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### Works Cited

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### Immigration Restrictions: An Overview

Immigration refers to the movement of persons from one nation or region to another with the purpose of seeking permanent residence. Immigrants leave their countries of origin for a variety of reasons, including employment, economic or social conditions, military conflict and political turmoil.

Historically, nations have imposed restrictions on immigration based on xenophobia -- the fear of alien or "other" cultures -- or to protect political, economic or ethnic dominance. Modern restrictions place more emphasis on the economic and social effects of immigration. The United Nations High Level Dialogue on International Migration and Development, held in 2006, revealed that 3 percent (191 million) of the world's population is currently living outside their native country. Of this number, one-third migrated from a developing nation to a developed one. Currently, the UN estimates that 214 million no longer live in their country of origin.[d1]

In recent years, the United States Congress has debated immigration reform largely due to concerns about illegal immigration. The case of immigration reform in the United States is unique, in that immigration played a major role in the settlement of the country, and its effects are evident throughout the country's present population. As a result, the United States maintains one of the most open immigration policies in the world.

### Understanding the Discussion

**Alien:** In legal terms, a person who is not a citizen or native of the country in which they reside.

**Asylum:** Official permission to immigrate to a country based on protection from ideological, religious or political persecution. Such entrants are designated as political asylees.

**Citizenship:** Membership in the political structure of a country, usually the country of one's birth. Many countries legally allow immigrants citizenship (residence and rights) on a permanent basis.

**Emigration:** The act of leaving one's place of residence to live elsewhere.

**Family Unification:** Permission to immigrate or remain in a country based on the fact that immediate family members are citizens of that region.

**Illegal Alien/Immigrants:** An individual who remains in a nation beyond the limits of his or her legally granted time period, or an individual who enters a nation without permission.

**Immigration:** The act of settling in a country, nation or region to which one is not native.

**Migration:** The movement of persons from one country or region to another.

**Naturalization:** The legal process by which citizenship is granted to a person.

**Permanent Resident:** An individual who is not a citizen but who legally resides in another nation on a permanent or extended basis.

## History

With the exception of Native Americans, all persons living in the United States are descended from immigrants or slaves who came to the country during the last 400 years. By the late seventeenth century, foreign-born persons constituted seventy-five percent of the American population.

Initially, the US government encouraged open immigration in the interest of settling as much territory as possible. Following the Civil War, however, states began to pass their own immigration statutes. The United States Supreme Court determined that immigration came under federal jurisdiction in 1875, and Congress established the Immigration Service in 1891.

Most early immigration laws were instituted in order to control the composition of the US population. In 1790, Congress passed the Naturalization Act, which effectively limited immigration to persons of European and Caucasian descent. In 1882, Congress passed the Chinese Exclusion Act, which made immigration from China illegal. This law was repealed by the 1943 passage of the Magnuson Act. There were some who also proposed restrictions against people from European nations, including Ireland, Italy, and Poland.

In addition to ethnicity, the US government was also concerned with the moral composition of the population. Between 1872 and 1890, Congress passed laws restricting the immigration of, among other groups, prostitutes, criminals, the mentally ill, and financially unstable persons. In the late nineteenth century, the government became concerned about the potential for foreign laborers to negatively affect employment or payment rates for native laborers. Laws passed in 1885 and 1887 were among the first to restrict immigration based on economic concerns. Labor issues remain a major part of the modern immigration debate.

From 1900 to 1921, Congress established a "quota system," which granted permission to a set

number of individuals from each ethnic group to immigrate. Certain ethnic groups, including people from most Asian nations, were excluded entirely. The number of immigrants from each ethnic group was determined according to the census. The government also developed provisions intended to promote the immigration of certain types of laborers whose skills were lacking in the existing population.

In 1924, as concerns about border security increased, Congress established the first office of border control to monitor immigration from Canada and Mexico. Immigration rates dropped substantially between 1925 and 1945, especially during the Great Depression (1929-1940). In 1948, Congress made temporary revisions to immigration policy to allow people left homeless by World War II to come to the United States.

In 1952, Congress passed the McCarran-Walter Immigration and Nationality Act, which formally repealed any remaining restrictions based on ethnicity, and opened immigration to people from any nation. Reflecting recent political developments, the government began to restrict immigration based on political ideology: those with alleged ties to Communist organizations were actively prevented from entering the United States.

In 1965, Congress abandoned the quota system and based immigration acceptance on the relative "need" of each applicant. Under the new system, a certain number of people were allowed entrance for labor, family unification and political asylum. The new system greatly restricted immigration from Mexico and Central and South America, and led to an increase in illegal immigration.

During the 1980s, illegal immigration and border security became the chief issues in the immigration debate. In 1986, Congress granted additional powers to law enforcement agencies to allow for the punishment of persons who aided or facilitated illegal immigration.

In 1990, Congress made it illegal for the US government to deny entrance into the United States based on political beliefs, ideologies or associations. At the same time, Congress voted to allow a 40 percent increase in the number of immigrants lawfully permitted per year. In 1996, Congress addressed illegal immigration from Latin America with laws that doubled the number of border control agencies, added fences in areas with heavy traffic and increased penalties for harboring or aiding illegal immigrants.

### **Immigration Restrictions Today**

The modern immigration debate in the United States focuses primarily on illegal immigration. Recently, a committee within the House of Representatives formulated a new immigration bill, H.R. 4437 (Sensenbrenner/King Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005). The bill proposed to construct nearly 700 miles of fencing along the southwest border of the United States and to classify illegal immigrants as "aggravated felons," thus allowing for additional legal penalties against migrants and those who aid or harbor them.

A US Senate committee formulated a competing legislative proposal, S. 2611, the Comprehensive Immigration Reform Act (CIRA). The Senate version provided for additional funding for border

security and would have established a method for tracking illegal immigrants. CIRA would also have allowed thousands of illegal immigrants currently residing in the United States to seek permanent residency.

Members of Congress were scheduled to debate the alternative proposals in June, 2006, but debate was postponed to allow additional time for independent research sessions and to hear testimony from experts regarding specific portions of both bills. The proposal of the House legislation, which was more stringent, was partially responsible for the mass immigrant rights protests that occurred throughout the country during the first half of 2006. In the end, S. 2611 passed by a 62-36 vote, and H.R. 4437 passed by a vote of 239-182. Neither bill was enacted into law, however, as both failed to pass conference committee. With the end of the 2007 legislative session both bills died.

The 2007 legislative session saw another attempt at CIRA in the form of S. 1348, which, among other provisions, would have provided a path to legal citizenship for many illegal immigrants in the United States and would have provided funding for border patrol agents and the construction of 300 miles of vehicle barriers. The bill was troubled from the beginning, undergoing a series of amendments. On June 28, 2007, the majority of the Senate voted to block the bill, officially quashing it before it even received an up-or-down vote.

In 2001, the Development, Relief and Education for Alien Minors Act (Dream Act) was introduced to Congress. The Dream Act is an American legislative proposal that would grant residency to immigrants based on certain conditions, such as good moral standing, those with a high school diploma or college degree, and immigrants that arrived in the United States as minors. The bill, however, was replaced with other more limited versions, such as the Student Adjustment Act of 2001. The Dream Act was reintroduced in 2009, but it failed to pass by a mere five votes. The Dream Act has yet to pass on a national level, but as of 2013, fifteen states had passed their own versions concerning the receipt of benefits and privileges that are determined at the state level, such as reduced tuition for state universities.

In 2012, the Obama administration instituted the Deferred Action for Childhood Arrivals (DACA) policy, allowing those who had entered the country illegally prior to their sixteenth birthdays to gain a two-year work permit and exemption from deportation. The administration announced in November 2014 that the duration of the work permit would be extended to three years, and the previous upper age limit of thirty-one years would be removed, further expanding eligibility for deferral. However, DACA does not provide a path to citizenship, as the Dream Act would.

[d3] Supporters of immigration reform cite labor, economy, national security and terrorism as chief issues pertaining to immigration. Importantly, however, a clear link between immigration levels and crime rates or terrorism has not been established. In addition, recent research suggests that higher rates of immigration are not linked to increased unemployment among native workers.

Public opinion polls conducted by the Gallup Organization, the Pew Hispanic Center, the Center for Immigration Studies and other polling organizations indicate that the majority of Americans favor immigration reform. There appears to be little consensus however, on the manner in which

the government should formulate and implement reforms.

The issue of immigration made national news on April 23, 2010, when Arizona Governor Jan Brewer signed into law a state immigration act known as Arizona SB 1070. The legislation caused widespread controversy because it required legal aliens to carry registration documents on their person at all times while allowing police to investigate and search anyone they deem with "reasonable suspicion" to be an illegal alien. Demonstrations and boycotts occurred as a result of the bill being signed by Brewer. Several lawsuits were also filed, including one by the United States Department of Justice. As a result of the Justice Department's action, a temporary injunction was put on the law, preventing its most controversial elements from taking effect. In response, Governor Brewer filed a countersuit criticizing the lack of federal assistance with immigration issues in Arizona. When DACA was passed in 2012, Brewer issued an executive order stating that Arizona should not issue driver's licenses or provide any public benefits to those who had gained work permits under the new policy.

The first two years of the administration of US President Barack Obama saw more deportations than the previous eight years under President George W. Bush. In the meantime, state immigration regulations continue to make up for the lack of activity regarding the issue at the federal level.

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