

Item 22

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel
Leon Ulman
Second Assistant
Office of Legal Counsel

Feb. 23, 1965

Attached memorandum from Mr. Welsh.

With reference to your request for suggested names for the committee referred to in Mr. Welsh's memorandum, consideration might be given to the following:

Donald E. Anderson, Director, Lutheran Immigration Service, New York City;

Ugo Carusi, Washington, D. C.; formerly of the Displaced Persons Commission, and Commissioner of the Immigration & Naturalization Service;

Thomas M. Cooley, II, presently Dean of the University of Pittsburgh Law School, and formerly a member of the Board of Immigration Appeals and the Alien Enemy Control Unit;

Father Caesar Donanzan, Executive National Secretary, American Committee on Italian Migration, New York City;

Edward J. Ennis, formerly General Counsel of the Immigration & Naturalization Service, Director of the World War II Alien Enemy Control Unit, and presently in practice in New York City;

Joseph A. Fanelli, former Chairman of the Board of Immigration Appeals, and presently practicing law in Washington;

Mike M. Masaoka, of the American Committee on Japan;

Charles Read, Division Secretary, International Service
Division, American Friends Service Committee, 1822 R
Street, Washington, D. C.;

Harry N. Rosenfield, formerly of the Displaced Persons
Commission, and also practicing law in Washington.

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON, D.C. 20503

File
Immigration

FEB 26 1955

MEMORANDUM FOR MR. LEE WHITE

Subject: Amendment of the Immigration and Nationality Act

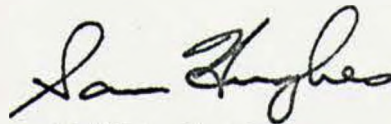
The Administration's proposal for amendment of the laws relating to immigration was transmitted to the Congress by the President on January 13 and introduced as S. 500 (Hart and 32 others) and H.R. 2580 (Celler). Hearings are under way in the Senate Committee on the Judiciary and are scheduled in the House Committee after the matter of Presidential inability is disposed of.

The principal change proposed by the bill is in the national origins system of issuing immigrant visas. Under existing law, quota countries receive a quota based on the national origins of the population of this country at the time of the 1920 Census with the minimum quota being 100. This results in relatively large quotas for Great Britain and the countries of northern Europe and in small quotas for southern and eastern European countries, where the interest in migrating to the United States is the greatest. Persons of Asian origin are further discriminated against by the requirement that persons of 50 percent Asian ancestry are charged to the quota of the "Asia Pacific Triangle" regardless of where they were born. There is no numerical limitation on immigration from countries in the Western Hemisphere.

The bill would abolish the national origins system gradually by reducing quotas by one-fifth of their numbers each year for five years. As the numbers are released they would be placed in a quota reserve pool established by the bill. Quota numbers would be allocated to immigrants in an order of preference with skilled aliens getting first preference. Other preferences would favor relatives of citizens and permanent residents of the United States. Within this system of preferences and the numerical limitations of the law, issuance of visas to immigrants would be based on the order in which they are registered on consular waiting lists as intending immigrants. Safeguards are provided against any abrupt change in the pattern of immigration that would impose a hardship on any country.

Further details on this provision of the bill and other amendments of the Act are contained in the President's Message transmitting the bill and a section-by-section analysis, copies of which are attached.

Congressman Feighan, Chairman of the Subcommittee on Immigration of the House Committee on the Judiciary, has suggested that consideration needs to be given to the number of aliens to be admitted; to eliminating from our immigration laws the nonquota status of immigration from Western Hemisphere countries; and to terminating national origins systems at once rather than over a five-year period. He opposes the proposed Immigration Board on the ground that it violates the separation of powers principle and objects to the authority given the President over the admission of aliens. He suggests that a new system might establish new criteria of preferences and assign to each a certain percentage of the maximum visas authorized by law with limits on the amount that could be used by natives of any one country.



Phillip S. Hughes
Assistant Director for
Legislative Reference

Attachment

Item 4
DRAFT - RIS - 2/8/65

POSSIBLE HOSTILE QUESTIONS ON THE IMMIGRATION BILL

A. On the Increased Volume of Immigration

Q. At a time when Europe has fully recovered from World War II and is very prosperous, and when we are making great efforts through foreign aid to improve the economies of other continents as well, why should we expand our help to foreign nations in relieving them of their excess population by increasing overall immigration to the United States? Aren't other countries either able to take care of their own populations, as in the case of Europe, or on their way with our help to doing so? In other words, doesn't the bill propose letting in more when the need is less?

A. The bill is not proposed in response to needs of other countries, but for the best interests of the U.S. and its people.

Q. As often stated, the chief justification for the bill is to abolish the discriminatory national origins systems. Why should not this be done without increasing the overall amount of immigration? Could it not in fact be done even with a reduced volume of immigration, either by a general quota on all immigration or by stricter qualifications for admission?

A. Theoretically, this may be true, but as a practical matter such an approach would create serious foreign policy problems

and personal hardships. Ending discrimination is the chief but certainly not the sole objective of the bill. The increased immigration is so minor in relation to our population that it offers insufficient reason for sacrificing these other objectives.

Q. It is admitted that this bill would have the effect of increasing the actual volume of immigration by at least 60,000 a year. What assurance has Congress and the nation that this forecast may not be too low, especially since a major part of immigration is and will remain non-quota? Is it not possible that the annual increase might be 100,000 or even more? If to permit an increase of such magnitude is outside the objectives of the bill, why not add a simple provision to the present bill limiting all future increases, quota and nonquota combined, to some figure such as 75,000 a year over the last year under the present law? Even if the need for fixing such^a limit on the overall increase may be debatable, what objection can there be to it as an added safeguard against excessive increases?

A. This is a bit tough. Might state that any such limit, to be of the nature proposed, would have to be enough above the

forecast increase of 60,000 to allow reasonable leeway for annual fluctuations and for the practicalities of visa administration. Might further suggest that such a limit could have just the reverse effect of that intended -- it could be taken as an authorization so to administer the law as to let in additional immigrants up to the prescribed limit -- particularly with outside pressures pointing to the specified increase and characterizing any lesser increase as a "waste" of the authorization -- thus causing a greater increase than is now forecast. Rather than inject into the bill such a would-be safeguard which is probably unnecessary and might well backfire, it would be wiser for Congress to rely on the plenary power it will unquestionably retain over immigration to apply any corrective deemed necessary if the 60,000 forecast increase were to be seriously exceeded.

Possible Hostile Questions - On Increased Immigration Volume - cont'd

Q. Abolishing the national origins system could logically be accomplished while stopping some or all present immigration, or at least without increasing the volume. Abolition of that system, ^{however} desirable, does not constitute a reason for admitting more. A positive reason of some kind should be given for admitting immigrants or increasing the flow. Thus, in the special case of refugees, admission is chiefly for humanitarian, political or ideological reasons. But for other immigrants, only two kinds of positive reasons have been advanced by the bill's sponsors -- to reunite separated families, and to obtain the benefits of special skills or needed lesser skills. Why admit immigrants who are not covered by either one of these reasons? If these reasons ^a are a valid basis for the preference structure for quota immigration, why not apply them to all immigration? What reason is there to admit as immigrants those without any special or needed skills, without families here, and who are not refugees? Even if there is some reason to admit such non-preference types, is the reason strong enough to

warrant increasing the overall volume? If we eliminated nonpreference types from both quota and nonquota immigration under the bill, would we still have an increase, and if so how much? Would we not still achieve the bill's main objectives as declared by the President even if we eliminated nonpreference immigration (and nonquota immigration that would be nonpreference if it came from quota regions), or at least limited such nonpreference and nonpreference-type immigration to a level that would not increase the present aggregate volume of immigration?

- A. ?? Wouldn't be politic to impose preference structure on nonquota areas like Canada and Mexico. Nonpreference types may make real contributions even though they may be unable or unwilling to prove case for preference at time of applying. Volume of increase under the bill is too slight to warrant creating problems that question implies.

Q. Why continue any nonquota areas? Wasn't establishment of Western Hemisphere countries as nonquota done long enough ago so that this distinction should be reviewed now? If we are going to abolish discrimination in the national origins system, why continue discrimination in favor of Latin American nations? If there are special considerations affecting our immediate neighbors Canada and Mexico, does this require nonquota treatment for the whole hemisphere?

A.

Q. What's wrong with Rep. Feighan's proposal? Wouldn't his ideas carry out the President's main purpose of abolishing the national origins system?

A. Proposal not clear yet. Not clear how well main purpose would be carried out - we must consider impact on our allies. And bill has subsidiary objectives also.

Miscellaneous Questions

Q. Under the bill, the prime factor in selecting quota immigrants would be a preference structure placing first priority on highly developed and specially advantageous occupational talents. How does this square with our foreign policy? Isn't there already some indication of foreign displeasure over the "brain drain" to the U.S. - for instance, of British engineers and scientists? How does it square with our worldwide technical assistance programs, our exchange programs, and our other efforts to help create viable, stable economies around the world if we seek or seem to seek to draw off their best talent, as the bill seems to stress? Don't we have more top talent here than others in most fields anyway -- don't others need what they have more than we do?

A. Persons of special talent should be free to go where they find best conditions. All nations benefit when leaders in arts and sciences can move freely, because this facilitates free exchange of ideas and skills, accelerating development in every field and creating new knowledge and techniques for all.

Q. Why is the term "waste" used with reference to unused quota numbers? Is there any public expense incurred in authorizing quota numbers if they are not used? Does the mere fact that not all numbers are used mean the U. S. is thereby injured, as the term "waste" seems to imply, regardless of whether the immigration "wasted" would have been of special value to the U. S. or not?

A. The question is partly one of semantics. But it is injurious to the U. S. to have unused quotas, especially at the same time as there are long waiting lists in other countries--it implies that not as many persons in the countries having unused quotas want to come here as we would be happy to attract, and also that we play favorites, preferring some countries over others. It also injures our government in the affection and esteem of some of its own citizens, who wait years to bring their close relatives here while quotas are unused--or wasted--for other countries. And insofar as persons with valuable special talents from other places might utilize the unused numbers, there is another national injury or waste.

item 1

*prepared in O/S, probably early
in 1965 — probably not fully
applicable to bill as modified
in Congress*

Questions and Answers

The following are questions which have been directed by the Committee to Congressional supporters of the Administration Immigration bill. Where the question represents a particular concern of one subcommittee member, the member's name is given.

Q. What is your estimate of the number of immigrants that can be absorbed and assimilated by the United States each year? (Feighan)

A. At any time, the answer to that question would depend on the circumstances, and upon other decisions. For example, after the Hungarian revolution, and after Castro's coming to power, we felt that the national interest would be served by admitting many thousands of refugees in a short period. In other words, the United States decided that it "could" admit tens of thousands of "extra" immigrants. In other circumstances, we have not encouraged such large-scale migration to the United States; we "cannot" assimilate all of the refugees from India's religious conflicts, for example.

There is, of course, another level to the question: whether the immigration quota should be 150,000 or 300,000,

or 1 million. The Administration offers no answer to that question at this time. All that the Administration says, what it is trying to accomplish in this bill, is that however many immigrants we accept each year -- whether 500 or 5,000 or 150,000 -- they should be judged as individuals and not by formulas. They should receive consideration on the basis of their potential contribution to this country and its citizens, and not according to the accident of birth and national origin. Once this salutary reform is accomplished it will be time enough for the Congress and the Executive to make a thorough study of how many people we should admit each year.

The Administration bill does provide for a small increase in authorized quota immigration, and a somewhat more substantial increase in actual immigration, since quota numbers will no longer go unused. The total increase in actual immigration (which will be, at a maximum, about 50,000 annually) is not significant when measured against our birthrate, which adds 4,000,000 new Americans each year. This increase is necessary to keep the waiting lists from growing longer all over the

world while we decide what our next step is to be. The increase is necessary to keep relatives of American citizens from waiting another five or ten years before coming here, and to keep the United States from being deprived for precious years of the skills of many first-preference applicants now waiting. But, as I said, this increase is a very small one, directed at two specific problems the solution of which is necessary.

Q. Precisely how many more immigrants will come to the United States each year under the bill?

A. At most, 50,000. At present, the annual quota is about 157,000, of which about 100,000 numbers are used. Under the bill, the total quota would be increased to about 164,000, of which all would be used. Thus quota immigration would increase by about 64,000. In addition, the bill would give non-quota status to parents of American citizens, about 3,000 of whom enter under the quota system each year. And several thousand other persons now entitled to non-quota status, who nevertheless enter under the quota system, would under the bill enter as non-quota immigrants, thus making their places available for quota immigrants. The sum total of all these

increases is about 70,000 each year. Against these increases, however, must be set the likelihood that the bill will make unnecessary the special relief legislation under which about 25,000 immigrants enter each year. The net increase, then, is at the most 50,000 yearly.

Q. But what about immigration from Jamaica and Trinidad and Tobago, which the bill would give non-quota status; wouldn't that add about 10-20,000 immigrants yearly?

A. We do not believe that it would. First, it should be noted that very few people in these areas can afford to travel to the United States. More important, fewer still can satisfy the stringent tests which apply to all immigrants under the law. All immigrants must satisfy the consular officer that they are not likely to become public charges in the United States; they must be literate; and they must satisfy the Secretary of Labor, under section 212(a)(14) of the Immigration and Nationality Act, that their employment in the United States would not be in a labor-surplus area, and that their employment would not tend to depress wages or working conditions in the United States. The law thus prevents the immigration of large numbers of unskilled laborers from non-quota areas.

As to the specific increase in total immigration which might follow the granting of non-quota status to Jamaica and Trinidad and Tobago: all that the amendment does is grant them equal status with the rest of Latin America. For purposes of immigration, Latin America can be viewed as one large quota area. The limitations on immigration from this quota area are not set as a specific number each year; instead the consuls and the Secretary of Labor limit immigration to that which can be comfortably absorbed without displacing or lowering the pay of American workers, and which can at the same time be self-supporting. Now clearly, the inclusion of Jamaica and Trinidad and Tobago within this single quota will not change conditions in the U.S. labor market; the ceilings on Western hemisphere immigration will be the same whether these countries are granted non-quota status or not. Therefore, any increase in immigration from Jamaica and Trinidad and Tobago will be offset by a decline in immigration from other comparable areas in the Western hemisphere.

Q. But if immigration is non-quota, without a specific numerical limit, how can it be limited?

A. Primarily by the interpretation of the provision barring any person who in the judgment of the consul is likely to become a public charge, and secondarily by the Secretary of Labor's authority under section 212(a)(14). For example, the consuls may require that immigrants show that they have a job waiting for them in the United States, or that relatives in the United States are capable of supporting them.

Perhaps the extent of this control is best shown by illustration. In 1930, President Hoover asked the State Department to explore methods for reducing immigration by administrative means. In September 1930, consuls were instructed to apply the "public-charge" provisions strictly. Within five months, immigration from Europe was cut by 90 per cent. Another example is similar action taken earlier to limit immigration from Mexico, then as now a non-quota area. In 1928, 58,456 immigrants entered from Mexico. Then, administrative action cut the yearly totals as follows: 1929, 39,501; 1930, 12,355; 1931, 2,776; 1932, 1,702.

Q. What relation should unemployment have to the number of immigrants we take in each year? (Feighan)

A. This question, of course, is within the primary jurisdiction of the Secretary of Labor, and I am sure he will address himself to it at length in his testimony. Briefly, however, my own understanding of expert opinion in this field is that immigration to the United States, which brings in ~~three~~ or four consumers for every worker, in fact tends to decrease rather than increase unemployment. Not only is the general level of demand for goods and services increased. But the new skills and capital brought by immigrants act directly to create more jobs. One example that comes readily to my mind is that of the situation in the clothing industry. There is a shortage of skilled cutters, who are indispensable to any hand-made garment manufacture. The International Ladies' Garment Workers Union actively sought the immigration of European cutters, primarily Italians, because without these cutters, the hand processes would have had to be replaced by all machine processes, and the other union workers -- such as sewers, pressers, etc. -- would have been out of work. Another significant fact is that the foreign-born consistently exceed the national average in percentage of workers who are managers, officials, and proprietors of small businesses;

and in their businesses, the immigrants employ large numbers of native workers. These and many other facts adduced by the Secretary of Labor have convinced me that immigration is a positive benefit to our economy.

Q. Why does the bill delegate 70 per cent of the quotas to Presidential discretion? "If he's so smart, why don't we give him power to appropriate 70 per cent of the budget in his discretion"? (Feighan)

A. The reasons for the authority to reserve quota numbers were stated earlier in my testimony. 50% may be reserved in the national security interest to prevent an unduly sharp cutoff of immigration from our principal allies. 20% may be reserved for refugees in order to allow them to enter within the quota system and not through special bills; if they were compelled to await their turn under the regular procedure, the result would be an interim waiting period of several years during which they would be in limbo in whatever country would accept them temporarily.

What should be stressed, however, is that the President's authority is strictly limited. We now have a law in which Congress sets certain quotas for each country. Under the

bill, we would move gradually to a system of first-come, first-served, within preference classes set by Congress. All that the President could do under the bill is delay somewhat the changeover to the new system. The most that he could do as to any country would be to reserve the numbers they now are entitled to under present law. Thus as to the 50% in the national security reserve, the President does not have anything approaching complete discretion.

Moreover, I would emphasize again that the President may act only after consultation with the Immigration Board, a majority of whose members will be appointed by the Speaker of the House and the President of the Senate. Their recommendations are not made legally binding in order to avoid constitutional problems; but I can assure the committee that those recommendations will have great weight.

Q. Why does the bill impose a ten per cent limitation on immigration from any one country and then allow it to be waived by the President?

A. The ten per cent limit can be waived for the same reason that the changeover to the new system can be delayed: to avoid sudden change in the situation of our close allies.

Great Britain, for example, now sends us about 25,000 quota immigrants annually, and Germany somewhat less. If the President could not waive the ten per cent limitation, immigration from these countries would immediately be cut by forty per cent. The fundamental principle of the bill is that change should be gradual. Therefore the President is allowed to waive the limitation. It must be emphasized, however, that he could waive this limit only as to countries which now have quotas greater than ten per cent -- that is, Great Britain, Germany, and Ireland.

Q. Representative Celler made the great point that the quota system governs only 33% of all immigration to the United States. If that is so, why bother with reforming it?

A. First, because the quota system affects our relations with most of the world. Second, because it is a discrimination which should be ended however limited in effect. Third, because it is the quota system which is responsible for many of our difficulties in securing the immigration of highly-skilled people, and for the difficulties of thousands of American citizens and residents in being reunited with their families. Fourth, much of the non-quota immigration simply

has nothing to do with quota immigration: for instance, over 30,000 wives and children of U.S. citizens enter as non-quota immigrants each year; they should enter this way irrespective of whether quota immigration was the same as now, cut in half, or doubled. And lastly, one of the objectives of this bill is to eliminate that part of the non-quota immigration which is the direct result of the national origins system -- that is, the special legislation which admits from 20-25,000 persons each year.

Q. Does the reservation of numbers by the President and Immigration Board represent an unconstitutional delegation of Congressional power? Hasn't the Supreme Court stated that Congressional power over immigration is plenary?

A. There is no question that Congress has plenary power over immigration. It may pass any immigration legislation that it desires. Indeed, it is precisely the great power of Congress in this area that allows it to delegate certain functions to the President and the Immigration Board. Again, I would stress that the Congress would by this bill delegate to the President a very limited authority -- an authority limited to

delaying the changeover from one system prescribed by Congress to another system also prescribed by Congress. I would also point out that under section 212(e) of the present law,

"Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate."

This authority to suspend the immigration of all aliens or any class of aliens, or to impose on their entry any restrictions he deems appropriate, seems to me a far broader and less restricted authority than that which he would have under this bill.

Q. Why does the bill ignore the Joint Committee on Immigration, which is already charged by law with the responsibility of making a continuous study of conditions affecting the immigration policy of the United States?

A. The bill would make no change in section 401 of the Immigration and Nationality Act, which established the Joint Committee. That committee would continue to be charged by law with the study of the immigration law and policy of the

United States. Indeed, I would assume that any studies made or conclusions drawn by the Joint Committee would be welcomed and carefully studied by the Immigration Board, and vice versa. After all, both the Congress and the Executive are continually engaged in studying all facets of United States law and policy, and the conditions affecting it. Yet the activities of one branch do not foreclose the other from acting, nor do the activities of both at once necessarily prevent the establishment of yet other bodies with responsibilities in the same field.

For example: the Judiciary Committees of both houses of Congress continuously hold hearings on the problems of antitrust and monopolies, with investigations sometimes going on for two years at a time. The Antitrust Division of the Department of Justice studies and acts on the same problem. And yet Congress also established the Federal Trade Commission, and gave it authority to investigate and prosecute violations of the antitrust laws, and to study all relevant conditions. Or consider the problems of money and finance -- which are studied at the same time by the

Joint Economic Committee, the Treasury, the Ways and Means Committee, the Federal Reserve Board, and, among other bodies, a National Advisory Council on International Monetary and Financial Problems created by Congress.

Q. The bill seems to provide for a Board composed of persons serving only on a per diem basis. Could a part-time board fulfill its heavy responsibilities? (Feighan)

A. I believe that the Board contemplated by the legislation could and would fulfill its responsibilities. First, the Board will have the full cooperation of all Federal agencies; it can draw on the knowledge and expertise of the Department of State, the Immigration and Naturalization Service, the Department of Labor, and so on. Second, the members of the Board themselves are required by the bill to be selected, among other things, for "their experience in and expert knowledge of immigration laws and international migration problems." Such persons, with the resources of all the government to draw on, will be well equipped for their task. Third, nothing in the bill forecloses the possibility that some of the Board members would devote all their time to the work of

the Board. And fourth, such members of the Board who would be Congressmen concerned with immigration would in one sense be spending virtually all their time on the work of the Board -- you, for example, Mr. Chairman, spend most of every working day thinking about immigration problems, and could walk into any Board meeting prepared to decide almost any question.

Q. What provision does the bill make for refugees from Communism? (Feighan)

A. The bill makes two provisions for refugees. First, it provides that the President and the Board may reserve up to twenty per cent of the quota reserve for issuance to refugees of all kinds -- including, of course, persons oppressed or threatened because of their adherence to democratic beliefs, or their opposition to totalitarianism or dictatorship. Second, the bill would liberalize the present "Fair-Share" refugee law, by removing the restrictive requirement that refugees be within the mandate of the U.N. High Commissioner for Refugees. As I am sure the Committee is aware, the High Commissioner depends on the state in which the refugee is found for the determination of whether the refugee is a

bona fide political refugee. Often, we disagree with this determination, but the law does not allow us to take the refugee in. The bill would therefore remove the requirement that the refugee be within the U.N. mandate.

Q. Why does the bill maintain two separate authorities for dealing with refugees?

A. The parole authority of the Attorney General is retained to cope with emergency situations. For example, suppose that toward the end of the fiscal year, with all quota numbers virtually exhausted, we were confronted with another Hungarian or Cuban situation. The parole authority would then allow us to take in these refugees pending the availability of regular refugee visas. The parole authority might also be used for refugees from natural calamity, who were expected to return to their homes after one or two years' time; I understand that many refugees from the first Azores earthquake returned there after reconstruction had advanced somewhat. Clearly, the issuance of permanent visas is inappropriate for persons who plan to return to their homes. It is contemplated, however, that the reservation of numbers will be the primary tool for dealing with refugees under the bill.

Q. How many visas will be available for issuance to refugees in the first year of the bill's operation?

A. In the first year, the quota reserve will be about 80-90,000 (32,000 reduction in quotas, plus 50-60,000 unused numbers).

Thus from 16-18,000 numbers will be available for refugees in the first year, and increased amounts thereafter.



Department of Justice

STATEMENT

BY

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

BEFORE THE

IMMIGRATION AND NATIONALITY SUBCOMMITTEE

OF THE

HOUSE JUDICIARY COMMITTEE

ON

H. R. 2580, AN ACT TO AMEND THE IMMIGRATION AND NATIONALITY ACT

WEDNESDAY, MARCH 3, 1965

I am pleased to testify today on behalf of H. R. 2580, the Administration immigration bill.

This bill was transmitted to Congress by President Johnson in a special message on January 13, 1965. The President urged the Congress to give it priority and I wish today to stress the urgency of that view. There are few areas in which prompt Congressional action is more urgently needed.

I say urgency for three reasons, any of which alone justifies prompt remedy. The first is the reason of elemental humanity. Under present law, we are requiring the separation of families -- indeed, in some cases, calling on mothers to choose between their children and America.

The second reason is one of domestic self-interest. Under present law, brilliant and skilled residents of other countries are prevented or delayed from coming to this country. We are depriving ourselves needlessly of their talents. As President Johnson observed in his immigration message, "This is neither good government nor good sense."

The third reason for urgency is our self-interest abroad. Under present law, we choose among potential immigrants not on the basis of what they can contribute to our society or to our economic strength. We choose, instead, on the basis of where they -- or in some cases even their ancestors -- happened to be born.

There is little logic or consistency in such a choice, when we proclaim that our system of freedom is superior to the rival system of fear; when we proclaim to all the peoples of the world that every man is born equal and that in America every man is free to demonstrate his individual talents.

H. R. 2580 would eliminate such illogic and such injustice to immigrants. And it would do so without creating unemployment or hardship for Americans. The bill would permit the admission of only 7,700 more immigrants than are now authorized. More practically speaking, it would result in an actual increase of approximately 60,000 more immigrants than are now admitted each year.

If I were to illustrate this point on a chart and compare 60,000 with our internal growth of nearly three million each year, it would be nearly invisible. It amounts to two one-hundredths of one per cent. Reform often exacts a price and that is the price of legislation -- an increase of two one-hundredths of one per cent in our rate of population growth.

When it is considered fairly and in proper perspective, this is an infinitesimal price to pay for our own advancement and advantage.

THE EXISTING SYSTEM

This Committee heard extensive testimony on the Administration's proposed immigration measure last year. Let me therefore confine my description of H.R. 2580 to a brief summary of its provisions, against the background of existing law.

Present immigration law establishes a scale of preferences by which to choose among potential immigrants from a given country. Half the immigration vacancies for a particular country are set aside for persons whose specialized skills are "urgently needed" here. The other half is apportioned among relatives of Americans, depending on the closeness of their ties.

This preference system is generally logical and it is largely retained in H.R. 2580. But its administration under present law is inescapably unjust because it rests on a lopsided foundation. That foundation, the basis of our entire immigration law, is the national origins quota system.

This system was devised some 40 years ago -- and even then was sharply disputed. It established an annual limitation on quota immigration -- now 153,361.

The basis for allocating portions of that total among various countries is not ability, family ties, or even chance. It is rather birth -- the national and racial origins of our population in 1920.

The result of application of this system is heavy favoritism in favor of Northern European countries and heavy discrimination against countries in Southern and Eastern Europe and Asia. Only three countries account for fully seventy per cent of the total annual quota.

Such a system ought to be intolerable on principle alone. I cannot believe that any American would want to defend a system which presupposes that some people are inferior to others solely because of their birthplace.

The truth is, such a system cannot be defended. And yet it exists, creating incalculable harm to our Nation and to our citizens.

These evils of principle in the national origins system are compounded by its cruelties in practice, cruelties so needless that they alone provide abundant reason for changing this system.

There are countless examples of these cruelties: the man who could bring a domestic to this country in weeks, from any one of several countries, but who could not bring his own mother for years, or the laborer who could be admitted immediately, versus the scientist for whom it was a waste of time even to register.

But I do not think it is necessary for me again to detail such instances of outrageous treatment. Numerous examples are already a matter of record before this committee.

The point which should not, however, be omitted, is that these injustices occur in small-quota countries while some large-quota countries consistently fall far short of using their annual allotment. The present law does not allow these unused quota numbers to be reassigned to other countries, no matter how urgently they may be needed. Fully a third of the total authorized quotas are thus wasted each year.

THE PROPOSED CHANGES

These are the elements of present law which H. R. 2580 would correct. Its purpose is not to increase immigration -- although it plainly would result in an increase of some 60,000 immigrants. Its purpose rather is to eliminate the warped criteria for admission imposed by the national origins system.

Except for technical changes, this bill is essentially the same proposal on which hearings were held last year (H. R. 7700). Thus let me only outline its provisions now.

1. This measure would abolish the national origins system. In its place it would establish a standard which is clear, fair, and understood the world over. Within a total limit on quota immigration to this country each year, that standard would simply be first-come, first-served.

2. To impose this new system abruptly, however, could create as many injustices as it would remedy. Therefore, the bill provides for the gradual elimination of the quota system over a five-year period, with an additional 20 percent of total immigration each year to be administered under the new system.

3. We would retain essentially the present preference system. We would retain all present security safeguards and other restrictions designed to exclude undersirables such as those with criminal records. And, with two minor changes, we would retain present health regulations.

One of these changes would remove the absolute prohibition against the entry of epileptics. We all recognize the medical advances that have made epilepsy controllable and curable. Our immigration laws should recognize them also.

The other change is one of utmost compassion -- to allow close relatives of Americans to come here, subject to appropriate controls and restrictions, even though they might be mentally retarded or have been treated for mental illness -- so long as their relatives can assure their care.

4. The bill also would seek to provide some immediate relief for minimum quota areas by increasing their annual quotas from 100 to 200. It is this increase which would account for the 7,700 rise in total authorized immigration annually.

There are other provisions in the bill designed to insure that the introduction of the new system of selection would not cause undue hardship. For example, to insure that no single country would receive a disproportionate share of total immigration, the bill would limit any one country to a maximum of 10 per cent of total immigration.

Without this ten per cent 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 provides additional measures 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 per cent 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 per cent of the reserve for refugees fleeing from catastrophe or oppression.

The sole substantive difference between this bill and that introduced in the last Congress lies in the percentages authorized to be reserved

pursuant to these provisions. Studies made subsequent to introduction of the bill last year showed that the reservations for national security interests could be lowered from 50 to 30 per cent and the reservations for refugees lowered from 20 to 10 per cent. The lower figures are embodied in the present bill.

CONCLUSION

The Administration has given the provisions embodied in H. R. 2580 the most careful study. We believe they are effective, sound and necessary.

Our present system of choosing future Americans cannot in conscience be permitted to endure. We must be concerned with the quality of persons, not of pedigrees. We must be concerned with diligence, not with residence. And we must be concerned, above all, with justice.

Without injury or cost, we can now infuse justice into our immigration policy. I urge the Committee and the Congress to do so with speed.

Mr. Saloschin

gfsa

March 17, 1965

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

Attention: Mrs. Alice Copeland

Re: DJ Program No. 27, Administration
Immigration proposal.

It is my understanding that Mr. Saloschin of your office is to assist in the preparation of the report of the Subcommittee on Immigration and Naturalization of the Senate Committee on the Judiciary. In this connection, there is attached for your consideration a memorandum outlining some of the matters which arose during the course of the hearings (House and Senate) some of which would appear to require further action.

There is also attached for your information a copy of memorandum and enclosure of March 11, 1965 from the Commissioner of Immigration and Naturalization suggesting additional technical amendments to the proposal.

Herbert E. Hoffman

Attachments

March 17, 1965

MEMORANDUM

Re: Matters arising during course of
hearings on the Administration's
Immigration proposal.

The Attorney General testified on Wednesday, February 10, 1965 before the Subcommittee on Immigration and Naturalization of the Senate Committee on the Judiciary.

(1) He agreed to furnish for the record statistics including the number of people who entered the United States--by country--from the Western Hemisphere (p. 45).

(2) He agreed to furnish for the record the number of parents whose admission is prolonged by reason of the quota system--by countries--also brothers and sisters--numbers of nonresident or nonquota brothers and sisters, parents and children who would be excluded (p. 55).

(3) He agreed to furnish for the record the number of natives of Germany who have immigrated to the United States under the present quota in each of the last five years (p. 70).

(4) He agreed to provide for the record an analysis of the facts backing up the argument with respect to the five-year phase out of the national origins system (p. 72).

(5) He agreed to spell out difficulties pro and con concerning a statute of limitations in deportation proceedings, judicial review of exclusion and deportation orders and a Board of Visa Appeals (pp. 78 and 79).

Assistant Attorney General Schlei testified on Friday, March 5, 1965 at hearings before the Subcommittee on Immigration and Naturalization of the Senate Committee on the Judiciary.

done
(6) He submitted a list of precedents re delegation of authority to the Immigration Board (p. 499).

to do
(7) He agreed to submit a memorandum on whether under the bill it would be possible to issue more visas than the authorized annual total (of approximately 166,000--section 3 of the bill). In this connection Senator Kennedy referred to section 4, top of page 5 of the bill, and suggested that the memorandum consider whether this provision overrides provision for the quota pool having leftover numbers (p. 502).

*ask ✓
Newman*
(8) He agreed to furnish an analysis, at the request of Senator Kennedy, of countries which would be adversely affected if the five-year phase out period is adjusted to three years or adjusted even more immediately (p. 509).

*we can
do from
latest
visa office
bulletin*
(9) Senator Ervin suggested there should be supplied for the record a list of Eastern Hemisphere countries whose quotas are oversubscribed as well as those under-subscribed (p. 510).

*ask
Newman,
Wace*
(10) With respect to a drafting error in section 8 of the bill, Assistant Attorney General Schlei submitted proposed substitute language for that appearing on page 7, lines 7 and 8 of the bill. He also suggested insertion of the word "and" preceding the word "after" on page 16, line 4 of the bill. This language was submitted subject to checking it out with the State Department and the Immigration Service (p. 518).

(11) Senator Ervin referred to language on page 8, lines 10 and 18 of the bill "specified functions". Assistant Attorney General Schlei indicated there probably would be no objection to changing the word "functions" to either "work", "job" or something else (pp. 559, 562, 563 and 567).

nothing
to do

(12) Senator Ervin referred to the language "quota numbers" on page 2, line 15 of the bill and Assistant Attorney General Schlei suggested if there was a need for clarification drafting assistance or language would be furnished (pp. 584, 585).

probably
ignore
?

(13) Senator Kennedy asked for the benefit of the record the increase in the number of people that can be anticipated for the first year under S. 500 and from what areas they will come--he indicated the Committee had asked for this before. (p. 602).

ask
Kennedy
we have
this

(14) Senator Kennedy suggested that the Subcommittee report indicate what is meant by "especially advantageous to" and "urgently needed". He suggested the change was made for the purpose of getting more flexibility (p. 604).

?
Labor?
(not a
request)

(15) Senator Kennedy requested and Assistant Attorney General Schlei agreed to furnish in written form (a) statement of clarification on section 3 of S. 500 re quota numbers unused being carried forward year to year and (b) the total number of immigrants expected under S. 500 with underlying assumptions for calculations (pp. 605 and 606).

(a) we do

(b)

when?

The Attorney General testified on Wednesday, March 3, 1965 before Subcommittee No. 1 of the House Committee on the Judiciary. No material was promised at this hearing.

The Attorney General testified on Monday, March 8, 1965 before Subcommittee No. 1 of the House Committee on the Judiciary.

(16) Congressman Feighan, concerning amendment (section 13 of the bill) parole of refugees under 212(d)(5) pursuant to such regulations as the Attorney General may prescribe, asked that the Subcommittee be furnished an advance draft of regulations so they could be studied now. The Attorney General agreed to furnish this material (p. 129).

Hennessy
says forget
about this, 3/19/65
(— orally
OK'd by
Committee, he reports)

UNITED STATES GOVERNMENT

Memorandum

TO : Deputy Attorney General

CO 1191.1
DATE: MAR 11 1965

FROM : Commissioner of Immigration and Naturalization

REF:JMW:bio

SUBJECT: H.R. 2580 and S. 500, bills to amend the Immigration and Nationality Act, and for other purposes.

Attention: Chief, Legislative and Legal Section

The Service has been requested to furnish suggestions and necessary technical additions to, or revisions in, the Administration's bills, pending in the present Congress, to revise the Immigration and Nationality Act.

Amendments should be made to the Table of Contents of the Immigration and Nationality Act and to the section headings thereof which are affected by these bills. In that behalf, there is attached proposed amendment to accomplish that purpose.

In addition, the proposed new language of section 101(a)(27)(A) of the Immigration and Nationality Act, which would be amended by Sec. 8 of these bills, should be revised to specify that the parents of citizens of the United States who would be accorded nonquota status would be parents only of citizens who are at least twenty-one years of age. This would carry forward the theory and policy of present section 203(a)(2) of the Immigration and Nationality Act with respect to preference status accorded to parents of citizens of the United States, such citizens being at least twenty-one years of age. This preference is being repealed by Sec. 10(b) of these bills, converting the status of such parents to that of nonquota immigrants.

In Sec. 18(b)(3) of these bills, following the language "to consider," there should be inserted the word "and".

Attachment

Raymond F. Farrell



MAR 11 1965

REC'D N. A. I.

XEROX FROM QUICK COPY

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Sec. X (a) The following amendments are made to the TABLE OF CONTENTS of the Immigration and Nationality Act (65 Stat. 163, 8 U.S.C. 1101):

(1) Sec. 201. is amended to read as follows:

"Sec. 201. Annual quotas; minimum quotas; reduction in annual quotas of quota areas; quota reserve."

(2) Sec. 204. is amended to read as follows:

"Sec. 204. Procedure for granting immigrant status under section 101(a)(27)(F)(1), 203(a)(1)(A), or under the second clause of 203(a)(4)."

(b) The section heading of section 201 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151) is amended to read as follows:

"ANNUAL QUOTAS; MINIMUM QUOTAS; REDUCTION
IN ANNUAL QUOTAS OF QUOTA AREAS; QUOTA
RESERVE"

(c) The section heading of section 204 of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1154) is amended to read as follows:

"PROCEDURE FOR GRANTING IMMIGRANT STATUS
UNDER SECTION 101(a)(27)(F)(1), 203(a)(1)(A),
OR UNDER THE SECOND CLAUSE OF 203(a)(4)"

X
XEROX FROM QUICK COPY

20530

Mr. Schlei
Mrs. Copeland
Mr. Simms
✓ Mr. Saloschin
Mr. Horowitz, I&NS
Dr. Forgotson,
Special Assistant to
the President on
Mental Retardation

Mr. Alanson W. Willcox
General Counsel
Department of Health,
Education, and Welfare
Washington, D. C.

Dear Mr. Willcox:

Section 17 of the Administration's immigration bill, H.R. 2580 of the 89th Congress, amends section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) so as to authorize the admission into the United States of certain mentally afflicted persons who are barred from admission under the existing law.

During a hearing before Subcommittee No. 1 of the House Committee on the Judiciary concerning H.R. 7700 of the 88th Congress, an earlier version of the current bill, this department was requested to provide, among other things, a draft of the regulations which this department planned to issue if the amendments proposed in section 17 are enacted.

By a letter of August 18, 1964, I transmitted a draft of proposed regulations to Congressman Feighan. Subsequently, it was decided that those proposed regulations were not satisfactory. On February 18, 1965, Mr. Eli P. Bernzweig, at the request of Mr. Theodore Ellenbogen of the Legislative Division of your department, transmitted a new draft of those regulations to Mr. Robert L. Saloschin of this Office and to Mr. James Hennessey of the Immigration and Naturalization Service.

Those proposed regulations were revised by the staff of the Immigration and Naturalization Service, and Mr. Saloschin transmitted them for comment to Dr. E.H. Forgotson, Deputy Special Assistant to the President for Mental Retardation, and to Mr. Bernzweig.

Dr. Forgotson has advised us that the proposed regulations, as revised in this department, have his approval.

We are quite anxious to put these proposed regulations in final form and submit them to Congressman Feighan at the earliest possible time. In this regard, I understand that a representative of your department has promised to present a copy of these proposed regulations to Senator Hart as soon as possible.

Accordingly, I would appreciate having any comments or recommendations which you might wish to make concerning the attached draft of the regulations. As noted above, this draft has the approval of Dr. Forgotson and of the Immigration and Naturalization Service.

Sincerely,

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

Item 19

March 26, 1965

To: Mr. Charles H. Mace
Room 6811, State Department

Mr. James L. Hennessy
Immigration & Naturalization Service
Room 757, 119 D Street N.E.

From: Robert L. Saloschin

Re: Labor Department draft entitled "Preliminary Guidelines
Suggested by the Department of Labor for Administration
of First and Fourth Preference Provisions Proposed in
S. 500."

Confirming my telephone message today, we have been asked informally to review the above draft which the Department of Labor proposes to submit to the Senate Subcommittee. Mr. Schlei thought it would be a good idea if I obtained any informal reactions to this draft from the State Department and the Immigration Service. A copy of the draft is attached and it would be appreciated if you could give an expression of your reactions, by telephone or by writing, before the end of next week.

Robert L. Saloschin
Room 5215, Department of Justice
Code 187, Ext. 2056

Attachment

4-1-65
Phone comments
of Mace &
Hennessy noted
on margin - RLS
Miss Pallanch agreed to changed on master cc (all in)
One phone 4-2-65 L RLS

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	<i>Mr. Schli</i>			
2.	<i>Mr. Saloschin</i>		<i>Room 5215</i>	
3.				
4.				

☐ SIGNATURE	☐ COMMENT	☐ PER CONVERSATION
☐ APPROVAL	☐ NECESSARY ACTION	☐ AS REQUESTED
☐ SEE ME	☐ NOTE AND RETURN	☐ NOTE AND FILE
☐ RECOMMENDATION	☐ CALL ME	☐ YOUR INFORMATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
☐ PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

The Dept. of Labor proposes to submit the attached to Senate Subcommittee on selection of first and fourth preference immigrants. I suggest that we ask E & NS & State for any comments.

It seems questionable to me whether any tailors could qualify for first preference under these standards.

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	<i>JN</i>		
Bob: Would you tell Miss Pallanck we are studying the matter and		<i>Good idea. It's</i>	<i>it. Thanks.</i>
hope to let them know promptly. JN			<i>N.</i>

ROUTE SLIP

(Fold here)

To: ORGANIZATION BUILDING ROOM
1 Mr. Ulman, Office of Legal Counsel
Dept. of Justice

2 _____

3 _____

4 _____

☐ APPROVAL ☐ COMMENT ☐ YOUR INFORMATION
☐ NECESSARY ACTION ☐ SIGNATURE ☐ NOTE AND RETURN
☐ CONTACT ME ☐ AS REQUESTED ☐ PREPARE REPLY

From: (NAME) (ORGANIZATION) (DATE)
M. Pallansch Labor Dept. 110/3481
(BUILDING) (ROOM) (PHONE)

REMARKS:

GPO : 1964-O-730-020

PRELIMINARY GUIDELINES SUGGESTED BY THE DEPARTMENT OF LABOR
FOR ADMINISTRATION OF FIRST AND FOURTH PREFERENCES PROVISIONS
PROPOSED IN S. 500

Under the Immigration and Nationality Act of 1952, visa applicants possessing the qualifications required of first preference quota immigrants must present evidence of a specific job offer in the occupation of their specialized training and talent to obtain a first preference visa. Experience has demonstrated that difficulty in arranging the necessary job contact when the applicant is not present in the country gives an advantage to alien students pursuing a course of study in the United States. Many persons who would otherwise qualify as first preference quota immigrants are excluded because of their inability to obtain a specific job offer.

The elimination of the present job requirement would result in the admission of a larger number of persons whose educational and specialized professional attainments would be most advantageous to the United States--a larger number of these could make more significant contributions to our society and our economy. It would more effectively carry out the basic purpose underlying the establishment of the top preferential category.

We should remember that the unused portion of the 50 percent of the first preference quota which is not used by otherwise eligible aliens is available for use, sequentially, by the second, third, and finally nonpreference quota immigrants. A clear example of the effect of the present requirement would be a situation in

*State
would
prefer to
strike in
brackets*

which Italian aliens who otherwise meet the requirements of the first preference category but because they have no job offers cannot be admitted under the first preference category. They must, therefore, take their place in line with the non-preference Italians who are seeking visas. [Because the Italian quota has been consistently oversubscribed in such cases, their chances of coming to the United States are considerably dimmer.]

State would eliminate but doesn't insist

The protection against first preference category aliens becoming a burden upon our society lies in the proposed establishment and up-to-date maintenance of a list of occupations and professions in which the skills, talents and technical competence are most needed in the United States and for which a continued need is anticipated. This list of occupational and professional shortages would be established by ~~the Attorney General of the United States upon recommendation of the Immigration and Naturalization Board~~ *for the use of the Attorney General* after full consultation between the Board and the Secretaries of Labor, State and Defense.

18 N suggests

The proposed amendment eliminating the job offer requirement would thus not increase the total number of immigrants; it would merely increase the number which would be able to come in as first preference quota immigrants.

The Department of Labor suggests the following guidelines to be used in the administration of the first preference provision proposed in S. 500.

*State says
not
concerned
on this
point*

The Department of Labor will work closely with the proposed Board should it be established and with the Immigration and Naturalization Service [and State Department] as at present, in connection with criteria for first preference occupational categories. The actual amount of skill involved, training time required, and the current and changing occupational demands in the United States must be given appropriate consideration, as well as any possible adverse effects on the employment of citizen workers.

Under the proposed legislation, a list of occupational titles and definitions would be compiled by the Department of Labor and recommended to the Immigration Board, Immigration and Naturalization Service, and Department of State officials for use in screening prospective applicants for first preference.

The Labor Department's Bureau of Employment Security has, under the existing immigration law, provided a recommended list of "occupations and groups of occupations for which nationally the supply of available workers is inadequate to meet all demands." The occupations in this list now are shown in attachment I. Future lists will be updated regularly to reflect the current labor demand-supply situation.

The Department of Labor issues another list (attachment II) called the List of Currently Critical Occupations, for use as a guide by the Selective Service System in making determinations on requests for deferments. This list also provides a clue to occupa-

tions which might be considered in determining those "especially advantageous" to the United States, in accordance with the standard for first preference immigrants under the proposed legislation. These lists could serve as a starting point but would have to be under continuous review with frequent revision to insure compatibility with changing labor market conditions.

The Department of Labor would need to develop additional criteria and recommend these to the proposed Immigration Board, for determining that an occupation is "especially advantageous to the United States." Criteria including such requirements as these would be considered".

(1) The skill or knowledge involved must be of a substantial nature and must represent services which would be "especially advantageous to the United States."

academic or other training

(2) Successful completion of college or university training or equivalent training time must be necessary to the satisfactory performance of all of the major tasks found in the occupation.

(3) An overall shortage of workers in the occupation must exist; or shortages must be developing which will adversely affect the economic welfare of the Nation.

Consultation on these criteria and general agreement will be required with such other Departments as Justice, State, Defense, Agriculture, Commerce, and, as necessary others, as well as the

*State Dept
suggests
change for
clausy)
doesn't
want*

proposed Immigration Board. Continuous labor market analysis of supply and demand in specific occupations will be necessary to assure prompt responsiveness to changes in labor market conditions. The goal would be to keep to a minimum any time lapse between the detection of a labor balance or surplus and modification in occupational lists used for screening purposes in the consulates.

Occupational analysis techniques must be used (1) to define and describe the occupations so that the descriptions can be readily understood by ^{consular} ~~consulate~~ and ^{officers} ~~staffs~~ who do the screening, and by American employers, unions, professional societies, and other users; (2) to make clear the degree of skill, experience, and academic background and training time required for the specific occupation; (3) to indicate specifically the occupations in which a shortage exists and in which a real contribution might be made to the welfare of the United States; (4) to assure that the definitions are kept up to date in accordance with changing technology that may affect job content; and (5) to provide up-to-date information on related requirements as licenses or certification standards. It is anticipated that in some instances the "Dictionary of Occupational Titles" definition of an occupation will prove adequate for purposes of the first preference list. In other instances, special definitions will have to be prepared.

State
suggests

In determining the labor supply situation in the United States, among the factors that must be considered would be the availability of workers that may result from appropriate vocational training underway or scheduled.

It would be desirable to establish an interdepartmental committee with appropriate technical subcommittees similar to the committees that are now concerned with the list of critical occupations and essential activities which was referred to earlier, for the development and maintenance of the first preference list. It is anticipated that representatives of the Department of Labor would serve on such committees, and that the Department's specialized staff would need to be increased to provide continuing technical support involved in occupational analysis and labor market analysis, and would work very closely with the Immigration Board. Under S. 500, the Board would recommend to the Attorney General criteria for admission of *first and fourth preference applicants.*

Documentary evidence will be needed to assure that persons seeking admission have the skills, education, and/or experience which they have indicated in their petitions. In co-operation with the various agencies involved, the Department of Labor would prepare guidelines relating to documentary proof which may be used to supplement those presently used by the Immigration and Naturalization Service, [and the Department of State.] The guidelines will need to be broad enough and yet sufficiently detailed

State suggests

States change

to be useful in developed as well as developing countries. Documentary proof may be expected to include diplomas or other documents indicating graduation from approved higher level educational or technical institutions; certificates of apprenticeship; occupational identification such as registration cards issued by government employment services; occupational or business licenses; certificates of qualification from governmental or other official sources, as evidence that applicants have passed official ^{requirements} ~~medical~~ examinations offers of work in specific occupations from U.S. employers; other official evidence that examinations in specific occupations have been passed, including examination content and minimum requirements for eligibility which had to be met. Experience indicates that the occupations that would come within the first preference category would be primarily professional and technical occupations such as physicists, physicians, physical scientists, nurses, music composers and numerous other professional and technical occupations, including the arts, sciences and humanities.

It may be found desirable for the Department of Labor to provide training for appropriate consulate personnel in the application of the criteria established and in use of the list and definitions of occupations for determining preference on the basis of skill, education, and/or training, and to gain firsthand knowledge of some of the problems encountered in the selection process.

State says
confusing
& inaccurate
(physical
occupations)
not clear
what they
mean
physical not
part of
doc. proof

State
suggests

to
practice
medicine
change
made
by labor

change by table

could

State
Qualifications
- budget
- pattern

Training units for this purpose ~~would~~ be developed by the Department of Labor personnel in cooperation with the other departments concerned.

Evaluations would have to be made to provide a basis for continuing improvement in techniques used to implement and to administer the first preference provisions proposed in S. 500. Postreview of selection under first preference may be recommended.

In connection with the annual registration of aliens which is currently in effect in the United States, information could be required from aliens who were admitted as immigrants ~~first preference aliens~~ on whether they are employed, in what occupation and by whom, or if not employed, the occupation in which they had received first preference. Data on the number of aliens unemployed at the time of registration, by occupation, by State and/or area could be tabulated and analyzed.

State

In occupations and areas in which there are significant numbers of such aliens, the Employment Service would ask the Immigration and Naturalization Service for a sample - names and addresses of a number of such persons - and would follow up through local office interviews with them to determine whether they actually had the skills on which they were selected for entry under first preference. Such information could be used to identify occupational definitions that need to be clarified, to modify or add to the documentary evidence required, to suggest improvements in the selection process, and to determine modifications that may be needed

in labor market considerations for first preference. The local office interviews would serve also as an opportunity for Employment Service assistance to unemployed aliens in finding work.

These suggested guidelines are similar in substance to those suggested to the House Subcommittee No. 1 of the Committee on the Judiciary which is contained in Part II of the Official Hearings on H.R. 7700 (88th Cong., 2d sess.) at page 595. The suggested guidelines are, we believe, equally applicable at this time.

Under the present Immigration and Nationality Act, visa applicants possessing skills which are in short supply in the United States, other than those who meet the criteria of the first preference category, are not placed in any preferential category. Consequently, many of these, particularly in countries whose quotas are oversubscribed, do not obtain quota numbers or, if they do, their numbers are substantially later in sequence than others whose contributions to the economy are of lesser value.

The establishment under S. 500 of the subsidiary fourth preferential quota category for immigrants capable of performing specified functions which are not on the list of occupations that are identified as "especially advantageous" to the United States but for which "a shortage of employable and willing persons exist in the United States" simply has the effect of ~~selecting applications for entry of individuals meeting these~~ ^{class} ~~needs~~ ^{them} from the non-preference quota groups and giving such immigrants a ~~priority~~ not now available to them. Through this new preferential category we will be

State suggests:

separating such immigrants

a preference

able to obtain persons who can more easily be absorbed into our economy and who by definition will not be competing with our own workers for available job opportunities.

*State
proposals*
[It is anticipated that] ^{new} ~~that~~ ^{they} With respect to this preferential group employer visa petitions will be required and ~~that these~~ will be supported by job orders thoroughly screened by the facilities of the Department of Labor to assure that the admission of such aliens will not adversely affect the wages, working conditions and employment opportunities of our own workers.

Here again, the provision of S. 500 giving preference to this group will not increase the total number of admissions.

U
The function of the Department of Labor in relation to ^{workers} ~~the~~ fourth preference [^] would be similar to its current function in certifying orders that support first preference visa requests ^{petitions} under existing law (Section 204b). The United States Employment Service, through its affiliated State and local offices, makes determinations on the availability of qualified legal residents for the employment offered by the petitioning employer and on the appropriateness in the specific area of the salary, hours of work, fringe benefits, and related matters which are designed to protect the wages, working conditions and job opportunities of our ^{American} legal-resident wage earners. *M*

The current procedure which is immediately available to implement the proposed law contains several stipulations which are

designed to protect the American worker. Before petitioning for the importation of aliens for employment, employers would be required to place a job order with the local employment office, where comprehensive recruitment action would be carried out. Such action would include as many of the following as are appropriate; file search of applicants registered for jobs with the local public employment office (including unemployment insurance claimants), advertising, contacts with unions and professional organizations, review of reports of employer layoff plans, and contacts with all established recruiting sources.

If through such efforts, no qualified applicant is found, the order would be forwarded to the State employment service central office which would circulate action copies to all public employment offices in the State, and to the Professional Office Network (all Employment Service offices in major cities nationwide). The job opening would also be listed on the Inventory of Job Openings, which is a document compiled and circulated to all States on a bi-weekly schedule.

In the event that these activities do not result in meeting the employers' staffing needs, the job order, with a resume of activity and a recommendation would be forwarded to the Bureau of Employment Security regional office. There, the order would be reviewed in relation to labor-supply-demand data covering a wide geographic area, and additional recruitment would be directed

if a previously undetected supply of applicants appeared to be available.

If these efforts do not yield qualified applicants, the order would be forwarded to the Bureau of Employment Security national office with a recommendation for approval. The national office would then approve or disapprove clearance orders (to support visa petitions), based on the facts relating to each case.

Representative occupations which have been approved for permanent entry of aliens under existing law, and which may fall into the subsidiary four ^{thru} preference category, depending on the labor supply-demand situation at the time the needs arise, are:

Medical, Dental and Electronics Technicians who have extensive experience;

Foreign Specialty Cooks and Bakers;

Sample Stitchers;

Orthopedic Boot and Shoe Builders;

Occupational Therapists;

Interpreters, Translators and Multi-Language Specialists;

Bi- or Multi-lingual Secretaries (shorthand and typing skills);

Watch Makers and Repairers;

Jewelry Designers and Goldsmiths;

Governesses with specialized language skills, or with experience in working with handicapped or retarded children.

Attachments

Aug. 19, 1964.

ATTACHMENT I

A. Occupations and groups of occupations for which nationally the supply of available workers is inadequate to meet all demands

Chemists.....	0-07
College presidents, deans, professors, and instructors for junior colleges, colleges, universities, and professional schools licenses by the State to give academic degrees.....	0-11
Dentists.....	0-13
Metallurgists.....	0-14
Engineers:	
Chemical.....	0-15
Civil.....	0-16
Electrical.....	0-17
Industrial.....	0-18
Mechanical.....	0-19
Mining.....	0-20
Librarians ¹	0-23
Physicians and surgeons.....	0-26
Social and welfare workers ¹	0-27
Superintendents, principals, teachers and instructors for all elementary, secondary and preparatory schools whether public schools, parochial schools, denominational and sectarian schools, or other general curriculum elementary, secondary, or preparatory schools.....	0-30 0-31 0-32
Nurses (trained).....	0-33
Veterinarians.....	0-34
Agricultural, biological, and physical scientists.....	0-35
Draftsmen:	
Aeronautical.....	0-48. 04
Electrical.....	0-48. 11
Marine.....	0-48. 16
Mechanical.....	0-48. 18
Tool designer.....	0-48. 41
Die designer.....	0-48. 42
Medical technical (medical service) ¹	0-50. 01
Dental technicians (medical service) ¹	0-50. 06

¹ Additions to the list of occupations for which the supply of available workers is inadequate to meet all demands.

ATTACHMENT II

U.S. DEPARTMENT OF LABOR LIST OF CURRENTLY CRITICAL OCCUPATIONS

Part I—Occupational Titles

Aircraft and Engine Mechanic—Special Definition
 Apprentice (Critical Occupations Only)—Special Definition
 Astronomer*—Special Definition
 Bacteriologist* (profess. and kin.) 0-35.33, p. 51 (includes Microbiologist)
 Biophysicist*—Special Definition
 Chemist* (0-07)—General Definition
 Clinical Psychologist—Special Definition
 Dentist (medical ser.) 0-13.10—General Definition
 Die Setter (forging) 4-76.120, p. 387
 Electronics Mechanic—Special Definition
 Engineering Psychologist*—Special Definition
 Engineer, Professional (0-14--0-20)—General Definition
 Foreman (Critical Occupations Only)—Special Definition
 Geologist* (profess. and kin.) 0-35.63, p. 605
 Geophysicist* (profess. and kin.) 0-35.63, p. 605
 Glass Blower, Laboratory Apparatus—Special Definition
 Health Physicist—Special Definition
 Instrument Repairman (5-83)—General Definition
 Jig and Template Maker (5-17)—General Definition
 Machinist (4-75)—General Definition
 Mathematician* (profess. and kin.) 0-35.76, p. 833
 Nurse, Registered (0-33)—General Definition
 Orthopedic Appliance and Limb Technician (5-09)—General Definition
 Osteopath (medical ser.) 0-39.96, p. 914
 Parasitologist* (profess. and kin.) 0-35.31, p. 945
 Patternmaker (5-17)—General Definition
 Pharmacologist* (profess. and kin.) 0-35.34, p. 961
 Physician and Surgeon (0-26)—General Definition
 Physicist* (profess. and kin.) 0-35.73, p. 965
 Physiologist*—Special Definition
 Structural Linguist*—Special Definition
 Teacher, College—Special Definition
 Teacher, High School (Mathematics, Physical and Biological Sciences, and Modern Foreign Languages Except French, German, Italian, or Spanish)—Special Definition
 Teacher, Technical Institute (Critical Occupations Only)—Special Definition
 Teacher, Vocational (Critical Occupations Only)—Special Definition
 Technician, Engineering and Physical Sciences—Special Definition
 Tool and Die Designer (0-48)—General Definition
 Tool and Die Maker (4-76)—General Definition
 Veterinarian (medical ser.) 0-34.10, p. 1455

*Limited to those individuals who meet one of the following criteria:

1. Have a graduate degree directly related to the occupational area concerned.
2. Have equivalent experience, education, and training (generally considered to be not less than 1 year beyond bachelor degree level).

Item 21

March 31, 1965

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

From: Robert L. Saloschin

Re: Report of public meeting on Immigration Bill last night
sponsored by Citizenship Committee of Columbus, Ohio.

My overnight trip to Columbus served two purposes, presentation of the Administration's viewpoint and observation of local opinion.

I presented the case for the bill at a public meeting attended by about 300 persons, and distributed copies of the President's special message at the end of the meeting. In addition, I gave a brief TV interview on the bill which was telecast on channel 10 last night and, I was told, was scheduled to be re-broadcast this morning.

So far as I could observe local opinion at the meeting and at a small dinner of civic leaders before the meeting, the bill has aroused a modest level of public interest. Among those who are interested, most tend to oppose the bill, but a fair proportion of them can be converted or made more neutral by an effective presentation.

I was told there were John Birchers in the audience who were waiting for the open discussion to "open up" against the bill, but after my direct presentation the audience's questions and comments reflected interest rather than strong sentiment either way. After the meeting one man cited a pamphlet claiming the bill would increase immigration from 300,000 to 1,000,000. I told him this was not true and asked to see the pamphlet, which he gave me. (It's attached.) Another man said he had been against the bill but thought the 10% limit on immigration from any one country was a very good feature.

Attachment

A TIME FOR ACTION

Our liberty and our free society, based upon a balance of the numbers and kinds of people in our country, can be drowned in a matter of years by a human tidal wave if the restrictions of the McCarran-Walter Immigration and Nationality Act of 1952 are destroyed.

The time to act is now. Re-read the CALL TO ACTION.

Write to Senators and Congressmen listed below. Start to work now to save the McCarran-Walter Act, as a bulwark of our national solvency and our freedom!

SEND YOUR LETTERS AND TELEGRAMS TO YOUR OWN SENATORS AND CONGRESSMAN AND TO:

Joint Committee on Immigration and Nationality Policy, U. S. Congress, Washington, D. C.

Rep. Michael A. Feighan,	Sen. James O. Eastland
Chm.	Sen. Olin Johnston
Rep. Emanuel Celler	Sen. John L. McClellan
Rep. Frank Chelf	Sen. Everett Dirksen
Rep. Arch A. Moore, Jr.	Sen. Kenneth B. Keating
Rep. Richard A. Poff	

Senate Judiciary Subcommittee on Immigration and Nationality, U. S. Senate, Washington, D. C.

James O. Eastland, Chm.	Edward M. Kennedy
Olin Johnston	Everett Dirksen
John L. McClellan	Kenneth B. Keating
Sam J. Ervin, Jr.	Hiram L. Fong

House Judiciary Subcommittee on Immigration and Nationality, U. S. House of Representatives, Washington, D. C.

Michael A. Feighan, Chm.	Richard H. Poff
Frank Chelf	Arch A. Moore, Jr.
Peter W. Rodino, Jr.	

Distributed by

The American Committee on Immigration Policies
To defend and strengthen our Immigration Laws
 Rear Adm. Chas. S. Stephenson (Ret.) *Chairman*
 William C. Birely, *Vice Chairman*
 Robert Henry Goldsborough, *Executive Secretary*

THE DODGE HOUSE 20 E Street, N.W.

WASHINGTON, D. C. 20001

Phone: 628-4161



**PROTECT YOU,
 YOUR JOB
 AND
 YOUR FREEDOM**



QUICK FACTS ABOUT U. S. IMMIGRATION

Approximately 43,000,000 immigrants have come into the United States since we began keeping immigration records in 1820.

Each year another 300,000 enter permanently under the Immigration and Nationality (McCarran-Walter) Act of 1952. Substantial numbers come in under private bills, introduced by Members of Congress to waive immigration restrictions in individual cases. Thousands of "backdoor" entries are authorized by Executive action in "hardship" cases.

Added tens of thousands are admitted from time to time by special acts of Congress. More than 1,000,000 refugees and displaced persons have been admitted since World War II. Total immigration in the years 1946-1963 was 4,240,933. The United States always has accepted more of the world's immigrants than any other country.

These newcomers are of all races and creeds, and of virtually all national origins.

Restriction and regulation of immigration is needed today as it has been needed in the past to protect the soundness of our economy, and to preserve the composition of the public upon which free institutions and the existence of free society itself must depend.

Bills now before Congress seek to repeal the National Origins Quota safeguards against radical distortion of the nature of the American population. They would vastly increase the total number of immigrants coming into the United States.

Groups supporting these new measures are well financed. Some 90 are organized into an effective and aggressive coalition to destroy our present immigration laws.

Your help is needed now to preserve our basic immigration laws against otherwise certain destruction.

CALL TO ACTION

***Your Letter, Post Card, Phone Call
Or Telegram Is Important—Now!***

If bills now pending in Congress are adopted, they would:

★ Abolish the National Origins Quota System which assures continuity of the cultural pattern upon which our free institutions and our free society rest;

★ More than triple immigration from about 300,000 a year now to an estimated 1,000,000 a year;

★ Weaken security screening provisions of the present law against the entry of Communists and other subversives.

★ Radically change the nature of overall immigration into the United States; fewer from Northern and Western Europe, vastly increased numbers from Asia and Africa.

These bills will pass unless you act now!

1. Read this booklet. Put copies in the hands of your friends.

2. Write your views opposing any basic change in the McCarran-Walter Immigration and Nationality Act of 1952 to Senators and Congressmen listed on the back page.

3. Solicit open public support of the McCarran-Walter Act of 1952 from your own Congressman and Senators.

4. Write letters to newspapers and magazines supporting your views.

5. Urge passage of resolutions by organizations to which you belong, and forward these resolutions to legislators and the press.

This is a non-partisan issue. It is a citizen's crusade. It is a fight to save our protective immigration laws.

Read this booklet and act. Yours may be the decisive action which prevents our immigration controls from being destroyed.

The Story of Immigration: YESTERDAY



DISCOVERY & SETTLEMENT 1492 - 1830

America was a vast, empty, undeveloped land when Christopher Columbus discovered it in 1492.

Since then more than 43,000,000 have come from abroad to the United States of America. They, with their offspring, have filled the land with more than 196,000,000 people causing thoughtful patriots to question how many more this land can now absorb and support with its diminishing natural resources.

Explorers and settlers were the first to follow Columbus. The Spanish and Portuguese went to Central and South America. The French went largely to Canada. The English, Scotch, and Scotch-Irish with smaller numbers of Irish, Welsh, Dutch and Germans settled in what was to become the United States.

These wrote the Declaration of Independence, fought the Revolution, fashioned the Constitution with its Bill of Rights, and fixed the cultural, economic and political patterns of the country.

The government they made came from their own Northern and West European cultural and political backgrounds. It was a limited government. Sovereign power was held, not by a king, or a special elite, or by the state, but by the people themselves. The people, through their own representatives, made the laws and shaped the destiny of the nation. It was an English speaking nation with free institutions based upon Anglo-Saxon culture and English common law.

Our founding fathers did not encourage unlimited immigration. For instance—

General George Washington felt that immigration should be limited to "useful mechanics and some particular descriptions of men or professions."

Thomas Jefferson saw the new government as a unique combination of the freest elements of English law and political custom. He was concerned that unrestricted immigration of peoples from lands unacquainted with principles of representative government might undo the careful work of our Founding Fathers. "Yet," he said, "from such we are to expect the greatest number of immigrants."

Even if these could throw off the principles of the governments they left, Mr. Jefferson feared that they would merely pass "from one extreme to the other. It would be a miracle were they to stop precisely at the point of temperate liberty."

He added, "In proportion to their numbers they will share legislation with us. They will infuse into it their spirit, warp or bias its direction, and render it a heterogeneous, incoherent mass."

While not encouraging immigration for these reasons, the Founding Fathers did not discourage it by federal legislation, either. They depended upon state controls. Immigration increased. Population, aided by immigration, rose from 26,000 in 1640 to 2,500,000 in 1775, and up to 12,866,000 by 1830.



The Immigration Story: YESTERDAY



FILLING AN EMPTY LAND 1830 - 1880

Westward expanding America needed able men to work the mines, lay the rails, till the soil, and build the towns.

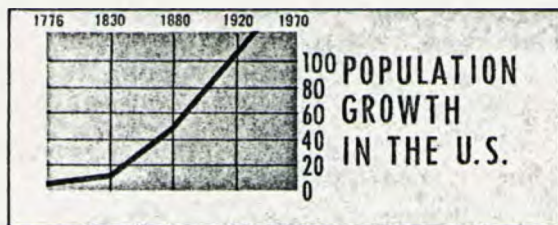
During the growing years immigration was actively encouraged.

Congress aided Polish exiles to settle in Illinois and Michigan in 1834. The Homestead Act of 1862 drew others through cheap grants of land. Entrepreneurs advertised abroad for immigrant workers for the expanding mills, mines, factories and farms.

Between 1830 and 1880 a total of 10,189,000 immigrants came to the United States. Of these, 8,989,800 were from Northern Europe and 654,000 were from Canada and Newfoundland.

But immigration brought problems. Chinese were being imported for lewd and immoral purposes as well as for contract labor in the West. The unscrupulous advertised for immigrant workers, not to fill waiting jobs, but to depress wages of American workers.

Americans became aware of the growing political power of the newcomers, many of whom seemed to support boss rule rather than free democratic processes, as Jefferson had foreseen.



INDUSTRIALIZATION

1880 - 1920



By 1880 the United States' population reached 50,155,700. The empty land was filling up. Americans began to restrict immigration by acts of Congress.

An 1875 law prohibited the entry of convicts and prostitutes, and the import of Chinese coolies as contract labor.

A Chinese Exclusion Act was passed in 1882 in the belief that unrestricted immigration from Asia would turn our then sparsely populated Western States over to domination by Asian races, languages, customs, political thought and problems.

Industrialization here and abroad was bringing a dramatic change in U. S. immigration. Rural people from Northern Europe were taking jobs in home industries or emigrating to farm lands in Australia and elsewhere. Advertisements abroad, stressing high wages and freedom of opportunity here, began to draw larger numbers of immigrants from Southern and Eastern Europe. While 73.6 percent of immigration was from Northern Europe in 1880, a total of 59 percent was coming from Southern and Eastern Europe by 1920.

Their coming brought new problems of education and assimilation. Many of these newcomers held onto their own languages, customs and cultural heritages. They were slow to adopt the dominant American customs and values. As the Founding Fathers had foreseen, Americanization for many was time consuming, costly and painful, and sometimes it didn't take place at all.

Many immigration laws were passed. These were codified in the Immigration Act of 1917. This Act excluded, not only convicts and prostitutes, but also anarchists, those advocating the overthrow of our government, contract laborers, and those likely to become public charges.

Despite these minor qualitative exclusions, immigration increased. From 1880 to 1920 legal immigration totaled 23,465,000—more than double the total for the previous fifty years. By 1920 U. S. population had increased to 105,710,600.

The Story of Immigration: YESTERDAY



**WARS, REFUGEES AND
DOMESTIC PROBLEMS
1920 - 1950**

The revolutions and wars from 1914 on uprooted peoples all over the world. Literally millions became exiles or refugees—fleeing poverty and oppression, and seeking entry into a more peaceful, prosperous land.

Yet, how many of these teeming, impoverished millions could the United States accept? How many could we educate, assimilate into our free society, and place in useful jobs?

Americans had started to ask such questions as early as 1920. Immigration had exceeded over a million a year in 1913 and 1914. After a drop during World War I, it climbed again to 805,228 in 1921.

Moreover, an era of world revolution and population explosion had begun.

Communists had seized power in Russia, and were calling for revolution in every other country of the world. They were using immigration to infiltrate Communist revolutionaries into the United States. At this time, too, a post-war depression hit the United States. These new conditions forced a decision.

Rationing, which had worked fairly during World War I, was applied to immigration. Under the nation's first immigration quota law in 1921, quotas were set for those seeking entry into the United States. Quotas were limited to 3 percent of the foreign-born of each nationality in the United States in 1910. The total quota was set at 357,803.

By basing immigration quotas upon the composition of the United States, legislators sought (1) to prevent a distortion of relationships among groups already within the United States,

(2) to avoid destructive competition and discrimination among immigrants seeking to be first in a "first-come, first-served" line, and (3) to hold down immigration to numbers and types which could be assimilated.

Total immigration dropped to 309,556 in 1922, but rose to 522,919 in 1923, with 35 percent of these entering under exceptions to the quota system. The exceptions—or non-quota immigrants—included immigrants from Canada and independent countries of Central and South America; aliens who had lived in these countries five years before entry into the United States; and certain classes of men, such as ministers.

When immigration rose to 706,896 in 1924 with 46 percent coming on a non-quota basis, Congress cut the quotas to 2 percent of the foreign-born of each nationality living in the United States in 1890, and reduced the total quota to 164,667.

The New York TIMES editorialized, March 1924: "The country has a right to say who shall and who shall not come in . . . The basis of restriction must be chosen with a view not to the interest of any group or groups in this country, whether racial or religious, but rather with a view to the country's best interests as a whole."

Immigration dropped from a total of 5,735,811 in the decade of 1911-1920 to 4,107,209 in the decade of 1921-1930, and to 528,451 in the 1931-1940 economic depression period.

A new series of liberalizing immigration laws passed just after World War II opened our doors to war brides, displaced persons, political escapees, refugees and exiles, and, for the first time in 60 years, Chinese. Immigration increased to 1,035,039 in the decade of 1941-1950.

These measures helped many worthy people to escape oppression abroad, but they further complicated, rather than improved, overall conditions inside the United States.



THE McCARRAN-WALTER ACT OF 1952

By 1947 immigration was governed by a maze of some 200 legislative enactments, plus treaties, proclamations, rules and regulations as well as by the basic immigration laws of 1917 and 1924.

In addition, an increasing number of Communist agents were found to be moving into the United States legally as immigrants and illegally across extensive United States borders.

Congress called for an intensive investigation in 1947. The outcome, five years later, was the McCarran-Walter Immigration and Nationality Act of 1952. This codified the immigration laws and broadened many of them.

Here, in capsule form, are some of its major provisions:

Quota Immigration. The Act set a total overall quota of 154,657 a year, with individual country quotas set at one-sixth of one percent of the number of inhabitants in the United States who in 1920 traced their origins to a particular country. Thus was secured the national origins quota concept which has been the law of the land since 1924.

Special preference (50% of each quota) is given, first, to certain groups whose skills or services are deemed to be in demand in the United States because of education or ability; second, to parents of adult American citizens (30% of each quota); third, to spouses and children of permanent resident aliens (20% of each quota); fourth, to brothers, sisters and adult sons and daughters of United States citizens, and other quota immigrants (unused portions of quotas for the first three preference groups above). All races are eligible for immigration and naturalization.

Non-quota Immigration. The Act broadened provisions of prior laws to admit spouses or children of United States citizens, as well as natives of

independent countries of the Western Hemisphere, and others into the United States on a non-quota basis. Since 1952 non-quota immigration each year has been more than twice that of quota immigration.

Aliens Excluded. The Act excludes from immigration incurables (including feeble-minded, insane, drug addicts), those with contagious diseases, alcoholics, beggars, vagrants, prostitutes, procurers, criminals, the illiterate, anarchists, members of the Communist Party or any other totalitarian party, subversives, those likely to become public charges, and those who seek to enter the United States by fraudulent means, or who have been deported,

Nonimmigrants. These are aliens who enter the United States temporarily, and include foreign government officials, students, businessmen on business, the foreign press, and others. Admission of nonimmigrants has been tripled under the 1952 Act.

Deportation. Aliens can be deported for violation of the terms of their conditional entry into the United States, for fraudulent entry, for committing crimes in the United States, for becoming a public charge, for engaging in subversive activities. The number of deportations has declined in recent years.

The McCarran-Walter Immigration and Nationality Act of 1952 was enacted by a Democratic Congress over the veto of President Harry S. Truman, who opposed immigration restriction for political reasons.

In supporting the Act against critics in 1950 and 1952, Senator Patrick A. McCarran said: "The solution of the problems of Europe and Asia will not come through a transplanting of those problems en masse to the United States. A solution remains possible only if America is maintained strong and free; only if our institutions, our way of life, are preserved by those who are part and parcel of that way of life . . . If enemies of this legislation succeed in riddling it to pieces, or in amending it beyond recognition, they will have contributed more to promote this nation's downfall than any other group since we achieved our independence as a nation."

The Story of Immigration: TOMORROW?



NEW ANTI-McCARRAN-WALTER BILLS

Those who ignore reality and favor political expediency are now backing two kinds of bills which would destroy America's immigration laws with their basis in the national origins quota system.

The so-called Hart Bill (S. 747), introduced by Senator Philip Hart, Mich., in the 88th Congress, would distribute quotas to countries based on the relation of the size of their populations to world population, or on recent immigration to the United States as shown in the last census.

This measure would increase immigration from the total of 306,260 in 1963 to an estimated 1,000,000 a year. Further, it would discriminate in favor of immigration from the most populous and socially and economically deprived countries and areas, such as Africa, India and China.

The so-called Kennedy-Johnson Bill (S. 1932—H. R. 7700), introduced by Senator Hart, Michigan, and Rep. Emanuel Celler, New York, at the request of the late President John F. Kennedy, would place admittance of immigrants on a first-come, first-served basis. It would discriminate in favor of those who are most aggressive in trying to enter the United States, and those best able to have political pressures applied inside the United States to gain them favored places in the waiting line. If enacted into law, the Kennedy-Johnson Bill would:

- 1) Abolish the national origins quota system of selecting immigrants.

- 2) Base the admission of immigrants of Asian ancestry not on ancestry, as it is now, but upon place of birth. Chinese born in an independent

country of the Western Hemisphere would enter the United States on a nonquota basis without restriction on numbers.

- 3) Extend nonquota status to Islands such as Tobago, Trinidad and Jamaica, and increase the number of refugees the United States could admit as its "fair share" in sheltering the world's refugees.

- 4) Quotas, instead of being set by law as at present, would be determined by a politically appointed seven-man Immigration Advisory Board.

Total immigration under this measure would be increased severalfold by an increase in annual quotas to 165,000, by extension of nonquota immigration to additional peoples and nations and by the requirement that all quotas be used.

Countries with the greatest population pressures, and with the greatest economic and political troubles would furnish the bulk of the immigrants, thus passing their problems along to us. Under this pressure, the United States could become the foster home for millions seeking escape from Asian poverty.

In the name of ending discrimination in immigration, the pending bills would discriminate against the interests of virtually all present American citizens, and permanent resident aliens.

The Kennedy-Johnson Bill's first-come, first-served formula would change immigration from an alien privilege and make it an alien right.



The Story of Immigration: TOMORROW?



IMPACT UPON YOUR JOB, YOUR SOCIETY AND YOUR FREEDOM

The way to judge an immigration law or regulation is to consider its effect upon the United States; its effect upon your job, your society and your freedom. Ask yourself . . .

If a vastly increased tide of immigrants—with dominant percentages from Asia and Africa—flows into the United States, . . . whose tax money will educate them to the American principles of government and economics?

. . . who will support them until they learn our language and find jobs?

. . . who will make room for them so that they will have a place to live?

. . . whose jobs will they take?

These questions are harsh, but realistic.

The vast, empty, undeveloped land discovered by Christopher Columbus has filled up. The country which needed manpower in the 1880's now has a manpower surplus.

We have more workers than we have jobs. The late President John F. Kennedy stated on March 23, 1963 that we had 5,000,000 unemployed, 14,000,000 working part-time, and 2,000,000 being displaced each year by advancing technology and automation.

President Kennedy warned that if our economy did not grow faster, we faced chronic troubles "characterized by the economic waste and the human tragedy of unemployment, by higher welfare payments and weaker consumer markets, by recurrent problems of crime and delinquency and unstable labor relations."

Such conditions already can be seen where people now are pouring into the United States

from nonquota areas. Forty thousand Puerto Rican migrants coming into New York City each year depress wages, increase crime rates, complicate already complex health and education problems, and cost New York's taxpayers \$35,000,000 a year in welfare costs. Over 55,000 Mexican immigrants annually are establishing a Spanish culture in the American Southwest and are adding to racial discord, social and economic distress there.

Today, the United States also faces decades of severe dislocations as a result of the movement to integrate 20,000,000 Negroes.

A "War Against Poverty" already occupies us with the population now within our borders. Last year the Federal Government spent over 4 billion dollars for our own poor—in addition to billions provided by state and local governments and by private charity.

Nor do we need more population. United States population has exploded upwards from 2,500,000 in 1776 to an estimated 196,000,000 by the end of 1964. At present rates of growth it will reach 372,000,000 by the year 2,000.

These are the realities which are ignored by those who seek to undermine and destroy the McCarran-Walter Immigration and Nationality Act of 1952, to increase the inflow of immigrants from 300,000 to an estimated 1,000,000 a year, and to create a disproportionately greater immigration into the United States of peoples from Asia and Africa who, history shows, will have the greatest difficulties in becoming assimilated into American life.

Of course, Americans want to extend a helping hand to others in trouble. But cool heads note—

World population, now around 3 billions, will reach 6 billions in 35 years. There are 35 million more Asians a year. Latin Americans, who now number about 200 million, will increase to an estimated 600 million in 45 years. They can enter the United States on a non-quota basis.

How many can the United States accept without being swamped? How many of the world's poor and huddled masses, can we now take in and yet survive as a free people in a free society?

April 22, 1965

Immigration Meeting

Jacob Clayman (Industrial Union, AFL-CIO)
James Hamilton (National Council of Churches)
Jack Sheehan (United Steel Workers of America)
John McCarthy (National Catholic Welfare Conference)
Mike Maysaoka (Japanese American Citizens League)
Harry Rosenfeld (National Community Advisory Committee)

DO YOU WANT THE CONFERENCE ROOM?

Nancy

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

EXECUTIVE (2)

LE/IM
McCormack, John

May 4, 1965

FOR THE PRESIDENT

From: Larry O'Brien

The Speaker reports that Mike Feighan assures him he will move full-steam ahead on Immigration as soon as the Judiciary Committee completes Civil Rights.

RECEIVED
MAY 6 1965
CENTRAL FILE

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

EXECUTIVE

LE/IM

PRR-1/F

May 6, 1965

MR. PRESIDENT:

Chairman Mike Feighan called. He said that in his last conversation with you you indicated that a meeting with Feighan might be possible and that you were going to have some other people in the meeting also. He said he was available to meet with you at any time and said: "I think we are going to have a good immigration bill -- one that the President would like."

Do you want me to set up this meeting with Feighan?

Yes



No

Jack Valenti

Department of Justice

Washington

MAY 7 1965

MEMORANDUM FOR THE PRESIDENT

Re: Appointment with Congressman &
Michael A. Feighan -- Status of
the Immigration Bill in the House

As you know, the Administration's immigration bill (H.R. 2580) is pending before Subcommittee No. 1 of the House Judiciary Committee. Mr. Feighan is, of course, Chairman of the Subcommittee.

Extensive hearings have already been held by the Subcommittee earlier this year. Witnesses included the Secretaries of State and Labor and the Attorney General. Extensive hearings were also held last year on similar legislation.

The immigration hearings have been stalled for the last few weeks because of the pendency of proposed voting rights legislation before the full Committee. I understand that Mr. Feighan intends to resume hearings next Wednesday with witnesses from private groups. According to Dr. O'Connor of Mr. Feighan's staff, the Subcommittee may call one more witness from the Executive branch (an expert on refugee problems) but apart from that possibility

considers that the hearings are completed so far as Executive witnesses are concerned. Mr. Feighan has told me several times that he wants to complete the hearings as soon as possible.

Over the last few weeks I have engaged in extensive discussions with Mr. Feighan and his staff looking toward the development of a bill that could be agreed upon by him and the Administration. Although these discussions have touched upon a number of points, I believe there is only one issue between us that could block agreement.

Mr. Feighan would agree to abolish the national origins system, as the Administration bill does. Also, with a number of variations in detail that I believe can readily be worked out, he would agree to a new system similar to that proposed by the Administration bill. That system, as you will recall, is first-come, first-served within preference categories that give priority to relatives of American families and to persons with needed skills. The problem is that Mr. Feighan would like to have the system operate worldwide, applying alike

to the Western Hemisphere as well as the rest of the world. The Administration bill, of course, would apply only to "quota" immigration and would leave undisturbed the non-quota status of independent countries in the Western Hemisphere.

In the hearings, the Administration witnesses opposed the imposition of numerical limitations on immigration from countries in the Western Hemisphere because (1) it would disturb our relations with Latin America at a very bad time, and (2) it is unnecessary because existing restrictions on non-quota immigration, while they do not impose a numerical ceiling, do in fact control immigration quite satisfactorily and prevent the entry of people who would burden this country in any way.

Mr. Feighan argued in the hearings that giving non-quota status to people from the Western Hemisphere was discrimination based on place of birth, and was inconsistent with our rationale for opposing the national origins quota system. Our witnesses replied that any discrimination involved was based on foreign policy, had nothing to do with race, religion or ethnic origin, and

was therefore not an objectionable kind of discrimination any more than discrimination in favor of relatives or skilled people.

In our confidential discussions with Mr. Feighan in recent weeks, we have advised him that the furthest we could go to meet him on this issue is to accept a one-line amendment that would impose a fixed numerical limit on immigration of all kinds from every part of the world, quota or non-quota. This would put a numerical lid on immigration from the Western Hemisphere, but it would do so in the least offensive way possible. Thus, the amendment would not appear to be aimed primarily at the Western Hemisphere countries, and would not require us to devise a legal formula that would fix numerical limits for particular countries in the Western Hemisphere.

Mr. Feighan would, of course, prefer a worldwide system. We have told him that while such a system might conceivably get Administration approval at some future time, the job of devising a workable system covering the Western Hemisphere involves many complexities, and any attempt to devise one would almost certainly prevent

enactment of a bill this year, contrary to your strong determination. Part of the problem is that, because the Western Hemisphere has always been non-quota, we do not have the statistics needed to determine how various systems would affect various countries, particularly Canada and Mexico. Therefore, we have said, while we will be glad to work with him next year to explore the feasibility of a worldwide system, we must oppose any idea of changing the Administration bill to build the Western Hemisphere into a system like that proposed for the rest of the world.

Mr. Feighan appears to be looking for a way to justify a vote to abolish the national origins system. The justification has to make sense to the traditional supporters of the national origins system (veterans groups, patriotic societies, conservative nationality groups, etc.), whom Mr. Feighan regards as his constituency. He wants to be able to say that in return for scrapping the national origins system -- which never really worked anyway -- he has gotten a system that for the first time in our history puts a limit on all immigration, not just immigration from "quota" areas. Ideally,

he would like to have the bill establish a worldwide system covering Western Hemisphere countries, but I think he will settle for a worldwide numerical ceiling together with the prospect of holding hearings next year on immigration from the Western Hemisphere.

We have discussed the number that might be fixed as the worldwide ceiling, and Mr. Feighan suggests that he might agree to 325,000 at the most. This is not enough, at least for the Subcommittee level. We need at least 350,000 (if the figure is a gross one) or, say, 300,000 not counting spouses, children and parents of American citizens.

If we should be unable to reach agreement with Mr. Feighan, it would appear that we would nevertheless have the votes needed to get the bill out of committee. We estimate that there are five votes on the Subcommittee for the Administration bill (Messrs. Rodino, Donohue, Brooks, Gilbert, McGregor), with three possible negative votes (Messrs. Feighan, Chelf, Moore). There are those who question the need for and value of an agreement with

Mr. Feighan. the other has been much more
cooperative in the last few months, to me to be
sincerely requesting for a basis for agreement. The Attorney
General has suggested that I emphasize, however, that in
our view no further concessions are warranted.

W. A. Schiefel

W. A. Schiefel
Assistant Attorney General
Department of Legal Counsel

THE WHITE HOUSE
WASHINGTON

May 7, 1965

LE/IM
IM
PR 8-1/F*
FG/35

MR. PRESIDENT:

Michael A. The issue that is the central point in discussions with Congressman Feighan, looking toward agreement on an immigration bill, is whether the new system established by the bill should cover the Western Hemisphere. Feighan would like to establish a world-wide system. Our bill would leave the Western Hemisphere outside the quota system - as it now is.

We have told Feighan that the farthestest we could go toward meeting him on this point is to accept a simple amendment that would impose a numerical limitation on all immigration from anywhere in the world. He has not yet accepted this but we think he will if pressed. Mr. Feighan has suggested 325 thousand as the maximum number he could agree to, but we feel that number is inadequate; we need 350 thousand or some lesser number that would not count some category of immigrants (such as spouses and children of U.S. citizens).

We do not believe further concessions to Mr. Feighan are warranted because there are adequate votes to get the bill out of committee without significant change.

We have opposed imposition of a numerical limit on immigration from the Western Hemisphere because:

- (1) It would cause foreign relations problems and
- (2) It is not really necessary because existing restrictions on non-quota immigration in reality control immigration from the Western Hemisphere adequately.

Existing law requires prospective immigrants to establish that they will not become public charges if permitted to enter the United States... and the Secretary of Labor may exclude anyone whose entry would

2.

adversely affect American working conditions. There are a great many restrictions having to do with health, security, ect. Taken together, these restrictions can be so administered as to keep immigration from the Western Hemisphere at almost any desired level.

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

THE WHITE HOUSE
WASHINGTON

May 8, 1965

MR. PRESIDENT:

About the Immigration Bill and Chairman Feighan's compromise proposal:

Recommendation: That we do not accept Feighan's proposal. (Which was:
To impose a world-wide numerical ceiling on all immigration and
eliminate non-quota countries in Latin America).

According to Secretary Rusk, if we go along with Feighan we will vex and dumfound our Latin America friends, who will now be sure we are in final retreat from Pan Americanism. The immigration project, on top of Santo Domingo, will be, in the opinion of Rusk too much too quick for them to take.

Rusk has a counter-suggestion: We add one line to the bill which says "In the event total immigration goes beyond 350,000 annually, the President is requested to make recommendations to the Congress."

What this will do is keep non-quota status for Latin America -- but allow Feighan to tell his right-wing friends that the Congress and the President will act if immigration looks like it is getting out of hand.

Feighan will probably not accept this -- because it is looser in its restrictions than the world-wide numerical ceiling and the abolition of non-quota countries.

Next action: Let us go back to Feighan -- see if we can get him to accept the one-line amendment.

If we cannot --

then

yes — We should determine whether it is in our best interests in Latin America --
no — at this time -- to forego immediate passage of the Immigration bill. Let
us wait until Santo Domingo is behind us and look again at the Feighan proposal.

or

yes — Fight Feighan in the sub-committee, in the full committee and on the
no — floor. Without a hard nose-count, this is only tentative, but we could probably win.

Jack Valenti

extra
NAS:RLS/jcc

cc: Mr. Schlei
Mrs. Copeland
Mr. Saloschin
Files

MAY 7 1965

Hon. Edward M. Kennedy
United States Senate
Washington, D. C.

Dear Senator Kennedy:

This is in response to the several requests for additional information that were made during the testimony of the Attorney General at the February 10, 1965 hearing, at which you presided, of the Subcommittee on Immigration and Naturalization of the Senate Judiciary Committee on S. 500, the Administration's immigration bill.

With respect to your request for the number of persons, by countries, who have entered the United States as nonquota immigrants from the Western Hemisphere (typewritten transcript p. 45), there is enclosed as Attachment A a tabulation entitled "Nonquota Immigrants Admitted from Independent Western Hemisphere Countries, By Country of Birth" covering the past forty years, the period during which the law has divided immigration into quota and nonquota, with the Western Hemisphere in the latter category. The tabulation shows a total of 2,394,124 such immigrants during these 40 years, over a million of them from Canada, which is by far the largest source of Western Hemisphere immigration.

In response to the requests of Senator Ervin and yourself for the number of relatives (parents, children, brothers and sisters) whose admission to the United States to join their families is delayed by the quota system (Tr. p. 55), there are enclosed as Attachment B three charts, prepared for us by the Visa Office of the State Department, entitled respectively, "Parents and Unmarried Sons and Daughters of U. S. Citizens (Second Preference) Registered on Oversubscribed Quotas as of July 1, 1964"; "Spouses and Unmarried Sons and Daughters of Lawful Permanent Resident Aliens (Third Preference) Registered on Oversubscribed Quotas as of July 1, 1964"; and "Brothers, Sisters, and Married Sons

and Daughters of U. S. Citizens and Their Spouses and Children (Fourth Preference) Registered on Oversubscribed Quotas as of July 1, 1964."

In response to the request of Senator Javits for the number of Germans who have immigrated to this country in each of the past five years under the German quota (Tr. p. 70), the following data from page 31 of the 1964 Annual Report of the Immigration and Naturalization Service is submitted:

<u>Fiscal Year</u>	<u>Quota Immigrants Admitted From Germany</u>
1960	25,859
1961	24,273
1962	22,911
1963	26,533
1964	23,997

In response to the request of Senator Javits for an analysis of the factual basis for the five-year phase out of the national origins system (Tr. p. 72), the fundamental reason lies in the great disparities which now exist between countries whose quotas are undersubscribed or are adequate to the demand, and countries with heavily oversubscribed quotas. Countries in the first category have no waiting lists while those in the second category have long waiting lists. Such disparities are significant because, among eligible quota immigrants with equal preference claims, visas will be issued under the system embodied in the bill on a first-come, first-served basis, regardless of birth-place. Therefore, if there were an immediate shift to the new system, immigration from the first category of countries would be severely curtailed because of the visa priorities of applicants in oversubscribed nations who established their priority by having gotten on visa waiting lists years ago. Thus, as shown on page 1 of Attachment C hereto, quota immigration from the United Kingdom would be cut by more than half, from 31,739 to 15,361; from Germany by well over half, from 23,997 to 9,796; from Ireland by more than two-thirds, from 6,134 to 1,699; by well over half from Belgium and Switzerland; and by roughly

a statute of limitations against deportations (Tr. pp. 77-78), attention is invited to the remedies now provided in the Immigration and Nationality Act against deportation based on events which occurred years previously. Section 244 of the Act, as amended by sec. 4 of the Act of October 24, 1962 (76 Stat. 1247), provides in general that the deportation of an alien may be suspended in the discretion of the Attorney General if the alien has been physically present in the United States for seven years or, in case of deportation proceedings based on certain serious offenses, for ten years, so long as the alien seeking suspension proves he has been of good moral character during such seven or ten year period, and the Attorney General finds that hardships of the kinds set forth in the section would result from deportation. In contrast, a statute of limitations on deportation would, whatever else it might do, give the aliens involved protection against deportation as of right, rather than in the Attorney General's discretion. Under present suspension-of-deportation procedures, the matter of subsequent good conduct is for the alien to prove, not for the government to disprove. In addition, there are questions, not free from difficulty, in fixing an appropriate period or periods of limitation. These questions include (a) how much longer periods should be fixed in a statute of limitations against deportation than are fixed for becoming eligible to apply for a discretionary suspension of deportation under present law, and (b) what differences in periods of limitation should be prescribed in the light of variations in the seriousness of the several grounds for deportation? As Attorney General Katzenbach suggested in discussing this matter, it would be preferable for the Department to consider the question in the course of its review of Senator Javits' bill, S. 1093, which deals with this matter.

In response to the request of Senator Javits for comments on the creation of a Board of Visa Appeals within the Department of State (Tr. pp. 75-76, 79), we would refer you to the testimony of the Secretary of State on this subject on February 24, 1965, in response to questions directed to him by you and Senator Javits (see Tr. 105, 157).

In response to the request of Senator Javits for comments on judicial review of exclusion orders (Tr. pp. 74, 79), the present Act does contain several provisions for judicial challenge of exclusion orders. Under section 106 of the Act, an alien denied admission to the United States may obtain judicial review of the exclusion order in habeas corpus proceedings if the alien is located at a port of entry in the United States while seeking review of the order. Under section 360 of the Act, a person located in a foreign country who claims to be a United States national can obtain a certificate entitling him to come to a United States port of entry and apply for admission, and he can obtain judicial review by habeas corpus if admission is then denied. We believe that these provisions for review are adequate in exclusion cases. Moreover, the Supreme Court has held that judicial review proceedings under section 10 of the Administrative Procedure Act (5 U.S.C. 1009) and under the Declaratory Judgment Act (28 U.S.C. 2201, 2202) are available to a person abroad who, without seeking to come to a United States port of entry, attempts to challenge the government's rejection of his claim of United States citizenship. Rusk v. Cort, 369 U.S. 367 (1962). In our judgment, to provide additional methods of judicial review of exclusion orders generally would open the door to dilatory and repetitive litigation, as was experienced before enactment of the present sections 106 and 360 of the Act, and would not seem desirable.

I expect within a short time to send you the information requested of me when I testified before the subcommittee on March 5, 1965.

Sincerely,

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

Attachments

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, D. C. - FEBRUARY 26, 1965

NONQUOTA IMMIGRANTS ADMITTED FROM INDEPENDENT
WESTERN COUNTRIES, BY COUNTRY OR BIRTH:
YEARS ENDED JUNE 30, 1925 THROUGH JUNE 30, 1964 1/

Country of birth	Total Admitted
All Nonquota countries	<u>2,394,124</u>
North America	2,212,642
Canada (inc. Newfoundland)	1,049,381
Mexico	831,910
West Indies	<u>226,543</u>
Cuba	171,501
Dominican Republic	42,776
Haiti	12,266
Central America	<u>104,808</u>
Canal Zone	2,761
Costa Rica	14,396
El Salvador	17,545
Guatemala	11,079
Honduras	14,590
Nicaragua	20,085
Panama	24,352
South America	<u>181,482</u>
Argentina	35,487
Bolivia	5,453
Brazil	23,801
Chile	11,776
Colombia	46,710
Ecuador	24,493
Paraguay	1,033
Peru	18,776
Uruguay	2,262
Venezuela	11,691

1/ This 40 year period is the period during which the present statutory division of immigration into quota and nonquota (with immigration from independent countries of the Western Hemisphere generally classed as nonquota) has been in effect.

PARENTS AND UNMARRIED SONS AND DAUGHTERS OF U. S. CITIZENS
(SECOND PREFERENCE) REGISTERED ON OVERSUBSCRIBED QUOTAS AS
OF JULY 1, 1964.*

<u>Country</u>	<u>Parents</u>	<u>Sons & Daughters</u>	<u>TOTAL</u>
Asia-Pacific	47	5	52
Chinese	1170	130	1300
Greece	789	87	876
India	26	3	29
Iran	35	4	39
Iraq	22	3	25
Jamaica	208	23	231
Japan	142	16	158
Korea	44	5	49
Lebanon	10	1	11
Palestine (Arab)	20	2	22
Philippines	554	61	615
Portugal	150	16	166
Spain	78	9	87
Trinidad	2	-	2
Turkey	287	31	318
U.A.R.	6	1	7
TOTAL	<u>3,590</u>	<u>397</u> Grand Total	<u>3,987</u>

*The grand total represents actual registration. The breakdown between parents and unmarried sons and daughters is an estimate based upon actual issuances during the past year. Issuance statistics but not registration statistics distinguish between parents and children.

SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT
RESIDENT ALIENS (THIRD PREFERENCE) REGISTERED ON OVERSUBSCRIBED
QUOTAS AS OF JULY 1, 1964*

<u>Country</u>	<u>Spouses</u>	<u>Unmarried sons & daughters</u>	<u>TOTAL</u>
Asia-Pacific	20	48	68
Australia	4	10	14
Chinese	172	402	574
Barbados	22	51	73
Br. Guiana	7	15	22
Br. Honduras	11	25	36
Grenada	4	9	13
Greece	208	485	693
India	31	71	102
Iran	14	34	48
Iraq	22	52	74
Israel	21	50	71
Italy	1,417	3,305	4,722
Jamaica	55	127	182
Japan	32	75	107
Korea	21	49	70
Lebanon	9	21	30
Pakistan	4	10	14
Palestine (Arab)	32	73	105
Philippines	227	529	756
Portugal	259	603	862
Spain	23	56	79
Trinidad	26	59	85
Turkey	14	33	47
U.A.R.	8	18	26
TOTAL	2,663	6,210	8,873
		Grand Total	

*The grand total represents actual registration. The breakdown between spouses and children is an estimate based upon actual issuances during the past year. Issuance statistics but not registration statistics distinguish between spouses and children.

BROTHERS, SISTERS, AND MARRIED SONS AND DAUGHTERS OF U. S.
CITIZENS AND THEIR SPOUSES AND CHILDREN (FOURTH PREFERENCE)
REGISTERED ON OVERSUBSCRIBED QUOTAS AS OF JULY 1, 1964.*

<u>Country</u>	<u>Brothers, Sisters, Married Sons,</u> <u>their Spouses &</u> <u>Children</u>	<u>Daughters, their</u> <u>Spouses & Children</u>	<u>TOTAL</u>
Albania	40	4	44
Asia Pacific	2,214	246	2,460
Australia	251	28	279
Bulgaria	28	3	31
Burma	51	6	57
China	122	13	135
Chinese Persons	4,937	548	5,485
Cyprus	315	35	350
Antigua	49	5	54
Barbados	433	48	481
Br. Guiana	419	47	466
Br. Honduras	88	10	98
Cayman Islands	174	19	193
Grenada	85	9	94
Malta	394	44	63
St. Christopher	57	6	63
St. Vincent	32	3	35
Greece	7,797	866	8,663
Hungary	556	62	618
India	257	28	285
Indonesia	22	2	24
Iran	184	20	204
Iraq	808	90	898
Israel	222	25	247
Italy	103,245	11,472	114,717
Jamaica	1,263	140	1,403
Japan	403	45	448
Jordan	91	10	101
Korea	195	22	217
Lebanon	209	23	232
Libya	32	3	35
Morocco	221	24	245
New Zealand	7	1	8

Pacific Islands	3	-	3
Pakistan	44	5	49
Palestine (Arab)	522	58	580
Philippines	2,576	286	2,862
Poland	6,919	769	7,688
Portugal	6,832	759	7,591
Rumania	670	74	744
So. Africa	34	4	38
Spain	858	95	953
Syria	153	17	170
Trinidad	269	30	299
Tunisia	117	13	130
Turkey	594	66	660
U.A.R.	465	52	517
Yugoslavia	2,172	241	2,413
TOTAL	49,134	114,671	163,805

*The grand total represents actual registration. The breakdown between brothers and sisters and married sons and daughters is an estimate based upon actual issuances during the past two years. Issuance statistics but not registration statistics distinguish between brothers and sisters and married sons and daughters.

Countries that would be adversely affected by an immediate elimination of the national origins system, with drop in immigration for each.

<u>Country</u>	<u>Quota Immigrants Admitted, F.Y. 1964</u>	<u>Estimated Quota Admissions After Immediate Transition</u>	<u>Decrease</u>
Austria	1,271	1,097	174
Belgium	1,022	396	626
Czechoslovakia	1,823	868	955
Germany	23,997	9,796	14,201
United Kingdom	31,759	15,361	16,398
Eire	6,134	1,699	4,435
Netherlands	2,828	2,255	573
Norway	2,219	653	1,566
Sweden	2,160	831	1,329
Switzerland	1,681	949	732
U.S.S.R.	<u>2,564</u>	<u>1,783</u>	<u>781</u>
Totals	77,458	35,688	41,770

Note:

The statistics in the first column are from p. 31 of the 1964 Report of the Immigration & Naturalization Service. The estimates in the second column are from p. 2 of this attachment. The third column represents the first column less the second column.

Attachment C, p. 2

ESTIMATED NUMBER OF QUOTA IMMIGRANT ADMISSIONS UNDER PROPOSALS THAT ELIMINATE
NATIONAL ORIGINS QUOTAS AT ONCE 1/

Country	Total	First preference	Second and third preference	Total fourth preference	Fourth preference	Subsidiary fourth preference	Non-preference
All countries	166,000	27,610	20,064	51,397	45,126	6,271	66,929
Europe	127,183	22,946	16,210	41,892	36,206	5,686	46,135
Austria	1,097	266	242	196	110	86	393
Belgium	396	290	37	69	34	35	-
Czechoslovakia	868	404	209	255	170	85	-
Denmark	1,090	420	207	168	107	61	295
Finland	747	52	171	131	97	34	393
France	3,389	677	920	711	613	98	1,081
Germany	9,796	3,274	3,159	3,363	2,412	951	-
Greece	16,600	188	1,609	7,621	7,402	219	7,182
Hungary	2,575	322	252	674	556	113	1,327
Ireland	1,699	984	232	483	151	332	-
Italy	16,600	3,450	3,927	5,592	4,612	980	3,631
Netherlands	2,255	584	382	404	282	116	885
Norway	653	512	22	119	5	114	-
Poland	16,600	544	1,254	7,845	7,401	444	6,957
Portugal	15,776	96	822	6,795	6,739	56	8,063
Rumania	2,333	236	35	686	599	87	1,376
Spain	3,366	186	151	964	894	70	2,065
Sweden	831	704	55	72	32	40	-
Switzerland	949	318	122	116	63	53	393
Turkey (Europe and Asia)	3,607	228	336	732	693	39	2,311
United Kingdom 2/	15,361	8,801	1,521	1,843	659	1,184	3,196
U.S.S.R. (Europe and Asia)	1,783	48	144	313	186	127	1,278
Yugoslavia	7,340	226	237	2,554	2,317	237	4,523
Other Europe	1,272	136	164	186	66	120	786
Asia	27,453	2,833	2,838	6,592	6,356	236	15,190
China	3,413	1,422	205	611	529	82	1,180
Iraq	1,513	36	131	658	650	8	688
India	2,534	128	84	208	201	7	2,114
Indonesia	849	32	50	30	23	7	737
Iran	1,724	94	152	52	35	17	1,426
Israel	2,646	92	100	242	217	25	2,212
Japan	1,416	204	216	406	400	6	590
Jordan	657	16	70	79	73	6	492
Korea	472	106	87	132	130	2	147
Lebanon	999	74	15	320	305	15	590
Philippines	5,297	325	1,277	2,712	2,690	22	983
Arab Palestine	1,814	56	67	511	507	4	1,180
Syrian Arab Republic	1,041	56	98	199	188	11	688
Other Asia	3,073	192	286	432	408	24	2,163
North America	5,267	1,231	620	1,518	1,254	264	1,868
Jamaica	3,630	605	514	1,085	977	108	1,426
Trinidad and Tobago	1,637	646	116	433	277	156	442
Africa	4,339	290	157	1,139	1,073	66	2,753
Algeria	11	1	1	9	1	8	-
Morocco	1,080	24	15	402	394	8	639
South Africa	684	128	32	32	28	4	492
Tunisia	507	4	30	178	171	7	295
United Arab Republic (Egypt)	1,843	112	31	471	453	18	1,229
Other Africa	214	21	48	47	26	21	98
Oceania	1,758	290	227	256	237	19	983
Australia	1,104	162	44	210	206	4	688
New Zealand	403	126	18	13	7	6	246
Other Oceania	251	2	167	33	24	9	49

- 1/ This table assumes a 10% limit by country and does not include parents of U. S. citizens.
- 2/ Includes colonies and dependencies of Great Britain and Northern Ireland.
- Immigration and Naturalization Service, United States Department of Justice

NOTES ON ESTIMATES FOR DISTRIBUTION OF QUOTA OF 166,000 TO BE
PLACED IN EFFECT WITHOUT A TRANSITION PERIODI. Basic Considerations

The table that is attached is prepared on the assumption that the quota of 166,000 proposed in the administration bills would go into effect without the transition period provided in the bills.

1. Visas will be allotted within the preferences provided in chronological order of registration, without regard to quota areas.
2. The maximum visas issued to any one country will be 16,600.
3. The estimates indicate that all oversubscriptions and current demand in the first, second and third preferences could be met during the first year, and that all fourth preference oversubscription and current demand could be satisfied except for demand for quota fourth preference numbers from Italy. This implies that petitions for preferences, and visa issuances can be processed within a period of approximately two months. Thus the early lag in petitioning the first year could be overcome in the last two months of the year when the 10 percent limit on issuances per month no longer applies.

II. Quota Estimates

1. First preference. Oversubscriptions plus current demand were used. For those quota countries that now do not have pending registrations, because there has been no need for them, quotas were estimated on the basis of occupational classifications. An allowance of 1.25 spouses and children per principal applicant was used.
2. Second and Third Preference. After the oversubscriptions were satisfied quota countries with no prior registrations were adjusted by increasing the numbers in these classes as they had been worked out for the administration proposals.
3. Fourth Preference Relatives. The sum of the first three preferences was subtracted from 166,000 to obtain a top limit for fourth preference. All oversubscriptions could be satisfied except for Italy.
4. Fourth preference subsidiary occupations. Using the general occupation tables, a sixth of the craftsmen and 10 percent of the operatives and clerical workers were estimated to be eligible for the subsidiary fourth. About 80% of the number of principal applicants was allotted for the accompanying spouses and children. This percentage may be too high since it may be advantageous to the fourth preference subsidiary alien to enter fourth preference, and then bring his spouse and child in under the more readily available third preference later.
5. Nonpreference. All nonpreference visas would be used for quotas presently oversubscribed. A percentage distribution by country was made after deductions from the total for countries which would receive the maximum numbers.

Handwritten: JMS
copy furnished to Hines (State)
Hannery (DMS)
Wilder (Labor)

NAS:RLS:LU:sgc

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MAY 14 1965

Files

DAG

Mr. Schlei

Mrs. Copeland

✓ Mr. Saloschin ✓

Honorable Edward M. Kennedy
United States Senate
Washington, D. C. 20510

Handwritten: 5/14

Dear Senator Kennedy:

This is in response to the several requests for additional information that were made in the course of my testimony during the March 5, 1965 hearing, at which you presided, of the Subcommittee on Immigration and Naturalization of the Senate Judiciary Committee on S. 500, the Administration's immigration bill.

You asked whether the provision of section 3 for the inclusion in the quota pool of quota numbers unused in the previous fiscal year could result in quota immigration that exceeds the intended annual ceiling of 166,000 (typewritten transcript, pp. 501-503). Upon giving this matter further consideration I have concluded that this cannot occur. Enclosed as Attachment A is a memorandum setting forth the basis for this conclusion.

With respect to your request for an analysis of the countries which would be adversely affected if the abolition of the national origins quota system were not to take place gradually over a five-year period (Tr., p. 509), I would refer you to Attachment C transmitted with my letter to you of May 7, 1965, in connection with the Attorney General's testimony. This is a tabulation showing the countries that would be so affected and the extent of the curtailment of their immigration.

In response to Senator Ervin's request for a list of Eastern Hemisphere countries whose quotas are oversubscribed as well as those whose quotas are undersubscribed (Tr., p. 510), enclosed as Attachment B is a list of oversubscribed countries showing the extent of the oversubscription of each and a list of undersubscribed countries.

With respect to my statement that the State Department and the Immigration and Naturalization Service would be asked if they concur in my suggestion for revised language in section 8 of the bill designed to preclude an inadvertent grant of nonquota immigrant status to aliens to whom a child is born while in the United States on a tourist visa (Tr., pp. 518-519), both the State Department and the Immigration and Naturalization Service have indicated that the revised language I suggested is acceptable.

In connection with your request and that of Senator Ervin for clarifying language to make certain that the provision in section 3 of the bill for the inclusion of unused quota numbers in the quota pool created by that section could not operate to increase total quota immigration beyond approximately 166,000 a year, particularly in the first year (Tr., p. 585), the following changes might be made in sections 3 and 4 of the bill:

In section 3, amend the first proviso of subsection (f) to read as follows:

"Provided, however, that the combined number of quota numbers made available in any year under the provisions of this subsection and subsection (a) of this section shall not exceed the maximum specified in subsection (c) (1) of this section and shall not, in the case of any one quota area, exceed 10 per centum of such maximum:

In section 4, amend subsection (c) from its beginning through the arabic numeral 2 (p. 5, lines 4 through 7) 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 of all national quotas in effect on the date of enactment of subsection (f) of this section, and (2)"

The foregoing language is consistent with the interpretation set forth in Attachment A.

With reference to your request for information as to the increase in, and total number of, immigrants to be expected in the first year of operation under S. 500 and the places they will come from (Tr., p. 602), you will note that Attachment C hereto, pages 1 and 2, shows by countries a total of 165,761 quota immigrants (including 5,000 refugees) expected in the first year. This compares with 102,844 quota immigrants admitted during fiscal year 1964 (p. 31, 1964 I. & N. S. Report). As for nonquota immigration, which was 189,404 during fiscal year 1964 (p. 24, 1964 I & N. S. Report), the only provisions of the bill affecting such immigration would, it is estimated, result during the first year in the following increases: 5,000 for parents of citizens whom the bill would make nonquota; 6,000 for immigrants born in independent countries of the Western Hemisphere who would become eligible for nonquota status by elimination of the so-called Asia Pacific Triangle; and 7,000 resulting from the inclusion of Jamaica and Trinidad and Tobago among the independent Western Hemisphere countries accorded nonquota status. However, these increases in nonquota immigration are expected to be offset by the elimination of nonquota immigration under special legislation, which has averaged about 21,000 a year during the past five years; it is anticipated that the need for special legislation will be ended by the bill. On this basis it is estimated that total immigration during the first year of operation under S. 500 would be 352,165 (165,761 quota, plus the 189,404 present nonquota, plus an increase of 13,000 in nonquota immigration from the three sources mentioned, less 21,000 special legislation nonquota immigrants).

As to your request for clarification of the provision of section 3 pertaining to unused quota numbers being carried forward from year to year (Tr., p. 605), the memorandum enclosed as Attachment A hereto, along with the suggested changes in sections 3 and 4 set forth above, are together intended to furnish such clarification.

Concerning your request for the total number of immigrants to be expected under S. 500 and the underlying assumptions for

these estimates (Tr., pp. 605-606), your attention is invited to Attachment C, containing year-by-year forecasts for the first five years under the bill (pp. 1-10 of the Attachment), a cumulative forecast covering the first five years of the bill's operation (pp. 11, 12), and an explanation of these estimates (pp. 13-17). To these figures, which represent the quota immigration to which the bill is chiefly addressed, should be added the amount of nonquota immigration mentioned above, which it is assumed will remain unchanged except in the minor respects previously noted.

I believe that the foregoing provides all of the information and material requested of me during the March 5 hearing. In addition, it seems appropriate to include at this time my response to your later request for a suggested amendment to the bill to remove any basis for concern that the changes in the Fair Share Refugee Act proposed by sections 13 and 14 of the bill might substantially increase the number of refugees to be accepted by this country under that Act. Enclosed as Attachment D are suggested amendments of sections 13 and 14 of the bill, together with an explanation of each, designed to preclude any such possibility.

Sincerely,

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

Enclosures

Congress of the United States
House of Representatives
Washington, D. C.

IMMIGRATION AND NATIONALITY
SUBCOMMITTEE

CHAIRMAN:
JOINT COMMITTEE ON IMMIGRATION AND
NATIONALITY POLICY

Basic Provisions of Mr. Feighan's Proposal

Every trace of a system under which eligibility for immigration shall be based upon his place of birth, his race or his nationality is removed immediately. It not only removes discrimination as between nations in Europe, Asia, and Africa which the Administration bill also provides, but it removes discrimination as between continents which the Administration bill perpetuates.

It establishes a fixed ceiling of 325,000 which is an increase of approximately 40,000 annually.

It guarantees that no United States citizen or permanent resident alien need wait a single day to have his wife, his children, or his parents join him or accompany him to the United States.

Improvements on Administration Bill

1. By repealing immediately the national origins quota system rather than a gradual erosion over a five year period as proposed in the Administration bill, administrative chaos which will result by bureaucracy's attempts to operate two diverse systems simultaneously is avoided.
2. Clear cut classes of preferences are established, with fixed percentages. Administration bill does neither.
3. It increases the number of refugees currently authorized for admission or proposed to be authorized for admission under Administration bill. Further, it gives immediate permanent residence to such refugees, thus relieving the stigma of "parole" proposed in the Administration bill.
4. Gives a reserve authority directly to the President without the encumbrances of a Board as proposed in the Administration bill, to take care of:

Basics of Proposal

1. World Wide ceiling of 325,000 per year.
2. Limit of 20,000 per country, except that Husbands, wives and children, plus parents, are not to be counted under the country ceiling.
3. Preferences:
 - (1) Without limit on numbers, to spouses, children and parents of U. S. Citizens
Balance to be allocated by percentage to
 - (2) Members of the professions and scientists and persons with skill and talent in the visual and performing arts.
 - (3) Spouses, children and parents of aliens admitted for permanent residence.
 - (4) Married sons and daughters of U. S. Citizens.
 - (5) Brothers and sisters of U. S. citizens.
 - (6) Persons with skills found by Secretary of Labor to be in short supply.
 - (7) Refugees from Communist tyranny, with proviso that refugees paroled into U. S. can be regularized under this section (Hong Kong)
4. Presidential authority, direct, to use up to 50% of visas not used for above preferences for nationals of countries adversely affected by repeal of national origins quota system and to meet refugee emergencies or national disasters. Estimate is that 60 to 65,000 such visas would be available to President for these purposes.

- a) Preventing a drastic drop in the number of immigrants entering from Great Britain, Germany, and Ireland (and Mexico and Canada).
 - b) Meeting any abnormal refugee situation that may occur such as the Hungarian Freedom Revolution of 1956 and victims of natural calamities such as the special legislation for the Azores disaster.
- 5. Removes discrimination against seamen now in the law.
 - 6. Removes discrimination against right of natives of Western Hemisphere to adjust their status in the United States.
 - 7. Creates what in effect is a statute of limitation against deportation for an alien who is found to be of good character and who came to United States before 1952.
 - 8. The removal of the requirement that an escapee from communism must establish that "physical persecution" will await him upon deportation before he can be given sanctuary in the United States. This provision recognizes that the more subtle, mental, moral, and emotional sanctions imposed upon their captive people by totalitarian regimes are no less a basis for our refusal to return these people to their native lands and to such oppressors.

Items 5, 6, 7, and 8 were not adverted to in the Administration bill.

DEPARTMENT OF STATE
ADMINISTRATOR
Bureau of Security and Consular Affairs

EXECUTIVE (2)

LE/IM

FC 105

May 20, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

Subject: Over-all Ceiling on Immigration

Following notification to the Secretary May 7, 1965, that the President desired the Secretary's view on the proposal of Congressman Feighan that an over-all ceiling, which would include Latin America, be placed on total annual immigration in the President's Immigration Bill (H.R. 2580), the Secretary carefully considered the suggestion and Mr. Abba P. Schwartz, Administrator, Bureau of Security and Consular Affairs, informed the Attorney General's office (Mr. Norbert Schlei) and the White House (Mr. Jack Valenti) of the Secretary's views as follows:

That imposition of an over-all ceiling at this time would compound our problems with our Latin American neighbors, particularly in view of the Dominican situation and forthcoming Inter-American conferences, and that, therefore, the Secretary felt strongly that the Administration should not adopt the Feighan proposal; and that the Secretary felt that the problem, if one exists, raised by Mr. Feighan might satisfactorily be resolved without impairing our foreign policy interests by adding one single line to H.R. 2580 stating that if total immigration from all sources reaches 400,000 in any one year, the President is requested to notify the Congress within 90 (or 60) days, together with such recommendations, if any, as he may have.

For the Secretary of State:

Abba P. Schwartz

Abba P. Schwartz

RECEIVED
MAY 26 1965
CENTRAL FILES

Item 15
NdeEK:NAS:AS

cc: Files
Mr. Schlei
Mrs. Copeland

Honorable Michael A. Feighan
Chairman, Subcommittee No. 1
Committee on the Judiciary
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

Thank you for your letter of May 13, 1965, with which you transmitted in draft form and asked for my comments on certain proposals to amend the Immigration and Nationality Act.

There are a number of matters relating to your proposals, both substantive and technical, on which I should like to have the opportunity to comment in detail, and as to which I hope that we will be able to arrive at a mutually satisfactory solution. There is, however, one issue raised by the proposals which is obviously fundamental and which I should like to raise with you immediately, without awaiting preparation of more detailed comments.

You have proposed that there be established an absolute numerical ceiling upon the number of immigrant visas that may be issued in any fiscal year. Such a change in the law would, in effect, terminate the nonquota status of immigrants from the Western Hemisphere and bring to an end the special relationship in immigration matters which this Nation has had with its sister republics in this hemisphere for the past forty years.

As you know, the Administration has in the past opposed proposals to terminate the nonquota status of immigrants from the Western Hemisphere. In hearings

*but by
messing up
5/27 @ 10 - am
no comment*

before your Subcommittee, the Secretary of State and I each expressed opposition to such a change in the law. We did so on the ground that it would have an adverse impact on our relations with the friendly nations of North and South America, and on the further ground that such a change was unnecessary, in view of the limitations imposed by existing law on all immigration, quota and nonquota alike.

Upon receipt of your letter, I initiated a thorough review of this issue within the Administration in order to ascertain whether a change in policy could be made. The result of this review has been to reinforce the policy previously expressed. It is our view that a change in the immigration laws such as you propose would have extremely adverse effects on our foreign relations and would be particularly inopportune at this time. It is my hope, therefore, that you will see your way clear not to pursue this particular proposal at this time.

We assume that you are not proposing the application to prospective immigrants from the Western Hemisphere of any system of regulation that could be characterized as unfair or discriminatory. It is our view, however, that the adverse effects we anticipate would follow the imposition of any new system of regulation at this time. We also continue to believe that there is no need, as a practical matter, for any such new system.

Our more detailed comments on the proposals you have brought to our attention will follow at an early date.

With kindest personal regards.

Sincerely,

Attorney General

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 21, 1965
Friday - 2:30 p.m.

MR. PRESIDENT:

I've had more talks with ^{Michael} Feighan. He is friendly and for the first time, not intractable. It looks like we might get the Immigration bill out of Committee on Tuesday or Wednesday.

We'll keep hoping -- and trying.

Jack Valenti

Extra

RLS/jcc

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

May 25, 1965

Robert L. Saloschin

Preference Structure of "Selective" Immigration Bill--
Question of "Carry-Up" as well as "Carry-Down" between
preference categories.

At yesterday's meeting Mrs. Eckerson was asked to prepare statistics to show the effect of the above bill if the preference provisions were redrafted to include "carry-down" clauses, so that an unused portion of a given percentage preference class could be added to the percentage prescribed for a lower class.

Attention is invited to the fact that the Act's preference provisions now contain carry-up as well as carry-down provisions. A "carry-up" clause permits an unused percentage to be added to a higher class. See sec. 203(a)(1) and (2) of the Act. The Administration bill would not change the Act in this respect. The "selective" bill would thus be a departure from the Act and the Administration bill unless carry-up as well as carry-down clauses are inserted.

Moreover, the case ^{for} for carry-up clauses may in principle be a bit stronger than the carry-down clauses, since immigrants in higher preference categories are generally supposed to be preferable to those in lower ones. Also, both types of clause tend to encourage preference rather than nonpreference immigration.

Concededly, a preference structure with both carry-up and carry-down features may be somewhat more difficult to administer than one without either, or one with just carry-down, particularly when preferences become internationalized. The overall problem, however, may not be much greater than administering carry-downs alone.

I understand that the addition of a carry-up feature to the assumptions on which Mrs. Eckerson is now working would probably have little effect on her estimates, but this does not mean that carry-up clauses might not be desirable to put into the bill.

RLS draft 5/28/65 ———— Over 17
Incorporating all acceptable
ideas of F's draft in this
bill's framework.

80TH CONGRESS
1ST SESSION

H. R. 2580

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1965

Mr. CEILER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

3 That section 201^[(a)] of the Immigration and Nationality
4 Act (66 Stat. 175, 8 U.S.C. 1151^[(a)]) be amended to read
5 as follows: *(Insert - substitute § 201 from F's bill)*

6 "SEC. 201^[(a)] The annual quota of any quota area
7 shall be the same as that which existed for that area upon
8 enactment of subsection (f) of this section: *Provided*, That
9 the minimum quota for any quota area shall be two hundred:
10 *Provided further*, That beginning with the first fiscal year
11 commencing after the enactment of subsection (f) of this

1 section and for each of the four succeeding fiscal years the
 2 annual quota of every quota area shall be reduced by
 3 20 per centum of its present number for each such fiscal
 4 year. The quota numbers so deducted from quotas of
 5 quota areas shall be added to the quota reserve established
 6 by subsection (f) of this section and shall be available for
 7 distribution in accordance with the provisions thereof."]

8 SEC. 2. Section ^{202.} [201 (b)] of the Immigration and Na-
 9 tionality Act (66 Stat. 175; 8 U.S.C. ¹¹⁵² [1151 (b)]) is amended
 10 [by substituting "section 202 (d)" for "section 202 (c)"
 11 after the words "provided for in".] *to read as follows:*

12 SEC. 3. Section ¹¹⁵³ [201] of the Immigration and Nationality
 13 Act (66 Stat. 175; 8 U.S.C. [1151]) is amended [by adding

14 the following additional subsection:] *to read as follows:*

15 → [(f) Quota numbers made available at the commence-
 16 ment of any fiscal year as a result of the reduction of the
 17 annual quota of any quota areas pursuant to subsection (a)
 18 of this section, together with quota numbers not issued or
 19 otherwise used during the previous fiscal year, shall then
 20 be made available (1) during the five fiscal years following
 21 the enactment of this subsection, to quota immigrants, if
 22 otherwise admissible under the provisions of this Act, who
 23 are unable to obtain prompt issuance of visas due to over-
 24 subscription of their quotas or subquotas as determined by
 25 the Secretary of State, and (2), thereafter, to quota im-

(203)

"(Here copy § 203 of F's bill with changes to provide carry-down more flexible refugee treatment, & maybe limit Secretary screening of all nonprof., plus clarifying changes in PPs 1, 9, of subsec (a))"

1 migrants if otherwise admissible under the provisions of this
 2 Act. These quota numbers shall be allocated within the
 3 percentage limitations and in the order of priority specified
 4 in section 203 without regard to the quota to which the
 5 alien is chargeable: *Provided, however,* That the combined
 6 number of quota numbers issued to any quota area in any
 7 year, under the provisions of this subsection and subsection
 8 (a) of this section, shall not exceed 10 per centum of the
 9 total quota numbers authorized for that year: *Provided*
 10 *further,* That in no case shall this limitation operate to re-
 11 duce any quota in any of the five fiscal years following the
 12 enactment of this Act by more than the 20 per centum
 13 specified in subsection (a) of this section: *Provided further,*
 14 That the President may, after consultation with the Immi-
 15 gration Board, reserve—

16 (1) Not to exceed 30 per centum of such num-
 17 bers for allocation to quota immigrants, if otherwise ad-
 18 missible under the provisions of this Act, whose admis-
 19 sion is determined by him to be required (A) to avoid
 20 undue hardship, resulting from the reduction of annual
 21 quotas pursuant to subsection (a) of this section, which
 22 is not otherwise avoided under the provisions of this
 23 subsection, and (B) in the national security interest of

24 ~~the United States. *Provided, That the limitation on*~~
 25 ~~*immigrant visas for citizens or nationals of any single*~~
~~*immigration from any single quota area in any year*~~

in
section
202

foreign state

1 ~~included in the first proviso to this subsection~~ shall not
 2 ~~paragraph 10 of subsection (a) of this section.~~
 2 apply to visas issued under this clause; and

3 (2) Not to exceed 10 per centum of such numbers
 4 for allocation to quota immigrants, if otherwise admissible
 5 under the provisions of this Act, whose admissions will
 6 further the traditional policy of the United States of
 7 offering asylum and refuge to persons oppressed or per-
 8 secuted, or threatened with oppression or persecution,
 9 because of their race, color, religion, national origin,
 10 adherence to democratic beliefs, or their opposition to
 11 totalitarianism or dictatorship, and to persons uprooted
 12 by natural calamity or military operations who are un-
 13 able to return to their usual place of abode. After con-
 14 sultation with the Attorney General, the Secretary of
 15 State shall establish by regulation the requirements for
 16 qualification within this class, with reference to current
 17 world conditions.

18 ~~"(f) No provision of this chapter shall be~~
 19 ~~In no case shall the authority to reserve such numbers, or the~~
 20 ~~limitation on the combined number of quota numbers to be~~
 21 ~~issued to any quota area in any year, operate so as to require~~
 22 ~~that authorized quota numbers be unused."~~

22 SEC. 4. Section ²⁰⁴ 201 (c) of the Immigration and Na-
 23 tionality Act (66 Stat. 176, 8 U.S.C. ¹¹⁵¹ 1151 (c)) is amended
 24 to read as follows:

25 ~~"(f) There shall be made available for the issuance of im-~~

with this
language
into P 7
or P 10 of
§203(a)

immigrant
visas for
which there
are
qualified
applicants
remain

"(Here insert §204 of F's bill with minor changes)"

1 migrant visas to quota immigrants (1) in any fiscal year no
 2 more quota numbers than the total quota for such year, and
 3 (2) in any calendar month of any fiscal year, no more quota
 4 numbers than 10 per centum of the total quota for such year
 5 in addition to that portion of the quota authorized for issu-
 6 ance but not issued during any preceding calendar month or
 7 months of the same fiscal year; except that during the last
 8 two months of any fiscal year immigrant visas may be
 9 issued without regard to the 10 per centum limitation con-
 10 tained herein."

11 SEC. 5. Section ²⁰⁵ ~~201 (d)~~ of the Immigration and Na-
 12 tionality Act (66 Stat. 175, 8 U.S.C. ¹¹⁵⁵ ~~1151 (d)~~) is amended *repealed,*
 13 ~~to read as follows:~~

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

16 SEC. 6. ^{Section 206} ~~(a) Section 202 (a)~~ of the Immigration and
 17 Nationality Act (66 Stat. 176, 8 U.S.C. ¹¹⁵⁶ ~~1152 (a)~~) is

18 ~~amended by deleting paragraph (5) thereof.~~ *to read as follows;*

19 ^{"(Here insert 205 of F's bill)"} ~~(b) Section 202 (b)~~ of the Immigration and Nation-
 20 ality Act (66 Stat. 177, 8 U.S.C. 1152 (b)) is repealed.

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

24 "Any immigrant born in a colony or other component

*redesignated
 section 205
 and is*

1 or dependent area of a governing country for which no
 2 separate or specific quota has been established, unless a
 3 nonquota immigrant as provided in section 101 (a) (27) of
 4 this Act, shall be chargeable to the quota of the governing
 5 country, except that no more persons born in any such
 6 colony or other component or dependent area overseas from
 7 the governing country shall be chargeable to the quota of
 8 its governing country in any one year than a number which
 9 bears the same relation to the quota of its governing country
 10 as the number two hundred bears to the quota of the govern-
 11 ing country prior to the enactment of this Act."

12 (d) Section 202 (d) of the Immigration and Nation-
 13 ality Act (66 Stat. 178, 8 U.S.C. 1152 (d)) is redesignated
 14 section 202 (c) .

15 (e) Section 202 (e) of the Immigration and Nation-
 16 ality Act (66 Stat. 178), as amended (75 Stat. 654), (8
 17 U.S.C. 1152 (e)) is redesignated section 202 (d) and is
 18 further amended by substituting "section 202 (d)" for "sec-
 19 tion 202 (c) (1)" after the words "issued under"]

20 SEC. 7. Section 207 of the Immigration and Nationality
 21 Act (66 Stat. 181, 8 U.S.C. 1157) is redesignated section 206 and is amended by deleting (a)

22 the words "no immigrant visa shall be issued in lieu there-
 23 of to any other immigrant" and inserting in lieu thereof the
 24 words "an immigrant visa may be issued in lieu thereof
 25 to any other immigrant[.]": Provided, that this section

shall not apply to special immigrants."

*The word
"nonquota"
it appears
in the
section
and (h)*

1 SEC. 8. ~~Paragraph (27) (A)~~ of section 101 (a) of the
2 Immigration and Nationality Act (66 Stat. 169, 8 U.S.C.
3 1101 (a) (27) (A) is amended to read as follows:

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

Substitute §3 of F's bill

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

9 " (C) An immigrant who was born in any in-
10 dependent foreign country of North, Central, or
11 South America, or in any independent island coun-
12 try adjacent thereto, or in the Canal Zone, and the
13 spouse and children of any such immigrant, if ac-
14 companying or following to join him;".

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

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

24 (c) Section 203 (a) (4) of the Immigration and Nation-

(Substitute §4 (c) (d) (e) and (f), redesignated as §4 (a),
(b), (c), and (d), of F's bill)

ality Act (66 Stat. 178), as amended (73 Stat. 633; 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."

(Insert §5
of FIS Bill)

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 insert-

1 ing after the words "required by the Attorney General" the
2 words "after consultation with the Immigration Board."

3 (3) Subsection (c) is redesignated (d) and is amended
4 to read as follows:

5 "(d) After an investigation of the facts in each case,
6 and after consultation with appropriate agencies of the
7 Government, the Attorney General shall, if he determines
8 that the facts stated in the petition are true and that the
9 alien in respect of whom the petition is made is eligible for
10 an immigrant status under section 101 (a) (27) (F) (i),
11 section 203 (a) (1) (A), or the last clause of section
12 203 (a) (4), approve the petition and forward one copy
13 thereof to the Department of State. The Secretary of State
14 shall then authorize the consular officer concerned to grant
15 such immigrant status. The Attorney General shall forward
16 to the Congress a report on each approved petition for
17 immigrant status under section 203 (a) (1) stating the basis
18 for his approval and such facts as were by him deemed to
19 be pertinent in establishing the beneficiary's qualifications
20 for the preferential status. Such reports shall be submitted
21 to the Congress on the first and fifteenth day of each
22 calendar month in which the Congress is in session."

23 (4) Subsection (d) is redesignated (e) and is amended
24 by deleting the words "or section 203 (a) (1) (A)," and

1 substituting a comma, followed by the words "section 203
2 (a) (1) (A) or the last clause of section 203 (a) (4)."

3 (5) The following new subsection is inserted after sub-
4 section (b) :

5 "(c) Any immigrant claiming in his application to be
6 entitled to an immigrant visa under section 203 (a) (1) (A)
7 of the Act shall file a petition with the Attorney General.
8 The petition shall be in such form as the Attorney General
9 may by regulations prescribe and shall contain such additional
10 information and be supported by such documentary evidence
11 as may be required by the Attorney General. The petition
12 shall be made under oath administered by an individual hav-
13 ing authority to administer oaths, if executed in the United
14 States, but, if executed outside of the United States, adminis-
15 tered by a consular officer."

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

20 "(b) Any citizen of the United States claiming that
21 any immigrant is his spouse, child, or parent, and that such
22 immigrant is entitled to a nonquota immigrant status under
23 section 101 (a) (27) (A) of this Act, or any citizen of the
24 United States claiming that any immigrant is his unmarried
25 son or unmarried daughter and that such immigrant is en-

Insert §6
of FIS bill

1 titled to a quota immigrant status under section 203 (a) (2)
2 of this Act, or any alien lawfully admitted for permanent
3 residence claiming that any immigrant is his spouse or his
4 unmarried son or unmarried daughter and that such immi-
5 grant is entitled to a quota immigrant status under section
6 203 (a) (3) of this Act, or any citizen of the United States
7 claiming that any immigrant is his brother or sister or his
8 married son or his married daughter and that such immigrant
9 is entitled to a preference under section 203 (a) (4) of
10 this Act, or any alien lawfully admitted for permanent resi-
11 dence claiming that any immigrant is his parent and that
12 such immigrant is entitled to a preference under section
13 203 (a) (4) of this Act, may file a petition with the Attor-
14 ney General."

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

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

1) (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." and 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 section 204 (b) or 205 (b)."

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necessary
in light
of § 9 of
FIS bill*

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

3 "The time and manner of payment of the fees specified
4 in paragraphs (1) and (2) of subsection (a) of this sec-
5 tion, including but not limited to partial deposit or prepay-
6 ment at the time of registration, or postponement for an
7 appropriate period, shall be prescribed by the Secretary of
8 State."

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

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

*put some-
place
else ?*

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

18 SEC. 17. (a) Paragraph (1) of section 212(a) of the
19 Immigration and Nationality Act (66 Stat. 182; 8 U.S.C.
20 1182(a)(1)) is amended by deleting the language "feeble-
21 minded" and inserting the language "mentally retarded" in
22 its place.

23 (b) Paragraph (4) of section 212(a) of the Immigra-
24 tion and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)

1 (4)) is amended by deleting the word "epilepsy" and the
2 commas before and after it.

3 (c) Section 212 (f), (g), and (h) of the Immigration
4 and Nationality Act, as added by the Act of September 26,
5 1961 (75 Stat. 654, 655; 8 U.S.C. 1182), are hereby re-
6 designated section 212 (g), (h), and (i), respectively,
7 and section 212 (g) as so redesignated is amended to read
8 as follows:

9 "Any alien who is excludable from the United States
10 under paragraphs (1), (2), (3), or (4) of subsection (a)
11 of this section, and any alien afflicted with tuberculosis in any
12 form, who (A) is the spouse or the unmarried son or daugh-
13 ter, or the minor unmarried lawfully adopted child, of a
14 United States citizen, or of an alien lawfully admitted for
15 permanent residence, or of an alien who has been issued
16 an immigrant visa, or (B) has a son or daughter who is a
17 United States citizen, or an alien lawfully admitted for per-
18 manent residence, or an alien who has been issued an immi-
19 grant visa, may, if otherwise admissible, be issued a visa
20 and admitted to the United States for permanent residence
21 in accordance with such terms, conditions, and controls,
22 including the giving of a bond, as the Attorney General, in
23 his discretion, may by regulations prescribe, after consultation
24 with the Surgeon General of the United States Public Health
25 Service."

1 SEC. 18. (a) There is hereby established the Immigra-
2 tion Board (hereafter referred to as the "Board") to be com-
3 posed of seven members. The President of the United States
4 shall appoint the Chairman of the Board and two other mem-
5 bers. The President of the Senate, with the approval of the
6 majority and minority leaders of the Senate, shall appoint
7 two members from the membership of the Senate. The
8 Speaker of the House of Representatives, with the approval
9 of the majority and minority leaders of the House, shall
10 appoint two members from the membership of the House.
11 The members of the Board shall be selected by virtue of
12 their high personal integrity, their capabilities, and their
13 experience in and expert knowledge of immigration laws and
14 international migration problems. A vacancy in the mem-
15 bership of the Board shall be filled in the same manner as
16 the original designation and appointment.

17 (b) The duties of the Board shall be—

18 (1) to promulgate, after consultation with the At-
19 torney General, such regulations as are necessary to
20 insure its efficient functioning under the provisions of
21 this Act;

22 (2) to make a continuous study of such conditions
23 within and without the United States, which, in the
24 opinion of the Board, might have any bearing on the
25 immigration policy of the United States;

Here
insert
§ 7 of
FIS bill

1 (3) to consider, after consultation with the Secre-
2 tary of State, to recommend to the President, such allo-
3 cation of quota immigrant visas, under section 201 (f)
4 of the Immigration and Nationality Act, as will best
5 fulfill the purposes of that section;

6 (4) to consider, and after consultation with the
7 Secretaries of Labor, State, and Defense, to recommend
8 to the Attorney General such criteria for admission of
9 immigrants under section 203 (a) (1) (A) of the Im-
10 migration and Nationality Act, as amended, and the
11 last clause of section 203 (a) (4), as amended, as will
12 further the policy of the United States to secure the
13 immigration of persons of high skill, education, or train-
14 ing, or who are capable of performing specified functions
15 for which a shortage of employable, willing persons
16 exists in the United States;

17 (5) to study such other aspects of the Immigra-
18 tion and Nationality Act as the President shall assign
19 to the Board for study, and make recommendations with
20 respect thereto;

21 (6) to conduct such investigations and to hold
22 such public and executive hearings in such places within
23 and without the United States and at such times as the
24 Board deems necessary.

25 (c) All Federal agencies shall cooperate fully with

1 the Board to the end that it may effectively carry out its
2 duties.

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

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

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

22 SEC. 19. Section 221 (g) of the Immigration and Na-
23 tionality Act (66 Stat. 192, 8 U.S.C. 1201 (g)) is amended
24 by deleting the period at the end thereof and adding the
25 following: " : *Provided further*, That a visa may be issued

1 to an alien defined in section 101 (a) (15) (B) or (F), if
 2 such alien is otherwise entitled to receive a visa, upon re-
 3 ceipt of a notice by the consular officer from the Attorney
 4 General of the giving of a bond with sufficient surety in
 5 such sum and containing such conditions as the consular
 6 officer shall prescribe, to insure that at the expiration of
 7 the time for which such alien has been admitted by the At-
 8 torney General, as provided in section 214 (a), or upon
 9 failure to maintain the status under which he was admitted,
 10 or to maintain any status subsequently acquired under sec-
 11 tion 248 of the Act, such alien will depart from the United
 12 States."

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

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

SEC. 20. (Here insert § 8 of F's bill)
 SEC. 21. Table of Contents changes, etc.
 (also, check latest list of contemplated
 amendments)

Memorandum

RECEIVED

TO : Norbert Schlei, Asst. Atty. Gen. JUN 2 9 26 AM '65 DATE: June 1, 1965
Legal Counsel

OFFICE OF LEGAL COUNSEL

FROM : Barefoot Sanders *B*

SUBJECT:

Congressman Feighan introduced his Immigration Bill this morning as H. R. 8662. He issued a press release which I have not seen.

You will be interested in reading the article on Congressman Feighan in the current issue of LIFE.

DRAFT + RLS ^{Mem 13} (As delivered to her. Sanders on 6-4-65
at her; Hoffman's request)
RLS desk cc — copies to Hoffman, Ulman, Lindenbaum & Schiller
6-3-65

Re: Feighan's claims of differences between his
immigration bill (H.R. 8662) and Administration
bill, H. R. 2580, as set forth in cols. 1 and 2
of p. 11660 of Cong. Rec. of June 1st.

1. Claim: Immediate repeal origins system.
Comment: True.
2. Claim: Ceiling on world outside Western Hemisphere; "The Celler bill has no ceiling set by law."
Comment: Quoted statement is only partly true. Celler bill has aggregate quota of 166,000 plus spouses, children, and parents of U.S. citizens outside the quota.
3. Claim: Ceiling on any one country and exemptions therefrom.
Comment: Despite the implication, the Celler bill has same exemptions.
4. Claim: Preference differences.
Comment: "Immediate family members of U.S. citizens" are admitted just as freely under the Celler bill.
5. Claim: New preferences for professionals and victims of Communism.
Comment: Celler bill gives preferences to professionals too, with a somewhat different definition, and also has provisions for admitting victims of Communism.
6. Claim: Fourth preference divided.
Comment: True.
7. Claim: (a) Celler bill perpetuates present four preferences; (b) present Feighan bill gives President direct authority for purposes stated.
Comment: (a) Celler bill modifies present four preferences in minor ways and adds a "subsidiary fourth preference" which Feighan bill's sixth preference resembles; (b) President's direct authority for the purposes stated is in both bills, although the scope of such authority differs; the direct authority of the President in the Celler bill is mentioned in Feighan's next paragraph.
8. Claim: 7-member board.
Comment: True.
9. Claim: New safeguards for workers.
Comment: Statement that "Celler bill provides no such safeguards for American workers" fails to mention that safeguards under existing law would continue.
10. Claim: Wipe out waiting lists.
Comment: This claim depends on statistical estimates. The claim is probably true for the Feighan bill, and the Celler bill would also wipe out almost all waiting lists within the first two years.

Secretary of Labor to be unavailable or in short supply in this country.

Seventh preference, 10 percent to refugees from Communist tyranny and oppression with a proviso that up to one-half of this number may be used by persons who have been offered a temporary refuge in this country upon a finding that they are unable or unwilling to return to their homelands because of persecution or fear thereof, and only after 2 years residence in this country.

As an additional precaution to guarantee the inviolability of family unity and to prevent harmful interpretations of law by overzealous bureaucrats, I propose that any immigrant authorized to come to the United States has an absolute right to bring his wife and children, otherwise qualified, with him.

Only after the above preferences have been satisfied will visa numbers which remain be made available on a first-come, first-served order of registration to nonpreference applicants on a worldwide basis.

Within this nonpreference class there is created a reserve, under the direct control of the President, by which he may reallocate up to one-half the available numbers to nationals of countries who may be adversely affected by the immediate termination of the national origins quota system.

For example, in Germany and the United Kingdom where the largest quota allocations are available, there has been no occasion or opportunity for desiring immigrants to register on a consular waiting list as was necessary for thousands of nationals of countries with heavily oversubscribed quotas.

Consequently, in a worldwide competition for nonpreference numbers, such nationals may be unfairly disadvantaged particularly in the years immediately following the passage of the bill.

The President's reserve would also be available to increase the number of refugees who could be admitted should a sudden, abnormal refugee situation occur, such as arose in Austria after the 1956 unsuccessful revolt of the Hungarian freedom fighters, or to take care of disaster situations such as occurred in the Azores in 1957 which necessitated special legislation to authorize admission of a number of its victims.

Other proposed revisions of the law are:

Added protection for American workers by strengthening authority of the Secretary of Labor to make determinations on the specific skills, crafts, and special occupational talents in short supply, and for which there are no able or willing workers in the United States. These added safeguards would apply to all sixth preference and all nonpreference immigrants.

Epilepsy would be removed from the mandatorily excludable classes of immigrants. Medical science has demonstrated that epilepsy is not contagious and that it is controllable by medication and medical treatment.

An "eligible orphan" is redefined by consolidating three sections of the present law which have caused confusion in determining eligibility.

The requirement that aliens from the countries behind the Iron Curtain demonstrate fear of "physical" persecution in order to stay deportation is removed.

Removal of the term "physical" recognizes that the more subtle, mental, moral, and emotional sanctions imposed upon the captive citizens by totalitarian regimes are no less a basis for our refusal to return these people to their native lands and to such oppressions.

Alien crewmen are accorded the same treatment as all other aliens under suspension of deportation proceedings, and under certain conditions adjustment of status procedure.

Any alien who entered the United States prior to December 24, 1952, who has resided here since and is of good character may be granted the status of a permanent resident. This has the effect of a limited statute of limitation against deportation.

To summarize, these would be the major outcomes of the selective immigration program I have proposed:

First. All present first, second, third, and fourth preference waiting lists would be wiped out during the first year of operations. The only exception is the fourth preference waiting list in Italy which is now in excess of 100,000 and that will take more time to satisfy.

Second. Immediate family members of U.S. citizens will not have to wait 1 day after the effective date of the bill to enter the United States.

Third. Future immigration to the United States will no longer tolerate split families because of peculiarities of the law.

Fourth. Refugees will not carry the stigma of parole as a condition of their entry and there would be only one refugee program under control of U.S. officials from start to finish.

Fifth. Professional persons and persons with skills and talents for which there is a demonstrated need in the United States will be able without delay to enter as immigrants.

Sixth. The authority given directly to the President to meet emergencies, within the available number of nonpreference immigrant visas, will make unnecessary emergency or special immigration legislation in the future.

Seventh. The number of private immigration bills before Congress should shrink to manageable proportions and should consist of only very unusual cases.

Eighth. Congress will have taken a very large step in the direction of regaining and maintaining its authority for regulating immigration into the United States.

The list of witnesses is as follows:

LIST OF WITNESSES

American Legion: Dr. Daniel J. O'Connor and Mr. Clarence Olsen.

National Association of Evangelicals: Mr. Robert A. Cook.

Order of AHEPA: Mr. Gregory Lagakos.

American Committee on Italian Migration: Hon. Juvenal Marchisio.

Doorstep Savannah, Inc.: Mrs. Rosalind Frame.

National Economic Council, Inc.: Mr. Mark M. Jones.

Nationalities Service Center of Cleveland: Mr. John Papandreas.

AFL-CIO: Mr. Kenneth A. Melklejohn.
American Council for Nationalities Service: Miss Edith Lowenstein.

Industrial Union Division (AFL-CIO): Mr. James Carey.

Daughters of the American Revolution: Mrs. Robert V. H. Duncan.

National Jewish organizations listed in statement: Mr. Murray I. Gurfein and Mr. James P. Rice.

Veterans of Foreign Wars of the United States: Mr. Francis W. Stover.

Lutheran Immigration Service: Mr. Donald E. Anderson.

Danube-Swabian Association of America, Inc.: Mr. Anton K. Rumpf.

Council for Individual Freedom: Mr. Charles A. McCarthy.

New Jersey Coalition: Mrs. Ralph D. Hacker.

Church World Service, National Council of the Churches of Christ in the U.S.A.: Mr. John Schauer.

Friends Committee on National Legislation: Mr. Richard Smith.

Bible Baptist Church: Rev. Cecil A. Hodges.

American Coalition of Patriotic Societies: Mr. John B. Trevor, Jr.

American Council of Voluntary Agencies for Foreign Service: Bishop Edward Swannstrom.

American Committee for Croatian Migration, Inc.: Mr. Joseph V. Bosiljevic, president.

Greenwich Women's Republican Club: Mrs. Alice Alessandroni, Mrs. Eleanor Gonzalez.

Order Sons of Italy in America: Mr. John Ottaviano, Jr., Mr. Joseph A. L. Errigo, Mr. Samuel A. Culotta, and Dr. Nicholas M. Petruzzelli.

National Chinese Welfare Council: Mr. Jack Wong Sing.

Liberty Lobby: Mr. W. B. Hicks, Jr.

Northern New Jersey Immigration Conference: Mrs. Arthur Hawkins.

Association of Immigration & Nationality Lawyers: Mr. Edward Dubroff.

The American Public Health Association, Inc.: Dr. Paul Harper.

Women's International League for Peace and Freedom: Mrs. Selma Samole.

Japanese American Citizens League: Mr. Mike Masaoka.

Organization for Preservation of Samoan Democracy: Mr. Galumalemana Valinupo Alailima.

John E. McCarthy, National Catholic Welfare Conference.

Dr. James Read, President, Wilmington College, Friends Committee on National Legislation.

Mr. Karl Spellis, Sr., Homeowners Federation of Arlington.

Dr. Filindo B. Masino, American Institute for Italian Culture and Philadelphia Bar Association.

Frank Weill, American Veterans Committee.

Jeanne E. Kerbs, Republican Committee of One Hundred, Inc.

Andrew Biemiller, AFL-CIO legislative director, legislation department.

Walter T. Darmopray, Esq., Ukrainian Congress Committee of America, Inc.

Nicholas S. Limperis, national chairman, AHEPA immigration legislation committee, Order of AHEPA.

James H. Sheldon, United Church of Christ, Council for Christian Social Action.

George A. Maxwell, M.D.

Miss Lorna Logan, Greater Chinatown Civil Association of San Francisco.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I would be very happy to yield to my distinguished and able colleague from the great State of Hawaii.

Mr. MATSUNAGA. Mr. Speaker, as the gentleman knows, the people of Hawaii are very much interested in this area of immigration and I have from time to time voiced that interest on behalf of the people of Hawaii to the distinguished chairman of the Subcommittee on Immigration. I have been very much interested in the explanation of the bill which the gentleman has introduced, but there is one question which I would like to put to the gentleman in the well: What is the major difference between the gentleman's bill and the Celler bill?

Mr. FEIGHAN. Well, first, my bill calls for immediate repeal of the national origins quota system. The Celler bill stretches repeal out over a 5-year period.

Second, my bill calls for an annual ceiling of 225,000 immigrant admissions from countries external to the Western Hemisphere. The Celler bill has no ceiling set by law.

Third, my bill calls for a ceiling of 20,000 a year from any one country, exempting spouses, children, and parents of U.S. citizens from that country's ceiling.

The Celler bill would set an annual ceiling of 16,600 on any one country at the end of 5 years.

Also, my bill changes the order of and enlarges the number of preference classes. Immediate family members of U.S. citizens are given first preference without numerical limitation.

A new preference class is created for professional persons and persons with unusual skills and talents in the visual and performing arts. A new preference class is created for victims of Communist persecution, which repeals the practice of paroling refugees into the United States.

The present fourth preference is divided into two new preference classes.

The Celler bill perpetuates the present four preferences in the law, keeping skilled workers as first preference and allotting to that preference a 50-percent first call on all authorized visas. Under my bill direct authority is given to the President to use up to 50 percent of the visa numbers not used by the preference classes to remedy any hardships which may fall upon countries as a consequence of immediate repeal of the national origins quota system, and in order to meet refugee emergencies or natural calamities, should they occur, and the President determines action should be taken to assist some of the victims.

The Celler bill calls for a 7-member immigration board to advise the President on the use of a 30-percent reserve of the total immigrant visas authorized to remedy hardships as a consequence of the gradual repeal of the national origins quota system over a 5-year period. Also, it provides for the use of a 10-percent reserve to meet refugee emergencies and natural calamities.

Further, my bill calls for new safeguards for American workers by strengthening control of the Secretary of Labor on nonpreference immigration. That appears in section 203, subsection 8, of the bill which I introduced, H.R. 8662.

This means that the Secretary of Labor must make an affirmative finding that the jobs that nonpreference immigrants will take in the United States will not deprive any American worker of those jobs. The Celler bill provides no such safeguards for American workers.

My bill also would wipe out in the first year all waiting lists in the four preference classes of the present law. The only exception would be the fourth preference waiting list in Italy, which is in excess of 100,000. The Celler bill cannot make this claim.

Those are the major changes.

Mr. MATSUNAGA. I thank the gentleman for his exhaustive explanation, and I assure the gentleman, although I am a conintroducer of the Celler bill, I will make a very careful study of the bill which the gentleman has introduced.

Will the gentleman yield for a further question?

Mr. FEIGHAN. Yes, I am happy to yield.

Mr. MATSUNAGA. What, if any, indication has the administration given as to its attitude toward the gentleman's bill?

Mr. FEIGHAN. There is no disagreement between the President and me on the principles of the bill which I have introduced.

I have had several long conferences with the President in which we examined at length the full-range problems involved in immigration.

Mr. MATSUNAGA. I thank the gentleman. I hope that we can take the fact the gentleman has introduced a bill as an indication of speedy action on this most emergent bill in order to raise the image of America throughout the world.

Mr. FEIGHAN. I agree with the gentleman. I believe this is a very sound, fair bill, the most practical bill that has been introduced, even though I am the author, and I hope and will work for speedy enactment.

Mr. MATSUNAGA. I thank the gentleman again.

Mr. FEIGHAN. I appreciate the keen interest expressed by my colleague and good friend, the gentleman from Hawaii.

Mr. Speaker, the text of my bill H.R. 8662, and a section-by-section analysis follow:

H.R. 8662

A bill to establish a selective immigration system and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That chapter I of title II of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151.) be amended as follows:

"CHAPTER I—SELECTIVE IMMIGRATION SYSTEM

"SEC. 201. Exclusive of special immigrants defined in section 101(a) (27), 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 shall not in any fiscal year exceed 225,000 of which not more than 60,000 may be authorized in each of the first three quarters of such fiscal year.

"SEC. 202. No person shall receive any preference or priority 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) and in section 203: *Provided*, That the total number of immigrant visas available to citizens or nationals of any foreign state under paragraphs (2) through (8) of section 203(a) shall not exceed 20,000.

"Sec. 203. (a) Immigrant visas shall be allotted in each fiscal year as follows:

"(1) Without numerical or percentum limitation, immigrant visas shall be first made available to qualified immigrants who are the husbands, wives, children, unmarried sons or unmarried daughters of a citizen of the United States, or who are the fathers or mothers of a citizen of the United States, such citizen being over twenty-one years of age.

"(2) The first ten per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available for the issuance of immigrant visas 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.

"(3) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available for the issuance of immigrant visas to qualified immigrants who are the husbands, wives, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, or who are the fathers or mothers of an alien lawfully admitted for permanent residence, such alien being over twenty-one years of age.

"(4) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

"(5) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(6) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available 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.

"(7) The next 10 per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to a qualified immigrant who is or was last a national or resident of any Communist or Communist-dominated country, and is out of his usual place of abode, and who satisfies an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist dominated country, prior to visa issuance, that he has fled from his usual place of abode, or is unable or unwilling to return to such usual place of abode, because of persecution or fear of persecution on account of race, religion, or political opinion: *Provided*, That not more than one-half the number of immigrant visas specified in this paragraph may be made available to aliens who have been continuously physically present in the United States for a period of two years prior to application.

"(8) Any immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraphs (1) through (7) shall be made available to qualified immigrants

using other differences

strictly in the chronological order in which such immigrants are registered on waiting lists which 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 subsection until the consular officer is in receipt of a determination made by the Secretary of Labor, in accordance with regulations prescribed by the Secretary of State and the Secretary of Labor, that the provisions of section 212(a) (14) will not be invoked.

"(9) 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 under paragraphs (1) through (8), be entitled to the same preference or nonpreference status, and the same order of consideration provided in subsection (b), of his accompanying spouse or parent.

"(10) During the fourth quarter of any fiscal year, immigrant visas not required for the issuance of visas to qualified immigrants specified in paragraphs (2) through (5) may, without regard to per centum limitations, be made available cumulatively, to qualified immigrants, in each of the next succeeding classes in paragraphs (3) through (6).

"(11) Not exceeding 50 per centum of the numbers allocated to nonpreference immigrants under paragraph (8), may, on the advice of the Secretary of State, be reserved by the President, without regard to the 20,000 limitation contained in section 202, for allocation to (A) otherwise qualified immigrants whose admission is determined by him to be required to avoid undue hardship, resulting from the abolition of annual quotas and nonquota classes, or to (B) otherwise qualified preference immigrants described in paragraph (7) 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 (C) otherwise qualified immigrants uprooted by natural calamity or military operations who are unable to return to their usual place of abode.

"(b) Immigrant visas issued pursuant to paragraphs (1) through (6) 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.

"(c) In considering applications for immigration visas under subsection (a) consideration shall be given first to applicants under paragraph (1) and consideration shall be given to other applicants in the order in which the classes of which they are members are listed in subsection (a).

"(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 (7) of subsection 203(a) (2), or any United States under section 101(a) (27). In the case of any alien claiming in his application for an immigrant visa to be entitled to preference immigrant status, the consular officer shall not grant such status until he has been authorized to do so as provided in section 204.

"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 subsection 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 person, institution, firm, organization, or governmental agency desiring to have an alien

classified as a preference immigrant under Section 203(a) (2), or any United States citizen, or permanent resident alien desiring and intending to employ an alien within the United States, whom he believes is entitled to a preference immigrant status under section 203(a) (6), may file a petition with the Attorney General for such classification of the alien. The petition shall be in such form as the Attorney General may be 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.

"(b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor in accordance with regulations prescribed by the Secretary of Labor and the Attorney General with respect to petitions to accord a status under sections 203(a) (2) or 203(a) (6), the Attorney General 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.

"Sec. 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.

"Sec. 206. If an immigrant having an immigrant visa is excluded from admission or

does not apply for admission to the United States before the expiration of the validity of the immigrant 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 may be issued in lieu thereof to any other immigrant."

Sec. 2. 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;

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

(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, ordained ministers of religion, 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."

(d) Paragraph (6) of subsection (b) is repealed.

Sec. 3. Section 211 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1181) is amended to read as follows:

"Section 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."

Sec. 4. Subsection 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182) is amended as follows:

(a) (1) is amended to read as follows:

"(1) aliens who are mentally retarded;"

(b) Paragraph (4) is amended to read as follows:

"(4) aliens afflicted with a mental defect, with sexual deviation, or with psychopathic personality."

(c) 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 the 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)(8)."

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

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

(f) 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)."

Sec. 5. The Immigration and Nationality Act (66 Stat. 176; 8 U.S.C. 1151) is amended 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 nonquota category in which the immigrant is classified, if a nonquota immigrant," and substituting in lieu thereof the words "the preference, nonpreference, or special immigration classification to which the alien is charged."

(b) The fourth sentence of subsection 212(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 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 the Act, that the applicant is entitled to a special immigrant status."

(d) Subsection 243(h) is amended by deleting the word "physical."

Sec. 6. 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 of 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)(8) for the fiscal year then current."

(b) Subsection (f) is repealed.

Sec. 7. 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 as follows:

"(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)."

Sec. 8. 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 reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current."

Sec. 9. Section 281 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as follows:

(a) 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, provided that by regulation the Secretary of State may prescribe the partial deposit or prepayment of such fee at the time of registration."

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

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

Sec. 10. Sections 1, 2, and 11 of the Act of July 14, 1960 (74 Stat. 505-505); as amended by section 6 of the Act of June 28, 1962 (76 Stat. 124), is repealed.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill rewrites completely title II, chapter I (secs. 201-206) of the Immigration and Nationality Act and substitutes a selective immigration system for the present national origins quota system.

Section 201 fixes the total number of aliens from the former quota countries and areas who may acquire permanent residence immigration status in any fiscal year at 225,000—a slight increase over annual total immigration per year during the last decade. To provide for orderly administrative procedures, not more than 60,000 visas may be issued in each of the first three quarters of any fiscal year.

Section 202 expresses in statutory language a national policy that within the ceiling fixed by section 201, no preference or priority will be given to any person in acquiring permanent residence in the United States because of his or her race, sex, nationality, place of birth, or place of foreign residence.

This section also sets a maximum ceiling of 20,000 on the number of nationals of any one country who may obtain permanent residence annually, exempting from that ceiling only the husbands, wives, children, fathers, and mothers of U.S. citizens.

Section 203(a) lists the order of preference which is to be given in the allocation of the annual 225,000 immigrant visas.

First preference is given, without any limit on the numbers, to spouses, children, and parents of U.S. citizens.

The numbers which will remain after the first preference is satisfied will be available to the following six classes, in the percentages indicated:

Second preference, 10 percent to members of the professions and scientists and persons with skill and talent in the visual and performing arts.

Third preference, 20 percent to spouses, children, and parents of aliens who have previously been admitted for permanent residence but who have not yet become citizens.

Fourth preference, 20 percent to married sons and daughters of U.S. citizens.

Fifth preference, 20 percent to brothers and sisters of U.S. citizens.

Sixth preference, 20 percent to persons with skills which are found by the Secretary of Labor to be unavailable or in short supply in this country.

Seventh preference, 10 percent to refugees from Communist tyranny and oppression with a proviso that up to one-half of this number may be used by persons who have been offered a temporary refuge in this country upon a finding that they are unable or unwilling to return to their homelands because of persecution or fear thereof, and only after 2 years residence in this country.

Only after the above preferences have been satisfied will visa numbers which remain to be made available on a first-come, first-served order of registration to nonpreference applicants on a worldwide basis.

Within this nonpreference class there is created a reserve, under the control of the President, by which he may reallocate up to one-half the available numbers to nationals of countries who may be adversely affected by the immediate termination of the national origins quota system. For example, in Germany and the United Kingdom where the largest quota allocations are available, there has been no occasion or opportunity for desiring immigrants to register on a consular waiting list as was necessary for thousands of nationals of countries with heavily oversubscribed quotas. Consequently, in a worldwide competition for nonpreference numbers, such nationals may be unfairly disadvantaged particularly in the years immediately following the passage of the bill.

The President's reserve would also be available to increase the number of refugees who could be admitted should a sudden, abnormal refugee situation occur, such as arose in Austria after the 1956 unsuccessful revolt of the Hungarian freedom fighters, or to take care of disaster situations such as occurred in the Azores in 1957 which necessitated special legislation to authorize admission of a number of its victims.

Section 203(b) amends the present act to provide that the priority date for all preference immigrants shall be the date on which a petition to accord such a preference has been filed with the Attorney General.

Sections 203(c) and (d) substantially reiterate provisions contained in the present act on the priority of consideration of visa applicants and the prohibition against a consul issuing a preference visa unless and until a petition has been approved. Technical changes in language caused by the elimination of the quota system are also made.

Section 204 rewrites the present sections 204 and 205 to combine a single procedure for the filing of visa petitions with the Attorney General to accord the seven preference classifications described in section 203.

This section also continues a limitation on the number of orphans who may be adopted by a single family to two. It also prohibits the approval of a petition for an alien who has been found to have married a citizen or permanent resident alien for the purpose of gaining a preference under the immigration laws.

Section 205 repeats the present section 206 of the act providing for the revocation of visa petition approvals for fraud, illegality, or change of status.

Section 206 changes present section 207 of the act to permit the reissue to another applicant under the same number, a visa not used by the initial holder of the visa.

Section 2 of the bill amends three definitions contained in the present act:

It repeals the present nonquota provisions of the act, but continues to classify as immigrants, and continues to exempt from the numerical ceiling, aliens already admitted as immigrants who are returning to the United

States after a temporary absence abroad, and aliens who are natives of independent countries of the Western Hemisphere.

It repeals the definition and concept of a quota immigrant and defines the professional classes of preference immigrants to include doctors, lawyers, teachers, professors, clergymen, and engineers.

It defines in one place an "eligible orphan," the confusing definition of which exists currently in three separate sections of the law.

Section 3 of the bill essentially repeats the language of the present act which requires a visa and a passport for every arriving immigrant. It broadens the authority of the Attorney General to waive these documents for returning residents.

Section 4 of the bill makes technical changes in the language of the excluding provisions contained in section 212 of the act. The material changes are:

The words "mentally retarded" are substituted for the language "feeble-minded." "Epilepsy" is deleted as a mandatory exclusion ground.

Both of the above changes were based on the testimony of the Surgeon General's office.

Other changes are required to delete language which would become obsolete with the elimination of the quota system.

Section 5 of the bill removes the word "physical" from the language of section 243(h) of the act which permits the Attorney General to stay the deportation of an alien whom he believes would be subjected to (physical) persecution on his return to his homeland. This provision recognizes that the more subtle, mental, moral, and emotional sanctions imposed on their captive citizens by these totalitarian regimes are no less a basis for our refusal to return these people to their native lands and to such oppression. This sanction also makes other conforming changes.

Section 6 of the bill amends section 244 of the act, the suspension of deportation procedures, to make eligible for that privilege citizens of Western Hemisphere countries and aliens who entered the United States as crewmen, presently ineligible under the terms of the current act.

Section 7 of the bill amends section 245 of the act, the adjustment of status procedure, to make eligible for adjustment to permanent residence within this country, any alien in the United States (other than a native of the Western Hemisphere) who, if abroad, would be eligible for the immediate issuance of a visa. It removes the current ineligibility of crewmen for the privilege.

Section 8 of the bill amends section 249, the "registry" provisions, by advancing the date of entry of eligibles from June 28, 1940, to December 24, 1952. Under the amendment, any alien who entered the United States prior to the latter date and has resided here since, and is of good character, may be granted the status of a permanent resident. The section is, in effect, a limited statute of limitation against deportation.

All cases which result in the grant of permanent residence status by application within the United States under sections 244, 245, and 249 will also result in the deduction of 1 number in the overall ceiling of 225,000 immigrants a year.

Section 9 of the bill prescribes a uniform cost for immigrant visa issuance of \$20, and authorizes the partial deposit or prepayment of such fee at the time of registration.

Section 10 of the bill repeals the Fair Share Refugee Act (secs. 1, 2, and 11 of the act of July 14, 1960), rendered unnecessary by the provisions for visa issuance to refugees under the preference classification of section 203(a)(7) of the bill.

The repeal of this provision should result in the use of the more appropriate visa-issuing procedure as the method of docu-

menting alien refugees for admission to this country and to limit the use of the parole provisions of the act (sec. 212(d)(5)) to the purposes originally intended—the temporary reception of persons arriving in the United States without documentation and under emergent circumstances, e.g., shipwrecked crewmen, and so forth.

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks and to include extraneous material.)

EXPANDED PROGRAMS OF ECONOMIC AND SOCIAL DEVELOPMENT IN SOUTHEAST ASIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 196)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

The American people want their Government to be not only strong but compassionate. They know that a society is secure only where social justice is secure for all its citizens. When there is turmoil anywhere in our own country, our instinct is to inquire if there is injustice. That instinct is sound. And these principles of compassion and justice do not stop at the water's edge. We do not have one policy for our own people and another for our friends abroad.

A vast revolution is sweeping the southern half of this globe. We do not intend that the Communists shall become the beneficiaries of this revolt against injustice and privation. We intend to lead vigorously in that struggle. We will continue to back that intention with practical and concrete help.

In southeast Asia today, we are offering our hand and our abundance to those who seek to build a brighter future. The effort to create more progressive societies cannot wait for an ideal moment. It cannot wait until peace has been finally secured. We must move ahead now.

I know of no more urgent task ahead. It requires more of us, more of other prosperous nations, and more of the people of southeast Asia.

For our part, I propose that we expand our own economic assistance to the people of South Vietnam, Thailand, and Laos.

I propose we start now to make available our share of the money needed to harness the resources of the entire southeast Asia region for the benefit of all its people. This must be an international venture. That is why I have asked Mr. Eugene Black to consult with the United Nations Secretary General and the leaders of the poor and advanced nations. Our role will be vital, but we hope that all other industrialized nations, including the Soviet Union, will participate.

To support our own effort, I ask the Congress to authorize and appropriate for fiscal year 1966 an additional \$89 million for the Agency for International Development for expanded programs of

economic and social development in southeast Asia.

This money will serve many purposes:

First, Approximately \$19 million will provide the first installment of our contribution to the accelerated development of the Mekong River Basin. This is an important part of the general program of regional development which I outlined at Johns Hopkins University on April 7. This money will enable us to meet a request for half the cost of building the Nam Ngum Dam, which the international Mekong Committee has marked "top priority" if the Mekong River is to be put to work for the people of the region. This will be the first Mekong power project to serve two countries, promising power to small industry and lights for thousands of homes in northeast Thailand and Laos. The funds will provide also for:

Powerlines across the Mekong linking Laos and Thailand.

Extensive studies of further hydroelectric, irrigation, and flood control projects on the Mekong main stream and its tributaries;

Expansion of distribution lines in Laos.

Second, Five million dollars will be used to support electrification cooperatives near three provincial towns—Long Xuyen, Dalat, and Nha Thang—in South Vietnam. Co-ops, which have been so important to the lives of our rural people, will bring the benefits of low priced electricity to more than 200,000 Vietnamese. We hope this pattern can be duplicated in towns and villages throughout the region. I will ask that we provide further support if the pattern meets the success we believe possible.

Third, Seven million dollars will help provide improved medical and surgical services, especially in the more remote areas of Vietnam, Laos and Thailand. South Vietnam is tragically short of doctors; some 200 civilian physicians must care for a population of 15 million.

In Laos the system of AID-supported village clinics and rural hospitals now reaches more than a million people. But that is not enough. We propose to extend the program in Laos, assist the Thailand Government to expand its public health services to thousands of rural villages, and to organize additional medical and surgical teams for sick and injured civilians in South Vietnam.

Better health is the first fruit of modern science. For the people of these countries it has far too long been an empty promise. I hope that when peace comes our medical assistance can be expanded and made available to the sick and wounded of the area without regard to political commitment.

Fourth, Approximately \$6 million will be used to train people for the construction of roads, dams, and other small-scale village projects in Thailand and Laos. In many parts of Asia the chance of the villager for markets, education, and access to public services depends on his getting a road. A nearby water well dramatically lightens the burdens of the farmer's wife. With these tools and skills local people can build their own

schools and clinics—blessings only dreamed of before.

Fifth. Approximately \$45 million will be used to finance increasing imports of iron and steel, cement, chemicals and pesticides, drugs, trucks, and other essential goods necessary for a growing civilian economy. This money will allow factories not only to continue but, through investment, to expand production of both capital and consumer goods. It will provide materials for urgently needed low-cost housing. And it will maintain production incentives and avoid inflation. It is not easy for a small country, with a low income, to fight a war on its own soil and at the same time persist in the business of nation building. The additional import support which I propose will help Vietnam to persevere in this difficult task.

Sixth. An additional \$7 million will supplement the present program of agricultural development and support additional Government services in all three countries, and will help in the planning of further industrial expansion in the secure areas of Vietnam.

Much of the additional assistance I request is for Vietnam. This is not a poor and unfavored land. There is water and rich soil and ample natural resources. The people are patient, hard-working, the custodians of a proud and ancient civilization. They have been oppressed not by nature but by man. The failures of man can be redeemed. That is the purpose of the aid for which I now ask additional authorization.

We are defending the right of the people of South Vietnam to decide their own destiny. Where this right is attacked by force, we have no alternative but to reply with strength. But military action is not a final solution in this area; it is only a partial means to a much larger goal. Freedom and progress will be possible in Vietnam only as the people are assured that history is on their side—that it will give them a chance to make a living in peace, to educate their children, to escape the ravages of disease and, above all, to be free of the oppressors who for so long have fed on their labors.

Our effort on behalf of the people of southeast Asia should unite, not divide, the people of that region. Our policy is not to spread conflict but to heal conflict.

I ask the Congress, as part of our continuing affirmation of America's faith in the cause of man, to respond promptly and fully to this request.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 1, 1965.

THE FAILURE OF NEW YORK CITY TO IMPLEMENT THE JOB CORPS

The SPEAKER pro tempore (Mr. GILIGAN). Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 10 minutes.

(Mr. RYAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, I rise to congratulate two young men from New York City who have become the unsung heroes of the antipoverty war.

Perhaps they deserve a parade up Fifth Avenue—ticker tape and all. They certainly deserve to be remembered in the history of the antipoverty war.

The administration of the city of New York is the second largest in the Nation. It has proclaimed its own war on poverty.

Over the last year, the city administration has set up an antipoverty operations board, hired employees, moved and moved again into new and better offices. It has spent, or seen spent, several hundred thousand dollars in antipoverty work.

The city administration has insisted it understands the vastness of poverty in New York City. More than a million residents have incomes of less than \$1,600. Some 75,000 youths are out of school and out of work.

And presumably the city administration saw the importance of the Job Corps. Recruiting out of school and out of work youth, the corps would get youths off the streets, give them work, inspiration, and skills.

And so in March, the Office of Economic Opportunity asked New York City to recommend 830 youths for the Job Corps initial enrollment.

Plenty of youths wanted to get in the Job Corps. Although New York has had no substantive publicity for the Corps, some 1,597 youths have written to the Corps from New York City. Across the Nation, some 300,000 have written in. They are applying at the rate of 15,000 every week.

Presumably, on the call of the Office of Economic Opportunity, New York's antipoverty organization shifted into high gear.

Each youth had to be interviewed. A form had to be made out, a physical taken. Eight hundred and thirty had to be selected from some 1,600 known volunteers, from some 75,000 out-of-school and out-of-work youngsters.

Presumably, the New York antipoverty organization would send forms to Washington. Waiting computers would correlate each applicant's needs with various Corps center programs, and would assign him to the appropriate center.

Presumably, this activity went on for more than 2 months. And then someone asked what had been done? Were all the youths in camps using up the quota for New York? Could not the city, with summer here, get the Office of Economic Opportunity to allocate more places for its thousands of needy youths?

But in more than 2 months—by the end of May—the New York City antipoverty organization had gotten not 830, not 300, not 200, not 100, not even 10 youths in a Job Corps camp.

The organization had gotten just two—exactly two—New York youths in Job Corps camps.

But am I being sarcastic, unfair?

True, only two got into camps. But the New York organization actually did screen 26 applicants, and sent the forms to Washington.

Yet the figures deceive. For of the 26, this efficient New York City administration filled out 7 of the simple forms incorrectly. They had to be returned.

I understand that the problem of screening applicants in New York City has run into many conflicts and difficulties.

One of these conflicts is centered on the question of who is going to give the required medical examination. The Government pays a fee for each examination.

I realize this is not really funny.

It is not even sad.

It is inexcusable—especially in a city where a million people suffer destitution, where 500,000 are on welfare, where narcotics has cut the hope from countless lives, where poverty breeds poverty and thousands of youngsters find no way out; where frustrations and desperations abound.

The Job Corps was created by Congress to reach young people between the ages of 16 and 21 who are largely unemployable because they lack education and skills. It is aimed at young people who have not completed high school and who have not found work. At the conservation camps and training centers, basic education and job training are being provided for some 2,500 youths, and by June 30, 10,000 will be enrolled.

This program is being ignored by a city government which should be painfully aware of the social dynamite.

Two weeks ago the Office of Economic Opportunity had to ask the New York State Employment Service to step into New York City and screen 200 applicants.

New York City lags behind every major city in the country. Until the New York Times reported on the situation on May 15, not a single New York City youth was actually at a Job Corps center.

Mr. Speaker, since the city antipoverty operations board is apparently incapable of doing the screening, I call upon Sergeant Shriver, the Director, and the Office of Economic Opportunity to set up special emergency screening centers in New York City to process applications immediately.

Congress provided this resource almost a year ago—and we must put it to use—now, before another troubled summer—to help deprived youth break the chains of poverty.

A BILL TO BRING DISTRICT OF COLUMBIA BUILDING AND LOAN ASSOCIATIONS UNDER THE SUPERVISION OF THE FEDERAL HOME LOAN BANK BOARD

(Mr. MULTER (at the request of Mr. SWEENEY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MULTER. Mr. Speaker, I have today introduced a bill to amend section 5 of the Home Owners' Loan Act of 1933 to bring under the supervision of the Federal Home Loan Bank Board those building and loan associations and similar institutions in the District of Columbia which are not now subject to such regulation.

At the present time, the District of Columbia statutes neither regulate these institutions directly nor do they confer



Office of the Attorney General
Washington, D. C.

June 10, 1965

MEMORANDUM FOR HONORABLE HORACE BUSBY, JR.
SPECIAL ASSISTANT TO THE PRESIDENT

I am transmitting two memoranda relating to current problems within the Department of Justice.

The first relates to preparation within the Administration for implementing the Voting Rights Bill. The object, of course, is to be prepared to implement the bill immediately upon its enactment. Achievement of this objective involves having ready statistical determinations, forms, voting examiners prepared to start operating, etc. The memorandum discusses what is being done to meet these and other problems.

The second memorandum deals with the present status of the Administration's Immigration Bill. Although the material contained in the memorandum described in the bill is, I am sure, familiar to the President, it may be of use for background. The last paragraph of the memorandum indicates that the Celler-Feighan rivalry still has not yet been settled.

Harold F. Reis

Harold F. Reis
Executive Assistant to the Attorney General

Attachments

MEMORANDUM FOR THE PRESIDENT:
PREPARATION FOR IMPLEMENTING THE
VOTING RIGHTS BILL

The Department of Justice has begun to prepare for implementation and enforcement of the Voting Rights Act of 1965 when it becomes law.

1. The Department has worked for a considerable time with representatives of the Bureau of the Census on the statistical determinations which the Bureau must make in order to identify the States and political subdivisions in which tests and devices will be suspended. Representatives of the Department and the Bureau expect to meet again this week to make final plans so that the Bureau's determinations for the major States and localities can be published immediately after the bill is signed.

2. Representatives of the Department have also met with representatives of the Civil Service Commission, which under the bill will be responsible for the appointment of examiners and the general supervision of their operations. The Commission has been furnished preliminary drafts of sample application forms which might be used by examiners in Mississippi, Alabama, and Louisiana, and with a preliminary sample instruction

form for use by examiners. The Civil Rights Division is continuing to consider the content of the application forms and the instructions to examiners to the end that all such technical questions will be resolved before passage of the Act.

3. In connection with the preparation of examiner instructions and forms the Civil Rights Division is exploring a large number of legal and practical questions which might arise about the working of the Act. Thus, the Division is studying the operation of challenge procedures; how listing and qualification of applicants will be handled for local and special elections for which there are many special qualifications; whether additional appropriations will be required to implement the statute; how the poll tax collection should be handled, if a poll tax is to be collected; what evidence will be helpful in law suits seeking to enjoin the poll tax requirement; whether examiners can or should accept applications on weekends and holidays; and whether an applicant rejected by an examiner can and should be provided an administrative appeal within the Civil Service Commission.

4. The Department is also studying the very significant question of where and when federal examiners should be appointed. A set of criteria for determining

CURRENT STATUS OF IMMIGRATION BILL

The principal feature of the Administration bill, H. R. 2580, is ending the national origins system for choosing quota immigrants. Under this system selection is chiefly based not on an immigrant's qualifications or family ties in this country but on his place of birth and, for persons of Asiatic descent, the birthplace of his ancestors. This system is a four-way failure--it blocks admission of scientists and others with unusual attainments, it keeps families from re-uniting, it undermines our foreign policy by projecting a false, discriminatory image, and it even fails in its original design because the favored nations of Northern and Western Europe seldom use their full quotas.

The Administration bill replaces this system over a five-year period with preference categories based on qualifications of special benefit to our country and on family relationships, with first come, first served within such categories. The law would continue to screen out criminals, subversives, or similar undesirables. Other important features of the bill include a limit of 10 percent on any one country's share of quota immigration, authority for the President to reserve up to 30 percent of the overall quota for NATO and other countries, and provisions for admitting limited numbers of refugees from catastrophe or oppression.

The bill will not significantly increase the amount of immigration, nor will it increase unemployment. Actual immigration, now about 300,000 a year, will be about 360,000, due chiefly to use of quota numbers now wasted. Less than half these 60,000 will be workers, and all will be consumers. The Secretary of Labor will keep out those who might take jobs from Americans, and our consuls will not grant visas to any who are likely to become public charges.

Extensive hearings on the bill have been held by a subcommittee under Congressman Feighan. On June 1st he introduced his own bill which would also abolish the national origins system, but do so immediately. His bill would fix an annual ceiling of 225,000 and would place parents, spouses, and children of United States citizens, who are non-quota in the Administration bill, under this ceiling. Total immigration would be about the same under both bills. The effects of several features of the Feighan bill upon our complex, worldwide system of immigration seem adverse or unclear, but some other provisions of the bill might make worthwhile additions to the Administration bill. These may include provisions granting preference status to refugees and legalizing the status of illegal entrants who have been residing in the United States in a law-abiding manner for a substantial period of time.

We have therefor been attempting to persuade Feighan to agree to reporting the Administration bill favorably, together with additional amendments embodying features from his bill. However, at a meeting of Feighan's subcommittee on Wednesday, June 9, he ruled Congressman Brooks out of order when the latter made a motion to that effect, and the subcommittee recessed without resolving the problem.

(Joint effort
RLS/LU/SL/Hannery)

Item 12

RLS desk copy

June 4, 1965

MEMORANDUM

Re: Possible Amendments to the Administration's
immigration bill, H.R. 2580.

This memorandum discusses briefly a number of possible amendments to the Administration's immigration bill and compares them with H.R. 8662, the bill introduced on June 1 by Congressman Feighan. (H.R. 8662, together with his remarks introducing the bill and a sectional analysis, is ~~present~~ printed at pages 11660-11663 of the Congressional Record of June 1.) These amendments are designed to adapt to the Administration bill certain features of H.R. 8662 that are or might be made acceptable to supporters of the Administration bill.

The Administration bill and H.R. 8662 are similar in their most important respects. Thus, both bills would abolish the national origins quota system, and both would abolish the Asia-Pacific Triangle provisions. Both bills, as under present law, would continue immigration from independent Western Hemisphere countries without numerical restriction. The bills would provide roughly comparable

ceilings on annual immigration from any single country outside the Western Hemisphere (Administration bill, 16,600; H.R. 8662, 20,000). None of the amendments discussed herein would alter the substance of these common features of the bills.

The principal differences between the bills are as follows:

1. Timing of end of national origins system. The Administration bill would phase out the national origins system gradually over a period of five years. H.R. 8662 would abolish the national origins system immediately. Amendment No. 1 would follow H.R. 8662 in this respect.
2. Close relatives of United States citizens. The Administration bill keeps immediate relatives of U.S. citizens (expected to enter initially at the rate of about 50,000 a year) in a nonquota status -- i.e., outside the 166,000 annual quota for immigration from outside the Western Hemisphere. Both under present law and the Administration bill there is no numerical limitation on this category of relatives. H.R. 8662 gives these relatives an unrestricted first preference within a 225,000 annual

ceiling for immigration outside the Western Hemisphere. Amendment No. 3, paragraph (1), would follow H.R. 8662 in these respects, although it would raise the ceiling to 235,000.

3. President's power to reserve visas for certain countries. The Administration bill gives the President power to reserve up to 50,000 visas out of the aggregate annual quota of 166,000 to avoid undue hardship to certain NATO countries (principally the United Kingdom, Germany, and the Netherlands) which might result from the abolition of national quotas. Under H.R. 8662, the President may reserve up to half of the nonpreference visas, an uncertain quantity. Under Amendment 3, paragraph (1), the President would be authorized during the first three years to reserve all nonpreference visas if necessary for this purpose, and thereafter up to half of them.

4. Preference structure. Under the Administration bill, the 166,000 annual quota is subject to preferences for two main groups: (1) persons with special occupational qualifications, and (2) various categories of relatives of U.S. residents. H.R. 8662 also provides for these two

main groups but shifts the balance of preferences somewhat in favor of the relatives, as against the persons with special occupational qualifications. Amendment No. 3, paragraphs (2) through (6), generally would follow H.R. 8662 in this regard.

5. Role of the Secretary of Labor. H.R. 8662 is much more restrictive on nonpreference immigrants, by requiring a determination of the Secretary of Labor in every case that admission of the immigrant would not tend to harm American labor. The Administration bill does not require such a clearance in each case, but continues the Secretary's present power to intervene as authorized by section 212(a)(14) of the present law. The amendments would not change the Administration bill and existing law in this respect.

6. Refugee provisions. The Administration bill contains provisions for admitting various kinds of refugees, including those from Communist-dominated countries and from the Middle East, with certain limits on volume. H.R. 8662 might admit greater numbers of refugees, but only those from Communist-dominated countries. Amendment No. 3, paragraphs (7) and (10) would more nearly resemble the

Administration bill than H.R. 8662 in this regard. (Amendments 13, 14, and 18 would serve to conform the Administration bill to the changes made by paragraphs (7) and ~~(10)~~ (10) of Amendment 3.).

7. Immigration Board. The Administration bill provides for an Immigration Board to advise the President. H.R. 8662 omits this provision. Amendment 18 would eliminate this provision from the Administration bill.

8. Waivers for mentally afflicted relatives. The Administration bill provides a procedure for waiving the exclusion of mentally afflicted aliens who are close relatives of U.S. residents. H.R. 8662 omits this provision. The possible amendments would leave this provision of the Administration bill unchanged.

9. Other changes. H.R. 8662 would effect a number of changes in the present law, generally benefitting aliens already in the United States who may be technically subject to deportation. The Administration bill has no comparable provisions. Amendments 11, 12, 13, and 14 would provide for such changes.

The amendments not discussed herein are principally designed to conform other provisions of the Administration bill to changes made by the amendments discussed above, or are addressed to procedural and technical matters.

6-3-6
(Joint effort
H.L. 52/Hennings)
(Completed May 29
& taken by Schlei to
Tearman that day)

June 3 (redo)
P.L. 52

(Changes made Tues
June 8th to satisfy
State made in
ink, for revised p/p)
(Amnt #3 pp. 5, 6, 7)
(Amnt #8 pp. 1, 2)
(other pages 2
amnts unchanged)

POSSIBLE AMENDMENTS

TO

ADMINISTRATION IMMIGRATION BILL

(H.R. 2580)

Amendment No. 1

Amend section 1 to read as follows:

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

SEC. 201. Exclusive of special immigrants defined in section 101(a)(27), 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 shall not in any fiscal year exceed 235,000 of which not more than 60,000 may be issued in each of the first three quarters of such fiscal year."

Amendment No. 2

Amend section 2 to read as follows:

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

"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) and in section 203: Provided, That the total number of immigrant visas available to natives of any single foreign state under paragraphs (2) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year."

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) Immigrant visas shall be allotted within the limits set by sec. 201 in each fiscal year as follows:

"(1) Without per centum limitation, immigrant visas shall be first made available to qualified immigrants who are the husbands, wives, children, unmarried sons or unmarried daughters of a citizen of the United States, or who are the fathers or mothers of a citizen of the United States, such citizen being over twenty-one years of age.

"(2) The first ten per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available for the issuance of immigrant visas 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.

"(3) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1), plus any visas not required for the classes specified in paragraph (2), shall be made available for the issuance of immigrant visas to qualified immigrants who are the husbands, wives, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, or who are the fathers or mothers of an alien lawfully admitted for permanent residence, such alien being over twenty-one years of age.

"(4) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1), plus any visas not required for the classes specified in paragraphs (2) and (3), shall be made available to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

> plus any
visas not
required for
the classes
specified in
paragraphs
(2) through (4),

"(5) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(6) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available 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.

"(7) The next ten per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants, who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist dominated country, prior to visa issuance, (i) that, because of persecution or fear of persecution on account of race, religion, or political opinion they 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) that they cannot return to such country or area on account of race, religion, or political opinion, and (iii) that they are not nationals of the countries or areas in which their application for a visa is made. For the purpose of the foregoing the term 'general area of the Middle East' means the area between and including

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(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 not more than one-half the number of immigrant visas specified in this paragraph may be made available to aliens who have been continuously physically present in the United States for a period of two years prior to application: Pro- vided further, That in each of the first three fiscal years following the enactment of this Act any immigrant visas issued pursuant to the foregoing proviso shall not be counted for purposes of applying the numerical limitations imposed in section 201.

"(8) Any immigrant visas not required for issuance to the classes specified in paragraphs (1) through (7) shall be made available to other qualified immigrants strictly in the chronological order in which such immigrants are registered on waiting lists which shall be maintained in accordance with regulations prescribed by the Secretary of State. (Insert on Labor screening)

"(9) 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 under paragraphs (1) through (8), be entitled to the same preference or nonpreference status, and the same order of consideration provided in subsection (b), ^{or preceding} [as his accompanying spouse or parent.

"(10) During any of the first three fiscal years following the enactment of this section, the President may reserve up to the entire number of visas allocated to nonpreference immigrants under paragraph (8), and thereafter not exceeding fifty per centum of the number of such visas, for allocation to otherwise qualified immigrants (A) whose admission is determined by him to be necessary in order to avoid undue hardship resulting from the abolition of annual quotas and nonquota classes, and to be in the national interest, or (B) ~~who are otherwise qualified immigrants~~ whose admission is determined by him to be required

if accompanying or following to join his spouse or

to further the traditional policy of the United States of offering refuge to persons oppressed or persecuted or who have been uprooted by natural calamity or military operations and are unable to return to their usual place of abode: Provided, That the proviso of section 202 shall not limit the President's authority under this paragraph.

"(b) Immigrant visas issued pursuant to paragraphs (2) and (6) 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. Immigrant visas issued pursuant to paragraphs (1), (3), (4), and (5) of subsection (a) shall be issued to eligible immigrants strictly in the chronological order in which such immigrants are registered on waiting lists which shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(c) In considering applications for immigrant visas under subsection (a) consideration shall be given first to applicants under paragraph (1) and consideration shall be given to other applicants in the order in which the classes of which they are members are listed in subsection (a).

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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 (C) who have been uprooted by natural calamity or military operations and are unable to return to their usual place of abode: Provided, That the proviso of section 202 shall not limit the President's authority under this paragraph.

"(b) Immigrant visas issued pursuant to paragraphs (2) and (6) 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. Immigrant visas issued pursuant to paragraphs (1), (3), (4), and (5) of subsection (a) shall be issued to eligible immigrants strictly in the chronological order in which such immigrants are registered on waiting lists which shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(c) In considering applications for immigrant visas under subsection (a) consideration shall be given first to applicants under paragraph (1) and consideration shall be given to other applicants in the order in which the classes of which they are members are listed in subsection (a).

"(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 (7) of subsection (a), or to a special immigrant status under section 101(a)(27). 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 (7) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so by the Secretary of State."

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"(d) Every immigrant shall be presumed to be a non-preference 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 (7) of subsection (a), or to a special immigrant status under section 101(a)(27). 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 (7) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so ~~by the Secretary of State~~ *as provided in sec. 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."

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.

"(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 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:

"SEC. 6. Section 206 of the Immigration and Nationality Act (66 Stat. 131, 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, and the spouse and children of any such immigrant, if accompanying or following to join him;

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

(C) (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

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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, and the spouse and children of any such immigrant, if accompanying or following to join 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) 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 (11) the spouse or the child of any such immigrant, if accompanying or following to join him; or

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Canal Zone

No immigrant
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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 (from proviso of p. 12 of HR 8662)

Amendment No. 9

Amend section 9 to read as follows:

SEC. 9. Section 211 of the Immigration and Nationality Act (66 Stat. 121,8 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)(9);".

(b) Paragraph (20) is amended by deleting the letter "(c)" 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)."

* 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 (56 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 immigrant's 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)(3) 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 23, 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)(3) for the fiscal year then current."

Amendment No. 15

Amend section 15 to read as follows:

SEC. 15. Section 231 of the Immigration and Nationality Act (66 Stat. 230, 8 U.S.C. 1351) is amended as follows:

(a) Immediately after "SEC. 231." 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. 16

Amend section 16 by deleting the word "quota" on line 15.

Amendment No. 17

Amend section 17(b) by changing lines 1 and 2 on p. 14
to read as follows:

"(4) is amended by deleting the word 'epilepsy'
and substituting in lieu thereof the words 'sexual
deviation.'"

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.

Amendment No. 19

Amend section 20 by inserting after the words "psycho-
pathic personality" on line 20 the words "or with
sexual deviation."

Amendment No. 20

Add a new section 21 to read as follows:

SEC. 21. This Act shall become effective on the
ninetieth day after its enactment.