

Overview of INS History

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U.S. Citizenship
and Immigration
Services



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1. Early American Immigration Policies

Americans encouraged relatively free and open immigration during the 18th and early 19th centuries, and rarely questioned that policy until the late 1800s. After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared regulation of immigration a federal responsibility. Thus, as the number of immigrants rose in the 1880s and economic conditions in some areas worsened, Congress began to pass immigration legislation.

The Chinese Exclusion Act of 1882 and Alien Contract Labor laws of 1885 and 1887 prohibited certain laborers from immigrating to the United States. The general Immigration Act of 1882 levied a head tax of fifty cents on each immigrant and blocked (or excluded) the entry of idiots, lunatics, convicts, and persons likely to become a public charge.

These national immigration laws created the need for new federal enforcement authorities. In the 1880s, state boards or commissions enforced immigration law with direction from U.S. Treasury Department officials. At the Federal level, U.S. Customs Collectors at each port of entry collected the head tax from immigrants while "Chinese Inspectors" enforced the Chinese Exclusion Act.



2. Origins of the Federal Immigration Service

The federal government assumed direct control of inspecting, admitting, rejecting, and processing all immigrants seeking admission to the United States with the Immigration Act of 1891. The 1891 Act also expanded the list of excludable classes, barring the immigration of polygamists, persons convicted of crimes of moral turpitude, and those suffering loathsome or contagious diseases.

The national government's new immigration obligations and its increasingly complex immigration laws required a dedicated federal enforcement agency to regulate immigration. Accordingly, the 1891 Immigration Act created the Office of the Superintendent of Immigration within the Treasury Department. The Superintendent oversaw a new corps of U.S. Immigrant Inspectors stationed at the country's principal ports of entry.

Federal Immigration Stations – On January 2, 1892, the Immigration Service opened the U.S.'s best known immigration station on Ellis Island in New York Harbor. The enormous station housed inspection facilities, hearing and detention rooms, hospitals, cafeterias, administrative offices, railroad ticket offices, and representatives of many immigrant aid societies. America's largest and busiest port of entry for decades, Ellis Island station employed 119 of the Immigration Service's entire staff of 180 in 1893.

The Service built additional immigrant stations at other principal ports of entry through the early 20th century. At New York, Boston, Philadelphia, and other traditional ports of entry, the Immigration Service hired many Immigrant Inspectors who previously worked for state agencies. At other ports, both old and new, the Service built an Inspector corps by hiring former Customs Inspectors and Chinese Inspectors, and training recruits.

Implementing A National Immigration Policy – During its first decade, the Immigration Service formalized basic immigration procedures and made its first attempts to enforce a national immigration policy. The Immigration Service began collecting arrival manifests (also frequently called passenger lists or immigration arrival records) from each incoming ship, a former duty of the U.S. Customs Service since 1820. Inspectors then questioned arrivals about their admissibility and noted their admission or rejection on the manifest records.

Beginning in 1893, Inspectors also served on Boards of Special Inquiry that closely reviewed each exclusion case. Inspectors often initially excluded aliens who were likely to become public charges because they lacked funds or had no friends or relatives nearby. In these cases, the Board of Special Inquiry usually admitted the alien if someone could post bond or one of the immigrant aid societies would accept responsibility for the alien.

Detention guards and matrons cared for detained persons pending decisions in their cases or, if the decision was negative, awaiting deportation. The Immigration Service deported aliens denied admission by the Board of Special Inquiry at the expense of the transportation company that brought them to the port.

Enhanced Responsibilities – Congress continued to exert Federal control over immigration with the Act of March 2, 1895, which promoted the Office of Immigration to the Bureau of Immigration and changed the agency head's title from Superintendent to Commissioner-General of Immigration. The Act of June 6, 1900, consolidated immigration enforcement by assigning enforcement of both Alien Contract Labor laws and Chinese Exclusion laws to the Commissioner-General.

Because most immigration laws of the time sought to protect American workers and wages, an Act of February 14, 1903, transferred the Bureau of Immigration from the Treasury Department to the newly created Department of Commerce and Labor. An "immigrant fund" created from collection of immigrants' head tax financed the Immigration Service until 1909, when Congress replaced the fund with an annual appropriation.





3. Origins of the Federal Naturalization Service

At the beginning of the 20th century, federal attention next turned to standardizing naturalization procedures nationwide. Congress previously delegated its constitutional authority to establish “an uniform Rule of Naturalization” to the judiciary for over a century. Under the decentralized system established by the Naturalization Act of 1802, “any court of record” – Federal, state, county, or municipal – could naturalize a new American citizen. In 1905, a commission charged with investigating naturalization practice reported an alarming lack of uniformity among the nation's more than 5,000 naturalization courts. Individual courts exercised naturalization authority without central supervision and with little guidance from Congress concerning the proper interpretation of its naturalization laws. Each court determined its own naturalization requirements, set its own fees, followed its own naturalization procedures, and issued its own naturalization certificate. This absence of uniformity made confirming a person’s citizenship status very difficult, resulting in widespread naturalization fraud. The naturalization of large groups of aliens before elections caused particular concern.

Standardizing Naturalization Nationwide – Congress enacted the Basic Naturalization Act of 1906 to restore dignity and uniformity to the naturalization process. The 1906 law framed the fundamental rules that governed naturalization for most of the 20th century. That legislation also created the Federal Naturalization Service to oversee the nation’s naturalization courts. Congress placed this new agency in the Bureau of Immigration, expanding it into the Bureau of Immigration and Naturalization.

To normalize naturalization procedures, the Basic Naturalization Act of 1906 required standard naturalization forms and encouraged state and local courts to give up their naturalization jurisdiction to federal courts. To prevent fraud, the new federal Naturalization Service collected copies of every naturalization record issued by every naturalization court across the country. Bureau officials also checked immigration records to verify each applicant’s legal admission into the United States.

The Independent Bureau of Naturalization – In 1913, the Naturalization Service began its two decades as an independent Bureau. That year saw the Department of Commerce and Labor divided into separate cabinet departments and the Bureau of Immigration and Naturalization split into the Bureau of Immigration and the Bureau of Naturalization. The two bureaus coexisted separately within the new Department of Labor until reunited as the Immigration and Naturalization Service (INS) in 1933.

Encouraging Citizenship – A grassroots Americanization movement popular before World War I influenced developments in the Naturalization Bureau during the 1920s. The Bureau published its first *Federal Textbook on Citizenship* in 1918 to prepare naturalization applicants. Its Education for Citizenship program distributed the textbooks to public schools offering citizenship education classes and notified eligible aliens of available education opportunities.

Increasing Oversight of Naturalization Courts – Legislation of 1926 established the designated examiner system which assigned a Naturalization Examiner to each federal naturalization court. The Naturalization Examiners interviewed applicants, made recommendations to judges, and monitored proceedings. This direct interaction with the courts further advanced the fairness and uniformity of the naturalization process nationwide.





4. Mass Immigration and WWI

The Immigration Service continued evolving as the United States experienced rising immigration during the early years of the 20th century. Between 1900 and 1920 the nation admitted over 14.5 million immigrants.

Concerns mass immigration and its impact on the country began to change Americans' historically open attitude toward immigration. Congress strengthened national immigration law with new legislation in 1903 and 1907. Meanwhile, a Presidential Commission investigated the causes of massive emigration out of Southern and Eastern Europe and the Congressional Dillingham Commission studied conditions among immigrants in the United States. These commissions' reports influenced the writing and passage of the Immigration Act of 1917.

Among its other provisions, the 1917 Act required that immigrants be able to read and write in their native language, obligating the Immigration Service to begin administering literacy tests. Another change, the introduction of pre-inspection and more-rigorous medical examinations at the point of departure saved time for people passing through some American ports of entry and reduced the number of excluded immigrants.

Wartime Challenges – The outbreak of World War I greatly reduced immigration from Europe but also imposed new duties on the Immigration Service. Internment of enemy aliens (primarily seamen who worked on captured enemy ships) became a Service responsibility. Passport requirements imposed by a 1918 Presidential Proclamation increased agency paperwork during immigrant inspection and deportation activities. The passport requirement also disrupted routine traffic across United States' land borders with Canada and Mexico. Consequently, the Immigration Service began to issue Border Crossing Cards.





5. Era of Restriction

Mass immigration resumed after the First World War. Congress responded with a new immigration policy, the national origins quota system. Established by Immigration Acts of 1921 and 1924, the national origins system numerically limited immigration for the first time in United States history. Each nationality received a quota based on its representation in past United States census figures. The State Department distributed a limited number of visas each year through U.S. Embassies abroad and the Immigration Service only admitted immigrants who arrived with a valid visa.

Birth of the Border Patrol and Board of Review – Severely restricted immigration often results increased illegal immigration. In response to rising numbers of illegal entries and alien smuggling, especially along land borders, in 1924 Congress created the U.S. Border Patrol within the Immigration Service.

The strict new immigration policy coupled with Border Patrol successes shifted more agency staff and resources to deportation activity. Rigorous enforcement of immigration law at ports of entry also increased appeals under the law. This led to creation of the Immigration Board of Review within the Immigration Bureau in the mid-1920s. (The Board of Review became the Board of Immigration Appeals after moving to the Justice Department in the 1940s, and since 1983 has been known as the Executive Office of Immigration Review (EOIR).)

United Immigration and Naturalization Service (INS) – Executive Order 6166 of June 10, 1933, reunited the Bureau of Immigration and Bureau of Naturalization into one agency, the Immigration and Naturalization Service. Consolidation resulted in significant reduction of the agency's workforce achieved through merit testing and application of Civil Service examination procedures.

The agency's focus shifted towards law enforcement as immigration volume dropped significantly during the Great Depression. Through the 1930s, INS dedicated more resources to investigation, exclusion, prevention of illegal entries, deportation of criminal and subversive aliens, and cooperating closely with the Department of Justice's United States Attorneys and Federal Bureau of Investigation (FBI) in prosecuting violations of immigration and nationality laws.





6. World War II

The threat of war in Europe, and a growing view of immigration as a national security rather than an economic issue, reshaped the Immigration and Naturalization Service's (INS) mission. In 1940, Presidential Reorganization Plan Number V moved the INS from the Department of Labor to the Department of Justice.

The United States' entry into World War II brought additional change as many Service personnel enlisted in the Armed Forces. This left INS short of experienced staff. At the same time, INS Headquarters temporarily moved to Philadelphia for the course of the war.

Aiding the War Effort – New national security duties led to the INS' rapid growth through World War II. The agency's workforce doubled from approximately 4,000 to 8,000 employees as INS instituted the following programs in support of the war effort:

- Recording and fingerprinting every alien in the United States through the Alien Registration Program;
- Organizing and operating internment camps and detention facilities for enemy aliens;
- Increased Border Patrol operations;
- Record checks related to security clearances for immigrant defense workers; and
- Administration of a program to import agricultural laborers to harvest the crops left behind by American workers who went to war.

During the war the INS was relieved the responsibility of enforcing the Chinese Exclusion Act, which Congress repealed in 1943. Other war-time developments included conversion to a new record-keeping system and implementation of the Nationality Act of 1940.





7. Post-War Years

Immigration remained relatively low following World War II because the numerical limitations imposed by the 1920s national origins system remained in place. However, humanitarian crises spawned by the conflict and United States burgeoning international presence in the post-war world brought new challenges for the Immigration and Naturalization Service (INS).

Providing Humanitarian Relief – Many INS programs in the 1940s and 1950s addressed individuals affected by conditions in postwar Europe. The Displaced Persons Act of 1948 and Refugee Relief Act of 1953 allowed for admission of many refugees displaced by the war and unable to come to the United States under regular immigration procedures. With the onset of the Cold War, the Hungarian Refugee Act of 1956, Refugee-Escapee Act of 1957, and Cuban Adjustment Program of the 1960s served the same purpose for “escapees” from communist countries. Other post-war INS programs facilitated family reunification. The War Brides Act of 1945 and the Fiancées Act of 1946 eased admission of the spouses and families of returning American soldiers.

The Bracero Program – The World War II temporary worker program continued after the war under a 1951 formal agreement between Mexico and the United States. Like its wartime predecessor the Mexican Agricultural Labor Program (“MALP”), commonly called the “Bracero Program,” matched seasonal agricultural workers from Mexico with approved American employers. Between 1951 and 1968, hundreds of thousands of *braceros* entered the country each year as non-immigrant laborers.

Enforcing Immigration Laws – By the mid-1950s, INS enforcement activities focused on two areas of national concern. Public alarm over illegal aliens resident and working in the United States caused the Service to strengthen border controls and launch targeted deportation programs including the controversial “Operation Wetback,” a 1954 Mexican Border enforcement initiative. Additional worry over criminal aliens within the country prompted INS investigation and deportation of communists, subversives, and organized crime figures.

Reforming Immigration Policy – Congress re-codified and combined all previous immigration and naturalization law into the Immigration and Nationality Act (INA) of 1952. The 1952 law removed all racial barriers to immigration and naturalization and granted the same preference to husbands as it did to wives of American citizens. However, the INA retained the national origins quotas.

In 1965 amendments to the 1952 immigration law, Congress replaced the national origins system with a preference system designed to reunite immigrant families and attract skilled immigrants to the United States. This change to national policy responded to changes in the sources of immigration since 1924. By the mid-20th century, the majority of applicants for immigration visas came from Asia and Central and South America rather than Europe. The preference system continued to limit the number of immigration visas available each year, however, and Congress still responded to refugees with special legislation, as it did for Indochinese refugees in the 1970s. Not until the Refugee Act of 1980 did the United States have a general policy governing the admission of refugees.





8. Late 20th Century

As in the past, the Immigration and Naturalization Service (INS) adapted to new challenges which emerged during the 1980s and 90s. Changes in world migration patterns, the ease of modern international travel, and a growing emphasis on controlling illegal immigration all shaped the development of INS through the closing decades of the 20th century.

Adopting New Approaches to Immigration Law Enforcement – INS’s responsibilities expanded under the Immigration Reform and Control Act (IRCA) of 1986. IRCA charged the INS with enforcing sanctions against United States employers who hired undocumented aliens. Carrying out employer sanction duties involved investigating, prosecuting, and levying fines against corporate and individual employers, as well as deportation of those found to be working illegally. The 1986 law also allowed certain aliens illegally in the U.S. to legalize their residence. INS administered that legalization program.

The Immigration Act of 1990 (IMMACT 90) retooled the immigrant selection system once again. IMMACT 90 increased the number of available immigrant visas and revised the preference categories governing permanent legal immigration. Immigrant visas were divided into 3 separate categories: family-sponsored, employment-based, and “diversity” immigrants selected by lottery from countries with low immigration volumes.

The 1990 Act also established an administrative procedure for naturalization and ended judicial naturalization. Under the act, authorized INS administrative officials could grant or deny naturalization petitions.

Dawning of a New Millennium – The INS workforce, which numbered approximately 8,000 from World War II through the late 1970s, increased to more than 30,000 employees in thirty-six INS districts at home and abroad by turn of the 21st century. The original force of Immigrant Inspectors evolved into a corps of specialist officers focused on individual elements of the agency’s mission. As it entered its second century, INS employees:

- Enforced laws providing for selective immigration and controlled entry of tourists, business travelers, and other temporary visitors;
- Inspected and admitted arrivals at land, sea, and air ports of entry;
- Administered benefits such as naturalization and permanent resident status;
- Granted asylum to refugees;
- Patrolled the nation’s borders; and
- Apprehended and removed aliens who entered illegally, violated the requirements of their stay, or threatened the safety of the people of the United States.





9. Post-9/11

The events of September 11, 2001, injected new urgency into INS' mission and initiated another shift in the United States' immigration policy. The emphasis of American immigration law enforcement became border security and removing criminal aliens to protect the nation from terrorist attacks. At the same time the United States retained its commitment to welcoming lawful immigrants and supporting their integration and participation in American civic culture.

The Homeland Security Act of 2002 disbanded INS on March 1, 2003. Its constituent parts contributed to 3 new federal agencies serving under the newly-formed Department of Homeland Security (DHS):

1. Customs and Border Protection (CBP),
2. Immigration and Customs Enforcement (ICE), and
3. U.S. Citizenship and Immigration Services (USCIS).

CBP prevents drugs, weapons, and terrorists and other inadmissible persons from entering the country. ICE enforces criminal and civil laws governing border control, customs, trade, and immigration. USCIS oversees lawful immigration to the United States and naturalization of new American citizens. Although now separate, these agencies continue to cooperate, benefitting from and building upon the legacy of INS.

