



## Legislation from 1901-1940

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## Legislation from 1901-1940

### **1 Act of April 29, 1902 (32 Statutes-at-Large 176)**

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Extended the existing Chinese exclusion acts until such time as a new treaty with China was negotiated, and extended the application of the exclusion acts to insular territories of the United States, including the requirement of a certificate of residence, except in Hawaii.

### **2 Act of February 14, 1903 (32 Statutes-at-Large 825)**

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Transferred the Bureau of Immigration to the newly-created Department of Commerce and Labor, and expanded the authority of the Commissioner-General of Immigration in the areas of rulemaking and enforcement of immigration laws.

### **3 Immigration Act of March 3, 1903 (32 Statutes-at-Large 1213)**

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An extensive codification of existing immigration law. Provisions:

- a. Added to the list of inadmissible immigrants.
- b. First measure to provide for the exclusion of aliens on the grounds of proscribed opinions by excluding “anarchists, or persons who believe in, or advocate, the overthrow by force or violence the government of the United States, or of all government, or of all forms of law, or the assassination of public officials.”
- c. Extended to three years after entry the period during which an alien who was inadmissible at the time of entry could be deported.
- d. Provided for the deportation of aliens who became public charges within two years after entry from causes existing prior to their landing.
- e. Reaffirmed the contract labor law (see the 1885 act).

### **4 Act of April 27, 1904 (33 Statutes-at-Large 428)**

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Reaffirmed and made permanent the Chinese exclusion laws. In addition, clarified the territories from which Chinese were to be excluded.

### **5 Naturalization Act of June 29, 1906 (34 Statutes-at-Large 596)**

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Provisions:

- a. Combined the immigration and naturalization functions of the federal government, changing the Bureau of Immigration to the Bureau of Immigration and Naturalization.
- b. Established fundamental procedural safeguards regarding naturalization, such as fixed fees and uniform naturalization forms.
- c. Made knowledge of the English language a requirement for naturalization.

### **6 Immigration Act of February 20, 1907 (34 Statutes-at-Large 898)**

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A major codifying act that incorporated and consolidated earlier legislation:

- a. Required aliens to declare intention of permanent or temporary stay in the United States and officially classified arriving aliens as immigrants and nonimmigrants, respectively.
- b. Increased the head tax to \$4.00 (established by the Act of August 3, 1882 and raised subsequently).
- c. Added to the excludable classes imbeciles, feeble-minded persons, persons with physical or mental defects which may affect their ability to earn a living, persons afflicted with tuberculosis, children unaccompanied by their parents, persons who admitted the commission of a crime involving moral turpitude, and women coming to the United States for immoral purposes.
- d. Exempted from the provisions of the contract labor law professional actors, artists, singers, ministers, professors, and domestic servants.
- e. Extended from two to three years after entry authority to deport an alien who had become a public charge from causes which existed before the alien's entry.
- f. Authorized the President to refuse admission to certain persons when he was satisfied that their immigration was detrimental to labor conditions in the United States. This was aimed mainly at Japanese laborers.
- g. Created a Joint Commission on Immigration to make an investigation of the immigration system in the United States. The findings of this Commission were the basis for the comprehensive Immigration Act of 1917.
- h. Reaffirmed the requirement for manifesting of aliens arriving by water and added a like requirement with regard to departing aliens.

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## **7 White Slave Traffic Act of June 25, 1910 (36 Statutes-at-Large 825)**

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The Mann Act, prohibited the importation or interstate transportation of women for immoral purposes.

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## **8 Act of March 4, 1913 (37 Statutes-at-Large 737)**

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Divided the Department of Commerce and Labor into separate departments and transferred the Bureau of Immigration and Naturalization to the Department of Labor. It further divided the Bureau of Immigration and Naturalization into a separate Bureau of Immigration and Bureau of Naturalization, each headed by its own Commissioner.

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## **9 Immigration Act of February 5, 1917 (39 Statutes-at-Large 874)**

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Codified all previously enacted exclusion provisions. In addition:

- a. Excluded illiterate aliens from entry.
- b. Expanded the list of aliens excluded for mental health and other reasons.
- c. Further restricted the immigration of Asian persons, creating the "barred zone" (known as the Asia-Pacific triangle), natives of which were declared inadmissible.
- d. Considerably broadened the classes of aliens deportable from the United States and introduced the requirement of deportation without statute of limitation in certain more serious cases.

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## **10 Act of May 22, 1918 (40 Statutes-at-Large 559)**

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"Entry and Departure Controls Act," authorized the President to control the departure and entry in times of war or national emergency of any alien whose presence was deemed contrary to public safety.

## **11 Quota Law of May 19, 1921 (42 Statutes-at-Large 5)**

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The first quantitative immigration law. Provisions:

- a. Limited the number of aliens of any nationality entering the United States to three percent of the foreign-born persons of that nationality who lived in the United States in 1910. Approximately 350,000 such aliens were permitted to enter each year as quota immigrants, mostly from Northern and Western Europe.
- b. Exempted from this limitation aliens who had resided continuously for at least one year immediately preceding their application in one of the independent countries of the Western Hemisphere; nonimmigrant aliens such as government officials and their households, aliens in transit through the United States, and temporary visitors for business and pleasure; and aliens whose immigration is regulated by immigration treaty.
- c. Actors, artists, lecturers, singers, nurses, ministers, professors, aliens belonging to any recognized learned profession, and aliens employed as domestic servants were placed on a nonquota basis.

## **12 Act of May 11, 1922 (42 Statutes-at-Large 540)**

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Extended the Act of May 19, 1921 for two years, with amendments:

- a. Changed from one year to five-years the residency requirement in a Western Hemisphere country.
- b. Authorized fines of transportation companies for transporting an inadmissible alien unless it was deemed that inadmissibility was not known to the company and could not have been discovered with reasonable diligence.

## **13 Immigration Act of May 26, 1924 (43 Statutes-at-Large 153)**

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The first permanent limitation on immigration, established the “national origins quota system.” In conjunction with the Immigration Act of 1917, governed American immigration policy until 1952 (see the Immigration and Nationality Act of 1952).

Provisions:

- a. Contained two quota provisions:
  1. In effect until June 30, 1927—set the annual quota of any quota nationality at two percent of the number of foreign-born persons of such nationality resident in the continental United States in 1890 (total quota - 164,667).
  2. From July 1, 1927 (later postponed to July 1, 1929) to December 31, 1952—used the national origins quota system: the annual quota for any country or nationality had the same relation to 150,000 as the number of inhabitants in the continental United States in 1920 having that national origin had to the total number of inhabitants in the continental United States in 1920.

Preference quota status was established for: unmarried children under 21; parents; spouses of U.S. citizens aged 21 and over; and for quota immigrants aged 21 and over who are skilled in agriculture, together with their wives and dependent children under age 16.

- b. Nonquota status was accorded to: wives and unmarried children under 18 of U.S. citizens; natives of Western Hemisphere countries, with their families; nonimmigrants; and certain others. Subsequent amendments eliminated certain elements of this law’s inherent discrimination against women but comprehensive elimination was not achieved until 1952 (see the Immigration and Nationality Act of 1952).

- c. Established the “consular control system” of immigration by mandating that no alien may be permitted entrance to the United States without an unexpired immigration visa issued by an American consular officer abroad. Thus, the State Department and the Immigration and Naturalization Service shared control of immigration.
- d. Introduced the provision that, as a rule, no alien ineligible to become a citizen shall be admitted to the United States as an immigrant. This was aimed primarily at Japanese aliens.
- e. Imposed fines on transportation companies who landed aliens in violation of U.S. Immigration laws.
- f. Defined the term “immigrant” and designated all other alien entries into the United States as “nonimmigrant” (temporary visitor). Established classes of admission for nonimmigrant entries.

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#### **14 Act of May 28, 1924 (43 Statutes-at-Large 240)**

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An appropriations law, provided for the establishment of the U.S. Border Patrol.

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#### **15 Act of March 31, 1928 (45 Statutes-at-Large 400)**

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Provided more time to work out computation of the quotas established by the Immigration Act of 1924 by postponing introduction of the quotas until July 1, 1929.

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#### **16 Act of April 2, 1928 (45 Statutes-at-Large 401)**

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Provided that the Immigration Act of 1924 was not to be construed to limit the right of American Indians to cross the border, but with the proviso that the right does not extend to members of Indian tribes by adoption.

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#### **17 Registry Act of March 2, 1929 (45 Statutes-at-Large 1512)**

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Amended existing immigration law authorizing the establishment of a record of lawful admission for certain aliens not ineligible for citizenship when no record of admission for permanent residence could be found and the alien could prove entrance to the United States before July 1, 1924 (subsequently amended to June 3, 1921 by the Act of August 7, 1939—53 Statutes-at-Large 1243). Later incorporated into the Alien Registration Act of 1940.

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#### **18 Act of March 4, 1929 (45 Statutes-at-Large 1551)**

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Provisions:

- a. Added two deportable classes, consisting of aliens convicted of carrying any weapon or bomb and sentenced to any term of six months or more, and aliens convicted of violation of the prohibition law for which a sentence of one year or more is received.
- b. Made reentry of a previously deported alien a felony punishable by fine or imprisonment or both.
- c. Made entry by an alien at other than a designated place or by fraud to be a misdemeanor punishable by fine or imprisonment or both.
- d. Deferred the deportation of an alien sentenced to imprisonment until the termination of the imprisonment.

### **19 Act of February 18, 1931 (46 Statutes-at-Large 1171)**

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Provided for the deportation of any alien convicted of violation of U.S. laws concerning the importation, exportation, manufacture, or sale of heroin, opium, or coca leaves.

### **20 Act of March 17, 1932 (47 Statutes-at-Large 67)**

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Provisions:

- a. The contract labor laws were applicable to alien instrumental musicians whether coming for permanent residence or temporarily.
- b. Such aliens shall not be considered artists or professional actors under the terms of the Immigration Act of 1917, and thereby exempt from the contract labor laws, unless they are recognized to be of distinguished ability and are coming to fulfill professional engagements corresponding to such ability.
- c. If the alien qualifies for exemption under the above proviso, the Secretary of Labor later may prescribe such conditions, including bonding, as will insure the alien's departure at the end of his engagement.

### **21 Act of May 2, 1932 (47 Statutes-at-Large 145)**

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Amended the Immigration Act of 1917, doubling the allocation for enforcement of the contract labor laws.

### **22 Act of July 1, 1932 (47 Statutes-at-Large 524)**

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Amended the Immigration Act of 1924, providing that the specified classes of nonimmigrant aliens be admitted for a prescribed period of time and under such conditions, including bonding where deemed necessary, as would ensure departure at the expiration of the prescribed time or upon failure to maintain the status under which admitted.

### **23 Act of July 11, 1932 (47 Statutes-at-Large 656)**

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Provided exemption from quota limits (i.e., give nonquota status) the husbands of American citizens, provided that the marriage occurred prior to issuance of the visa and prior to July 1, 1932. Wives of citizens were accorded nonquota status regardless of the time of marriage.

### **24 Act of June 15, 1935 (49 Statutes-at-Large 376)**

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Designated as a protection for American seamen, repealed the laws giving privileges of citizenship regarding service on and protection by American vessels to aliens having their first papers (i.e., having made declaration of intent to become American citizens).

### **25 Act of May 14, 1937 (50 Statutes-at-Large 164)**

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Made deportable any alien who at any time after entering the United States:

- a. was found to have secured a visa through fraud by contracting a marriage which subsequent to entry into the United States had been judicially annulled retroactively to the date of the marriage;  
or
- b. failed or refused to fulfill his promises for a marital agreement made to procure his entry as an immigrant.

## **26 Act of June 14, 1940 (54 Statutes-at-Large 230)**

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Presidential Reorganization Plan, transferred the Immigration and Naturalization Service from the Department of Labor to the Department of Justice as a national security measure.

## **27 Alien Registration Act of June 28, 1940 (54 Statutes-at-Large 670)**

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Provisions:

- a. Required registration of all aliens and fingerprinting those over 14 years of age.
- b. Established additional deportable classes, including aliens convicted of smuggling, or assisting in the illegal entry of, other aliens.
- c. Amended the Act of October 16, 1919, making past membership—in addition to present membership—in proscribed organizations and subversive classes of aliens grounds for exclusion and deportation.
- d. Amended the Immigration Act of 1917, authorizing, in certain meritorious cases, voluntary departure in lieu of deportation, and suspension of deportation.

## **28 Act of July 1, 1940 (54 Statutes-at-Large 711)**

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Amended the Immigration Act of 1924, requiring aliens admitted as officials of foreign governments to maintain their status or depart.