

Overview of the United States Immigration Policy

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Abstract

This article discusses some major historic and current trends in the United States immigration policy. The United States has traditionally been viewed as a nation formed by immigrants but at different times the mainstream attitudes of American society toward newcomers varied substantially. In the 19th century, the most welcomed newcomers usually were European settlers whose arrival and assimilation were promoted through a number of acts. In the 20th century, public attitudes shifted dramatically and legislative provisions largely reflected the changes taking place in the American society. The Red Scare of the 1920s and McCarthyism of the late 1940s-early 1950s contributed to the restrictive laws against travelers, immigrants and naturalized citizens suspected of Communist sympathies. Since 1971, the United States has seen a steady increase in the number of Asian and Hispanic immigrants. In recent years, a number of individual states have carried out their own policies to regulate immigration in their respective states. The major focus of the states' efforts is on limiting or regulating unauthorized immigration. Immigration and related issues remained hotly debated subjects in the Presidential campaign of 2016.

Keywords: Clinton, immigration, immigrants, Legislation, Policy, States, Trump, U.S.

Introduction

As the United States was formed and shaped by immigrants and their descendants, Americans have traditionally attempted to organize the flow of newcomers to their land. This effort has mainly been centered at the federal legislative level with occasional executive orders issued by the executive branch aimed at diverting the immigration flow into a desired channel. However in the last three decades some individual states, affected by the waves of immigration more than others, have attempted to seize control of their "state's fate" and engaged in regulation of immigration trends.

Due to its significance, immigration policy and trends have been thoroughly studied and analyzed by researchers and pundits. Leading American universities, including Georgetown University, offer degree or certificate level programs in migration studies and related areas. A number of non-commercial and research organizations work is focused solely on the matters of migration and its issues. The Center for Migration Studies of New York and Center for Comparative Immigration Studies at UC San Diego have actively explored these areas. Some other large research organizations have developed subsidiary programs or devoted a portion of their personnel effort to study this field and analyze its potential future curve. For years, the Pew

Research Center has tried to study the immigration related issues and make its research results available for larger public.

The following is a brief overview of earlier and more recent efforts at the federal and individual states level to regulate immigration to the United States and changing pattern of the immigrants' racial and ethnic origin.

Early Attempts to Organize Immigration

The melting pot was a metaphor describing the transformation of a heterogeneous society into a homogenous entity that was in usage with different variations since the late 18th century but heavily popularized by the same name 1908 drama by Israel Zangwill staged in New York City. In reality, as McDonald notes in his book *American Ethnic History: Themes and Perspectives*, the term implied assimilation with the core concept and genuine belief that "ethnic differences are not permanent and will eventually disappear" bringing all immigrant groups to Anglo-conformity (McDonald, 2007).

Since the 1860s, the United States has repeatedly used legislation to organize immigration. One of the early efforts

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was a series of Homestead Acts issued in the turbulent years of the 1860s, which were not immigration acts per se but afforded recent immigrants declaring their intention to become citizens a variety of benefits, including the eligibility for free homesteads (federal land plots up to 160 acres), and in many states, the right to vote. The goal was to make America attractive for larger numbers of farmers and skilled craftsmen willing to settle in new lands of the Western Frontier. The very first Homestead Act of 1862 opened up millions of acres and made eligible women and immigrants applying for citizenship. A driving force for the Americans in those days was to attract to their country the immigrants who would easily settle, adjust, and assimilate.

Sometimes it was obvious that the American legislators, probably reflecting the sentiments widespread in one part of the population driven on the one hand by xenophobia and growing fear of "Yellow Peril" and on the hand by more rational reluctance to allow cheap labor from China, attempted to unequivocally limit the number of certain racial and ethnic groups. In 1882, the Chinese Exclusion Act (PBS) introduced harsh restrictions for the Chinese, including restric-

tion of Chinese labor immigration for ten years, prohibition of Chinese naturalization, and establishment of deportation procedures for illegal Chinese.

The first set of comprehensive immigration laws was passed in the 1890s. The Immigration Acts of this decade focused on immigration rules and enforcement mechanisms for foreigners arriving from countries other than China. As would be the case with future legislation, the 1890s laws reflected mainstream tendencies in American society in that particular period. For instance, in the era of growing anti-Communism and rising McCarthyism, the Immigration and Nationality Act of 1952 defined the term "world communism" as a revolutionary movement, the purpose of which is to establish a Communist totalitarian dictatorship, and to oppose that established restrictions against travelers barring them from entry and even deporting in certain cases immigrants and naturalized citizens suspected of Communist sympathies (United States Statutes at Large). However, the Immigration and Nationality Act passed in 1965, time of great transformation in American society, rejected the national original quotas and allowed people from Asia, Africa,

Presidential Candidates on Immigration Trump vs. Clinton on Immigration

Based on data provided by the Politics and Elections Portal (The Politics and Elections Portal, 2016).

 <p>Announcing about his ambition to run for Presidency in 2016 as a GOP candidate Donald Trump stated:</p> <p><i>"The US has become a dumping ground for everybody else's problems. It's true. And these aren't the best and the finest. When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us [sic]. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."</i></p> <p>Being harshly criticized, Donald Trump later clarified that he meant only illegal immigrants:</p> <p><i>"I was talking about illegal immigration. And I brought up a subject called 'illegal immigration'. And I just saw backstage some of the families who were decimated, their families were decimated, their sons, their daughters killed by illegal immigrants. And it's a massive problem. We have to stop illegal immigration. We have to do it. We have to do it."</i></p>	 <p>Democratic Party candidate Hillary Clinton supports a path to citizenship and deportation protection for illegal immigrants. She criticizes Republicans for advocating "legal status", which she reads as code for "second-class status".</p> <p><i>"We claim that we are for families. We have to pull together and resolve the outstanding issues around our broken immigration system. The American people support comprehensive immigration reform, not just because it's the right thing to do (and it is), but because they know it strengthens families, strengthens our economy, and strengthens our country. That's why we can't wait any longer, we can't wait any longer for a path to full and equal citizenship. Now this is where I differ with everybody on the Republican side."</i></p> <p>Hillary Clinton also gave an overview of her plan if she is elected:</p> <p><i>"I will fight for comprehensive immigration reform, and a path to citizenship for you and for your families across our country. I will fight to stop partisan attacks on the executive actions that would put Dreamers, including those with us today, at risk of deportation. And if Congress continues to refuse to act, as President I would do everything possible under the law to go even further."</i></p>
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the Middle East, and Southern and Eastern Europe to migrate to the U.S.

Before 1965, the demographic pattern of immigration was largely limited to Europeans with some 68% of all immigrants coming from Europe and Canada. However, this trend dramatically changed and in the period from 1971 to 1991 immigrants from Latin American countries composed some 48% of all immigrants and immigrants from Asia made 35%. With racial and ethnic shift in immigration flows, also increased the overall number of migrants. In 1980-1990, immigration constituted up to 40% of the total population growth in the United States (Lind, 1995).

Individual States Approach to Immigration

In recent years, many individual states have carried out their own policies trying to regulate unauthorized immigration and illegal immigrants' lives in their respective states.

Although the federal government is entitled to pass immigration laws and has the sole authority to grant visas, permanent residencies, and citizenships, the states also pass laws for certain activities related to immigration. Normally, these state legislative norms are related to employment, education, licensing, health care, and state benefits. It is no surprise that those states that are recipients of the largest migrant flows, including California, Texas, Florida, and New York have all been actively engaged in immigration related lawmaking. The major focus of the states is on limiting or regulating unauthorized immigration.

As a result, an unauthorized immigrant may be treated differently depending on the state of residence. The New York Times in its March 29, 2015 edition gives a very thoughtful analysis how the state of affairs in this field differs from state to state. According to the study, ten states and the District of Columbia give illegal aliens a chance to get a driver's license. The driver's license exams can be passed without presenting documentation normally possessed by legally residing immigrants; in these states it is sufficient to show only a foreign passport or birth certificate (Park, 2015). Only in six states (Utah, Arizona, Indiana, Alabama, Georgia, and South Carolina) the police may and under certain conditions is expected to pose questions to a person about his/her immigration status. In this, Arizona was a pioneer in 2010, when the state passed a law requiring the police to question anyone arrested if they suspect the person is in the country illegally.

The most recent development was the opposition of twenty-six states, which filed a lawsuit challenging President Obama's executive actions allowing work permits and protection from deportation to about four million unauthorized immigrants in the country. By contrast, fourteen other states and the District of Columbia have requested a federal appeals court to allow President Obama's programs to begin. This division on immigration issues to some extent coincides with a more traditional line dividing "conservative" and "liberal" states.

Pundits generally agree that much of the state legislation passed between 2004 and 2012 was restrictive in

nature, making it more difficult for immigrants to reside in communities, work, and live their daily lives. Several cities imposed penalties on landlords who rented to unauthorized immigrants and employers who hired them (Gulasekaram, 2014).

What are the factors feeding anti-immigration legislative initiatives? The experts state that the movement of immigrants to new destinations, such as Kansas, North Carolina, and Georgia, provoke fears of threats related to cultural and economic aspects, crime, some other local challenges, i.e. overcrowded housing. These supposedly objective changes and unwillingness of wider public in these states to provide funding for newcomers' health and welfare benefits, as well as for their children's education put pressure on states and local governments to respond to the rising number of migrants in their communities.

One of the strongest advocates of illegal immigrants' rights in the 1990s United States was former New York City Mayor Rudolph Giuliani, who was often criticized for a "sanctuary city policy" offering protection from legal persecution to undocumented families and their children. Mayor Giuliani encouraged illegal immigrants to move to New York City by stating: "Some of the hardest-working and most productive people in this city are undocumented aliens. If you come here and you work hard and you happen to be in an undocumented status, you're one of the people who we want in this city. You're somebody that we want to protect, and we want you to get out from under what is often a life of being like a fugitive, which is really unfair" (Sontag, 1994).

Definitely, the political context plays a huge role. The cities and states with the strong Republican presence were much more likely to pass restrictive legislation. But the presence of strong agricultural interests in a state makes it less likely to see the adoption of restrictive laws.

Conclusion

In conclusion, one may hypothesize that, while the American economy is on the rise and continues to grow, despite temporary challenges, the flow of immigration, both authorized and unauthorized, will not recede. With that the discourse over the organization of immigration related issues will be continued sometimes turning into a heated debate at all levels of governance, whether federal or states.

References

- Gulasekaram, K. R. (2014). Center for American Progress. Retrieved June 15, 2016, from <https://www.americanprogress.org/issues/immigration/report/2014/03/24/86207/understanding-immigration-federalism-in-the-united-states/>
- Lind, M. (1995). *The Next American Nation: the New Nationalism and the Fourth American Revolution*. New York: The Free Press.

McDonald, J. (2007). *American Ethnic History: Themes and Perspectives*. Rutgers University Press.

Park, H. (2015). The New York Times. Retrieved June 15, 2016, from http://www.nytimes.com/interactive/2015/03/30/us/laws-affecting-unauthorized-immigrants.html?_r=0

PBS. (n.d.). Documents on Anti-Chinese Immigration Policy. Retrieved June 15, 2016, from U. S. Statutes at Large, Vol. XXII, p. 58 ff: <http://www.pbs.org/weta/thewest/resources/archives/seven/chinxact.htm>

Sontag, D. (1994). New York Officials Welcome Immigrants, Legal or Illegal. *The New York Times*. USA

The Politics and Elections Portal. (2016). Retrieved June 15, 2016, from <http://2016.candidate-comparison.org/?compare=Trump&vs=Clinton&on=immigration>

United States Statutes at Large, 1. V.-2. (n.d.). Retrieved September 25, 2016, from Documents of American History II: http://tucnak.fsv.cuni.cz/~calda/Documents/1950s/McCarran_52.html