of Immigration and Immigration Legislation in the United States

Since there appears there is a lack of knowledge regarding immigration, I thought it is important to provide some context and a chronology of immigration legislation in the United States. This piece is not comprehensive, but merely a summary of the topic. Immigration to the United States has taken place in at least four phases throughout our history. The first phase is known as Early Immigration, which took place in the 1600s and into the 1700s. This is also known as the Colonization Period. People from Northern and Western Europe arrived in North America seeking religious freedom due to the harassment and persecution they faced in many of the European nations, while others came due to economic opportunities, i.e. land ownership and cash crops. Many arrived as indentured servants who signed contracts to work for a master, for a specified period, in exchange for their passage to the new world, plus food and lodgings. Generally, those who signed up for indentured servitude had few options available to them in their home countries and saw relocation to North America as a fresh start. It is this initial group of immigrants who are credited with establishing the standards of being an American. This is important as it will shape American immigration policy in the future.

One of the earliest pieces of Immigration legislation was the Nationality Act of 1790. This was the first law to define eligibility for citizenship by naturalization and it established procedures by which immigrants became US citizens. Eligibility was limited to 'free white persons.' This was followed by the Alien and Sedition Act of 1798 which lengthened the period to declare the intent to become a citizen to 5 years and lengthened the minimum residency requirement to 14 years; this was repealed in 1802. This act established deportation laws targeting any person deemed to be a threat to the United States. This was added in response to the conflicts taking place in Europe. Additional legislation was passed in the early decades of the 1800s that addressed the fallout from the Haitian Revolution (prevent free blacks from coming to the United States), Indian Removal Acts (the legal framework for forced relocation of Native American tribes), the Mexican-American War (the legal framework for addressing Mexican citizens whose property was now part of the United States due to the war).

The next phase of immigration took place during Westward Expansion and Industrialization during the 19th century. The American government wished to fulfill Manifest Destiny which was the belief that the United States had the God given right to expand its territory across North America which allowed the spread of democracy, capitalism, and Anglo-American culture. There was a significant increase of Irish and Germans who emigrated to the United States between 1840-1850. They were met at the docks by unscrupulous people who took advantage of them. Therefore, since there was a lack of formal processing for the newly arrived, the state of New York realized immigrants needed to be processed to protect them. This led to the establishment of the Castle Garden Depot which processed 75% of immigrants from 1855-1889. This

processing center enabled the government to keep records of who was entering (name, language, ship, amount of money they brought with them) and it provided services for the new arrivals such as a safe place to exchange money, purchase railway tickets, and contact relatives. Immigration levels dropped during the Civil War which led President Lincoln in 1863 to ask Congress to get involved, because immigrants create wealth through their labor. Westward expansion provided access to much needed resources which fueled the growth of Industrialization in the East. The government realized more people were needed to both settle in the West and provide labor in the East. Therefore, an open invitation was given to people across the globe to relocate to the United States where both land and jobs were plentiful. Advertisements were placed in railway stations and newspapers across the globe that encouraged people to come to the United States. People saw hope in those ads that a better life could be found in the United States. Many nations across the globe were experiencing war, famine, climate issues, unstable governments and individuals were faced with religious persecution, lack of job opportunities, or the lack of availability of land. By 1890, just over 9 million immigrants had arrived in the United States many of whom were from Northern and Western Europe, although Chinese immigration had been growing since the 1850s. The Chinese filled vital, yet dangerous jobs for the railroad companies and started service-related businesses such as restaurants and laundries on the west coast. Once the railroad companies completed their work, the Chinese relocated to the cities which coincided with the Panic of 1873 which plunged California into a depression. Workers directed their anger at the Chinese who were accused of taking jobs away from Americans which led to a rise of nativism; this led the American government to act.

Congress enacted legislation that was directed at the Chinese. In 1875 the Page Act was passed which prohibited migration of contract laborers and sex workers, but there was no power of enforcement. The push for federal legislation was not popular with business leaders or ship owners as they did not want to pay an entrance fee. This clashed with cities and states who did not want people dumped on them.

The Chinese Exclusion Act of 1882 restricted Chinese from entry to the United States. Those who were already here were ineligible for citizenship. This legislation was renewed every 10 years until the early 1940s. The Immigration Act of 1882 was an extension of the Chinese Exclusion Act that addressed immigrants arriving on the east coast. It placed a head tax on immigrants that created funding for services. It excluded aliens who were considered undesirable such as convicts, lunatics, women brought in for prostitution, or those who would be unable to support themselves. This was clarified by the Immigration Act of 1891 which expanded the restrictions to include contagious disease and provided a federal system for entry. This led to immigrants being pre-screened in Europe and to the creation of Ellis Island as a processing center.

The third phase of immigration to the United States occurred during the late nineteenth and early twentieth centuries. After 1890, larger numbers of immigrants were coming to the United States from Southern and Eastern Europe whose characteristics and lifestyles were quite different than what was considered American, i.e. they were Catholic or Jewish, their skin tones and facial features appeared to be different from those who came before them, and alcohol consumption was a normal part of their day. Many were willing to work for lower wages. This led to resentment and the growth of Nativism in the Northeast and the Midwest, and as a result, immigration legislation now focused on restrictions as to who was allowed to enter the United States.

The next significant immigration legislation was passed in the 1920s and it set the tone for future immigration restrictions. The Emergency Quota Law of 1921 was passed in response to increased immigration after World War I. This is the first time quotas are introduced. This led to the Immigration Act of 1924 which further limited immigration based on national origins quotas. Two percent of the total number of each nationality who entered in 1890 were allowed to enter the United States under this law. For example, higher numbers of people from Northern and Western Europe entered in 1890, therefore, under the 1924 law, quotas from nations in those areas were higher. Fewer people from Southern and Eastern Europe arrived in 1890, therefore the quotas for nations in those areas were lower in 1924. This law was perceived as highly restrictive and discriminatory. This law remained in effect until 1965.

The Immigration and Nationality Act of 1965 set new standards for immigration which continue to be enforced today. This law established preferences for family reunification at 75%, Employment at 20%, and Refugees at 5%. It capped immigration within the Americas as well. It is important to mention that due to increased conflict among nations and violence within nations that was emerging in the 1960s, the United Nations established a new protocol involving refugees. The 1967 United Nations High Commissioner for Refugees Refugee Protocol established that persons in flight from persecution and danger cannot be forced to return to places of danger. This will lead the US government to adjust their quotas in the future.

The fourth wave of immigration to the United States began in the post-Vietnam War era. The war had destabilized the nations of Vietnam, Cambodia, and Laos. Vietnamese who had assisted the Americans were no longer safe in their country, so they left by any means possible. Many relocated to the United States. The uptick in refugees led the US government to assess the standards set in immigration protocol. The Refugee Act of 1980 allowed for the adjustment of the quotas in response to the changing situations within nations. Many other regions across the globe were unstable which led to an increase in refugees. This instability continues to this day, and it has become a global issue. It is not singular to the United States.

Congress implemented the Immigration and Reform and Control Act of 1986 that was a bipartisan agreement to use a multi-pronged system that provided amnesty for established residents, increased border enforcement, enhanced requirements of employers, and expanded guest worker visa programs. The Immigration Act of 1990 revised the Immigration Act of 1965 by implementing the H-1B Visa program for skilled temporary workers with some provisions for conversion to permanent status. Also, it established the Diversity Visa Lottery system for populations unable to enter through the preference systems. Applicants for this Visa lottery are thoroughly vetted prior to being awarded. This was the last legal path for ordinary Irish citizens to move to America; 29 Lottery Diversity Visas were awarded to the Irish in 2025. This section of the 1990 law was recently suspended by the Department of Homeland Security. This action essentially blocks any legal pathway for Irish immigrants.

All the above-mentioned pieces of legislation were passed by Congress. The first piece of immigration legislation by Executive Order was the Deferred Action for Childhood Arrivals in 2012 by President Obama. This order provided protection from deportation and work authorizations to persons who arrived as minor children and who have lived in the United States since 2007. All actions under the Trump administration have been either by Executive Order or decisions made by the Department of Homeland Security. The stated purpose for the recent course of action is the removal of people who are here illegally and to maintain national security. The reality is that many people who are here legally are being impacted by these orders. This includes Irish citizens who have legally entered the United States. Although immigration reform is supported by the American people, Congress has not been willing to create updated legislation. It is important to note that people from around the globe have the legal right to seek asylum in the United States. To do so, they must set foot in the United States. They are supposed to be processed upon arrival, which allows for legal entry and a period for additional vetting to take place before a decision is made to grant them permanent entry. This process is severely understaffed, and no move has been made to increase staffing. Contact your elected officials to let them know your thoughts.

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Sources

ConstitutionCongress.org
Immigrationhistory.org

Library of Congress
The National Constitution Center
Migration Policy Institute
Heather Cox Richardson, American Historian
*She gave a thorough talk about immigration in the 19th century on Facebook Live
U.S. Immigration Timeline (History.org)
20 years' experience researching and teaching American History