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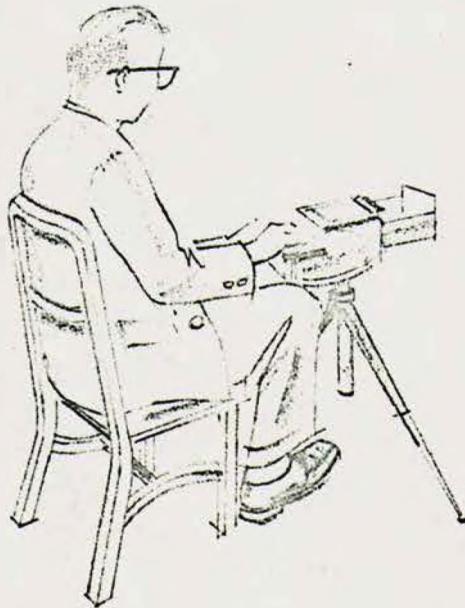
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On a Bill to Amend the Immigration Nationality Act

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BACKGROUND BRIEFING

ON A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

By

NORBERT A. SCHLEI, ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL, DEPARTMENT OF JUSTICE

In Room 5131, Department of Justice Building,
at 5:30 p.m., January 12, 1965.

Attendance: 37

Also present:

For the Department of Justice:

Leon Ulman
Jack Rosenthal

For the Department of State:

Abba Schwartz
Charles Mace
James Hines
Chris Camp

For the Department of Labor:

Charles Donahue

For the Immigration and Naturalization Service:

Raymond F. Farrell
James Hennessey

- - - - -

MR. ROSENTHAL: Let me introduce the Assistant
Attorney General in charge of the Office of Legal Counsel,

Norbert A. Schlei, who will introduce the other people with him. Before I do that, I would like to make the attribution clear.

You can say "Administration sources" or something of that kind, but nothing more direct.

MR. SCHLEI: Gentlemen and ladies, we are loaded with talent this afternoon to explain to you about this bill that will be going up tomorrow. We have Leon Ulman and Jack Rosenthal from my office. We have Abba Schwartz, the Administrator of Security and Consular Affairs from the State Department, who has with him Charles Mace, his deputy, and James Hines, his General Counsel, and Chris Camp, his press officer.

We also have Charles Donahue, who is the Solicitor of the Department of Labor.

We have Ray Farrell, the Commissioner of the Immigration and Naturalization Service, and his Deputy, James Hennessey.

Basically, the bill that will go up tomorrow, as you will have gathered, is the bill that was sent up in July of 1963 by President Kennedy, and it was supported repeatedly and strongly by President Johnson in the last session of the Congress.

There have been some technical changes made in the bill that are generally without significance except to a

lawyer, with no real change in intention. There are changes in some of the numbers that appear in the bill. There is a power on the part of the President to reserve numbers in the interest of the national security for the benefit of our allies who are injured in the transition to the new system.

The original bill said the President could reserve up to 50 per cent of the numbers available each year, and in this bill, as the Attorney General announced in his testimony last summer, the percentage is 30 per cent. Studies showed that 30 per cent was the authority that we needed so that we have made that change.

QUESTION: What would you use that for?

MR. SCHLEI: Well, that would really be used for the benefit of the NATO countries who have never had to have a waiting list. You see, as I will explain in a moment, this will be a "first come, first served" system basically. Because of the way the system has operated in the past, it would have been awfully tough immediately if you stayed on a rigorous "first come, first served" system, on the countries that have never had a waiting list. All of the numbers would be soaked up by a few countries that have had very long waiting lists.

So the President, in order to moderate the effect of that, would be able to reserve some numbers and give them primarily to England and Germany, we think, possibly also

the Netherlands, and maybe France.

So in this case that percentage is down. There was a provision in the bill that was up last time permitting the President to reserve up to 20 per cent of the numbers in the pool for the benefit of refugees.

As the Attorney General explained last summer in his testimony, that is Attorney General Kennedy, studies showed that we really only needed 10 per cent, that the 20 per cent gave us too much, and this bill therefore is moved back from 20 per cent to 10 per cent.

The main objective of the bill is to abolish the national origins quota system and put us on a system that makes more sense.

The old system would be abolished over a five-year period. Each 20 per cent of the existing quotas will be abolished and the numbers resulting from that abolition, together with the unused numbers, would go into a pool, distributed on a new basis. At the end of five years, there will be none of the old quotas left, and all of the numbers will be distributed through the pool.

The pool is distributed on a "first come, first served" basis within preference categories. First preference goes to people with special skills that we need. Second, third and fourth preference go primarily to close relatives of American citizens and to residential aliens, people who

are already here with us. There is also a fourth preference for the benefit of people who have no great skill necessarily but who can fill a particular labor shortage that exists in the United States.

The immigration that will come in under this bill will not be unlimited and unregulated. It will be heavily limited and regulated, but it will be done in terms of criteria that make some sense in terms of what we ought to be trying to accomplish with our immigration policy, instead of in terms just of where the man was born and where he came from, and who his ancestors were.

In addition to those things, there are some other things that would be accomplished by the bill. For the most part they are listed here on page 2 of the message that each of you has. It is self-evident from what I have said that you won't have unused numbers anymore. The unused numbers will go into the pool, and they will be distributed.

The Asia-Pacific Triangle provisions will go out. Those are provisions that say that where an individual has 50 per cent or more of his ancestors from the Asia-Pacific Triangle, he must come in from a quota within that Triangle, even if he has never lived there, or even if his parents never lived there. A Chinese born in London, say, would be attributed to the quota of China by the Asia-Pacific Triangle provisions, despite the fact that neither he nor his parents

perhaps ever lived in China. Those obviously should go out. They are obviously inconsistent with everything else in our law, and they would be abolished.

QUESTION: The Asia-Pacific Triangle, is that a delimited area as such?

MR. SCHLEI: Yes.

QUESTION: What is included in that area?

MR. SCHLEI: Well, it includes Japan, and China, and the islands.

QUESTION: The Philippines?

MR. SCHLEI: Yes, the Philippines, I believe.

Abba, can you be precise about that?

MR. HINES: It includes 20-some quota areas in the Triangle, the Philippines, all of Southeast Asia. It does not include Australia. Australia is not included in the Triangle. It is 20 quota areas that have been defined.

MR. SCHWARTZ: It borders on the west and begins at Pakistan.

QUESTION: On the west at Pakistan?

MR. SCHWARTZ: Yes, and all of the way, by excluding Australia, all of the islands of the Pacific, and I can give you that in detail afterwards.

QUESTION: Is this the oriental exclusion provision? Is that why it was put in the law?

MR. SCHLEI: I assume so. It was adopted by the

Republican Congress and Administration back in the 20's.

QUESTION: Is India in that?

MR. SCHLEI: India is in it, yes.

It is absolutely inexcusable, we feel, and we think Congress will want to get rid of it, too.

QUESTION: You mentioned Australia. Is New Zealand in there?

MR. SCHLEI: New Zealand is not in there, no.

By and large, immigrants from the Western Hemisphere are non-quota. However, the wording of the law is such that it includes Caribbean countries, only named Caribbean countries are non-quota, under the law as it was drafted in 1952. So that there are two new independent countries in the Western Hemisphere that are not non-quota. Jamaica is one country, and Trinidad-Tobago is the other.

Those newly independent countries would be made non-quota like all other independent countries in the Western Hemisphere, and the law would be re-worded so that any independent country in the Western Hemisphere would qualify as it became independent.

You may know that non-independent countries in the Western Hemisphere must send immigrants to the United States through the quota of the parent country. They are assigned a sub-quota under the parent country's quota.

For example, British Guiana gets 100 or 200 of

Britain's quota.

QUESTION: These quotas would be phased out anyway under the new section of the new law?

MR. SCHLEI: In due course, yes, they would be phased out, that is right.

QUESTION: Would you explain the first, second, and third and fourth preferences under this?

The first preference is clear, but what about the rest of them?

MR. SCHLEI: The second preference --

QUESTION: What page are you on?

MR. SCHLEI: Page 2 of the section by section analysis.

The first preference gives first call on the first 50 per cent of the authorized numbers to people with exceptional skills. The first call on the next 30 per cent plus any part of the 50 that is not issued for first preference purposes goes to unmarried sons and daughters of U. S. citizens who are over 21 years of age.

First call on the remaining 20 per cent plus any part of the first 80 not taken by the first two preferences, i.e., the third preference, goes to spouses and unmarried sons and daughters of aliens who are permanent residents.

The fourth preference is not described here, but as I recall it is brothers and sisters, married or unmarried.

It is brothers and sisters and spouses and children; they are the fourth preference.

QUESTION: Brothers and sisters and what?

MR. HINES: Spouses and children of brothers and sisters.

QUESTION: Also married sons and daughters of U.S. citizens?

MR. HINES: Yes, married sons and daughters of U.S. citizens.

QUESTION: Could you also explain the fourth paragraph of page 2, of the President's message, about how he will use up that 30 per cent of the quota numbers available to accomplish that under this system?

MR. SCHLEI: Is that the fourth paragraph?

QUESTION: Of the message itself.

MR. SCHLEI: Yes, that is that reservation problem. Let me talk a little more about how the new system will operate.

I said first come, first served within preference categories, and the new system will apply or come into effect over a five-year period. There is another limitation on that. Under this new system no more than 10 per cent of our entire immigration each year can come from any single country, so that there would be a limitation of about 16,400 on the number of people that could come from any one country.

There are two exceptions to that, and they come out in connection with this reservation power that I will explain.

Because of the fact or the way the old system has operated, there are terrific waiting lists in Italy, Greece, Portugal, and Poland, and if we went immediately to a first come, first served system, it would just cut off immigration from all other countries in the world except for these few who have such overwhelming waiting lists.

We need to be concerned about the impact of that, the cutting off of immigration from our allies. So the President is given this authority to reserve numbers and give them to people who would have been admissible under the old system where, in his judgment, based on the recommendation of an Immigration Board that is created by the new statute, where it is necessary in the national security interests of the United States. So he is limited to people who would have been admissible under the old system, and he is limited to the assistance of immigration which is in the national security interests of the United States. He cannot give to any country more numbers than they would have received under the old system, so his authority is one to restore cuts.

Now the bill provides that the 10 per cent limitation is not applicable to exercises of that authority, but there

are only two countries that got more than 10 per cent of our immigration under the old system, actually three. It was Great Britain, Ireland, and Germany. So that the fact that that 10 per cent limitation does not apply to exercises of this authority, means only that he can prevent the cuts in the quotas of Great Britain and Germany from being greater than 20 per cent a year.

QUESTION: Is this only for the transition period?

MR. SCHLEI: No, that authority would continue up to 30 per cent of the numbers annually.

QUESTION: Mr. Schlei, who would determine and publish the list of skills and educational training that is needed?

MR. SCHLEI: The Attorney General would do that with the advice of the Secretary of Labor, and with the advice of the Immigration Board.

QUESTION: Would there be a list in the Post Office, "We need these kinds of people," or would each immigrant have to come in, and then you tell them that they don't apply?

MR. SCHLEI: I am sure there would be regulations. Did we submit draft regulations to Congressman Feighan's committee last time? I believe they are in the process. The reason we didn't is that the draft regulations will have to be gone over first by the Immigration Board, which is not yet in existence; but we have thought about it, and we have a rough draft of regulations that would implement these

first preference provisions.

1-cah

QUESTION: Could you give us some idea of the kind of skills you have in mind?

MR. SCHLEI: Well, sure. A scientist of some kind with advanced skills would qualify. By the way, there is somewhat of a change in the first preference. Under the old law we would take men who had to have skills that made it urgently necessary for him to be admitted to the United States.

Under the new law, it would say that his admission has to be especially advantageous.

Now, a professor, perhaps the leading man in the field in the world, would not have been admissible under the old statute because there was nothing urgent about our need for him in time, but he would be admissible under the new system because it would be especially advantageous for this country to have him, even though there was no immediacy about the need, to have him now rather than next week or in six months.

QUESTION: So would a concert violinist?

MR. SCHLEI: A concert violinist would qualify under the new statute.

QUESTION: These standards from time to time would change, I presume.

MR. SCHLEI: They will.

QUESTION: Depending on what we need, is that right?

MR. SCHLEI: The bill sets up a seven-man immigration

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board, of which two members would be appointed by the Speaker of the House, and two members by the President of the Senate, and three by the President of the United States. That board would be a continuing body, and would study these problems and recommend changes as we go along. Its three main jobs -- if you look at the statute, you can see it is an exacting job -- but in round terms its three main jobs will be to recommend to the President what he should do with this national security reservation power, to recommend to the President what he should do with the refugee reservation power, and third, to study these preferences and their operation and make sure that they are serving the national interests from time to time.

QUESTION: Mr. Schlei, I understand you to say that the President would not be able to give to any country more numbers than they had under the old system.

MR. SCHLEI: That is right.

QUESTION: Where is the liberalizing, then, of the law for the Mediterranean countries which have a terrific waiting list, except that you are admitting different types of people.

MR. SCHLEI: Pardon me?

QUESTION: There are different types of people being admitted rather than more persons, is that right?

MR. SCHLEI: Well, a great deal more people will be

3 admitted from the countries that have waiting lists. In fact, Italy will go from something like 5,000 to approximately 16,400 immediately. Greece will go to something like twelve or fifteen thousand.

QUESTION: From what?

MR. SCHLEI: Greece is under 1,000 now. I have it exactly here.

QUESTION: Some of those examples would be very helpful.

MR. SCHLEI: We have a complete table in the hearings held by the subcommittee No. 1 of the House Judiciary Committee last summer. We have estimated the admissions from every country during each year of the next five years, and I have that here, and those of you who want details on how many people we expect to come from particular countries, we will be able to get that as precisely as we can figure it.

QUESTION: Could you give us Italy, Greece, and Poland, say.

MR. SCHWARTZ: Greece has a quota of 308, and the last five years under the quota and special legislation, 6,865 Greeks have come in. So that you have an average of the last five years, annual Greek immigration, of 1573. That is under the present law.

QUESTION: How many are waiting?

MR. SCHWARTZ: Just a moment. Under the new law

4 we project in five years, 38,332, which gives you an average annually of 12,666.

QUESTION: Over five years, you say?

MR. SCHWARTZ: Yes, over five years.

MR. SCHLEI: That is the average per annum.

MR. SCHWARTZ: Yes, 12,666.

MR. SCHLEI: Would that be for every year thereafter?

MR. SCHWARTZ: We projected five years and we have not gone beyond that, and we have taken the last five years and we have contrasted it, as I just did, with the projected five years under the new bill.

QUESTION: This figure you are giving us of 12,000, is that after complete elimination of quotas?

MR. SCHWARTZ: No, that is during the first five years of the new bill, during the transition period. After that, I would guess that Greece would probably be hitting closer to 16,000.

QUESTION: In other words, that 12,000 is built up over the five years, and then it goes up a little bit more?

MR. SCHWARTZ: Yes.

QUESTION: The first year would be possibly as low as 6,000?

MR. SCHWARTZ: No.

MR. SCHLEI: Greece the first year would be up over 12,000. The first year would be 12,152, that is the estimate.

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QUESTION: Then, they are getting more numbers than they enjoyed under the old system.

MR. SCHLEI: That limitation is only on the President's extraordinary reservation power. You see, he can't by exercise of this discretionary power, give any country more than they had under the old system, but the bill, the system set up by Congress, can obviously result in the country getting more than they got under the old system. That is the whole objective of the legislation.

QUESTION: This was aimed at the big countries.

MR. SCHLEI: The reservation power to keep the bill from hurting our principal allies is limited and can be exercised only to the extent that it does not increase them over what they have been getting. But certainly, Italy can get more than it has been getting under the Congressional scheme, and Greece, and any country that has a lot of applicants and earns them under the first-come-first-served system.

QUESTION: Would you give us examples on Italy and Poland.

MR. SCHWARTZ: You want the quota of Italy? That is 5,666. In the last five years with our regular immigration and special legislation we have had 61,606 visas issued, Italian visas.

QUESTION: What is the figure again?

MR. SCHWARTZ: 61,606.

QUESTION: That is special legislation. That is a private bill for each one?

MR. SCHWARTZ: No, we are talking about special legislation which helps relatives and so forth, which the Congress has passed ever so many years. If you add that to the quota each year, we found it averages out in the last five years at 12,321. Under the new bill for the next five years, 62,000 visas would be issued to Italians, which averages 13,000 a year.

Now, I can give you one more, if anyone wants Poland. It is 6468, that is the quota, and the last five years, 33,611 visas were issued, regular and special legislation. The average is 6722. The next five years, under the new bill, 54,326 will be issued, averaging 10,860 a year.

QUESTION: Is the existing waiting list counted in the first-come-first served?

MR. SCHWARTZ: Yes, that is the basis of it.

MR. SCHLEI: One reason why Poland has less than some other countries, although it has about as many on the waiting list now, is that the Polish Government has only in recent years permitted people to apply, so generally the registrations are more recent in Poland than in some other places.

QUESTION: Can you give us the waiting list for

those three countries.

MR. SCHWARTZ: Yes, I can. The published waiting list, I have it here, the figures we publish on Italy, are 250,000. Now, we estimate that the actual waiting list is probably 50 percent of that.

QUESTION: Fifty percent better than that?

MR. SCHWARTZ: No, less than that.

QUESTION: What is the difference?

MR. SCHWARTZ: The difference is the waiting list goes back to the early 40's, and many people have died, and they have immigrated to other countries or changed their minds. They never come in and they never get off the list, and this is one of the reasons why we have the provision authorizing the Secretary of State to require re-registration. That is the provision that Mr. Schlei will mention along the way. The Secretary of State can now require a person under the bill to re-register, so we will get more realistic waiting lists.

QUESTION: Will this be done universally?

MR. SCHWARTZ: We will do it in the countries that have heavily oversubscribed areas, such as Italy, Poland, and others, wherever we can do it practically.

QUESTION: Excuse me. It would mean that the last person on the Italian waiting list should wait an average of nine years, about, is that right?

MR. SCHWARTZ: Well, no, instead of 250,000, the

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real figure is 125,000, and we estimate in the five-year period 82,000 admissions. Isn't that the figure that I gave you?

QUESTION: That would take them two or three more years to do it. It is seven or eight years, I see.

MR. SCHLEI: Actually, we estimate at the end of five years, the only place in the world where there will be a preference waiting list left is in Italy, and there will be a few people still on the fourth preference waiting list, but all relatives at the end of five years with the exception of a few brothers and sisters from Italy, will be in the country, so that our problem of reuniting families, and our problem of getting in especially skilled people that are needed here and wanted here badly, that will be disposed of by this bill. There will just be no more waiting lists in those categories.

QUESTION: Could we have the waiting numbers on Poland and Greece?

MR. SCHLEI: Greece is 98,400.

QUESTION: Is that the valid one?

MR. SCHLEI: No, that is what we publish, and we figure that you can reduce that by about 40 percent. Poland is 80,500, and we have reduced that by 50 percent.

QUESTION: So you reduce two by 50 percent, but one by 40 percent?

MR. SCHLEI: This is based on estimates, and they

9. are all estimates.

QUESTION: Is there such a figure there as all over the world, number of persons who actually are waiting to go into the United States?

MR. SCHLEI: Yes.

QUESTION: When you are talking about the last five years, does that mean through 1964?

MR. SCHWARTZ: You mean previously? That is 1960 through fiscal 1964, a five-year period? I can give it to you later, on that total figure.

QUESTION: You mentioned a 30 percent figure somehow in relation to this, the reservation, in relation to the total. Could you re-explain that?

will file.

1 MR. SCHLEI: The President's reservation power for the benefit of countries disadvantaged by the new system, our allies, is limited to 30 per cent of the numbers authorized each year. Now, the number authorized at the present time is 157,000 per year, and under this bill it would go up to a little under 165,000, because this bill would raise the minimum quotas from 100 to 200, a very small number. But the President could exercise his reservation power up to a maximum of 48,000 or 49,000.

QUESTION: Well, the other reservation for refugees and persons waiting for entry -- for instance, the famous influx of refugees into Hong Kong in 1962 -- if he felt it was necessary, could he use that whole 10 per cent for one refugee group if we had a recurrence of the Hungarian case, as long as you don't go over 10 per cent of the total for any one nationality?

MR. SCHLEI: He could do that.

QUESTION: He could do that if he chose to?

MR. SCHLEI: Yes.

QUESTION: Ten per cent above and beyond there?

MR. SCHLEI: No, it would be 10 per cent within this total, the annual total.

MR. SCHWARTZ: We might point out at this point, the annual total under the bill becomes frozen at the date of enactment, so we would know that the annual total authorized

immigration, if it were enacted tomorrow, would be 166,200.

MR. SCHLEI: It is 164,000, I think.

QUESTION: How do you reach that total?

MR. SCHWARTZ: That is the quotas today, which are established by law, plus the additions of a quota which is established. Each time there is a new country, the Secretary of State has the power to declare a quota for that country, or the Attorney General, and normally they are 100. So you have the minimum quotas of 100 which we know exist today, plus those basic quotas that we spoke of.

QUESTION: Would you still have new numbers for new countries?

MR. SCHWARTZ: It would be frozen as of that moment, and then we would have to have a total number.

MR. SCHLEI: It would be a pool, there.

MR. SCHWARTZ: Since these figures were calculated last year, there may have been one or two new countries that have gotten a quota of 100 or 200.

QUESTION: How would adjustments in the total come about over the years, from the 165,000?

MR. SCHLEI: That would be done by the Congress, and the Congress would have to authorize additional immigration or less immigration, and would regulate the total from time to time, however it saw fit.

QUESTION: Is this a guess on the President's part

of the 7,000 increase?

MR. SCHWARTZ: No, that is a doubling of the minimums, and the minimum quotas today. Mr. Hines will know the figure. It is 100 times. We have 79 today, and it is more than 7,000, and it is closer to 8,000 today, the minimum increase, the increase of the quotas by 100, the minimum quotas.

MR. SCHLEI: There will be no country or quota area in the world that has a quota of less than 200, to be chopped down at the rate of 20 per cent a year. At the present time the minimum quota is 100, is that right, Mr. Hines? And there are about 35 or 40 countries that have that kind of a quota.

MR. HINES: There are 79 at the moment, and we have two standing as proclamations.

QUESTION: Is there an actual figure when the President says less than 7,000? What would the actual figure be of an increase?

MR. SCHLEI: We can figure that out for you, but I don't think that we have it, so we will figure it out afterwards if you don't mind. Incidentally, we have with us at the moment the Acting Attorney General of the United States, Mr. Katzenbach, for the benefit of those of you who are here.

QUESTION: Mr. Schlei, how many immigrants actually came in the United States under the regular law and special

legislation?

MR. SCHLEI: I will have to call on Mr. Schwartz for that. How many immigrants came into the United States last year under the regular law and under special legislation?

MR. SCHWARTZ: Is that quota immigrants?

MR. SCHLEI: I can tell you this, that the average over the last five years, of quota immigrants, has been approximately 97,500, so that out of the 156,700 that have been authorized, almost 60,000 of those numbers have been un-used. They have been assigned to England, say, to Ireland, and to countries that don't want them; and to sub-Sahara and African countries which never use their quotas.

In addition, you have to add 20,000 to 25,000 which is the average number admitted through special legislation over the last ten or fifteen years. That is legislation, for example, that would say, "All third preference immigrants from Italy and Greece who applied prior to July 1, 1955, shall be admitted forthwith."

It is that kind of special category legislation that has accounted for an average of 20,000 additional immigrants. So that we have had on the order of 120,000 other than non-quota immigration over the last five years.

QUESTION: Is that special legislation remaining in effect, as a possibility for this?

MR. SCHLEI: Well, I assume it is to be hoped that

now that we have got a fair system, it will not be necessary to call the fire department every other year to solve some particularly tough problem that has been created by the system.

Congress really has recognized that our old system doesn't work by enacting this special legislation periodically. Hopefully, this system will work more equitably and fairly and we won't need special legislation, certainly not in the same quantity.

QUESTION: Do you know how much non-quota immigration there has been?

MR. SCHWARTZ: If you want this figure on quota, 157,544 was the authorized quota immigration in fiscal 1964. Under that, 99,727 visas were issued. It leaves a balance of, I think this is correct, 51,163 of un-issued. That is Great Britain and Ireland, principally.

Then on non-quota, we issued 167,435. Under special legislation, which is beginning to expire now, it is the tail end of it, we issued 3,868 visas. So the total immigrant and total quota and non-quota for fiscal 1964 is 171,303.

MR. SCHLEI: I think the average for the last ten years has been 300,000, on the order of 300,000 immigrants per year from all sources -- quota, non-quota, and special legislation.

QUESTION: What would this bill do immediately?

MR. SCHLEI: Under this bill, the immigration would probably be increased to about 350,000 from all sources. That would be almost entirely the increase from the fact that quotas would be transferable and they would not be wasted.

QUESTION: It would be the released numbers, in other words?

MR. SCHLEI: Un-used numbers is primarily where the increase will come from.

QUESTION: Can we get over to the Labor people here for a moment?

It says on page 2 of the President's message, subparagraph 5, that, "eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States," and then on the next page, it says, "No immigrants admitted under this bill could contribute to unemployment in the United States."

I don't know that those two are mutually agreeable. If somebody is admitted who doesn't have an employer here --

MR. SCHLEI: Let me tie into that preliminarily, if I may. This paragraph eliminates the requirement that first preference immigrants actually find an employer here.

The first preference we now have requires a

petition by an American employer. He petitions for first preference for this fellow that he has found abroad that he wants to bring here.

It is amazing how many people have highly skilled nephews. It really turns out to be a measure that helps people who have family and friends in this country, who can find an employer for them who is willing to petition and dredge them through. If there is somebody who is highly qualified and is abroad and has no connections here, it might be very advantageous to have him here, but it is very difficult for him to find an employer without being here to be interviewed.

Most companies and institutions don't have people abroad to interview him. So that the objective of the first preference is just not accomplished so long as we have the present system of petitions by employers only, so that is being altered.

An individual who can demonstrate his qualifications abroad can himself petition for first preference under our law, and get preferential admissions.

Now the Secretary of Labor testified last summer that the net effect of the immigration resulting from this bill overall, and not just first preference, overall, would be to increase rather than decrease the employment opportunities available to people in the United States. He cited

number of reasons why.

In the first place, he said, you get about three consumers for every person that enters the labor market in the immigration, because you get a lot of children and you get old people, and especially we are giving non-preference to parents and so on. The way it actually works out we get three consumers for every person that enters the labor market and it takes somewhat less than three consumers to create a job.

Secondly, we get primarily educated, skilled people. Even if they are not qualified for first preference, we just don't get illiterate people. They can't afford to come to the United States, and they can't make the arrangements to come here on any basis, by and large. So that the immigrants that come here don't compete with our unemployed for unskilled jobs.

Basically, what they do is to get jobs in labor shortage areas which enable expansions of industry, and expansion of job opportunities for unskilled people who are looking for jobs here.

The Secretary of Labor said he didn't have any hesitation about saying that the kind of immigration that will come in under this bill will contribute to employment opportunities here, rather than the contrary.

I might also add that our Immigration Law now

prohibits anybody from coming to the United States who cannot demonstrate that he or she is not going to become a public charge. So non-quota immigrants who come in from this hemisphere, with relatives and so on, must demonstrate before they can get a visa that they are not going to become public charges when they arrive. So that that prevents large numbers of unskilled people from coming into the United States.

QUESTION: How long is that good for, and what does that cover? You say "when they arrive."

MR. SCHLEI: They can't be deported if they become public charges, but unless a person has a skill or he has a job, or he has relatives who are willing to support him, he just doesn't get a visa in the first place. That is why no more people come in from the Western Hemisphere, for example. We don't have unlimited immigration from the Western Hemisphere, although it would be theoretically possible under the law. It is just that a fairly limited number of people can demonstrate when they arrive they will not become public charges. The Secretary of Labor has authority to regulate that to some degree, and he uses it.

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QUESTION: Could we discuss the Congressional realities for a minute. Are there any agreements or whatever with Congressman Feighan or Congressman Celler, as to how quickly this is going to be heard, progress, and whatever, as compared to previous years?

MR. SCHLEY: I cannot tell you anything about that because I don't know. I don't know anything about that.

QUESTION: You say you don't know of any, and does this mean that there could be some that you don't know about, or if there had been any understanding you think you would know about it?

MR. SCHLEY: There could be some that I would not know about. I know of none.

QUESTION: You know of no assurances that this is going to go any faster through the Immigration Subcommittee of the House than it has in the past?

MR. SCHLEY: I have no assurances. I know that Mr. Celler is a supporter of this bill, and he introduced it in fact, a similar bill in the last Congress, and he will introduce it in this Congress. I know that he will support it to whatever extent he can.

QUESTION: Do you think Mr. Feighan will introduce this bill, too?

MR. SCHLEY: I don't know.

MR. SCHWARTZ: I should point out that there were

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extensive hearings last year on a bill which is substantially the same. Our hearings last year on the House side were very extensive;

QUESTION: Will you have to go through those same hearings again with Congressman Feighan?

MR. SCHLEI: I assume not, no.

QUESTION: Do you know how closely they came as far as acting or not acting as far as the full committee was concerned last year?

MR. SCHLEI: No.

MR. KATZENBACH: There are five democratic vacancies on the Judiciary Committee.

QUESTION: What about on the Immigration Subcommittee?

MR. KATZENBACH: It is difficult to say what five unknown people will do. They have not been selected.

QUESTION: What countries are primarily in mind, or do you think will primarily be added to with that 30 percent reserve?

MR. SCHLEI: Primarily the NATO countries.

QUESTION: Although this says that quota immigration, authorized quota immigration will increase by less than 7,000, one practical effect will be to increase actual immigration by 50,000 persons per year.

MR. SCHLEI: That is true.

QUESTION: You are saying that at the end of five

3 years, you would expect that except for Italy, there will be no waiting list anywhere, is that correct?

MR. SCHLEI: There will be no waiting list in the preference categories.

QUESTION: What sort of waiting list will there be?

MR. SCHLEI: There will be waiting lists of people who have no particular claim on the United States of any kind. It is people who would like to come, and they have no particular skills, and are not related to anybody here.

QUESTION: This will be on a "first come, first served" basis?

MR. SCHLEI: Yes, that is correct.

QUESTION: Can you give us a figure of what the size of the pool will be, or does that depend upon the day of enactment?

MR. SCHLEI: I can give you figures on the pool here.

QUESTION: On the pool people, under the bill, the total?

MR. SCHLEI: You mean how many people will come in as quota immigration under this bill?

QUESTION: That is right.

MR. SCHLEI: Well, give or take a few thousand, because there may be some more quota areas established --

QUESTION: What is the limit. He mentioned the 358,000 will not be increased by more than 7,000.

4 MR. SCHWARTZ: No estimate if this passes within the near future, that the total authorized would be 166,000.

MR. SCHLAI: Is that 166,000?

MR. SCHWARTZ: Isn't that right?

MR. KINER: That is right, because the total today is going to be 158,000, and you have 80 minimum quotas, and you double the 80, and you get 8,000 additional numbers, and so the overall ceiling ultimately will be 166,000 quota numbers.

END

Adjourned 6:15 p.m.

January 13, 1965

NOTICE: There should be no premature release of this Message to the Congress, nor should its contents be paraphrased, alluded to or hinted at in earlier stories. There is a total embargo on this message until 12:00 noon, January 13, 1965, which includes any and all references to any material in this message.

George E. Reedy
Press Secretary to the President

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. That system is incompatible with our basic American tradition.

Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "Nation of Nations."

Violation of this tradition by the national origins quota system does incalculable harm. The procedures imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. I do not believe this is either good government or good sense.

Thousands of our citizens are needlessly separated from their parents or other close relatives.

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To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage of our nation of the skills of the immigrant, and the existence of a close family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preferences, and within the numerical and other limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which make the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families -- long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the new system would be gradual, over a five-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill would provide that as a general rule no country could be allocated more than ten percent of the quota numbers available in any one year.

In order to insure that the new system would not impose undue hardship on any of our close allies by suddenly curtailing their emigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would:

- (1) permit numbers not used by any country to be made available to countries where they are needed,
- (2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of the existing law,
- (3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,
- (4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,
- (5) eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States,
- (6) afford a preference to workers with lesser skills who can fill specific needs in short supply,
- (7) eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law, and,
- (8) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

more

This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude persons likely to become public charges. No immigrants admitted under this bill could contribute to unemployment in the United States.

The total number of immigrants would not be substantially changed. Under this bill, authorized quota immigration, which now amounts to 158,361 per year, would be increased by less than 7,000.

I urge the Congress to return the United States to an immigration policy which both serves the national interest and continues our traditional ideals. No move could more effectively reaffirm our fundamental belief that a man is to be judged -- and judged exclusively -- on his worth as a human being.

LYNDON B. JOHNSON

THE WHITE HOUSE,

January 13, 1965.

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THE WHITE HOUSE
WASHINGTON

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Dear Mr. President:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. ~~This procedure is blatantly discriminatory. As such, it is a violation of one of the wisest parts of the American tradition.~~ *The system is incompatible with our basic American principles*

Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "Nation of Nations."

Violation of this tradition by the national quota system does incalculable harm. The procedures ~~makes the blunt implication~~ *originates* that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this ~~absurd~~ proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. ~~That is neither good government nor good sense.~~

I do believe this is either

not

Thousands of our citizens are needlessly separated from their parents or other close relatives. There is only one word for this: inhumane.

2/1 To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage of our nation of the skills of the immigrant, and the existence of a close family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preferences, and within the numerical and other limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which make the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families -- long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the new system would be gradual, over a five-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill would provide that as a general rule no country could be allocated more than ten percent of the quota numbers available in any one year.

In order to insure that the new system would not impose undue hardship on any of our close allies by suddenly curtailing their immigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would:

- (1) permit numbers not used by any country to be made available to countries where they are needed,
- (2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of the existing law,
- (3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,
- (4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,
- (5) eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States,
- (6) afford a preference to workers with lesser skills who can fill specific needs in short supply,
- (7) ~~eliminate epilepsy as a ground of exclusion and grant admission to persons with mental health problems who are close relatives of citizens or of resident aliens, under safeguards imposed by the Attorney General after consultation with the Public Health Service,~~
- (8) eliminate technical restrictions that have hampered the effective use of the existing Fair -Share Refugee Law, and,
- (9) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

3 / This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude persons likely to

A BILL

To amend the Immigration and Nationality Act, and for
other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

That section 201(a) of the Immigration and Nationality
Act (66 Stat. 175, 8 U.S.C. 1151(a)) be amended to read
as follows:

"Sec. 201. (a) The annual quota of any
quota area shall be the same as that which existed
for that area upon enactment of subsection (f) of
this section: Provided, That the minimum quota
for any quota area shall be two hundred: Provided
further, That beginning with the first fiscal year
commencing after the enactment of subsection (f)
of this section and for each of the four succeed-
ing fiscal years the annual quota of every quota
area shall be reduced by twenty per centum of
its present number for each such fiscal year.
The quota numbers so deducted from quotas of

quota areas shall be added to the quota reserve established by subsection (f) of this section and shall be available for distribution in accordance with the provisions thereof."

SEC. 2. Section 201(b) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(b)) is amended by substituting "section 202(d)" for "section 202(e)" after the words "provided for in".

SEC. 3. Section 201 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151) is amended by adding the following additional subsection:

"(f) Quota numbers made available at the commencement of any fiscal year as a result of the reduction of the annual quota of any quota areas pursuant to subsection (a) of this section, together with quota numbers not issued or otherwise used during the previous fiscal year, shall then be made available (1) during the five fiscal years following the enactment of this subsection, to quota immigrants, if otherwise admissible under the provisions of this Act, who are unable to obtain prompt issuance of visas due to oversubscription of their quotas or subquotas as determined by the Secretary of State, and (2), thereafter, to quota immigrants if otherwise admissible under the provisions of this Act. These quota numbers shall be allocated within the percentage limitations and in the order of priority specified in section 203 without regard to the quota .

to which the alien is chargeable: Provided, however, that the combined number of quota numbers issued to any quota area in any year, under the provisions of this subsection and subsection (a) of this section, shall not exceed ten per centum of the total quota numbers authorized for that year: Provided further, that in no case shall this limitation operate to reduce any quota in any of the five fiscal years following the enactment of this Act by more than the twenty per centum specified in subsection (a) of this section: Provided further, that the President may, after consultation with the Immigration Board, reserve --

(1) Not to exceed thirty per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admission is determined by him to be required (A) to avoid undue hardship, resulting from the reduction of annual quotas pursuant to subsection (a) of this section, which is not otherwise avoided under the provisions of this subsection, and (B) in the national security interest of the United States:

Provided, That the limitation on immigration from any single quota area in any year included in the first proviso to this subsection shall not apply to visas issued under this clause; and

(2) Not to exceed ten per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admissions will further the traditional policy of the United States of offering asylum and refuge to persons oppressed or persecuted, or threatened with oppression or persecution, because of their race, color, religion, national origin, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorship, and to persons uprooted by natural calamity or military operations who are unable to return to their usual place of abode. After consultation with the Attorney General, the Secretary of State shall establish by regulation the requirements for qualification within this class, with reference to current world conditions.

In no case shall the authority to reserve such numbers, or the limitation on the combined number of quota numbers to be issued to any quota area in any year, operate so as to require that authorized quota numbers be unused."

SEC. 4. Section 201(c) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1151(c)) is amended to read as follows:

"There shall be made available for the issuance of immigrant visas to quota immigrants (1) in any fiscal year no more quota numbers than the total quota for such year, and (2) in any

calendar month of any fiscal year, no more quota numbers than ten per centum of the total quota for such year in addition to that portion of the quota authorized for issuance but not issued during any preceding calendar month or months of the same fiscal year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the ten per centum limitation contained herein."

SEC. 5. Section 201(d) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(d)) is amended to read as follows:

"A quota immigrant visa shall not be issued to any alien who is eligible for a nonquota immigrant visa."

SEC. 6. (a) Section 202(a) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1152(a)) is amended by deleting paragraph (5) thereof.

(b) Section 202(b) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(b)) is repealed.

(c) Section 202(c) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(c)) is redesignated section 202(b) and is amended to read as follows:

"Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country,

except that no more persons born in any such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year than a number which bears the same relation to the quota of its governing country as the number two hundred bears to the quota of the governing country prior to the enactment of this Act."

(d) Section 202(d) of the Immigration and Nationality Act (66 Stat. 178, 8 U.S.C. 1152(d)) is redesignated section 202(c).

(e) Section 202(e) of the Immigration and Nationality Act (66 Stat. 178), as amended (75 Stat. 654), (8 U.S.C. 1152(e)) is redesignated section 202(d) and is further amended by substituting "section 202(b)" for "section 202(c) (1)" after the words "issued under."

SEC. 7. Section 207 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1157) is amended by deleting the words "no immigrant visa shall be issued in lieu thereof to any other immigrant" and inserting in lieu thereof the words "an immigrant visa may be issued in lieu thereof to any other immigrant".

SEC. 8. Paragraph (27)(A) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(A) is amended to read as follows:

"(A) An immigrant who is the child, spouse, or parent of a citizen of the United States;"

SEC. 9. Paragraph (27)(C) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(C) is amended to read as follows:

"(C) An immigrant who was born in any independent

foreign country of North, Central, or South America, or in any independent island country adjacent thereto, or in the Canal Zone, and the spouse and children of any such immigrant, if accompanying or following to join him;"

SEC. 10. (a) Section 203(a)(1) of the Immigration and Nationality Act (66 Stat. 178, 8 U. S. C. 1153(a)(1)) is amended by deleting the words "needed urgently in" and substituting the words "especially advantageous to".

(b) Section 203(a)(2) of the Immigration and Nationality Act (66 Stat. 178), as amended (73 Stat. 644), (8 U. S. C. 1153(a)(2)), is amended by deleting the words "parents of citizens of the United States, such citizens being at least twenty-one years of age or who are the".

(c) Section 203(a)(4) of the Immigration and Nationality Act (66 Stat. 173), as amended (73 Stat. 644), (8 U. S. C. 1153(a)(4)) is amended by

(1) inserting after the words "married daughters of citizens of the United States" a comma, followed by the words "or parents of aliens lawfully admitted for permanent residence," and

(2) adding at the end thereof the following:

"Qualified quota immigrants capable of performing specified functions for which a shortage of employable and willing persons exists in the United States shall be entitled to a preference not to exceed 50 per centum of the immigrant visas remaining available for issuance under this

paragraph after the preference to the named relatives of United States citizens and resident aliens is satisfied or exhausted."

SEC. 11. Section 204 of the Immigration and Nationality Act (66 Stat. 179, 8 U. S. C. 1154) is amended as follows:

- (1) Subsection (a) is amended by deleting the words "or section 203(a)(1)(A)" and substituting a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4)."
- (2) Subsection (b) is amended (A) by deleting the words "section 203(a)(1)(A)" and substituting the words "the last clause of section 203(a)(4)" and (B) by inserting after the words "required by the Attorney General" the words "after consultation with the Immigration Board."
- (3) Subsection (c) is redesignated (d) and is amended to read as follows:

"(d) After an investigation of the facts in each case, and after consultation with appropriate agencies of the Government, the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for an immigrant status under section 101(a)(27)(F)(i), section 203(a)(1)(A) or the last clause of section 203(a)(4) approve the petition

and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant such immigrant status. The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under section 203(a)(1) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session. "

- (4) Subsection (d) is redesignated (e) and is amended by deleting the words "or section 203(a)(1)(A), " and substituting a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4). "
- (5) The following new subsection is inserted after subsection (b):

"(c) Any immigrant claiming in his application to be entitled to an immigrant visa under section 203(a)(1)(A) of the Act shall file a petition with the Attorney General. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such additional information and be supported by such documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside of the United States, administered by a consular officer."

SEC. 12. The first sentence of section 205(b) of the Immigration and Nationality Act (66 Stat. 180), as amended (73 Stat. 644), (8 U.S.C. 1155(b)) is amended to read as follows:

"(b) Any citizen of the United States claiming that any immigrant is his spouse, child, or parent, and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A) of this Act, or any citizen of the United States claiming that any immigrant is his unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(2) of this Act, or

any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3) of this Act, or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, or any alien lawfully admitted for permanent residence claiming that any immigrant is his parent and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, may file a petition with the Attorney General."

SEC. 13. Section 1 of the Act of July 14, 1960 (74 Stat. 504), is amended to read as follows:

"That (a) under the terms of Section 212(d)(5) of the Immigration and Nationality Act the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien refugee-escapee defined in subsection (b) of this section, if such alien (1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist-occupied, and (2) is not a national of the area in which the application is made.

"(b) For the purposes of subsection (a), the term 'refugee-escapee' means any alien who, because of persecution

or fear of persecution on account of race, religion, or political opinion has fled or shall flee (A) from any Communist, Communist-dominated, or Communist-occupied area, or (B) from any country within the general area of the Middle East, and who cannot return to such area, or to such country, on account of race, religion, or political opinion. The expression 'general area of the Middle East' means the area between and including (1) Morocco on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south."

SEC. 14. Section 2 of the Act of July 14, 1960 (74 Stat. 504), as amended (76 Stat. 124), is amended by deleting (1) the letter "(a)" immediately following the words "Sec. 2.," and (2) subsection (b) thereof.

SEC. 15. Section 281 of the Immigration and Nationality Act (66 Stat. 230, 8 U.S.C. 1351) is amended as follows:

(1) Immediately after "SEC. 281." insert "(a)".

(2) Paragraph (2) is amended to read as follows:

"(2) For the issuance of each immigrant visa, \$20; except that such fee shall be \$10 in the case of any alien who is the beneficiary of a petition required under sections 204(b) or 205(b)."

(3) The following is inserted after paragraph (7), and is designated subsection (b):

"The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, or postponement for an appropriate period, shall be prescribed by the Secretary of State."

(4) The paragraph beginning with the words "The fees ... " is designated subsection (c).

SEC. 16. Section 203(c) of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1153(c)) is amended by adding at the end thereof the following:

"The Secretary of State, in his discretion, may terminate the registration on a quota waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed."

SEC. 17. (a) Paragraph (1) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182, 8 U.S.C. 1182(a)(1)) is amended by deleting the language "feeble-minded" and inserting the language "mentally retarded" in its place.

(b) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182, 8 U.S.C. 1182(a)(4)) is amended by deleting the word "epilepsy" and the commas before and after it.

(c) Section 212(f), (g) and (h) of the Immigration and Nationality Act, as added by the Act of September 26,

1961, (75 Stat. 654, 655, 8 U.S.C. 1182) are hereby redesignated sections 212(g), (h), and (i), respectively, and section 212(g) as so redesignated is amended to read as follows:

"Any alien who is excludable from the United States under paragraphs (1), (2), (3), or (4) of subsection (a) of this section, and any alien afflicted with tuberculosis in any form, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, may, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, including the giving of a bond, as the Attorney General, in his discretion, may by regulations prescribe, after consultation with the Surgeon General of the United States Public Health Service."

SEC. 18. (a) There is hereby established the Immigration Board (hereafter referred to as the "Board") to

be composed of seven members. The President of the United States shall appoint the Chairman of the Board and two other members. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint two members from the membership of the Senate. The Speaker of the House of Representatives, with the approval of the majority and minority leaders of the House, shall appoint two members from the membership of the House. The members of the Board shall be selected by virtue of their high personal integrity, their capabilities, and their experience in and expert knowledge of immigration laws and international migration problems. A vacancy in the membership of the Board shall be filled in the same manner as the original designation and appointment.

(b) The duties of the Board shall be --

- (1) to promulgate, after consultation with the Attorney General, such regulations as are necessary to insure its efficient functioning under the provisions of this Act;
- (2) to make a continuous study of such conditions within and without the United States, which, in the opinion of the Board, might have any bearing on the immigration policy of the United States;
- (3) to consider, after consultation with

the Secretary of State, to recommend to the President, such allocation of quota immigrant visas, under section 201(f) of the Immigration and Nationality Act, as will best fulfill the purposes of that section;

- (4) to consider, and after consultation with the Secretaries of Labor, State, and Defense, to recommend to the Attorney General such criteria for admission of immigrants under section 203(a)(1)(A) of the Immigration and Nationality Act, as amended, and the last clause of section 203(a)(4), as amended, as will further the policy of the United States to secure the immigration of persons of high skill, education, or training, or who are capable of performing specified functions for which a shortage of employable, willing persons exists in the United States;
- (5) to study such other aspects of the Immigration and Nationality Act as the President shall assign to the Board for study, and make recommendations with respect thereto;
- (6) to conduct such investigations and to hold such public and executive hearings in such

places within and without the United States and at such times as the Board deems necessary.

(c) All Federal agencies shall cooperate fully with the Board to the end that it may effectively carry out its duties.

(d) Each member of the Board who is not otherwise in the service of the Government of the United States shall receive the sum of \$75 for each day spent in the work of the Board, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended.

(e) Each member of the Board who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Board shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

(f) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

SEC. 19. Section 221(g) of the Immigration and

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Nationality Act (66 Stat. 192, 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and adding the following:

" : Provided further, That a visa may be issued to an alien defined in section 101(a)(15) (B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States."

SEC. 20. So much of section 272(a) of the Immigration and Nationality Act (66 Stat. 226, 8 U.S.C. 1322(a)) as precedes the words "shall pay to the collector of customs" is amended to read as follows:

"SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) mentally retarded, (2) insane, (3) afflicted with psychopathic personality, (4) a chronic alcoholic, (5) afflicted with any dangerous contagious disease, or (6) a narcotic drug addict,".

SECTION-BY-SECTION ANALYSIS

SECTION 1 amends section 201(a) of the Immigration and Nationality Act, under which quotas for each country are determined. It abolishes the national origins system by reducing present quotas by one-fifth of their present number each year for five years. As numbers are released from national origins quotas, they are added to the quota reserve pool established by the amendment to section 201 of the Act made by section 3 of the bill. Thus in the first year, twenty per cent (roughly 32,000) are released to the pool; in the second year, the pool will have forty per cent of present quotas (or 64,000); until in the fifth year and thereafter, all numbers are allocated through the pool. To provide some immediate relief to minimum quota areas, the minimum quota is raised to 200, but is then reduced in the same manner as other quotas.

SECTION 2 amends section 201(b) of the Immigration and Nationality Act by changing a reference therein from "section 202(e)" to "section 202(d)" in conformity with the redesignation of section 202(e) as 202(d) made by SECTION 6(e) of the bill.

SECTION 3 amends section 201 of the Immigration and Nationality Act by adding a new subsection (f). This subsection

establishes the quota reserve pool from which all quota numbers will be allocated by the fifth year. In each of the five years constituting the period of transition, the pool will consist of (1) the numbers released from national origins quotas each year, and (2) numbers assigned to the old quota areas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Quota numbers are issued in the order of preference specified in amended section 203 of the Immigration and Nationality Act (see Section 10 of the bill). That is, first call on the first fifty per cent is given to persons whose admission, by virtue of their exceptional skill, training or education, will be especially advantageous to the United States; first call on the next thirty per cent, plus any part of the first fifty per cent not issued for first preference purposes, is given to unmarried sons and daughters of United States citizens, not eligible for nonquota status because they are over 21 years of age; first call on the remaining twenty per cent, plus any part of the first eighty per cent not taken by the first two preference classes, is given to spouses and unmarried sons or daughters of aliens lawfully admitted for permanent residence; and any

portion remaining is issued to other quota visa applicants, with percentage preferences to other relatives of United States citizens and resident aliens, and then to certain classes of workers. Amended section 203 further provides that within each class, visas are issued in the order in which applied for--first come, first served. These preference provisions, which under present law determine only relative priority between nationals of the same country, will now determine priority between nationals of different countries throughout the world.

To prevent disproportionate benefits to the nationals of any single country, a maximum of ten per cent of the total authorized quota is set on immigration attributable to any quota area. However, this limitation is not applied if to do so would result in reducing any quota at a more rapid rate than that provided by amended section 201(a). Ultimately, of course, the limitation applies to all.

Exceptions to the principle of allocating visas on the basis of time-of-registration within preference classes are provided to deal with special problems. Since some countries' quotas are not current, their nationals have no old

registrations on file. To apply the principle rigidly would result, after four or five years, in curtailing immigration from these countries almost entirely. This would be undesirable not only because it would frustrate the aim of the bill that immigration from all countries should continue, but also because many of the countries that would be affected are our closest allies. Therefore, proposed section 201(f) would authorize the President, after consultation with the Immigration Board (established by SECTION 18), to reserve up to thirty per cent of the quota reserve pool for allocation to qualified immigrants (1) who could obtain visas under the existing system but not under the new system and (2) whose admission to the United States would further the national security interest by maintaining close ties with their countries. The number of quota visas so allocated may exceed the ten per cent limit on the number of immigrants from any country in the case of those countries which, under the existing system, regularly receive allocations in excess of that limit.

Subsection (f) also allows the President to reserve up to ten per cent of the quota reserve pool for allocation to certain

refugees and permits him to disregard priority of registration within preference classes for the benefit of such refugees.

Many refugees, almost by definition, are uprooted suddenly. They had no thought of immigration until they were forced to leave the country in which they were living because of natural calamity or political upheaval; or they may be refugees from persecution or dictatorship, in which case previous registration would have been dangerous.

Finally, subsection (f) provides that if the President reserves, against contingencies, any numbers during the year, but thereafter finds them not to be needed for the named purposes, such numbers are to be issued as if they had not been reserved. Similarly, the ten per cent limitation on the number of visas to be issued to any quota area is made inoperable if its application would result in authorized quota numbers not being used.

SECTION 4 amends section 201(c) of the Immigration and Nationality Act, which presently limits the number of quota visas issued in any single month to ten per cent of the total yearly quota. This limitation is needed to ensure that persons entitled to preference by virtue of special skills or

family ties will not be foreclosed from preference by a rush of earlier applications which exhaust the annual quota. To ensure that all available quota numbers can nevertheless be utilized, present law provides that numbers not used during the first ten months of any fiscal year may be used during the last two months of such year, without regard to the ten per cent monthly limitation. Often, if close to the full ten per cent of quota visas is not issued in each of the first months of the year, undesirable administrative problems result in the last two. The amendment allows the issuance each month of the ten per cent authorized for that month plus any visas authorized but not issued in previous months. This permits a more even spacing of visa issuance during the year.

SECTION 5 amends section 201(d) of the Immigration and Nationality Act which now permits the issuance of quota immigrant visas to nonquota immigrants. Substituted for the provisions of section 201(d) is a specific direction that no quota immigrant visa shall be issued to a person who is eligible for a nonquota immigrant visa. This will prevent nonquota immigrants from preempting visas to the prejudice of qualified quota immigrants.

SECTION 6 amends section 202 of the Immigration and Nationality Act to eliminate the so-called "Asia-Pacific Triangle" provisions, which require persons of Asian stock to be attributed to quota areas not by their place of birth, but according to their racial ancestry. At the end of the five-year transition period, this provision would be in any event superfluous, since national origin will no longer be a standard for the admission of qualified quota immigrants. But the formula is so especially discriminatory that it should be removed immediately, and not be permitted to operate even in part during the five-year transition period.

Subsection (c) of the section amends section 202(c) of the Act so as to raise the minimum allotment to subquotas of dependent areas of a governing country, thus preserving their present equality with independent minimum-quota areas. The dependent area's allotment is taken from the governing country's quota. To prevent a dependent area from preempting the governing country's quota disproportionately, it is provided that the dependent area's share of the quota will decrease as the governing country's quota is reduced.

SECTION 7 amends section 207 of the Immigration and Nationality Act by deleting the language of that section which

prevents the issuance of visas in lieu of those issued but not actually used, or later found to be improperly issued. Thus in Germany alone over seven thousand quota visas are now taken by persons entitled to nonquota status, and two thousand more quota visas are issued to persons who do not actually apply for admission to the United States. All these quota visas are lost under the present law. Such a result is inconsistent with the aim of the bill that all authorized quota numbers shall be used. The amended section 207 specifically authorizes the issuance of a quota visa in lieu of one improperly issued or not actually used, utilizing the same quota number.

SECTION 8 amends section 101(a)(27)(A) of the Immigration and Nationality Act, which grants nonquota status to spouses and children of United States citizens, so as to extend nonquota status to parents of United States citizens as well.

SECTION 9 amends section 101(a)(27)(C) of the Immigration and Nationality Act so as to extend nonquota status to natives of all independent Western Hemisphere countries. Under present law, such status is granted to natives of all independent North, Central and South American countries, and of named Caribbean island countries which were independent when

the Immigration and Nationality Act was enacted in 1952. The amendment extends nonquota status to natives of countries in these areas which have gained their independence since then, or may gain their independence hereafter.

SECTION 10 amends section 203(a) of the Immigration and Nationality Act, which establishes preferences for immigrants with special skills and for relatives of United States citizens and resident aliens.

Subsection (a) relaxes the test for the first preference accorded to persons of high education, technical training, specialized experience, or exceptional ability. Under present law, such persons are granted preferred status only if the Attorney General determines that their services are "needed urgently" in the United States. The amendment allows them first preference if their services, as determined by the Attorney General, would be "especially advantageous" to the United States.

Subsection (b) eliminates the second preference for parents of American citizens, now accorded nonquota status by the amendment made by SECTION 8 of the bill.

Subsection (c) grants a fourth preference, up to fifty per cent of numbers not issued to the first three preferences, to parents of aliens lawfully admitted for permanent residence. It also grants a subsidiary preference to qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, immigrants who do not meet the rigorous standards of the skilled specialist category are not preferred over any other immigrants even though they can fill a definite labor need which other immigrants cannot fill. The amendment allows to such immigrants a preference of fifty per cent of the quota visas remaining after all family preferences have been satisfied or exhausted.

SECTION 11 amends section 204 of the Immigration and Nationality Act, which establishes the procedure for determining eligibility for preferred status under section 203.

The amendments made by paragraphs (1), (2), (3) and (4) cover the filing of petitions, on behalf of the workers accorded a fourth preference, by the persons who will employ them to fill the special labor needs. Paragraph (1) provides for approval of these petitions by the Attorney General, and paragraph (2) requires that he consult with the Immigration

Board and interested departments of government before granting preference to these workers.

Paragraph (2) also exempts first preference skilled specialists from the present petition procedure because under the bill a new procedure is established for such persons. Under present law, skilled specialists may qualify for preferred status only when a petition requesting their services is filed by a United States employer. This requirement unduly restricts our ability to attract those whose services would substantially enhance our economy, cultural interests, and welfare. Many of these people have no way of contacting employers in the United States in order to obtain the required employment. Even if they knew whom to contact, few openings important enough to attract such highly-skilled people are offered without personal interviews, and only a few very large enterprises or institutions have representatives abroad with hiring authority. Thus many such skilled specialists cannot obtain the employment presently required for first preference status.

Moreover, the requirement of prearranged employment is in fact unnecessary. Highly-skilled specialists would obviously work

at their specialty, provided that employment is open. The only check needed is that the Attorney General ascertain, upon consultation with appropriate government agencies, that job openings exist in the specialist's particular field. Although the present petition procedure serves to confirm the individual's own evidence of his training, education, or skills, such confirmation is not essential if proper investigation is made of his qualifications before the preference is accorded.

Paragraph (5), therefore, allows the Attorney General to grant a first preference to skilled specialists upon their own petitions, supported by such documentation as the Attorney General shall require. In this connection it is to be noted that the existing law requiring an investigation by the Attorney General of the petitioner's qualifications and a determination of his eligibility for a first preference is continued.

SECTION 12 amends section 205(b) of the Immigration and Nationality Act, providing for petitions to establish eligibility for preference as a relative of a United States citizen or lawfully resident alien, to conform to the substantive amendments made by SECTION 10.

SECTION 13 amends the "Fair Share" refugee law so as to remove a provision which has hampered its effective operation. Presently, the entry of refugees is subject to the condition that they be within the mandate of the United Nations High Commissioner for Refugees. The mandate provision is eliminated, so that the refugee law will no longer be subject to outside control. In addition, subsection (b) enlarges the applicable area definition so as to allow the entry of refugees from North Africa generally, and Algeria particularly, who are unable to return to their countries because of their race, religion, or political opinions, and incorporates this new definition in the "Fair Share" law. The existing definition encompasses refugees from "any country within the general area of the Middle East," which is defined as the area between Libya on the West, Turkey on the North, Pakistan on the East, and Saudi Arabia and Ethiopia on the South. The new definition substitutes Morocco for Libya as the western border of this area.

SECTION 14 repeals the "Fair Share" law's special provision for five hundred "difficult to resettle" refugees; all such persons have been taken care of, and the authority is therefore no longer necessary.

SECTION 15 amends section 281 of the Immigration and Nationality Act so as to grant discretionary authority to the Secretary of State to specify the time and manner of payment of the fees for visa applications and issuances. This discretionary authority will allow the Secretary to control two undesirable situations:

First, many people in countries with oversubscribed quotas register their names on visa waiting lists even though they have no present intention of emigrating; they regard the registration as "insurance" for possible future use. Such registrations have the effect of creating a distorted picture of visa backlogs and make efficient administration difficult. The amendment therefore would allow the Secretary of State to require a registrant to deposit a fee at the time of registration. While not unduly burdensome on those who wish to come here, such a procedure would serve to discourage registrations which are not bona fide.

Second, otherwise admissible immigrants, particularly refugees, are often unable to pay the required visa fee.

Rather than bar them from obtaining a visa, the Secretary is given authority to postpone payment.

SECTION 16 is also directed to the problem of "insurance" registrations. Many applicants for visas have been offered visas repeatedly but have turned them down. They wish only to preserve their priority in registration for possible future use. To handle such cases, section 203(c) of the Immigration and Nationality Act is amended so as to allow the Secretary of State to terminate the registrations of persons who have previously declined visas. This amendment is also important in connection with a contemplated re-registration of applicants in certain over-subscribed quota areas designed to ascertain whether registrants have died, emigrated elsewhere, or changed their minds; the Secretary is authorized to terminate the registration of all persons who fail to re-register.

SECTION 17 amends subsections (a)(1), (a)(4) and (g), as redesignated, of section 212 of the Immigration and Nationality Act so as to allow the entry of certain mentally afflicted persons. Under present law, no visas may be issued to aliens

who are feeble-minded or insane, or have had one or more attacks of insanity, or who are afflicted with a psychopathic personality, epilepsy, or a mental defect. These provisions have created hardships for families seeking admission, where one member, often a child, is retarded. Such families are presented with the difficult decision as to whether they should leave the afflicted person behind or stay with him. Such a person cannot enter the United States even if the family is willing and able to care for him here and even if he is within the 85 per cent of mentally afflicted persons whose condition can be substantially improved by adequate treatment.

The amendment gives the Attorney General discretionary authority to admit such persons who are the spouses, children, or parents of citizens or resident aliens, or who are accompanying a member of their family. The Attorney General, after consultation with the Surgeon General of the United States Public Health Service, would prescribe the controls and conditions on the entry of such persons, including the giving of a bond to insure continued family support.

The bar against the admission of epileptics is removed entirely, since this affliction can effectively be medically

controlled. The amendment would also provide that the term "mentally retarded" be substituted for the present term "feeble-minded." This is not a substantive change in the law.

SECTION 18 establishes the Immigration Board, to be composed of seven members. Two members of the House of Representatives are appointed by the Speaker with the approval of the majority and minority leaders, two members of the Senate, by the President of the Senate, with the approval of the majority and minority leaders, and three members, including the chairman, by the President. Members not otherwise in government service are to be paid on a per diem basis for actual time spent in the work of the Board.

The section provides that the Board's duties shall be to study, and consult with appropriate government departments on all facets of immigration policy; to make recommendations to the President as to the reservation and allocation of quota numbers, and to recommend to the Attorney General criteria for admission of skilled specialists and workers whose services are needed by reason of labor shortages in this country.

SECTION 19 grants consular officers discretionary authority to require bonds ensuring that certain non-immigrants will depart voluntarily from the United States when required. This amendment to section 221(g) of the Immigration and Nationality Act, by providing an additional safeguard against a later refusal to depart, would allow the issuance of visas in many borderline cases in which visas are now refused to students and visitors.

SECTION 20 amends section 272 of the Immigration and Nationality Act, which imposes a penalty on carriers bringing to the United States aliens afflicted with certain defects, so as to make that section conform with the changes made by this bill and section 11 of the Act of September 26, 1961.

SECTION-BY-SECTION ANALYSIS

SECTION 1 amends section 201(a) of the Immigration and Nationality Act, under which quotas for each country are determined. It abolishes the national origins system by reducing present quotas by one-fifth of their present number each year for five years. As numbers are released from national origins quotas, they are added to the quota reserve pool established by the amendment to section 201 of the Act made by section 3 of the bill. Thus in the first year, twenty per cent (roughly 32,000) are released to the pool; in the second year, the pool will have forty per cent of present quotas (or 64,000); until in the fifth year and thereafter, all numbers are allocated through the pool. To provide some immediate relief to minimum quota areas, the minimum quota is raised to 200, but is then reduced in the same manner as other quotas.

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establishes the quota reserve pool from which all quota numbers will be allocated by the fifth year. In each of the five years constituting the period of transition, the pool will consist of (1) the numbers released from national origins quotas each year, and (2) numbers assigned to the old quota areas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Quota numbers are issued in the order of preference specified in amended section 203 of the Immigration and Nationality Act (see Section 10 of the bill). That is, first call on the first fifty per cent is given to persons whose admission, by virtue of their exceptional skill, training or education, will be especially advantageous to the United States; first call on the next thirty per cent, plus any part of the first fifty per cent not issued for first preference purposes, is given to unmarried sons and daughters of United States citizens, not eligible for nonquota status because they are over 21 years of age; first call on the remaining twenty per cent, plus any part of the first eighty per cent not taken by the first two preference classes, is given to spouses and unmarried sons or daughters of aliens lawfully admitted for permanent residence; and any

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Exceptions to the principle of allocating visas on the basis of time-of-registration within preference classes are provided to deal with special problems. Since some countries' quotas are not current, their nationals have no old

registrations on file. To apply the principle rigidly would result, after four or five years, in curtailing immigration from these countries almost entirely. This would be undesirable not only because it would frustrate the aim of the bill that immigration from all countries should continue, but also because many of the countries that would be affected are our closest allies. Therefore, proposed section 201(f) would authorize the President, after consultation with the Immigration Board (established by SECTION 18), to reserve up to thirty per cent of the quota reserve pool for allocation to qualified immigrants (1) who could obtain visas under the existing system but not under the new system and (2) whose admission to the United States would further the national security interest by maintaining close ties with their countries. The number of quota visas so allocated may exceed the ten per cent limit on the number of immigrants from any country in the case of those countries which, under the existing system, regularly receive allocations in excess of that limit.

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SECTION 6 amends section 202 of the Immigration and Nationality Act to eliminate the so-called "Asia-Pacific Triangle" provisions, which require persons of Asian stock to be attributed to quota areas not by their place of birth, but according to their racial ancestry. At the end of the five-year transition period, this provision would be in any event superfluous, since national origin will no longer be a standard for the admission of qualified quota immigrants. But the formula is so especially discriminatory that it should be removed immediately, and not be permitted to operate even in part during the five-year transition period.

Subsection (c) of the section amends section 202(c) of the Act so as to raise the minimum allotment to subquotas of dependent areas of a governing country, thus preserving their present equality with independent minimum-quota areas. The dependent area's allotment is taken from the governing country's quota. To prevent a dependent area from preempting the governing country's quota disproportionately, it is provided that the dependent area's share of the quota will decrease as the governing country's quota is reduced.

SECTION 7 amends section 207 of the Immigration and Nationality Act by deleting the language of that section which

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SECTION 8 amends section 101(a)(27)(A) of the Immigration and Nationality Act, which grants nonquota status to spouses and children of United States citizens, so as to extend non-quota status to parents of United States citizens as well.

SECTION 9 amends section 101(a)(27)(C) of the Immigration and Nationality Act so as to extend nonquota status to natives of all independent Western Hemisphere countries. Under present law, such status is granted to natives of all independent North, Central and South American countries, and of named Caribbean island countries which were independent when

the Immigration and Nationality Act was enacted in 1952. The amendment extends nonquota status to natives of countries in these areas which have gained their independence since then, or may gain their independence hereafter.

SECTION 10 amends section 203(a) of the Immigration and Nationality Act, which establishes preferences for immigrants with special skills and for relatives of United States citizens and resident aliens.

Subsection (a) relaxes the test for the first preference accorded to persons of high education, technical training, specialized experience, or exceptional ability. Under present law, such persons are granted preferred status only if the Attorney General determines that their services are "needed urgently" in the United States. The amendment allows them first preference if their services, as determined by the Attorney General, would be "especially advantageous" to the United States.

Subsection (b) eliminates the second preference for parents of American citizens, now accorded nonquota status by the amendment made by SECTION 8 of the bill.

Subsection (c) grants a fourth preference, up to fifty per cent of numbers not issued to the first three preferences, to parents of aliens lawfully admitted for permanent residence. It also grants a subsidiary preference to qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, immigrants who do not meet the rigorous standards of the skilled specialist category are not preferred over any other immigrants even though they can fill a definite labor need which other immigrants cannot fill. The amendment allows to such immigrants a preference of fifty per cent of the quota visas remaining after all family preferences have been satisfied or exhausted.

SECTION 11 amends section 204 of the Immigration and Nationality Act, which establishes the procedure for determining eligibility for preferred status under section 203.

The amendments made by paragraphs (1), (2), (3) and (4) cover the filing of petitions, on behalf of the workers accorded a fourth preference, by the persons who will employ them to fill the special labor needs. Paragraph (1) provides for approval of these petitions by the Attorney General, and paragraph (2) requires that he consult with the Immigration

Board and interested departments of government before granting preference to these workers.

Paragraph (2) also exempts first preference skilled specialists from the present petition procedure because under the bill a new procedure is established for such persons. Under present law, skilled specialists may qualify for preferred status only when a petition requesting their services is filed by a United States employer. This requirement unduly restricts our ability to attract those whose services would substantially enhance our economy, cultural interests, and welfare. Many of these people have no way of contacting employers in the United States in order to obtain the required employment. Even if they knew whom to contact, few openings important enough to attract such highly-skilled people are offered without personal interviews, and only a few very large enterprises or institutions have representatives abroad with hiring authority. Thus many such skilled specialists cannot obtain the employment presently required for first preference status.

Moreover, the requirement of prearranged employment is in fact unnecessary. Highly-skilled specialists would obviously work

at their specialty, provided that employment is open. The only check needed is that the Attorney General ascertain, upon consultation with appropriate government agencies, that job openings exist in the specialist's particular field. Although the present petition procedure serves to confirm the individual's own evidence of his training, education, or skills, such confirmation is not essential if proper investigation is made of his qualifications before the preference is accorded.

Paragraph (5), therefore, allows the Attorney General to grant a first preference to skilled specialists upon their own petitions, supported by such documentation as the Attorney General shall require. In this connection it is to be noted that the existing law requiring an investigation by the Attorney General of the petitioner's qualifications and a determination of his eligibility for a first preference is continued.

SECTION 12 amends section 205(b) of the Immigration and Nationality Act, providing for petitions to establish eligibility for preference as a relative of a United States citizen or lawfully resident alien, to conform to the substantive amendments made by SECTION 10.

SECTION 13 amends the "Fair Share" refugee law so as to remove a provision which has hampered its effective operation. Presently, the entry of refugees is subject to the condition that they be within the mandate of the United Nations High Commissioner for Refugees. The mandate provision is eliminated, so that the refugee law will no longer be subject to outside control. In addition, subsection (b) enlarges the applicable area definition so as to allow the entry of refugees from North Africa generally, and Algeria particularly, who are unable to return to their countries because of their race, religion, or political opinions, and incorporates this new definition in the "Fair Share" law. The existing definition encompasses refugees from "any country within the general area of the Middle East," which is defined as the area between Libya on the West, Turkey on the North, Pakistan on the East, and Saudi Arabia and Ethiopia on the South. The new definition substitutes Morocco for Libya as the western border of this area.

SECTION 14 repeals the "Fair Share" law's special provision for five hundred "difficult to resettle" refugees; all such persons have been taken care of, and the authority is therefore no longer necessary.

SECTION 15 amends section 281 of the Immigration and Nationality Act so as to grant discretionary authority to the Secretary of State to specify the time and manner of payment of the fees for visa applications and issuances. This discretionary authority will allow the Secretary to control two undesirable situations:

First, many people in countries with oversubscribed quotas register their names on visa waiting lists even though they have no present intention of emigrating; they regard the registration as "insurance" for possible future use. Such registrations have the effect of creating a distorted picture of visa backlogs and make efficient administration difficult. The amendment therefore would allow the Secretary of State to require a registrant to deposit a fee at the time of registration. While not unduly burdensome on those who wish to come here, such a procedure would serve to discourage registrations which are not bona fide.

Second, otherwise admissible immigrants, particularly refugees, are often unable to pay the required visa fee. Rather than bar them from obtaining a visa, the Secretary is given authority to postpone payment.

SECTION 16 is also directed to the problem of "insurance" registrations. Many applicants for visas have been offered visas repeatedly but have turned them down. They wish only to preserve their priority in registration for possible future use. To handle such cases, section 203(c) of the Immigration and Nationality Act is amended so as to allow the Secretary of State to terminate the registrations of persons who have previously declined visas. This amendment is also important in connection with a contemplated re-registration of applicants in certain over-subscribed quota areas designed to ascertain whether registrants have died, emigrated elsewhere, or changed their minds; the Secretary is authorized to terminate the registration of all persons who fail to re-register.

SECTION 17 amends subsections (a)(1), (a)(4) and (g), as redesignated, of section 212 of the Immigration and Nationality Act so as to allow the entry of certain mentally afflicted persons. Under present law, no visas may be issued to aliens

who are feeble-minded or insane, or have had one or more attacks of insanity, or who are afflicted with a psychopathic personality, epilepsy, or a mental defect. These provisions have created hardships for families seeking admission, where one member, often a child, is retarded. Such families are presented with the difficult decision as to whether they should leave the afflicted person behind or stay with him. Such a person cannot enter the United States even if the family is willing and able to care for him here and even if he is within the 85 per cent of mentally afflicted persons whose condition can be substantially improved by adequate treatment.

The amendment gives the Attorney General discretionary authority to admit such persons who are the spouses, children, or parents of citizens or resident aliens, or who are accompanying a member of their family. The Attorney General, after consultation with the Surgeon General of the United States Public Health Service, would prescribe the controls and conditions on the entry of such persons, including the giving of a bond to insure continued family support.

The bar against the admission of epileptics is removed entirely, since this affliction can effectively be medically

controlled. The amendment would also provide that the term "mentally retarded" be substituted for the present term "feeble-minded." This is not a substantive change in the law.

SECTION 18 establishes the Immigration Board, to be composed of seven members. Two members of the House of Representatives are appointed by the Speaker with the approval of the majority and minority leaders, two members of the Senate, by the President of the Senate, with the approval of the majority and minority leaders, and three members, including the chairman, by the President. Members not otherwise in government service are to be paid on a per diem basis for actual time spent in the work of the Board.

The section provides that the Board's duties shall be to study, and consult with appropriate government departments on all facets of immigration policy; to make recommendations to the President as to the reservation and allocation of quota numbers, and to recommend to the Attorney General criteria for admission of skilled specialists and workers whose services are needed by reason of labor shortages in this country.

SECTION 19 grants consular officers discretionary authority to require bonds ensuring that certain non-immigrants will depart voluntarily from the United States when required. This amendment to section 221(g) of the Immigration and Nationality Act, by providing an additional safeguard against a later refusal to depart, would allow the issuance of visas in many borderline cases in which visas are now refused to students and visitors.

SECTION 20 amends section 272 of the Immigration and Nationality Act, which imposes a penalty on carriers bringing to the United States aliens afflicted with certain defects, so as makes that section conform with the changes made by this bill and section 11 of the Act of September 26, 1961.

PRESENT LAW

Non-Quota

Immigrants from Western Hemisphere countries (except Jamaica and Trinidad-Tobago) and immigrants who are spouses or unmarried minor children of American Citizens are admitted without limitation.

National Origins System

Other immigrants are subject to a quota system based on their national origin. Under this system each country outside the Western Hemisphere is allotted a specific number of immigrants who may be admitted to the United States each year. The allocation is based on a proportion of a total equal to the proportion of the population in the United States in 1920 whose national origins, including ancestry, could be attributed to that particular country.

This system results in a distribution of about 70 per cent of the total of 158, 561 annual quota immigrant visas to the three countries with the highest quotas:

United Kingdom	65,361
Ireland	17,756
Germany	25,814

In practice the countries with the highest quotas use them only partially. Although about 50,000 visas a year are thus left open, under present law the unused portion of one country's quota cannot be transferred to a country whose quota is oversubscribed. The result is the annual waste of 50,000 visas while long waiting lists exist in numerous countries.

Asia - Pacific Triangle

Persons of Asian stock are charged to a quota not by the place of their birth but according to their racial ancestry.

Take the case of young Colombian man whose wife is also a native and citizen of Colombia. The wife, however, has a Chinese father. The young man is eligible to come here freely on a non-quota basis because Colombia is an independent Western Hemisphere country. His wife--because of the accident of her Asian ancestry--must be considered half Chinese. She is admissible only under the quota for Chinese persons (105).

January 13, 1965

SPEECH SECTION ON PRESIDENT JOHNSON'S IMMIGRATION MESSAGE

President Johnson has sought to reestablish basic democratic principles in our nation's immigration policies. In his message to Congress outlining the changes needed in our laws dealing with immigration, the President has made clear the Administration's resolve to eliminate the national origins quota system which defies the basic ideals of the American tradition.

The President's bill has one objective: to insure that immigration to the United States is accomplished under a system that is just, humane, and in the best interests of all the American people.

This bill is just. It would admit immigrants on the basis of their special skills and knowledge which would make their citizenship advantageous to the nation. It would bring to America new scientists, scholars, engineers, doctors and technicians -- all of whom would significantly contribute to our national advancement.

This bill is humane. It would give preference to immigrants who are close relatives of American citizens and permanent residents and establish a policy of reuniting families. Under this bill, parents of American citizens could obtain admission to our shores without waiting for a quota number.

This bill is in the best interests of the American people. It would not remove existing laws and safeguards against the admission of undesirables or permit excessive and unregulated immigration.

The main thrust of this bill is aimed at the discriminatory system of national origins quotas which imply that persons from certain countries are more desirable than others. We are, in the truest sense, a nation of immigrants. And we cannot uphold our basic objectives of freedom by denying citizenship to some on the basis of geography or ethnic origins.

President Johnson has asked the Congress to reform the inequities of our current system of immigration. By so doing, he has proposed a bill that will strengthen our national purpose and sense of justice.

Four Presidents have called attention to the serious defects in our immigration legislation. President Johnson has presented a bill which will eliminate a blight on our national honor and restore dignity and fairness to our policies on immigration.

January 13, 1965

THE ADMINISTRATION PROGRAM ON IMMIGRATION

Democratic Platform

"True democracy of opportunity will not be served by establishing quotas based on the same false distinctions we seek to erase, nor can the effects of prejudice be neutralized by the expedient of preferential practices.

"The immigration laws must be revised to permit families to be reunited, to welcome the persecuted and oppressed, and to eliminate the discriminatory provisions which base admission upon national origins."

State of the Union

"Let a just nation throw open to them the city of promise: ...to those in other lands that are seeking the promise of America, through an immigration law based on the work a man can do and not where he was born or how he spells his name." (January 4, 1965)

Campaign Pledge

"It is a part of the plan of the Great Society that the immigration laws be changed.

"Two-thirds of the total immigration quota goes under that law, to people who never use all their quota. We want to abolish those discriminatory quotas gradually over a five year period and raise the overall limit by 2,000 -- or one-eightieth of 1% of our work force.

"This would permit the reuniting of families that have too long been broken. We are all Americans. We are one nation -- one people." (Milwaukee speech, October 30, 1964)

The President's Immigration Message to the Congress

"A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue... Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals." (January 13, 1965)

-- MORE --

Seven preference categories:

1. Unmarried sons and daughters of American citizens
2. Spouses, unmarried sons and daughters of residents
3. Members of professions such as teachers, engineers, physicians, and others of exceptional ability in arts and sciences
4. Married sons and daughters of American citizens
5. Brothers and sisters of American citizens
6. Short supply labor
7. Refugees

Actual Immigration

Although authorized quota immigration is fixed at 170,000, the State Department estimates that during the transition period actual quota visa issuances may not exceed the present authorized 158,561. The present pattern of quota immigration (100,000 annually) plus the unused numbers in the pool (approximately 56,000 for the first year) will not reach the present authorized level much less the 170,000 ceiling.

January 13, 1965

The President's Immigration Message recommends legislation to:

- establish a first-come, first-serve system of preferential admissions for immigrants with "especially advantageous" skills, education or training, and close relatives in the United States. It abolishes the national origins system by reducing present quotas by one fifth of their present number each year for five years and establishing a quota reserve pool from which quotas are redistributed giving preference to (1) those with special skills, (2) relatives of resident aliens and (3) persons who can fill specific jobs in areas where there are labor shortages.
- create a new 7-man Immigration Board which, with the Attorney General, will set the standards for reassigning quotas.
- permit quota numbers not used by any country to be made available to countries where they are needed.
- eliminate the requirement that skilled immigrants must actually find a job before coming to the United States.
- eliminate discriminatory provisions against applicants from Oriental and Asiatic countries who could not enter the U.S. under quotas set for the countries in which they resided.
- give non-quota status to newly independent countries in the Western Hemisphere like Jamaica and Trinidad.
- give non-quota status to parents of citizens and preference to parents of resident aliens.
- give preference to workers with lesser skills who can fill specific needs in short supply.
- eliminate technical restrictions that have hampered the effective use of the Fair-Share Refugee Law.
- authorize the Secretary of State to require re-registration of quota immigration visa applicants and to regulate the time of payment of visa fees.

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(PLS.)

Amendment No. 1

(Amend section 1 to read as follows:)

That section 201 of the Immigration and Nationality Act (66 Stat. 175, 3 U.S.C. 1151) be amended to read as follows:

"SEC. 201. (a) Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence or who may, pursuant to section 203(a)(6), be conditionally admitted, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 50,000, and (ii) shall not in any fiscal year exceed a total of 170,000.

"(b) The immediate relatives of United States citizens referred to in subsection (a) of this section shall be the husbands, wives, or children of such a citizen, and the fathers or mothers of such a citizen who is over twenty-one years of age.

"(c) During the period from July 1, 1965 through June 30, 1968, the annual quota of any quota area shall be the same as that which existed

for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

"(d) Quota numbers not issued or otherwise used during the previous fiscal year as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Admissions from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of visas due to oversubscription of their quotas or subquotas as determined by the Secretary of State and to other immigrants, excepting special immigrants specified in section 101(a)(27) and immediate relatives specified in subsection (b) of this section, who are otherwise admissible under the provisions of

this Act. The immigration pool shall be allocated within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

"(e) The immigration pool and the quotas of quota areas shall terminate June 30, 1968. Thereafter immigrants admissible under the provisions of this Act who are subject to the numerical limitations of subsection (a) of this section shall be admitted in accordance with the percentage limitations and in the order of priority specified in section 203."

(P12)

Amendment No. 2

(Amend section 2 to read as follows:

SEC. 2.) Section 202 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1152) is amended to read as follows:

"(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: Provided, That the total number of immigrant visas and the number of conditional admissions made available to natives of any single foreign state under paragraphs (1) through (7) of section 203(a) shall not exceed 20,000 in any fiscal year.

"(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions, shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited

lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set

forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent."

(112)

Amendment No. 3

(Amend section 3 to read as follows:

SEC. 3.) Section 203 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1153) is amended to read as follows:

"SEC. 203. (a) Aliens who are subject to the numerical limitations specified in section 201(a) shall be allotted visas or conditionally admitted, as the case may be, as follows:

"(1) Visas shall be first made available, in a number not to exceed ten per centum of the number specified in section 201(a)(11), to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

"(2) Visas shall next be made available, in a number not to exceed twenty per centum of the number specified in section 201(a)(11), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the married sons or the married daughters, or the unmarried sons ^{or} ~~and~~ daughters over twenty-one years of age, of citizens of the United States.

"(3) Visas shall next be made available, in a number not to exceed twenty per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) and (2), to qualified immigrants who are the husbands, wives, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

"(4) Visas shall next be made available, in a number not to exceed twenty per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(5) Visas shall next be made available, in a number not to exceed twenty per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

"(6) Conditional admissions shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed six per centum of the number specified in section 201(a)(ii), to aliens in any non-Communist or

non-Communist dominated country, (i) who, because of persecution or fear of persecution on account of race, religion, or political opinion have fled (A) from any Communist or Communist-dominated country or area, or (B) from any country within the general area of the Middle East, (ii) who are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) who are not nationals of the countries or areas in which their application for conditional admission is made. For the purpose of the foregoing the term 'general area of the Middle East' means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudia Arabia and Ethiopia on the south: Provided, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional admissions of a like number, to aliens who have been continuously physically present in the United States for a period of two years prior to application for such visas: Provided further, That in each of the first three fiscal years following the enactment of this paragraph any immigrant visas issued pursuant to the foregoing proviso shall not be counted for purposes of applying the numerical limitations imposed in section 201.

Preferable language for last sentence in paragraph 7 of section 203 (p. 4 of Amendment No. 3).

No immigrant visa shall be issued by a consular officer to a nonpreference immigrant under this paragraph seeking to enter the United States to perform skilled or unskilled labor if the Secretary of Labor has determined and certified to the Secretary of State that (A) sufficient workers in the United States are able, willing, qualified and available to perform such labor at the time of application for a visa and at the applicant's intended destination in the United States, or (B) the employment of such aliens to perform such skilled or unskilled labor will adversely affect the wages and working conditions of the workers in the United States similarly employed.

"(7) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (5) and less the number of conditional admissions or visas made available pursuant to paragraph (6), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraphs (1) or (5) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor that the provisions of section 212(a)(14) will not be invoked. The Secretary of Labor may make such determinations by classes or categories in accordance with regulations prescribed by him.

"(8) A spouse or child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa or to conditional admission under paragraphs (1) through (7), be entitled to the same status; and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

"(9) The President may in any fiscal year reserve (A) up to ten thousand of the visas allocated to nonpreference immigrants under paragraph (7) for issuance to otherwise qualified immigrants whose admission is determined by him to be necessary in order to avoid undue hardship directly attributable to the termination of annual quotas, and to be in the national interest, and (B) up to ten thousand of such visas for the purpose of making available in lieu thereof a like number of conditional admissions of aliens (2) whose admission is determined by him to be required to further the traditional policy of the United States of offering refuge to persons oppressed or persecuted, or threatened with oppression or persecution, because of their race, color, religion, national origins, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorships, or (ii) who have been uprooted by natural calamity or military operations and are unable to return to their usual places of abode: Provided, That the proviso of section 202(a) shall not limit the President's authority under this paragraph.

"(b) In considering applications for immigrant visas under subsection (a) consideration shall be given to applicants in the order in which the classes of which they are members are listed in subsection (a).

"(c) Immigrant visas issued pursuant to paragraphs (1) through (5) of subsection (a) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204.

"(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (5) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be entitled to preference immigrant status under paragraphs (1) through (5) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(e) For the purposes of carrying out his responsibilities in the orderly administration of this section,

the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. If in reliance upon such estimates the Secretary shall authorize in any fiscal year the issuance of visas that result in admission of more immigrants than are authorized for that fiscal year, the Secretary shall make an appropriate adjustment in the issuance of visas in the following fiscal year.

"(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien conditionally admitted into the United States pursuant to subsection (a)(6) or (9) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

"(g) Any alien conditionally admitted into the United States as a refugee, pursuant to subsections (a)(6) or (9) of this section, whose conditional admission has not been terminated by the Attorney General pursuant to such regulations as he may prescribe; and who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected

and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

"(h) Any alien who, pursuant to subsection (g) of this section, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a) (20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival."

part of PL 86-601 of CCLR

Amendment No. 4

(Amend section 4 to read as follows:

SEC. 4.) Section 204 of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1154) is amended to read as follows:

"SEC. 204. (a) Any citizen of the United States claiming that an alien is entitled to a preference status by reason of the relationships described in paragraphs (1), (4), or (5) of section 203(a), or any alien lawfully admitted for permanent residence claiming that an alien is entitled to a preference status by reason of the relationship described in section 203(a)(3), or any alien desiring to be classified as a preference immigrant under section 203(a)(2) (or any person on behalf of such an alien), or any person desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6), may file a petition with the Attorney General for such classification. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States,

but, if executed outside the United States, administered by a consular officer.

① " (b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor with respect to petitions to accord a status under section 203(a) (2) or (6), the Attorney General ⑤ shall, if he determines that the facts stated in the petition are true and that the alien in behalf of whom the petition is made is eligible for a preference status under section 203(a), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant the preference status.

" (c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

"(d) The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under sections 203(a)(2) or 203(a)(6) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session.

"(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom a petition under this section is approved, to enter the United States as a preference immigrant under section 203(a) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification."

Amendment No. 5

(Amend section 5 to read as follows:

SEC. 5.) Section 205 of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1155) is amended to read as follows:

"Section 205. The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236."

Amendment No. 6

(Amend section 6 to read as follows:

^ASEC. 6.) Section 206 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1156) is amended to read as follows:

"Section 206. If an immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not to be a preference immigrant, an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien."

Amendment No. 7

(Amend section 7 to read as follows:

SEC. 7.) Section 207 of the Immigration and
Nationality Act (66 Stat. 181, 8 U.S.C. 1157) is
repealed. ///

Amendment No. 8

(Amend section 8 to read as follows:

SEC. 8.) Section 101 of the Immigration and Nationality Act (66 Stat. 166, 8 U.S.C. 1101) is amended as follows:

~~///~~(a) Paragraph (27) of subsection (a) is amended to read as follows:

"(27) The term 'special immigrant' means --
(A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him: Provided, That no immigrant visa shall be issued pursuant to clause (A) of this paragraph until the consular officer is in receipt of a determination made by the Secretary of Labor that the provisions of section 212(a)(14) will not be invoked, and, Provided further, That the Secretary of Labor may make such determinations by classes or categories in accordance with regulations prescribed by him;

(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(C) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of

title III, apply for reacquisition of citizenship;
(D)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or
(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

(b) Paragraph (32) of subsection (a) is amended to read as follows:

"(32) The term 'profession' shall include but not be limited to architects, engineers, lawyers,

physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

(c) Subparagraph (1)(F) of subsection (b) is amended to read as follows:

"(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a preference classification under section 203(a)(1), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and his spouse who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence: Provided, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act."

Amendment No. 9

(Amend section 9 to read as follows:

SEC. 9.) Section 211 of the Immigration and Nationality Act (66 Stat. 181,8 U.S.C. 1181) is amended to read as follows:

"SEC. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General.

"(b) Notwithstanding the provisions of section 212(a)(20) of this Act in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 101(a)(27)(B), who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation."

Amendment No. 10

(Amend section 10 to read as follows:

SEC. 10.) Section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182) is amended as follows:

(a) The last sentence of paragraph (14) is amended to read as follows: "The exclusion of aliens under this paragraph shall apply only to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence) and to non-preference immigrant aliens described in section 203(a)(⁷8);".

(b) Paragraph (20) is amended by deleting the letter "(e)" and substituting therefor the letter "(a)".

(c) Paragraph (21) is amended by deleting the word "quota".

(d) Paragraph (24) is amended by deleting the language within the parentheses and substituting therefor the following: "other than aliens described in section 101(a)(27)(A) and (B) ~~and~~))

* Explanatory Note: Subsections (a) and (b) of section 4 of the "selective" immigration bill have been omitted in this amendment because the substance of these subsections remains in section 17 of the Administration bill.

Amendment No. 11

(Amend section 11 to read as follows:

SEC. 11.) The Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) is amended to read as follows:

(a) Section 221(a) is amended by deleting the words "the quota, if any, to which the immigrant is charged, the immigrants particular status under such quota, the particular non-quota category in which the immigrant is classified, if a non-quota immigrant," and substituting in lieu thereof the words "the preference, non-preference, or special immigration classification to which the alien is charged."

(b) The fourth sentence of subsection 221(c) is amended by deleting the word "quota" preceding the word "number;" the word "quota" preceding the word "year;" and the word "quota" preceding the word "immigrant," and substituting in lieu thereof the word "an."

(c) Section 222(a) is amended by deleting the words "quota or a nonquota" and substituting in lieu thereof the words "preference or a special."

(d) Section 224 is amended to read as follows:
"A consular officer may, subject to the limitations provided in section 221, issue an immigrant visa to a special immigrant as such upon satisfactory proof, under regulations prescribed under this Act, that

the applicant is entitled to a special immigrant status."

(e) Section 241(a)(10) is amended by substituting for the words "Section 101(a)(27)(C)" the words "Section 101(a)(27)(A)."

(f) Section 243(h) is amended by deleting the word "physical."

Amendment No. 12

Amend section 12 to read as follows:

SEC. 12.) Section 244 of the Immigration and Nationality Act (66 Stat. 214, 8 U.S.C. 1254) is amended as follows:

(a) Subsection (d) is amended to read as follows:

"(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), the Secretary of State shall reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)⁷(8) for the fiscal year then current."

(b) Subsection (f) is repealed.

Amendment No. 13

(Amend section 13 to read as follows:

SEC. 13.) Section 245 of the Immigration and Nationality Act (66 Stat. 217, 8 U.S.C. 1255) is amended as follows:

(a) Subsection (a) is amended by deleting the words "other than an alien crewman."

(b) Subsection (b) is amended to read:

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

(c) Subsection (c) is amended to read:

"(c) The provisions of this section shall not be applicable to any alien who is of the class described in section 101(a)(27)(A)."

Amendment No. 14

(Amend section 14 to read as follows:

SEC. 14.) Section 249 of the Immigration and Nationality Act (66 Stat. 219, 8 U.S.C. 1259) is amended by changing the words "June 28, 1940" to read "December 24, 1952" and by adding at the end thereof the following: "Upon approval of the creation of a record of lawful admission for permanent residence, unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), the Secretary of State shall, except in each of the first two fiscal years following the enactment of this section, reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8)⁷ for the fiscal year then current."

Amendment No. 15

(Amend section 15 to read as follows:

SEC. 15.) Section 281 of the Immigration and Nationality Act (66 Stat. 230, 8 U.S.C. 1351) is amended as follows:

(a) Immediately after "SEC. 281." insert "(a)";

(b) Paragraph (2) is amended to read as follows:

"(2) for the issuance of each immigrant visa, \$20; except that such fee shall be \$10 in the case of any alien who is the beneficiary of a petition required under section 204;"

(c) Paragraph (6) is amended to read as follows:

"(6) For filing with the Attorney General of each petition under section 204 and section 214(c), \$10; and";

(d) The following is inserted after paragraph (7), and is designated subsection (b):

"(b) The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, shall be prescribed by the Secretary of State."; and

(e) The paragraph beginning with the words "The fees . . ." is designated subsection (c).

Amendment No. 18

(Amend section 18 to read as follows:

SEC. 18.) Sections 1, 2, and 11 of the Act of July 14, 1960 (74 Stat. 504-505), as amended by section 6 of the Act of June 28, 1962 (76 Stat. 124), are repealed.

LAWS DEALING WITH IMMIGRATION--MESSAGE FROM THE PRESIDENT OF
THE UNITED STATES (H.Doc.No.52)

LAWS DEALING WITH IMMIGRATION--MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 52)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. That system is incompatible with our basic American tradition.

Over the years the ancestors of all of us—some 42 million human beings—have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "nation of nations."

Violation of this tradition by the national origins quota system does incalculable harm. The procedures imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. I do not believe this is either good government or good sense.

Thousands of our citizens are needlessly separated from their parents or other close relatives.

To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage to our Nation of the skills of the immigrant, and the existence of a close family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preference, and within the numerical and other limitations prescribed by law, the number of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which make the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families—long a primary goal of American immigration policy. Parents of U.S. citizens could obtain admission without waiting for a quota number.

Transition to the new system would be gradual, over a 5-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill would provide that as a general rule no country could be allocated more than 10 percent of the quota numbers available in any one year.

In order to insure that the new system would not impose undue hardship on any of our close allies by suddenly curtailing their emigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to 30 percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to 10 percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would—

(1) Permit numbers not used by any country to be made available to countries where they are needed;

(2) Eliminate the discriminatory "Asia-Pacific Triangle" provisions of the existing law;

(3) Eliminate discrimination against newly independent countries of the Western Hemisphere by providing non-quota status for natives of Jamaica, Trinidad, and Tobago;

(4) Afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens;

(5) Eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States;

(6) Afford a preference to workers with lesser skills who can fill specific needs in short supply;

(7) Eliminate technical restrictions that have hampered the effective use of the existing fair-share refugee law; and

(8) Authorize the Secretary of State to require reregistration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude persons likely to become public charges. No immigrants admitted under this bill could contribute to unemployment in the United States.

The total number of immigrants would not be substantially changed. Under this bill, authorized quota immigration, which now amounts to 158,361 per year, would be increased by less than 7,000.

I urge the Congress to return the United States to an immigration policy which both serves the national interest and continues our traditional ideals. No move could more effectively reaffirm our fundamental belief that a man is to be judged—and judged exclusively—on his worth as a human being.

LYNDON B. JOHNSON.

The White House, January 13, 1965.

Duplicate copies

COMPARISON OF S. 500, THE ADMINISTRATION'S
IMMIGRATION BILL, WITH H.R. 2580, AS RE-
PORTED BY THE HOUSE JUDICIARY COMMITTEE,
AND THE RELATED PROVISIONS OF EXISTING LAW

The House Judiciary Committee Report on H.R. 2580 contains a comparative print of the provisions of the reported bill and of the related sections of existing law. This memorandum will follow the order of the print--i.e., the three sets of provisions to be discussed here will be considered in the numerical order of the sections of present law.

Section 101

Present law makes a distinction between quota and nonquota immigrants. In general, quota immigrants are those whose native country is outside the Western Hemisphere. They are subject to a numerical limitation of approximately 158,000 per year. Non-quota immigrants (this term is defined in section 101(a)(27) of the Act) consist mainly of spouses and minor children of U.S. citizens and of aliens from Western Hemisphere countries. There is no numerical limitation applicable to this group.

S. 500. Although eventually eliminating the national origins system, S. 500 continues the use of the terms "quota immigrant" and "nonquota immigrant" to distinguish between those who are subject to the annual ceiling of 158,000 and those who are not. However, section 8 of S. 500 amends section 101(a)(27) (A) of the Act to extend nonquota status to parents of U. S. citizens and section 9 amends section 101(a)(27)(C) to extend such status to natives of Jamaica and Trinidad and Tobago, the two countries of the Western Hemisphere which obtained their independence after the enactment of the present law.

H.R. 2580. As reported by Committee, H.R. 2580 makes much the same breakdown of immigrants, using an annual ceiling of 170,000, but eliminates the terms "quota" and "nonquota."

Thus "quota immigrant" is eliminated as a defined term (now in section 101(a)(32) of the Act) and the term "nonquota immigrant" in section 101(a)(27) is changed by section 8 of H.R. 2580 to "special immigrant." However, this new term does not include spouses and children of U. S. citizens. Although, like Western Hemisphere immigrants, they remain unrestricted by the new ceiling of 170,000, they are placed, along with parents of U. S. citizens, in a new unrestricted category of "immediate relatives" defined elsewhere. This treatment of parents is the same as in S. 500.

H.R. 2580, again conforming to S. 500, includes natives of Jamaica, and Trinidad and Tobago within the definition of "special immigrants."

Section 201

Section 201 of the Act prescribes the method of determining quotas under the national origins system. Under its provisions, the 158,000 visas for quota immigration are allocated to countries outside the Western Hemisphere in ratios determined by the number of persons in the United States in 1920 whose ancestry stemmed from such countries.

S. 500. Section 1 of S. 500 amends section 201(a) of the Act to abolish the national origins system gradually by reducing present national quotas by 20% per year. As numbers are released from such quotas each year, they are added to a pool established by a new section 201(f). The present minimum quota of 100 is raised to 200 but is subject to the 20% annual reduction.

Section 3 of S. 500 adds the new section 201(f) to the Act establishing a pool composed of the quota numbers released from the national origins system each year and any quota numbers which were unused in the previous year because of insufficient demand in particular quota areas. Quota numbers in the pool, which will ultimately reach the annual total of

166,000, will be made available without regard to national origins to persons whose applicable quota is oversubscribed. Issuance will be on a first come, first served basis within the preference categories in section 203 of the Act. To prevent disproportionate benefits to the nationals of any single country, a maximum of 10% of the total quota numbers issued in any year is set for such nationals.

The proposed section 201(f) authorizes the President to reserve up to 30% of the pool for allocation, without regard to the preference structure, to quota immigrants who suffer undue hardship resulting from the reduction of annual quotas and whose admission is required in the national security interest. Such admissions would not be subject to the 10% annual limitation per country.

Section 201(f) also authorizes the President to reserve up to 10% of the pool, without regard to the preference structure, for allocation to refugees from political or other persecution and to persons uprooted by natural calamity or military operations.

H.R. 2580. This bill also abolishes the national origins system but uses a different approach from S. 500.

Section 1 of H.R. 2580 rewrites section 201 of the Act to provide for an annual maximum of 170,000 immigrants, exclusive of special immigrants (i.e., mainly Western Hemisphere immigrants) and a new category termed "immediate relatives". In addition to spouses and minor children of U. S. citizens, this unrestricted category includes parents of U. S. citizens. The 170,000 annual ceiling is effective upon passage of the bill.

The national origins system is continued until July 1, 1968. During each fiscal year in the intervening three-year period, the unused quota numbers now going to waste (but no other numbers) will be transferred to a pool. These numbers will be used, without regard to national origins and on a first come, first served basis, for the benefit of persons who are entitled to one of the preferences under section 203

and whose applicable quota is oversubscribed. H.R. 2580 thus differs from S. 500, which accords the benefit of its pool to nonpreference, as well as preference, immigrants.

Except with respect to unused numbers transferred to the pool, the existing quota system will operate until July 1, 1968 as it does now. Both the quota system and the pool will terminate July 1, 1968, and all admissions of persons within the 170,000 restriction will then be granted on a first come, first served basis subject to the preference provisions of section 203. However, effective upon passage, section 2 of the bill imposes an annual limitation of 20,000 admissions per country (except that until the end of the quota system on July 1, 1968 this limitation will not apply to reduce the number of immigrants who may be admitted from a country with a quota larger than 20,000--i.e., Great Britain or Germany).

It appears that S. 500 and H.R. 2580 do not vary greatly in their effect on the national origins system. The five-year phase-out of the system in S. 500 will produce more numbers for the pool in the beginning but this is offset in H.R. 2580 by the earlier termination of the system.

H.R. 2580, unlike S. 500, provides no authorization for the President to reserve quota numbers for admissions to prevent hardship arising from the reduction of quotas or to benefit political refugees and the victims of natural calamity or military operations. However, as will be noted below, H.R. 2580 includes political refugees within the preference structure applicable to those admissible under the 170,000 ceiling.

Contrary to the present provisions of section 201(d) of the Act, both S. 500 (in section 5) and H.R. 2580 (in the portion of section 2 that enacts section 201(b)) provide that persons qualified for admission outside the respective numerical ceilings of 158,000 and 170,000--i.e., as "nonquota" or "special" immigrants or as "immediate relatives"--must be admitted as such and shall not be admitted under a classification requiring a charge against those ceilings.

Section 202

This section of present law sets rules for the determination of the quota to which an immigrant is chargeable. It contains the widely criticized Asia-Pacific Triangle provisions which require that persons of Asian stock be charged to a quota not by the place of their birth but according to their racial ancestry.

S. 500. Section 6 of S. 500 repeals these provisions.

H.R. 2580. Section 2 of H.R. 2580, which rewrites section 202 of the Act, also accomplishes a repeal of these provisions. Section 202, as rewritten, contains the above-mentioned provision limiting to 20,000 per year the immigration from any one country whose natives are subject to the 170,000 limitation.

Section 203

This section of the law sets forth the preference structure applicable to quota immigration and provides for the allocation of visas in each quota area during a fiscal year as follows:

1. Persons whose services are determined to be needed urgently in this country by reason of their high education, specialized experience, etc.--the first 50%.
2. Parents and adult unmarried sons or daughters of U. S. citizens--the next 30%.
3. Spouses and adult unmarried sons or daughters of aliens admitted for permanent residence--the next 20%.
4. Other quota visa applicants--any portion of the quota not used by applicants in the first three classes, with a 50% preference in class 4 for brothers, sisters, married sons or married daughters of U. S. citizens.

Section 203 contains provisions for carrying up to a higher preference or dropping down to a lower one any unused quota numbers within any of these four preference categories.

S. 500. Section 10 of S. 500 modifies these preference provisions somewhat. First, it changes the "urgently needed" test of the first preference to permit admissions thereunder if the alien's services will be "especially advantageous" to the United States. Second, it eliminates the second preference for parents of American citizens--as noted above, such parents are placed in a nonquota status. Third, it includes parents of aliens admitted for permanent residence within the subsidiary preference in class 4 and also grants a still lower subsidiary preference, after all family preferences, to qualified quota immigrants capable of filling particular labor shortages in this country.

H.R. 2580. Section 3 of H.R. 2580, which revises the preference structure of section 203 of the Act to a greater extent than S. 500, sets up the following preferences, effective upon enactment, for the admission of the aliens who are subject to the annual limitation of 170,000:

1. Unmarried sons or daughters of United States citizens--the first 20% of the total of 170,000.
2. Spouses and unmarried sons or daughters of aliens admitted for permanent residence--the next 20% plus any unused portion of class 1.
3. Members of professions, scientists and artists--the next 10%.
4. Married sons or daughters of United States citizens--the next 10% plus any unused portions of classes 1 through 3.
5. Brothers or sisters of United States citizens--the next 24% plus any unused portions of classes 1 through 4.

6. Skilled or unskilled persons capable of filling labor shortages in the United States--the next 10%.
7. Refugees from persecution by Communist or certain Middle East governments--the next 6%. As distinguished from the aliens in the other classes, who are given immigrant visas, refugees will be granted conditional entries by the Attorney General. However, one half of this 6% figure may be used to adjust the status of refugees who have been admitted under the parole power of the Attorney General and who have been continuously present in the United States for two years or more. The term "conditional entry" as used in this paragraph is intended to have the same legal effect as "parole" under section 212 (d)(5) of the Act.
8. Otherwise qualified immigrants (i.e., nonpreference immigrants)--after the bill becomes fully effective in 1963, any portion of the 170,000 not used by classes 1 through 7.

Of the three preference structures described above, that of H.R. 2580 gives the greatest weight to family relationship as compared with occupational qualifications.

It will be noted that H.R. 2580 gives an explicit seventh preference for the entry of up to 10,200 refugees a year within the overall limit of 170,000. There is no comparable provision of existing law, although refugees may now be admitted under the Fair Share Refugee Act of July 14, 1950, as amended. That Act in general permits the parole into this country in any six-month period, of up to 25% of the number of refugees resettled outside the United States in the previous six-month period. Section 16 of H.R. 2580 would repeal the Fair Share law except as it permits adjustment of status for refugees already in this country.

S. 500 would leave the Fair Share law on the books with minor modifications, including an increase in the Middle East area to which it applies. As pointed out above, S. 500 would authorize

the President to set up a reserve for refugees, a provision not paralleled either in current law or in H.R. 2580.

Both S. 500 (in section 16) and H.R. 2580 (in section 3) add a provision to section 203 authorizing the Secretary of State to bring present visa waiting lists up to date by eliminating persons who have previously declined visas, emigrated to other countries, etc.

Finally, H.R. 2580 writes a new section 203(f) requiring the Attorney General to report to Congress the facts of each case of an alien granted conditional entry as a refugee.

Sections 204 and 205

Section 204 of the Act prescribes the procedures for granting immigrant status to skilled specialists under the first preference in section 203. A classification of that nature can be obtained only upon a petition filed with the Attorney General by someone in this country desiring to employ the alien.

Section 205 of the Act prescribes the procedures for a grant by the Attorney General of nonquota status and his grant of a preference by reason of relationship.

S. 500. Section 11 of S. 500 amends section 204 of the Act to include the filing of petitions on behalf of workers accorded a subsidiary fourth preference under the amendment to section 203(a)(4). Section 11 also changes section 204 to authorize the grant of a first preference to skilled specialists upon their own petition.

Section 12 of S. 500 amends section 205 of the Act to conform it to the changes made in the preferences under section 203.

H.R. 2580. Section 4 of H.R. 2580 combines and simplifies sections 204 and 205 in a revised section 204 that prescribes

a single procedure for the filing of petitions with the Attorney General to accord immediate relative status or preference status, as the case may be. The section permits third preference immigrants under amended section 203 (the equivalent of skilled specialists under present law) to file petitions on their own behalf.

Section 207

Section 207 of the Act prohibits the issuance of quota visas in lieu of those issued but not actually used, or in lieu of those issued to persons entitled to nonquota status.

S. 500. Section 7 of S. 500 reverses this rule in section 207 and authorizes the issuance of a visa to prevent the loss of a quota number in either of these situations.

H.R. 2580. Section 6 of H.R. 2580 authorizes the issuance of an immigrant visa to replace and prevent the loss of one not used and the issuance of a preference visa to replace and prevent the loss of one incorrectly issued to a nonpreference immigrant. In addition, the last sentence of the new section 201(b) defining "immediate relative" specifically insures that an immigrant in this category shall be admitted as such and shall not be issued a visa chargeable against the ceiling of 170,000.

Section 212(a)(4)

Section 212(a)(4) of the Act includes epileptics among classes of aliens specified as ineligible for admission to the United States.

S. 500. Section 17 of S. 500 ends this disqualification of epileptics.

H.R. 2580. Section 15 of H.R. 2580 does the same but adds sexual deviates to the list of aliens who are ineligible for admission.

Section 212(a)(14)

This section of the Act provides in general for the exclusion of Western Hemisphere or nonpreference aliens who seek to enter the United States for the purpose of performing skilled or unskilled labor if the Secretary of Labor certifies that they will replace workers in this country or will adversely affect the wages and working conditions of workers similarly employed.

S. 500. S. 500 makes no change in this section.

H.R. 2580. Section 10 of H.R. 2580 amends section 212(a)(14) so as to exclude alien workers unless the Secretary of Labor certifies that they will not replace workers in this country and will not adversely affect the wages and working conditions of workers similarly employed. The coverage of the section is expanded to include not only Western Hemisphere and non-preference immigrants but also preference immigrants in classes 3 and 6--i.e., the occupational classes.

Section 212(f)

This section gives the Attorney General discretion to admit aliens afflicted with tuberculosis who have relatives of specified kinship in this country and empowers the Attorney General to lay down terms, conditions and controls with respect to such admissions.

S. 500. Section 17 of S. 500 would expand section 212(f) by giving the Attorney General the same power to admit persons otherwise ineligible by reason of feeble-mindedness, insanity, a history of insanity, psychopathic personality or mental defectiveness.

H.R. 2580. This bill does not include an amendment of this nature.

Section 221(g)

Section 221(g) of the Act relates to the issuance of visas or other documentation.

S. 500. Section 19 of S. 500 adds a provision to section 221(g) granting consular officers discretionary authority to require bonds insuring that certain nonimmigrant aliens (those coming to this country for business, study or as visitors) will depart from the United States voluntarily when required. This additional safeguard against a refusal to depart is designed to allow the issuance of visas in borderline cases in which visas are now refused.

H.R. 2580. Section 17 of H.R. 2580 amends section 221(g) in the same way.

Section 224

This section of present law is concerned with the issuance of nonquota immigrant visas.

S. 500. This bill makes no changes in section 224.

H.R. 2580. Section 11(d) of H.R. 2580 makes conforming amendments to section 224. It also adds a requirement that if the number of Western Hemisphere immigrants in any fiscal year exceeds by 10% the average number of such immigrants in the previous five years, the President is to notify Congress and make any recommendations that he may have.

Section 243(h)

This section of the present law authorizes the Attorney General to withhold deportation of any alien to a country where he would be subject to "physical persecution".

S. 500. This bill makes no change in section 243(h).

H.R. 2580. Section 11 deletes the word "physical" in recognition of the fact that totalitarian regimes are able to injure an individual by means other than imprisonment, bodily harm and the like.

Section 245

This section of the present law authorizes the Attorney General, under certain circumstances, to adjust the status of a nonimmigrant to that of a person admitted for permanent residence. Natives of countries contiguous to the United States and of certain "adjacent islands" are ineligible for such adjustment.

S. 500. This bill makes no changes in section 245.

H.R. 2580. Section 13(a) of H.R. 2580 makes certain conforming changes. Section 13(b) broadens the ineligibility provision to extend to natives of all countries in the Western Hemisphere.

Section 281

Section 281 of the Act specifies the fees payable for various procedures and documents related to the immigration of aliens. Among other things, it sets a fee of \$20 for the issuance of each immigration visa and \$10 for the filing of a petition for nonquota or preference status.

S. 500. Section 15 of S. 500 amends section 281 to lower the fee for an immigrant visa to \$10 in the case of an alien who is the beneficiary of a petition for nonquota or preference status. This provision would thus reduce the present total charge of \$30 in a case of this kind to the \$20 level applicable to nonpreference immigrants.

Section 15 of S. 500 also amends section 281 to grant the Secretary of State discretion to specify the time and manner of payment of fees for visa applications and issuances.

H.R. 2580. No change in the fee schedule is made by H.R. 2580, but section 14 of the bill contains the provisions of S. 500 granting the Secretary of State authority to specify time and manner of payment.

Immigration Board

Section 18 of S. 500 establishes an Immigration Board, to be composed of two members of the Senate, two members of the House of Representatives and three members, including the Chairman, appointed by the President. The duties of the Board will be to study immigration policy, make recommendations to the President as to the exercise of his power of reservation of quota numbers for refugees and others under the new section 211(f) of the Act to be enacted by S. 500, and recommend to the Attorney General criteria for the admission of skilled specialists and workers to fill labor shortages.

Neither the present law nor H.R. 2580 provides for a body of this kind.

SIGNIFICANT NEWS EVENTS
SCHEDULED FOR
THURSDAY, JANUARY 14, 1965

President Johnson sends his Foreign Aid Message to Congress at noon.

The President presents the Enrico Fermi Award to Vice Admiral Hyman G. Rickover at 11:30 a.m.

Response is immediate and widespread for the President's education and immigration proposals.

The President and First Lady expect to leave for the LBJ Ranch, where the Chief Executive plans informal talks with Canadian Prime Minister Lester Pearson.

Vice President-elect Humphrey speaks at the Washington Post Book and Author 12:30 p.m. luncheon at the Statler Hilton.

The White House says it expects the President's FY-66 Budget will be ready two or three days ahead of the extended January 25 deadline and advance briefings are now a definite possibility.

Dr. Michael DeBakey, chairman of the President's Commission on Heart Disease, Cancer and Stroke, holds an 11 a.m. news conference on "Report to the President" at the Government Printing Office's main book store.

Henry Fowler and Mrs. Douglas Dillon, co-chairmen of the Inaugural Committee's Governors' Reception, hold a noon news conference in the Garden Foyer Room of the Sheraton Park Hotel.

Director Howard Burris goes over the Inaugural parade in detail at a 3 p.m. news conference at the Presidential Inaugural Committee Headquarters.

Inaugural Ball Chairman Warren Woodward addresses the Kiwanis luncheon at the Mayflower.

Inaugural Committee officials announce they will brief newsreel, TV, radio and photographic technical personnel covering the Inaugural Gala at noon Friday at the D.C. Armory.

The Republican Congressional Committee holds a reception for new Republican members of Congress at the Capitol Hill Club at 5:30 p.m.

American Legion National Commander Don Johnson discusses Army Reserves, closing of VA hospitals and offices, and proposed changes in the immigration laws in a news conference at 10 a.m. at the Legion Headquarters, 1608 K St. N.W.

Health, Education and Welfare announces that use of human hair is under study as an indicator of exposure to strontium 90.

(more)

HHFA Administrator Weaver tells a Highway Research Board meeting that our great population growth should not be viewed as a death sentence for our great cities but should be viewed as an unparalleled opportunity to achieve a standard of living no society has yet been able to devise.

Presidential Inaugural Chairman Dale Miller accepts the presidential reviewing stand from the builder at 2:15 p.m. at Jackson Place and Pennsylvania Avenue.

The Post Office Department prepares plans to issue a stamp more convenient to use in vending machines for parcel post.

Warring Republicans in all sections and factions continue to rally behind Ray Bliss as the new chairman of the Republican National Committee who replaces the embattled Dean Burch, resigned.

House Republicans meet to decide who will be House GOP whip -- Representative Peter Frelinghuysen or Representative Leslie Arends. House Leader Ford favors Frelinghuysen, but Arends persists in fighting to the finish to stay on as whip.

Cliff Carter, the President's representative at the Democratic National Committee, receives a Texas-sized salute for his landslide victory contributions from Washington's Texas Breakfast Club at 8 a.m. at the Capitol.

Japanese Prime Minister Sato departs after conferences with President Johnson and high government officials.

Secretary of State Rusk briefs House Foreign Affairs Committee.

A Federal task force headed by FAA Administrator Halaby meets on interurban transportation.

The AFL-CIO Legislative and Economic Conference in its closing session hears these speakers: U.S. Education Commissioner Francis Keppel, Senate Majority Whip Russell Long, Senate Minority Whip Thomas Kuchel, Representative Adam Clayton Powell, chairman, House Education and Labor Committee, and Jack T. Conway, deputy director, Office of Economic Opportunity.

#

1/15/65

FOR THE RECORD:

Mimeographed copies of the suggested bill and the section-by-section analysis, such as appear in the attached press release, were used as the attachments to the original message to the Congress from the President. No originals were in evidence.

Tom Jones

JAN 23 1965

CENTRAL FILE

Jan. 1-2

~~Out to CC~~

Opened for McSurely subpoena
8-8-79

2 A bander

THE WHITE HOUSE
WASHINGTON

MR. VALENTI

Here is some basic information about
the existing law and the new bill in
summary form.

Also there is the beginning of a speech.
It needs sexing up quite a bit.

Thurs

Aug 12

6:21 pm

1965

Perry Barber

RECEIVED
MAY 20 1966
CENTRAL FILES

say to those who knock at our door asking for a chance to seek the American dream?" I always see my Italian grandparents standing there. And I cannot be objective in my response. So I hope you'll understand my somewhat emotional approach to my subject on this day.

Since 1924, the basic formula for regulation of immigration to the United States has been a quota system based on the national origin of prospective immigrants. Because the 158,561 visas authorized each year under existing law are allocated to countries in proportion to the percentage of persons in the United States in 1920 whose ancestry stemmed from each country, the system is heavily weighted in favor of immigration from Northern Europe. Just three countries, Great Britain, Ireland, and Germany are allotted 70 percent of the visas authorized. The remaining 30 percent must be shared by more than 100 other countries and areas. But the disadvantages of the system amount to more than numerical inequality

among nations.

Secretary Rusk has expressed it remarkably well by pinpointing 4 major defects.

First, it is inhumane. Because even elderly parents of American citizens have to wait for admission under a national quota which is often quite small, families are kept divided sometimes for years.

As the Secretary has so accurately pointed out, a man could bring in a domestic servant from any one of several countries when he could not bring in his own mother.

Second, the quota system deprives us of immigrants with valuable skills. A skilled Portuguese workman or an Italian or Chinese scientist, or a Greek educator, or a Polish craftsman with special skills must wait to enter while an unskilled immigrant from a Northern European country comes ahead. As President Johnson has said, "this is neither good government nor good sense."

Third, it embarrasses us in our international relations. We proclaim to the world the inherent equality of man and the right of

every man to exploit his individual talents to the best of his ability — that we measure a man by what he is not who he is or where he came from. But our present immigration law directly conflicts with this philosophy by choosing those who enter on the basis of where they or their ancestors were born--rather than for what they can contribute to our society.

Another factor is equally distressing. Despite the fact that the Congress has put aside origin, race and nationality for the past 16 years in order to admit refugees and displaced persons who have been uprooted by natural calamities or displaced by political upheavals, we continue to be judged abroad by a basic provision of law which discriminates on the basis of national origins. Thus -- as the Secretary of State has so aptly put it -- our ^{critics} single out the national origins principle, rather than actual immigration, thus making it more difficult for us to deal with these countries and establish the good relations which our national interest requires.

In his Immigration Message to the Congress on January 13,
1965, my boss, President Johnson said:

Over the years the ancestors of all of us--some 42 million human beings-- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

The eloquence of this prose and profound nature of the philosophy it expresses are worthy of deep admiration. But this passage tingled the spine of Jack Valenti--Italo--American for reasons unrelated to its literary and philosophic merits. For me--a grandchild of Italian immigrants who came to this country just ____years ago--immigration policy is a deeply personal matter. When the question is "What do we

~~would be maintained but unused quota numbers~~ would form a pool from which existing applications for visas would be satisfied on a first-come, first-serve basis. Total quota immigration is set at 170,000 annually with a limit of 20,000 from any one country, but during the transition period the 20,000 per country limitation does not apply to countries with existing quotas in excess of 20,000 (Great Britain and Germany). The quota is applied world-wide rather than country by country.

Other harmful aspects of the existing law are changed. First, the Asian-Pacific Triangle is eliminated. No longer will ^aperson~~s~~ born outside the triangle have to come in under a tiny Triangle quota simply because one of his ancestors was born there.

All immigration from independent countries in the Western Hemisphere is quota-free, including immigration from Jamaica and Trinidad-Tobago and immigration from any other Western Hemisphere Country which becomes independent in the future.

Parents of American citizens are given the non-quota status now enjoyed by spouses and unmarried minor children of citizens.

In short, this measure affirms--in President Johnson's words-- "The pledge of this nation to posterity--that free men have no fear of justice, and proud men have no taste for bias." It affirms the inherent dignity and worth of individuals and our basic tenet that we as Americans judge men for what they are and what they can contribute--and nothing else.

I'm proud of the enthusiastic bipartisan response of this committee and I'm hopeful that the House and Senate will act swiftly to ensure that our Nation's immigration policy conforms to our dreams and our goals.

Mr. President:

I asked Wayne Phillips for a full memorandum
on what was done on your Immigration Message.
I am attaching that memorandum.

GER

Jan. 21

11:30 a.m.

January 13, 1965

To: George Reedy

From: Wayne Phillips

We undertook the special effort on the President's Immigration message today as you requested, and a detailed report on it is below. For your information I am also including the efforts made on behalf of the President's earlier messages on Health and Education.

I. Health

Radio Service -- Recorded statements by the President, Vice President Elect Humphrey and Senator Anderson, provided on automatic answering equipment for about 250 radio stations.

Fact Sheet (attached) -- Mailed to Democratic Senators and Congressmen, press aides to Democratic Governors, press secretaries for Democratic State Committees, party officials, public affairs officers for key Departments and Agencies, all state and national Democratic Party officials and Operation Support workers -- a list totaling 1,034 names.

Speech Sections (attached) -- one each on hospital care for the aged, child health and regional health centers, mailed to the same list as the Fact Sheets.

II. Education

Radio Service -- Statements by the President, Robert McKay, chairman of the legislative Commission of the National Education Association, Senator Burdick and Congressman Grider of Tennessee provided on automatic answering equipment for over 300 radio stations.

Press Release by the National Education Association (attached) -- duplicated and distributed by the Democratic National Committee to the same list given above, and in addition mailed to over 8,000 weekly newspapers throughout the country.

Fact Sheet (attached) -- duplicated and distributed to the same list as above.

Speech Section (attached) -- duplicated and distributed to the same list.

III. Immigration

Radio Service -- Statements by Postmaster General Gronouski, Senator Hart and Congressman Dingell of Michigan will be carried for 24 hours starting at 5 P.M. tonight on automatic answering equipment (telephone 333-8260).

Statements by Congressman Grabowski in Polish, St. Germain in French, Ruess in German and Giamo in Italian recorded and telephoned to over 40 stations carrying news broadcasts in those languages. Statements in Spanish expected from Congressmen Roybal and Gonzalez, and will be telephoned to stations carrying Spanish news broadcasts. Statement in Polish expected tomorrow from Postmaster General Gronouski and will be telephoned to stations carrying news broadcasts in that language.

Statements expected tomorrow from leading non-government spokesmen for 30 different language groups. These will be reproduced on recording tape and mailed to stations carrying programs in each of the languages.

Press Releases -- Attached is B-matter explaining the immigration proposals and distributed to our contacts with various language groups. They will prepare the statements being solicited for the radio service (described above) as the lead to this, and translate it into the particular language. These will be distributed as press releases by the Democratic National Committee to the press of each language as rapidly as they are obtained. About 30 such releases are expected. There are a total of 534 newspapers on our foreign language lists.

Fact Sheet (attached) -- distributed today to the same lists as previous fact sheets.

Speech Section (attached) -- distributed with the Fact Sheet today to the same list.

Editors' News Service -- a roundup of statements supporting the President's immigration proposals (basically those collected for the Radio Service as described above) to be distributed tonight to all Washington news bureaus in addition to the list used for other material.

In addition to the above efforts we are working directly with the public affairs officers of the key department, agencies, and friendly organizations (COPE, National Council of Senior Citizens, National Farmers Union, Rural Electric Cooperatives, etc.). A meeting with 35 of these representatives was held last Friday to present material on the President's Health message. A similar meeting is scheduled for this coming Friday to present material on the messages on

education, immigration and (if available by then) foreign aid.

Incidentally, in addition to the above, we distributed statements today on local issues to radio stations in their home areas for Senator Burdick and Congressmen Race, Evans and Resnik. And prepared the enclosed schedule of upcoming events for tomorrow. The last is something new we have been trying out. If it is useful to you we could send it over regularly.

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Eastland
EXECUTIVE *(2)*
LE/IM
IM

January 21, 1965

The Honorable James O. Eastland
Chairman, Judiciary Committee
United States Senate
Washington 25, D. C.

Dear Mr. Chairman:

I want to take this opportunity to again thank you for your prompt action in starting hearings February 8th on S. 500, the Immigration Revision bill. As we know, this bill, as well as S. J. Res. 1, are very much needed and are much desired by the President. I know I can count on you to report them both at an early date.

With every good wish for the New Year,

Sincerely,

Nothing else sent to
Central Files as of *7/6/67*
4.10.

orig in 16 #7
February 4, 1965

MEMORANDUM FOR THE PRESIDENT

Attached is a memorandum on the immigration proposals discussed by Congressman Feighan in his speech today. The proposals mentioned by Mr. Feighan represent an improvement by our standards in his thinking on this subject. However, until his proposals have taken concrete form, he will present a moving target and any comment we might make would be apt to miss the mark. I believe it would be inadvisable to make any comment on his proposals until he has put them into concrete form.

If it becomes necessary to make some comment, I would suggest something along the following lines:

"Congressman Feighan has not yet submitted a bill incorporating his views on immigration in a concrete form, and I think it inappropriate to comment until he has done so. However, I note with satisfaction his endorsement of the

abandonment of the national origins quota system,
and I welcome his support in this respect."

Acting Attorney General

MEMORANDUM FOR THE PRESIDENT

Re: Congressman Feighan's Immigration Proposals

Congressman Feighan, in his speech today before the Annual Conference of the American Coalition of Patriotic Societies, discussed the Administration immigration bill and made certain counterproposals in that connection. He has not yet introduced these proposals in the form of a bill and we were unable to learn from him whether or when he intends to do so. Apparently he will press these proposals at the immigration hearings which will open before his subcommittee on February 16.

Mr. Feighan's principal proposals, as set forth in his speech, are as follows:

(1) That an annual ceiling on immigration should be set on a world-wide basis to be fixed on the basis of the total average annual number of immigrants, both quota and non-quota, admitted during the past ten years. This ceiling would be approximately 275,000 per year. Under the present system non-quota immigrants admitted total about 177,000 and quota immigrants about 98,000 annually.

(2) All quota numbers would be distributed without regard to national origin but under a preference system, with

first preference to close relatives of citizens and permanent residents of the United States, second preference to persons with skills, talents and special training for which there is a demonstrated need in this country and a third preference for refugees.

(3) Setting a limit (unspecified) on the number of immigrant visas to be issued annually to applicants from any one country.

(4) Elimination of the proposed Immigration Board to advise the President on the exercise of his authority to reserve up to 30 per cent of quota numbers for primarily NATO countries and up to 10 per cent for refugees.

(5) Elimination of the President's authority to reserve quota numbers for the foregoing purposes.

The Feighan proposals are, in my opinion, unsatisfactory for the following reasons:

(1) Unlike the Administration bill no immigrants could be admitted on a nonquota status. At the present time, and under our bill, all immigrants from independent countries of the Western Hemisphere are admitted on a nonquota basis. Of the total 177,000 nonquota immigrants admitted annually about 110,000 come from

Western Hemisphere countries. They will have to compete for visas with immigrants from all countries, and there is no doubt that far fewer immigrants from these countries will be able to obtain visas. This will adversely affect our relations with Western Hemisphere nations.

(2) The transition to the Feighan system presumably will be immediate instead of taking place over a five-year period as proposed by the Administration bill in order to avoid abrupt changes in the present national origins quota system. This is likely to result in hardship for immigrants from such countries as Great Britain, Ireland, and Germany, and therefore adversely affect our relations with them. In eliminating the President's authority to reserve quota numbers for such countries no mechanism is provided to deal with this situation.

(3) The Feighan system would permit fewer immigrants to be admitted than permitted by the Administration bill. The former would allow about 275,000 immigrants to be admitted annually; the Administration bill would allow an additional 60,000 immigrants to be admitted annually. This increase would result from permitting the utilization of 55,000 quota numbers presently unused each year; raising minimum quotas from 100 to 200, a total of 7,700; giving nonquota status to parents of United States citizens, 5,000; elimination of the Asia-Pacific Triangle provisions, 6,000; and

from awarding Jamaica, Trinidad, and Tobago the same nonquota status as already available to other Western Hemisphere countries, 7,000. These total slightly less than 81,000. However, there must be deducted from this figure the approximately 21,000 immigrants who, on the average, have entered under special legislation during each of the five past years. Enactment of the Administration bill is expected to eliminate the need for such special legislation.

(5) The Administration preference structure is preferable to that proposed by Mr. Feighan. The former would give first preference to highly-skilled specialists, the persons whose admission is most advantageous to the United States, and give a subsidiary fourth preference to workers in short supply in the United States.

January 7, 1965

CONFIDENTIAL

LE/IM

SP2-3/IM

MEMORANDUM FOR LARRY O'BRIEN

FROM: Jack Valenti

I talked to Congressman Feighan today. I told him that since the President probably would be meeting at some time after the Inauguration with Congressional Committee Chairman we would like to hold off having individual appointments with individual chairmen.

Feighan is concerned about two items:

1. Whether this meeting with Chairmen includes sub-committee chairmen. Perhaps we should include sub-committee chairmen who are handling important legislation. Is this the case?
2. He is hopeful that he will have a chance to make suggestions regarding the bill on immigration.

I suggest that you and Mike chat with him before we are ready to send up either a letter, a message or a bill on immigration.

JV:mw

CC: Mike Feldman

February 18, 1965

EXECUTIVE

SP-3/EM

PRG-1

FG 105

AUTOGRAPH FILE

Memorandum for

Mr. Cieplinski

Pursuant to our telephone conversation, these additional signed copies of the President's Message to the Congress on Immigration are being sent to you at the request of Mr. Valenti's Office.

William J. Hopkins
Executive Clerk

(190 copies)

In ~~the President's~~ handwriting: "With best wishes, Lyndon B. Johnson"

(Earlier, 1,000 had been sent to Mr. Cieplinski and since additional ones were ~~engrossed~~, the question was raised as to whether they should also be sent along. Mr. Cieplinski was asked if he could use them -- he said he could -- and they were therefore sent along to him.)

WJH:rah

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Memorandum for the Record:

At Mr. Feldman's direction, a copy of the President's Message to the Congress on Immigration (Jan. 13, 1965) was sent to Rep. William F. Ryan, House of Representatives, today. (Room 1517)

rah
1/13/65

CENTRAL FILES



Department of Justice

STATEMENT .

BY

ACTING ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

BEFORE THE

IMMIGRATION SUBCOMMITTEE OF THE
SENATE JUDICIARY COMMITTEE

ON

S. 500, AN ACT TO AMEND THE IMMIGRATION AND NATIONALITY ACT

WEDNESDAY, FEBRUARY 10, 1965

I am pleased to testify on behalf of S. 500, introduced by Senator Hart and 32 other Senators of both parties. This bill is the Administration's immigration proposal, which President Johnson submitted January 13, 1965 in a special message.

The President urged the Congress to accord priority to this bill and I come today to stress the Administration's view that there are few areas of legislative responsibility in which prompt action is more urgently needed.

There is urgency first of all in terms of simple humanity. Under present law, we are forcing families to be separated -- indeed, in some cases, forcing mothers to choose between America and their children.

There is urgency in terms of our self-interest at home. Under present law we are depriving ourselves of brilliant, accomplished, and skilled residents of foreign countries who want to bring their talents here. As President Johnson observed in his Immigration Message, "This is neither good government nor good sense."

And there is urgency in terms of our self-interest abroad. In the present ideological conflict between freedom and fear, we proclaim to the world that our central precept is that all are born equal -- and free thereafter to demonstrate their individual talents to the best of their ability. Yet under present law, we choose among immigrants not on the basis of what they can contribute to our social and economic strength, but on the basis of where they -- or, even, in some cases, their ancestors -- happened to be born.

This bill is not designed to increase or accelerate the number of newcomers permitted to come to America. Indeed, this measure provides for an increase of only a small fraction in permissible immigration. The central purpose of this measure, rather is to help us choose among potential Americans according to standards that are fairer to them and more beneficial to us -- better, in short, for everyone involved. To do this, we must eliminate the cause of the present warped standards -- the national origins quota system. It is for these reasons that I come before you today to express as emphatically as possible my belief that this measure should be enacted, that it should be enacted speedily, and that it should be enacted with the fullest support.

Let me now outline the provisions of this measure against the background of existing law and its effects.

I. THE PRESENT SYSTEM

The present system embodies a 40-year-old method of limiting immigration from outside the Western Hemisphere. A maximum for such immigration is set; it now totals 158,361. This total is divided into quotas assigned to different countries according to the supposed national origins of the American population in 1920.

Within the quota for a given country, immigrant visas are allocated according to a scale of preferences. The first fifty percent of the quota is set aside for those whose specialized skills are "urgently needed" in the United States. The next thirty percent is set aside for parents and unmarried adult children of American citizens. The remaining twenty percent is set aside for the spouses or unmarried children of permanent United States residents. A final preference is available to other close relatives of citizens, from any remaining quota vacancies. Only those vacancies as might then remain are available for others.

In general, the present system favors immigration from Northern Europe and discriminates heavily against immigration from southern and eastern Europe and Asiatic countries. Three countries alone receive seventy percent of the total annual quota of 158,361.

Such a system ought to be intolerable on principle alone. I do not know how any American could fail to be offended by a system which presumes that some people are inferior to others solely because of their birthplace. There is no democratic -- indeed, no rational -- basis for such discrimination. The harm it does to the United States and to its citizens is incalculable.

These evils of the national origins system in principle are compounded by its cruelties in practice, cruelties so needless that they alone provide abundant reason for changing this system. I spoke at the outset about three particularly damaging results of the national origins system. Let me describe them a little more fully now.

1. The first of these results is the separation of families which the national origins system repeatedly forces or prolongs. In theory, the present system of preferences is designed to give priorities to family ties. But in innumerable cases, these priorities cannot apply. It is only possible to give preferences when there are immigrant visas available to be apportioned in the first place. Many countries have quotas so small that even preference visas are not available for years.

Meanwhile, it has not been possible to achieve even the discreditable original aim of the national origins system -- to preserve the ethnic

balance of our population as it existed in 1920. Some large-quota countries consistently fall far short of using all their annual quota allotments. The present law does not permit these quota numbers to be reassigned to countries where they are sorely needed. As a result, fully one-third of the total authorized quota numbers are wasted each year.

Consequently, an American citizen with a mother in Greece must wait at least five years -- and often longer -- to secure a visa which would allow her to join him here. An American citizen with a brother or sister or married child in Italy cannot obtain a visa without a wait of many years.

Yet immigrants from favored countries, who have no family ties and no particular skills to offer to our country, can enter without difficulty and without delay. One employment service lists the following times necessary to bring domestics to the United States from various countries: from the United Kingdom and Ireland, four to six weeks; for Sweden, Belgium and Germany, eight to twelve weeks.

In other words, an American citizen may have to wait five years to bring his mother to this country. But he can bring in another woman, a total stranger, to be his maid, in weeks.

The pressures built up by such disparities results in occasional special corrective legislation. But the passage, from time to time, of special, short-term bills seems to me only to underscore the inequity and unworkability of the present system.

2. A second damaging result of the present national origins system is that it deprives us of persons whose skills can be of inestimable benefit to the United States. Again, the present preference system is designed to benefit such persons. But again, the priorities apply only to existing vacancies in quotas. When quotas are full or over-subscribed, priorities can do no more than reduce the waiting time. In a number of countries, even after such a reduction, skilled applicants still must wait several years.

There are innumerable cases in which this system damages the United States. Let me cite only one recent example.

This case concerns a brilliant surgeon from India who was trained here for many years and is now engaged in important research in heart surgery. His services are now urgently sought by an American hospital. Although he has, as a result, secured first preference status, the tiny Indian quota of 100 is so heavily oversubscribed that it will be several years before he can be granted admission to the United States.

Furthermore, the present procedure for granting preference to persons of exceptional ability often discourages them from seeking admission to this country because they must have prior assurances of employment and their services must be needed urgently. These are quite difficult standards to satisfy. Often, American employers are unwilling to make job offers prior to a personal interview -- and this, of course, is impossible for persons without visas.

Yet from a practical point of view, such skilled persons are the type of immigrants who would contribute most to the growth and development of our economy and culture. They should be encouraged to come here.

3. The national origins system harms the United States in still another way: it creates an image of hypocrisy which can be exploited by those who seek to discredit our professions of democracy.

There is the case of a young man in Colombia, who is eligible to come here freely on a non-quota basis because he is from an independent Western Hemisphere country. His wife is also a native and citizen of Colombia. But she is the daughter of a Chinese father.

The law decrees that an alien whose ancestry is at least one-half attributable to a country in the "Asia-Pacific Triangle" cannot immigrate under the quota for the country of his birth or citizenship. He must come, instead, under the quota for his ancestors' country.

As a result, this young woman must be considered half-Chinese and thus admissible only under the quota for Chinese persons of 105. This does not mean she cannot come to the United States. It only means that if her husband chose to come ahead to the United States, he would have to wait for his wife. How long he would have to wait would depend on whether or not he became a citizen. If he did not, his wife's turn on the Chinese persons quota would not come until the year 2,048. If he did become a citizen, however, he would have a shorter wait. He and his wife could be reunited in a mere five years.

I wonder what our friends in Colombia, or in the scores of other countries in which similar situations exist, can say in our defense against those who accuse the United States of discrimination, bigotry, and hypocrisy?

The three factors I have just described are the major objections to the present national origins system of choosing among potential Americans. There are, however, other provisions of present law which cause cruelty and hardship.

There is the case of the young man, of Italian descent, who met and married an Italian girl while he was on duty with the United States Navy in the Mediterranean. They had a daughter, who is an American citizen because her father is. The Navy now has transferred the young father to a new assignment in the United States and he has consequently made plans to take his family with him. But he cannot do so.

Several years ago, because of a nervous breakdown, his wife was hospitalized and then discharged after she recovered. The present law, however takes no notice of medical advances in treating mental disturbances and makes any mental disability -- whether present or past -- the mandatory basis for permanent exclusion from the United States.

Consider the alternatives faced by this young serviceman. He could leave his wife and child in Italy, or he could leave the Navy and give up living in America in order to live with his family abroad. What kind of Solomon do we ask him to be?

Similarly, the present law is oblivious to the needs of mentally retarded children, or to the fact that epilepsy is now controllable or curable. The result is the kind of choice faced by an Italian family with five children. They waited their turn on the quota for many years. Their turn finally came up recently and they began making plans to join relatives in the United States. The father has a good job awaiting him and now, after years of poverty in Italy, the family could look forward to a better life.

Unfortunately, one of their five children, a bright 10-year-old, is afflicted with epilepsy. As a result, she is permanently ineligible for admission and no administrative relief is possible. The family's choice: on the one hand, give up the promise of opportunity in America, or, on the other hand, come here and leave the little girl behind.

This is not a choice any of us would want to make. It is not a choice the United States of America should force any human being to make. I say this because there is no sensible reason to inflict this kind of choice. It is because of such cruelties that every Administration since President Truman's has strenuously urged the revision of present law. It is because of such cruelties that the measure we consider today was drafted and submitted to Congress. It is because of such cruelties that this measure should be enacted speedily into law.

II. HOW THE SYSTEM WOULD BE CHANGED

Except for technical changes, this bill is essentially the same proposal on which hearings were held during the 88th Congress (S. 1932 and H. R. 7700). Its purpose is not to increase immigration already

authorized by Congress, but to eliminate the national origins quota system as our method of choosing among potential immigrants. In its place, this measure would establish a system which is clear, simple and fair.

We would retain a limit on total quota immigration. Within that limit, the United States would declare to those who seek admission to this country that, "We don't care about the place or circumstances of your birth -- what we care about is what you can contribute."

This measure would abolish the national origins system and replace it with a system for choosing among potential immigrants based on a standard understood the world over--first-come, first-served.

To assure an orderly and fair transition to this new system, the bill provides for the gradual elimination of the quota system over a five-year period. Each year, the annual quota of every country would be reduced by twenty percent. The numbers thus made available, plus quota numbers which are now being wasted would be assigned to a quota reserve pool, for distribution under the new system. After the five-year transition period, all numbers now distributed by national origins quotas would be distributed according to the new system.

Under this system, immigrants would be chosen -- within health and security safeguards -- exclusively on the basis of personal talents and family relationships, not on ancestry or residence. In other words, we would retain essentially our present preference system, but free it from the constricting effect of the national origins system.

The bill also seeks to provide some immediate relief for minimum quota areas by raising their annual quotas from 100 to 200. The resulting increase -- of less than 8,000 -- is the only change proposed in the present ceiling on authorized quota immigration, bringing the total from about 158,000 to about 166,000.

Actual immigration would increase by a larger amount, however, since the bill provides for the use of the approximately 55,000 quota vacancies now wasted in countries which do not fill their quotas. But let me stress that Congress already has authorized these 55,000 spaces to be filled; the increase in authorized immigration would be less than 8,000.

To insure that no single country receives a disproportionate share of the total immigration authorized in any year, the bill would limit the immigration from any one country to ten percent of the total. Since the total authorized would be about 166,000 per year, authorized immigration from any country could not exceed 16,600. This limitation, however, would not apply if it would result in a decrease of more than

twenty percent per year in a given country's quota during the first five years of the bill's operation.

Without this ten percent limitation, all of our immigration would be taken up for several years by two or three countries that now have extremely long waiting lists. All immigration from the rest of the world would be shut off -- a result that we could not permit as a matter of foreign relations, and that in any event would not be fair. I believe the bill's solution to this problem is eminently reasonable and equitable.

This bill seeks, in addition, to insure that transition to the new system will not impose hardship on our close allies by abruptly curtailing their immigration. It would authorize the President, after consultation with a joint Congressional-Executive Immigration Board, to reserve up to thirty percent of the new pool for the purpose of restoring cuts in present quotas. This authority could be exercised only where undue hardship would otherwise result from the transition and where the reservation is in the national security interests of the United States -- but no country could receive more quota numbers than it does now.

The bill also provides similar authority to reserve up to ten percent of the reserve for refugees fleeing from catastrophe or oppression.

The percentages authorized for these reservations constitute the sole substantive difference between this measure and that introduced in the last Congress. Studies made after this legislation was originally proposed showed that the reservations for national security interests could be lowered from fifty percent to thirty percent and those for refugees could be lowered from twenty percent to ten percent. These changes have been made.

In addition, the bill would:

- (1) Eliminate the discriminatory "Asia-Pacific Triangle" provisions of existing law;
- (2) Give non-quota status to parents of citizens, and fourth preference to parents of resident aliens;
- (3) Give non-quota status to citizens of newly-independent Jamaica and Trinidad and Tobago, providing them with the same status as all other independent Western Hemisphere nations;
- (4) Eliminate the requirement that highly trained or skilled first-preference immigrants secure employment here before immigrating;

(5) Give fourth preference to workers with lesser skills who could meet a specific labor shortage;

(6) Grant admission under proper safeguards to persons, afflicted with mental health problems, who are close relatives of American citizens or resident aliens;

(7) Authorize the Secretary of State to require registration of quota immigrant visa applicants and to regulate the time of payment of visa fees;

(8) Establish the seven-member Immigration Board to advise and assist the President on all facets of immigration policy, including the reservation and allocation of quota numbers and the admission of skilled workers and others whose services are needed by reason of labor shortages, and

(9) Eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law.

III. PROTECTIONS PROVIDED BY THE PROPOSED SYSTEM

I have already noted that this bill would retain all the other present security and health safeguards of present law. There is an additional area of necessary protection -- the area of unemployment and foreign competition for the jobs of Americans.

I know that Secretary Wirtz will detail his views on this subject extensively when he appears before the committee, but particularly in view of the concern which has already been expressed concerning the effect of immigration on unemployment, I would like to discuss the subject briefly.

Historically, employment has been a major consideration in any discussion of immigration policy. When we were a younger and more open country, we wanted, needed, and welcomed the mind and muscle of millions of immigrants. Professor Oscar Handlin, the immigration historian, has observed that:

"The story of immigration is a tale of wonderful success, the compounded biography of thousands of humble people who through their own efforts brought themselves across great distances to plant their roots and to thrive in alien soil. Its only parallel is the story of the United States, which began in the huddled settlements at the edge of the wilderness and pulled itself upward to immense material and spiritual power."

However applicable such observations are to the past, we nonetheless now live in different circumstances. Our Great Plains are peopled; our great industries are manned. Today our concern is not seeking men to man machines, but seeking jobs for men displaced by machines. Thus it is appropriate and responsible for us to give close attention to the potential effect of this bill on domestic employment.

In response to such concern, let me state our conclusion that the overall effect of this bill on employment would, first of all, be negligible, and second, that such effect as might be felt would not be harmful, but beneficial.

The actual net increase in total immigration under this bill would be about 60,000. Of this total, all would be consumers but only about a third would be workers. The rest would be wives, children, and elderly parents. Since the ratio of consumers to workers is somewhat higher than our present ratio, the net effect would be to create rather than absorb jobs.

Those immigrants who would seek employment is estimated at a maximum of 24,000. Our present labor force, however, is 77 million. Statistically or practically, we are talking about an infinitesimal amount; 24,000 is about three one-hundredths of one percent of 77 million.

And finally, a good part of even these 24,000 additional workers would not even be competitors for jobs held or needed by Americans. More than a fifth would come here precisely because they possess the kinds of skills and talents that are in short supply here and are especially advantageous to our country.

Even beyond these considerations, there are two statutory safeguards, each of which can result in the exclusion of foreign workers. One is the Department of Labor's responsibility to protect American workers from the entry of immigrants whose employment would adversely affect the domestic labor market. The second safeguard, administered by the consular service of the Department of State, excludes aliens who are likely to become public charges-- that is those without support who might readily contribute to unemployment. It is our belief that these safeguards are abundantly adequate to protect American workers.

IV. CONCLUSION

We have, in the Department of Justice, given this measure the most careful study. The plain lesson of our study is that our present system of choosing among potential Americans should not endure. In such a system

of selection, personal pedigree is an intolerable standard; inhumane rigidity is an intolerable method; and national self-deprivation is an absurd sacrifice.

It is these factors, not immigrants, which are most alien to America. Such standards must be changed, and that is the purpose of the measure before us. We can, without injury or cost, bring justice to our immigration policy. I urge the committee and the Congress to do so with speed.

CONCLUSION

Ulman 18

Memorandum

TO : Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

DATE: February 12, 1965

R/S
FROM : Robert L. Saloschin

SUBJECT: Immigration Bill - designation of witness from Surgeon General's Office.

At Mr. Ulman's request, I telephoned Dr. Jim Hundley, Assistant Surgeon General, code 13, ext. 23577, late ~~today~~^{yesterday} afternoon, with the request that they give us the name of an appropriate Public Health Service witness to testify late in February before Congressman Feighan's sub-committee on mentally afflicted waiver provisions of the bill. Dr. Hundley said that he might recommend Dr. Gehrig or Dr. Sackett but that whoever he recommended the name would have to be cleared with Wilbur Cohen under departmental orders.

He called me back this afternoon and said he had been unable to talk to Wilbur Cohen but got the message into him that we wanted a witness named today. Cohen's response was that he was not in a position to name a witness today but added that we might assure the committee today that they will have a witness. Dr. Hundley added that Cohen was completely tied up today on business with the White House. He also speculated that Cohen might want to suggest his own witness, perhaps Cohen himself, in which case a psychiatrist might be necessary to back up the witness. He reiterated, in response to my question, that he was prepared to suggest names if Cohen asks him. He also volunteered that he did not know why the sub-committee staff had to have the name of the witness today.

Is there any further action you would like me to take on this matter now?

*Just follow through in due course.
We don't need to know today.*

*Noted
MJS.*

(extra)

2-23-65

DRAFT

Dear Mr. Jones:

Your recent column about President Johnson's immigration bill attracted the attention of several of us here in the Justice Department who have been working on this bill. As you know, our assignment is to support enactment of the bill. This is an assignment to which we are especially committed, because, as the Department which for many years has been primarily responsible for immigration matters, we know that the bill is designed to help solve serious national problems and reduce personal hardships which exist under present immigration laws and which four Presidents have urged be corrected.

I am writing you on this subject because your discussion, regardless of its opposition to the bill, served to raise some basic questions about the bill and the surrounding circumstances that deserve recognition and response. If as I deeply believe the successful functioning of our system of popular government depends on discourse between the Executive Branch, the Congress, and the public, such discourse will be far more effective if there is an alert and informed press to help place the issues in focus. I therefore welcome your interest in the proposed changes in the immigration laws, and hope you will consider my comments in the same spirit.

First, let me say that I do not think the bill is a "massive" liberalization of our immigration laws which would "let down [the] immigration bars" in order to "ease the population woes" of the world. Under present immigration laws we admit about 300,000 immigrants a year; under the bill it would be approximately 360,000. This 60,000 increase -- most of which is authorized to come in under present law but cannot because of the system -- is insignificant compared to our population of 190,000,000. It is also insignificant compared to our net increase through births of over 2 1/2 million a year; and it is insignificant compared to the million or so immigrants a year who came here during an earlier era. This should be no surprise. The bill is fundamentally not a bill to increase immigration, but to reform, in the interests of national strength and human values, the methods of selecting those immigrants whom we do accept.

So far as the national origins concept of selection is concerned, I hope your reference to our history was not really meant to imply that this concept constitutes a sound immigration policy today. It may be true that if this country had been dominated in its early days by people from different cultures it would now be a different nation. Like most American lawyers, I am very aware of our great debt to Western European institutions, such as English law. But at the same time I

Jones draft

{ nat'l origins
examples of other
nations

am sure you will agree that our freedoms, our science, our arts, our religions, and our whole modern civilization rest very largely on the foundations of Greece, Rome, and other Mediterranean cultures against whose present-day representatives our immigration laws discriminate. The world has become too small, human cultures are becoming too diffused, and the price of prejudice is too high for us to espouse the national origins concept now, even if it were not discriminatory and wrong. Moreover, the system has not been working as intended, because the favored countries do not use their quotas. If the system is abandoned, its purpose will hardly be affected. With the small volume of immigration we have now and will have under the bill, there is no real possibility that selecting immigrants on merit rather than place of birth would materially change the proportions of national origins of our population. Nor will we change our capacity for maintaining "stable, popular governments." If a Turkish physician or an Italian chef arrive here without the background to participate properly in a town meeting or a national election, we can teach them or their children as we have taught millions before.

There are several references in your discussion to the restrictive immigration policies of other nations, with the suggestion we should follow their example. I recognize, of

course, that it is quite proper to look at what other nations do on any given subject, whether it is immigration, education, health care, etc., as one part of the process of formulating our own national policies. But although we must be open-minded if we are to benefit from the experience of others, we should not be uncritical in our observation. On immigration as on other matters, I am not prepared to agree with the implicit assumption that we should necessarily copy ~~or emulate~~ the practices we observe elsewhere. We have to decide in every field whether the practices of others would be sound for us. And in connection with immigration we must remember (a) that we are uniquely a nation of immigrants, (b) that we have abandoned isolationism for a role of world leadership, both moral and political, and (c) the whole world observes our practices, measures them against our professed ideals, and compares them with those of Communist nations. These are not the only special factors that distinguish our nation in today's world, but they are enough to suggest that what may suit others may not best fit our needs. In addition, most other nations have had far less experience with immigration than we have, and are therefore

not likely to be more expert in dealing with this subject than we are. We therefore should ~~probably~~ not be overly impressed by their practices, but should consider our own experience and our own best interests. We broke with prevailing international practice when, for instance, we adopted a written constitution, and I assume you will agree it was a wise move. Similarly, I believe we can formulate a better immigration policy to fit our own needs than we can borrow elsewhere, and I believe the administration's bill is a major contribution to such a policy.

I have not attempted to comment in detail on each point discussed in your column. However, I am enclosing a copy of my statement before the Immigration Subcommittee of the Senate Judiciary Committee on February 10, 1965 in support of the bill. This statement describes what the bill does and how it would work, together with what we believe are the cogent reasons for its provisions. For instance, the mental health provisions of the bill, referred to in your column, are discussed in the statement. Perhaps equally important, the statement indicates those features of our present immigration

law and policy which the bill leaves substantially unchanged: controls that restrict the amount of immigration, that serve as safeguards against possible unemployment due to immigration, and that screen immigrants for physical, mental, and moral qualifications and security. I believe you will find the statement interesting, and I hope you will not hesitate to get in touch with me if you have any questions about the bill or other aspects of the subject on which we may be able to provide information or assistance.

Sincerely,

Attorney General

(Attachment)

(extra)

DRAFT - RLS - 2/11/65

Re: Jenkin Lloyd Jones column

To the casual and uninformed reader, the Jones column's criticism of President Johnson's immigration bill may seem plausible, perhaps even persuasive in places. But careful analysis of Jones' remarks in the light of the actual facts and of the provisions contained in the administration bill will show quite another picture. Such analysis reveals (a) that the column's criticisms are often levelled not at anything in the bill but at straw men, (b) that the arguments move quickly from reasonable-sounding statements to those likely to stimulate prejudices, and (c) that the main premise of the whole column is that the United States should copy more closely the immigration policies of other countries, a very broad and questionable generalization in the light of our unique history and present world position.

[Do you want a detailing of (a), (b), and (c) at this time?]

It's Our Country; Let's Keep It

President Johnson has called for a massive liberalization of our immigration laws and an end to the quota systems that have stifled persons born in Western Europe over persons born elsewhere.

"The procedures we have followed," said the President, "imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. Relationships with a number of countries, and hence the success of our foreign policy, is seriously impaired by this procedure."

Now, at the risk of losing my Bay Scud merit badge for comradely tolerance, I might suggest that if the majority of Americans had sprung not from Western Europe, but from central Africa or southern Asia, we would have a vastly different country. There are, in all parts of the world, fine human beings, but people differ widely in their central beliefs, their levels of civilization, their mechanical aptitudes, their moral traditions and their capacities for maintaining stable, popular governments.

Why should the United States be the only advanced nation in the world to develop a guilt complex over selective immigration? Every other country that is attractive to immigrants accepts badly and without apology.

Trinidad is in the British Commonwealth. Yet under a new British law, immigration from Trinidad is closely restricted. But Johnson's proposed bill would make Trinidad quota-free.

The President has decreed our present stringent quotas for Asiatic immigrants. Australia has no quota at all. It simply excludes anyone of non-European ancestry. And the Japanese government discourages immigration from any country. A spokesman for the Japanese embassy in

Washington this month stated simply that the Japanese are of one race and people of it.

Although any person may apply for immigration to Israel, that government frankly seeks only an "ingathering of the Jews." Last year a Jew who had become a Catholic was denied citizenship by an Israeli court.

Each year, for 175 years, the United States has received more immigrants than any other nation in the world.

Johnson, in his immigration message, says that the current U.S. immigration quota is 155,000 annually, and that there are already substantially more immigrants than the quota figures indicate. There are no quotas for Latin America, nor for Russia and children of U.S. citizens. In addition, Congress keeps passing special bills to admit immigrants. According to the Population Reference Bureau the net immigration to the United States during the 10 years of the 1950s was 2.7 million.

Johnson claims that his proposed bill would make it easier for people of "special skills" to come and help the U.S. economy. Yet it would immediately double the quotas for such countries as Tunisia, Iceland, Yemen and Nepal, in which persons with "special skills" needed in the United States might be hard to find.

Unless the immigration restrictions of almost every advanced country, the President's bill would admit persons suffering from feebleness, insanity and psychopathic personality. If their families promised to take care of them, the requirement that immigrants would have to have the promise of a job would be taken out.

Now, if the President's bill were passed, who would come? You can get some

indication by the current backlog of unsatisfied visa applications. In Greece there are 330 current applications for every place under the present annual quotas. In India there are 150 such applications; in Israel, 150; in Portugal, 115; in Jamaica, 115; and in the United Arab Republic, 90. Is the President really going to try to satisfy these "anxious-to-have-home" people in the context of the success of our foreign policy?

Why haven't other white nations for a long time let their own foreign policies be let down by their immigration laws?

The plain fact is that nothing the United States could do would destroy Israel. It could measurably ease the population woes of a world in which 125,000 people are going blind every day.

The plain fact is that no long as the United States remains prosperous, there will be cries of "let's free people who would like to get in and can't. Even a well-backed Korean could live more comfortably on relief in New York City than in

And the plain fact is that the United States is not hurting for population or manpower. The United States now contains 180 million people. Our current birth rate is more than twice the death rate. By 1975, even without Johnson's bill, there will be 200 million people. By 1980, we will have 220 million people.

Every other nation in the world envies its immigration laws in our book. Every other nation in the world says, "It is our country, and we want it."

Well, it's our country too, and when we start letting immigration laws to sell the hungry, casual workers of Outer Mongolia, our own history will just be written

Editor's Note: BA in route to Viet Nam cartoon reports from memorable war caries World War II, will at



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POTOMA
BY JACK

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DAVID LAWRENCE

GOP Remaining Strangely Silent

What's become of the "loyal opposition" in Congress in the party in power? In Britain, the party out of power is

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March 23, 1965

MEMORANDUM FOR THE PRESIDENT

Michael A.

Congressman Feighan called me about the immigration bill.

He says that when he was at the White House you chatted with him about this bill and said that you would "take care of him" and that he should report this bill quickly.

He says the way to take care of him is to see that Manny Celler approves the Joint Committee.

As you well know, Larry O'Brien and Celler have opposed the Joint Committee vigorously. I am assuming that Feighan is not reporting his conversation with you accurately.

I am telling Larry O'Brien of my conversation with Feighan.

Jack Valenti

JV:ny

Nothing else sent to
Central Files as of *4/26/65*

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MAY 11 1965
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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 14, 1965
4:30 p.m.

MEMORANDUM FOR THE PRESIDENT

I have had two long meetings in the last two days with Congressman Feighan.

I am pleased to report that he seems to be ready now to accept the State Department's view of not putting a specific world-wide ceiling on immigration and wiping out the preferred status of non-quota countries (in Latin America). He is still grateful for the audience he had with you and has promised me the substitute language will be forthcoming this week. He will "get a bill the President likes."

Since he is not what I would call a thoroughly reliable fellow, I can't guarantee anything but I do say: All looks promising thus far.

Jack Valenti

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Friday
May 14, 1965
8:00 p.m.

EXECUTIVE
LE/IM
IM

MEMORANDUM FOR LARRY O'BRIEN

Michael
My contact with Feighan continues to be favorable. Of course we both know he is not the most trustworthy fellow on this planet, but yesterday he told me he was willing to go along with the State Department's views and is preparing substitute language to take care of non-quota countries in Latin America.

He promises a good bill (although I vaguely remember hearing that melody before.)

Were you able to do anything for him on the appropriation bill for the Ellis Island Shrine?

Jack Valenti

Monday, May 17, 1965
7:00 p.m.

TO: Jack Valenti

FROM: Larry O'Brien

He will be one of the sponsors and evidenced real pleasure that he was asked.