89TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 745

AMENDING THE IMMIGRATION AND NATIONALITY ACT, AND FOR OTHER PURPOSES

AUGUST 6, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FEIGHAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 2580]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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. (a) Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence or who may, pursuant to section 203(a)(7) enter conditionally, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and (ii) shall not in any fiscal year exceed a total of 170,000.

"(b) the 'immediate relatives' referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: *Provided*, That in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act.

"(c) During the period from July 1, 1965, through June 30, 1968, the annual quota of any quota area shall be the same as that which existed for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

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"(d) Quota numbers not issued or otherwise used during the previous fiscal year, as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Allocation of numbers from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of a preference visa due to oversubscription of their quotas, or subquotas as determined by the Secretary of State. Visas and conditional entries shall be allocated from the immigration pool within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

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

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

"(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: *Provided*, That the total number of immigrant visas and the number of conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year: *Provided further*, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968.

"(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

"(c) Any immigrant born in a colony or other component or dependent area of a foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen as specified in section 201(b), shall be chargeable, for the purpose of limitation set forth in section 202(a), to the foreign state, except that the number of persons born in any such colony or other component or dependent area overseas from the foreign state chargeable to the foreign state in any one fiscal year shall not exceed 1 per centum of the maximum number of immigrant visas available to such foreign state.

"(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices."

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

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

"(1) Visas shall be first made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

"(2) Visas shall next be made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

"(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), 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.

"(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

"(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number of specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

"(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (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, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made. For the purpose of the foregoing the term 'general area of the Middle East' means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: *Provided*, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

"(8) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (6) and less the number of conditional entries and visas made available pursuant to paragraph (7), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraph (3) or (6) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(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 or to conditional entry under paragraphs (1) through (8), be entitled to the same status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

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

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

"(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 (6) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be an immediate relative of a United States citizen as specified in section 201(b) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. The Secretary of State, in his discretion, may terminate the registration on a waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed.

"(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien who conditionally entered the United States pursuant to subsection (a)(7) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

"(g) Any alien who conditionally entered the United States as a refugee, pursuant to subsection (a)(7) of this section, whose conditional entry has not been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

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

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 to an immediate relative status under section 201(b), 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)(2), or any alien desiring to be classified as a preference immigrant under section 203(a)(3) (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)(3) 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 an immediate relative specified in section 201(b) or 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)(3) 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) or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification."

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

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

"SEC. 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."

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

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

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

"(27) The term 'special immigrant' means—

"(A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him: Provided, That no immigrant visa shall be issued pursuant to this clause until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14);

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

"(C) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III, apply for reacquisition of citizenship;

"(D)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

"(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and

the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

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

"(32) The term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

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

"(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), 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."

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

"SEC. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

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

(a) Paragraph (14) is amended to read as follows:

"Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply 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), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);".

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

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

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

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

(a) Section 221(a) is amended by deleting the words "the particular nonquota category in which the immigrant is classified, if a non-quota immigrant," and substituting in lieu thereof the words "the preference, nonpreference, immediate relative, 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 words "a quota" preceding the word "immigrant," and substituting in lieu thereof the word "an."

(c) Section 222(a) is amended by deleting the words "preference quota or a nonquota immigrant" and substituting in lieu thereof the words "an immediate relative within the meaning of section 201(b) or a preference or special immigrant".

(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 or immediate relative as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to special immigrant or immediate relative status. In the event that the number of immigrants admitted pursuant to the provisions of section 101(a)(27)(A) in any one fiscal year exceeds by 10 per centum or more the average number of immigrants admitted from the Western Hemisphere in the previous five fiscal years, the President shall so notify the Congress by January 15 of the following year with such recommendations as he may have, if any."

(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."

SEC. 12. Section 244(d) of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254) 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), or is an immediate relative within the meaning of section 201(b), 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. 13. Section 245 of the Immigration and Nationality Act (66 Stat. 217; 8 U.S.C. 1255) is amended as follows:

(a) 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."

(b) 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)."

SEC. 14. Section 281 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as follows:

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

(b) Paragraph (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";

(c) 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

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

SEC. 15. (a) Paragraph (1) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)(1)) is amended by deleting the language "feebleminded" and inserting the language "mentally retarded" in its place.

(b) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182 (a)(4)) is amended by deleting the word "epilepsy" and substituting the words "or sexual deviation".

SEC. 16. 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.

SEC. 17. Section 221(g) of the Immigration and Nationality Act (66 Stat. 192; 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and

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

SEC. 18. So much of section 272(a) of the Immigration and Nationality Act (66 Stat. 226; 8 U.S.C. 1322(a)) as precedes the words "shall pay to the collector of customs" is amended to read as follows:

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

SEC. 19. This Act shall become effective on the first day of the first month after the expiration of thirty days following the date of its enactment except as provided herein.

SEC. 20. (a) The designation of Chapter I, Title II, is amended to read as follows: "CHAPTER I—SELECTION SYSTEM".

(b) The title preceding section 201 is amended to read as follows: "NUMERICAL LIMITATIONS".

(c) The title preceding section 202 is amended to read as follows: "NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE".

(d) The title preceding section 203 is amended to read as follows: "ALLOCATION OF IMMIGRANT VISAS".

(e) The title preceding section 204 is amended to read as follows: "PROCEDURE FOR GRANTING IMMIGRANT STATUS".

(f) The title preceding section 205 is amended to read as follows: "REVOCATION OF APPROVAL OF PETITIONS".

(g) The title preceding section 206 is amended to read as follows: "UNUSED IMMIGRANT VISAS".

(h) The title preceding section 207 is repealed.

(i) The title preceding section 224 of Chapter III, Title II, is amended to read as follows: "IMMEDIATE RELATIVE AND SPECIAL IMMIGRANT VISAS".

SEC. 21. (a) The table of contents (Title II—IMMIGRATION, CHAPTER I) of the Immigration and Nationality Act, is amended to read as follows:

"CHAPTER 1—SELECTION SYSTEM

"Sec. 201. Numerical limitations.
"Sec. 202. Numerical limitation to any single Foreign State.
"Sec. 203. Allocation of immigrant visas.
"Sec. 204. Procedure for granting immigrant status.
"Sec. 205. Revocation of approval of petitions.
"Sec. 206. Unused immigrant visas."

(b) The table of contents (TITLE II—IMMIGRATION, CHAPTER III) of the Immigration and Nationality Act, is amended by changing the designation of section 224 to read as follows:

"Sec. 224. Immediate relative and special immigrant visas."

PURPOSE OF THE BILL

The purpose of the bill is the elimination of the national origins system as the basis for the selection of immigrants to the United States.

HISTORICAL BACKGROUND

The national origins system was first proposed on April 11, 1924, as an amendment to the immigration bill then under consideration by the House of Representatives. The concept was based on the national origins of the inhabitants of the United States according to the 1920 census, exclusive of (1) natives of independent countries of the Western Hemisphere, (2) persons of Asian ancestry, (3) descendants of African

immigrants, and (4) descendants of American aborigines. However, the proposal was voted down several times in the House of Representatives without a record vote and the bill passed that body without the national origins provision. The provision was inserted in the Senate and retained in conference. The Senate and the House agreed to the conference report and the bill, as amended, became law on May 26, 1924.

The effective date of the national origins quota concept, based on the 1920 census, was extended on two occasions by a joint resolution of the Congress, first to July 1, 1928, and later to July 1, 1929. In the interim period the annual quota for any nationality was equal to 2 percent of the number of foreign-born individuals of such nationality residing in the continental United States as determined by the U.S. census of 1890.

The Immigration Act of 1924, as amended by the foregoing resolutions, provided that the annual quota of any nationality for the fiscal year beginning July 1, 1929, and for each fiscal year thereafter, would be a number which bears the same ratio to 150,000 as the number of inhabitants in the continental United States in 1920 having that national origin bears to the number of inhabitants in the continental United States in 1920, but the minimum quota of any nationality shall be 100. The act also introduced the provision that no alien ineligible to citizenship could be admitted to the United States as an immigrant.

Some hailed the 1924 act as the most far-reaching change that occurred in U.S. immigration policy during the course of that quarter century, in that it arrested the tendency toward a change in the fundamental composition of the American stock. Its original objective was to maintain, to some degree, the ethnic composition of the American people, on the premise that some nations are far closer to the United States in culture, customs, and standards of living, respect for law, and experience in self-government.

Others denounced the act as racially biased, statistically incorrect, and a clumsy instrument of selection based on discrimination against nations instead of the personal qualifications of immigrants. It is said to overlook the innate differences of individuals among members of a group and to confuse racial traits and cultural attainments by identifying both physical and mental developments with country of birth.

The Immigration Act of 1924, an immigration quota act, in conjunction with the act of February 5, 1917, principally a codification of exclusion provisions, governed American immigration policy until the Immigration and Nationality Act became effective on December 24, 1952. This act was a codification of the multitude of laws which before its enactment governed immigration and naturalization in the United States.

The immigration quotas provided by the Immigration and Nationality Act followed in general the pattern of the national origins system contained in the Immigration Act of 1924. This act, like the 1924 act, limited the number of quota immigrants entering the United States during any one year and provided for the distribution of the annual quota among the various quota areas. The Immigration and Nationality Act, however, simplified the formula for the computation of quotas by providing that the annual quota of any quota area would be one-sixth of 1 percent of the number of in-

habitants in the continental United States in 1920 attributable by national origin to such quota area.

The national origins provision continued in the Immigration and Nationality Act was the subject of debate in both the House of Representatives and the Senate. Differences between the House and the Senate versions were reconciled in conference on June 9, 1952, and the conference report was adopted shortly thereafter by both bodies. President Truman, on June 25, 1952, vetoed the bill and emphasized:

> This quota system—always based upon assumptions at variance with our American ideals—is long since out of date and more than ever unrealistic in the face of present world conditions * * *. The greatest vice of the present quota system, however, is that it discriminates, deliberately and intentionally, against many of the peoples of the world * * *. The basis of this quota system was false and unworthy in 1924. It is even worse now.

Notwithstanding the strong opposition of President Truman, the President's veto was overridden by the Congress and on June 27, 1952, the Immigration and Nationality Act became law.

LEGISLATIVE HISTORY

President Johnson submitted an executive communication to the Congress on January 13, 1965 (H. Doc. No. 52), and his recommendations were embodied in H.R. 2580 which was introduced on the same day. The provisions of the bill were substantially the same as the provisions recommended by the late President Kennedy on July 23, 1963, which were incorporated in H.R. 7700 of the 88th Congress.

President Eisenhower had also sent messages to the Congress recommending immigration reform, stating that experience in the postwar world demonstrated that the present national origins method of admitting aliens needed to be reexamined, and a new system adopted which would admit aliens within allowable numbers according to new guidelines and standards.

Extensive hearings were held in June, July, August, and September of 1964 on H.R. 7700, 55 identical bills, and 30 other proposals to amend the Immigration and Nationality Act. Testimony was received from Cabinet officers, Government officials, Members of Congress, and representatives of patriotic, religious, nationality, veterans, labor, and other nongovernmental organizations, as well as from private citizens. In the present Congress hearings were held on H.R. 2580 and further testimony was received from governmental as well as nongovernmental witnesses.

Every aspect of immigration relating to the proposed legislation was painstakingly studied and reviewed.

GENERAL INFORMATION

The primary objective of the national origins system was to maintain the ethnic balance of the American population as it existed in 1920. Under that system the selection of immigrants was based upon race and place of birth.

The national origins system has failed to maintain the ethnic balance of the American population as it was designed and intended since the nations favored with the high quotas have left their quotas largely unused. Immigration statistics establish that only one of every three immigrants, during the last two decades, actually was admitted to the United States as a quota immigrant under the national origins system.

President Kennedy in a special message to the Congress on July 23, 1963, said:

> The most urgent and fundamental reform I am recommending relates to the national origins system of selecting immigrants. Since 1924 it has been used to determine the number of quota immigrants permitted to enter the United States each year. Accordingly, although the legislation I am transmitting deals with many problems which require remedial action, it concentrates attention primarily upon revision of our quota immigration system. The enactment of this legislation will not resolve all of our important problems in the field of immigration law. It will, however, provide a sound basis upon which we can build in developing an immigration law that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribes.

President Johnson in January of 1965 said:

> A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.
>
> I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.
>
> The principal reform called for is the elimination of the national origins quota system. That system is incompatible with our basic American tradition.
>
> Over the years the ancestors of all of us—some 42 million human beings—have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.
>
> Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "nation of nations."
>
> Violation of this tradition by the national origins quota system does incalculable harm. The procedures imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this proposition.

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

Congress has progressively enacted special legislation to permit reuniting of families. These special laws supplemented the basic immigration law and provided for the admission, generally on a non-quota basis, of immigrants of different races and circumstances as well as the unfortunate who have been uprooted and displaced by political upheavals. The performance of the Congress in the field of immigration in the postwar period has been far more generous and sympathetic than adherence to the national origins system alone would allow. The failure of that system is noted by the continual changes that special legislation have made on the pattern of immigration over the years. More recently, legislation has clearly reflected the intent of the Congress to relieve human pressures created by quota restrictions. Existing law has not kept pace with the needs of our own citizens and our foreign policy to the extent that inevitable pressures built up and had to be relieved by humanitarian special legislation. The restrictive effect of the national origins concept has been significantly modified during the last decade as the result of special legislation.

In place of the national origins system the bill establishes a new system of selection designed to be fair, rational, humane, and in the national interest. Under this system, selection from among those eligible to be immigrants within the annual numerical ceiling of 170,000 (inclusive of 10,200 refugees) will be based upon the existence of a close family relationship to U.S. citizens or permanent resident aliens and not on the existing basis of birthplace or ancestry. Reunification of families is emphasized as the foremost consideration. The closer the family relation the higher the preference. In order that the family unit may be preserved as much as possible, parents of adult U.S. citizens as well as spouses and children may enter the United States without numerical limitation. The unmarried sons and daughters of U.S. citizens are considered to be part of the immediate family unit and thus are given first preference status. As the family relationship becomes more distant a lower preference status is accorded.

Preference is also provided for those professional people, with personal qualifications, whose services are urgently needed in the United States. Aliens capable of filling labor needs are given a lesser preference.

The principle of selection within the preference categories is not unlike the present preference system; however, the bill has a revised order of preferences to first reunite families and next to admit those aliens, without family ties in the United States, who will contribute to the national economy, welfare, and cultural interests of the United States.

The new selection system, in summary, is based upon first come, first served, without regard to place of birth, within the preference categories and subject to specified limitations designed to prevent an unreasonable allocation of numbers to any one foreign state.

The order of preferences within this system is consistent with the recommendations developed in the course of committee hearings.

The committee, in considering the need for change, is cognizant of the fact that there are far more people who would like to come to the United States than the United States can accept. It is the basic objective of this bill to choose fairly among the applicants for admission to this country without proposing any substantial change in the number of authorized immigration. The significance of immigration to the United States will depend less on the number than on the quality of immigrants. Therefore, it is the considered opinion of the committee that it is appropriate to fix a limit of 170,000 (inclusive of 10,200 refugees) immigrant admissions annually from former quota countries. This limit will permit immigration within the absorptive capacity of this country.

Under existing law the sum total of quotas for all areas exclusive of the Western Hemisphere is 158,561. This figure does not reflect the number of refugees who are paroled in the United States without being charged to any particular quota. The limitation of 170,000 admissions from former quota countries includes an allocation of up to 10,200 numbers which can be made available for the conditional entry of refugees. Thus, the increase in the authorized annual total, based upon estimates, will not exceed 2,000. However, it should be restated that the existing qualitative controls on immigration will be implemented by new labor controls which, in effect, should cause immigration to be maintained upon the present level.

It should be emphasized that there has been no relaxing of the qualitative criteria for admissibility to the United States and that no relaxation of the mental, health, moral, economic, and security criteria is proposed. The bill is not a comprehensive overhaul of the immigration laws.

The existing quota system will be abolished on July 1, 1968. In the interim the immigration numbers authorized under the existing quota system which are unused at the end of each fiscal year will be reallocated from a pool of the unused numbers for the issuance of visas to preference immigrants from countries which have oversubscribed quotas and long preference waiting lists. During the interim, this procedure will not affect the flow of immigration from large quota countries and at the same time will hasten to eliminate the waiting lists so that on July 1, 1968, it is anticipated that all individuals from each foreign state will be able to participate equally and fairly in the numbers then made available for immigration. This procedure is intended to provide a smooth and orderly transition from the old system to the new.

Asia-Pacific triangle

The Congress in 1943 abolished the Chinese exclusion laws and established for the first time a quota for the immigration of Chinese persons. In 1946 persons belonging to races indigenous to India were made eligible for immigration and naturalization. The Philippine Independence Act of 1934 established a quota for the Philippine Islands which was increased in 1946. This cautious beginning of a revision policy pertaining to Asian persons has been followed by progressive amendments to the immigration laws.

In 1952 the Immigration and Nationality Act eliminated race as a bar to naturalization and thereby to immigration. Asian spouses and children of American citizens were given the same nonquota status enjoyed by any person of non-Asian ancestry. The discrimina-

tory features affecting Asian persons which then remained were the establishment of a limitation of 2,000 for the aggregate of minimum quota areas in the Asia-Pacific triangle and the requirement that the quota chargeability of an Asian person born outside the Asian sphere be determined by ancestry rather than the place of birth. The Congress in 1961 removed the 2,000 limitation on the aggregate of minimum quotas within the triangle. The only remaining discriminatory provision requiring that an Asian person be charged to the quota of his ancestry, even though born outside of the Asian area, is repealed immediately by this legislation and thus the last vestige of discrimination against Asian persons is removed from the immigration laws.

Immigration and the economy

The amended section 212(a)(14) represents a substantial departure from existing law. Presently, the provisions of section 212(a)(14) operate only when the Secretary of Labor invokes them by certification which has the effect of excluding any intending immigrant, within the scope of the certification, who would likely displace a qualified American worker, or whose employment in the United States would adversely affect the wages and working conditions of workers similarly employed in the United States. This procedure is reversed under the amendment. Responsibility is placed upon the intending immigrant to obtain the Secretary of Labor's clearance prior to issuance of a visa. This provision is applicable to immigrants from the Western Hemisphere, nonpreference immigrants, as well as those preference immigrants who seek entrance into the United States for the primary purpose of gainful employment whether it be in a skilled or semiskilled category or as a member of the professions or the arts.

The Department of Labor should have no difficulty in adapting to this new procedure inasmuch as the Department, through its Bureau of Employment Security and affiliated State Employment Service agencies, presently determines availability of domestic workers and the standards of working conditions. There is no apparent need to increase facilities.

There is a clear responsibility assumed by citizens and permanent resident aliens who have filed preference petitions for relatives to come to the United States and as a consequence such certification by the Secretary of Labor is unnecessary. Additionally, assurances are required by consular officers, before visa issuance, that the public charge provisions of the law are satisfied.

The committee is aware of what appears to be the increasing desire of natives of the countries of the Western Hemisphere to immigrate to the United States.

The provision in this bill requiring the President to advise the Congress of any excess immigration from the Western Hemisphere is not without a most serious purpose. The individual countries of the Western Hemisphere are not subject to a numerical limitation on immigration. However, if a disproportionate number of immigrants from this area is admitted, it is the responsibility of the President to notify the Congress and the Congress to take whatever appropriate action necessary to insure that the fair and equitable balance of immigration as set forth in this legislation is maintained.

The committee has given much thought to the practice of importing foreign labor to work in agricultural endeavors. Inasmuch as the

Agricultural Act of 1949, as amended, has not been extended, it is the firm position of the committee that the provisions of the Immigration and Nationality Act, pertaining to temporary admission of laborers, shall not be abused.

As the bill specifies, the committee has required the Attorney General to submit reports on each preference immigrant admitted to the United States for the purpose of undertaking gainful employment. Likewise, the committee states that the exercise of discretion by the Attorney General in the temporary labor field will be scrutinized thoroughly.

The bill makes specific provision that skilled or unskilled labor of a temporary or seasonal nature is not entitled to any preference under the selective system.

Refugees

Legislation to enable the United States to participate in the resettlement of refugees has been part of our immigration policy continuously since the close of World War II. Permanent provision is made for the conditional entry of up to 10,200 refugees annually to continue the traditional policy of the United States to offer refuge to persons oppressed or persecuted because of their race, religion, or opposition to totalitarian beliefs. This new section of the law will permit the President to act immediately, if the situation so requires, to come to the aid of refugees as defined in this bill. The Congress, charged with the constitutional responsibility for the regulation of immigration, reserves the power to review the case history of every refugee conditionally entered into the United States to determine whether the interests of this country are subject to outside pressures.

Refugees have been admitted to the United States through the sponsorship of voluntary agencies and private citizens. The committee intends that such practice will continue so that each refugee will have an opportunity to adjust and develop in this country without fear of abandonment and without the possibility of becoming a public charge.

The conditional entry of refugees as proposed in this bill is not unlike the parole procedure utilized during the existence of the so-called Fair Share Act (sec. 212(d)(5)) and it is intended that the procedure remain the same. Since the use of the term "parole" conveys a connotation unfavorable to the alien, the substitute term "conditional entry" has been used to avoid any such implication.

The so-called Fair Share Refugee Act (the act of July 14, 1960), with the exception of the sections which permit adjustment of status of refugees already admitted to the United States under its provisions, is repealed. The repeal of this legislation will again permit the United States to determine who is or who is not a refugee. Under the Fair Share Act the United States delegated to the United Nations High Commissioner for Refugees the authority to determine eligibility qualification for refugee status. This arrangement served a purpose only during the course of World Refugee Year. Inasmuch as definite provision has now been made for refugees, it is the express intent of the committee that the parole provisions of the Immigration and Nationality Act, which remain unchanged by this bill, be administered in accordance with the original intention of the drafters of that legislation. The parole provisions were designed to authorize the Attorney General to act only in emergent, individual, and isolated

situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law.

Jamaica, Trinidad-Tobago

It has been the policy of the Congress to recognize the common bond uniting the Americas by exempting from any quota restrictions those immigrants who were born in independent countries of the Western Hemisphere. When the Congress in 1952 formulated the pertinent provisions of the Immigration and Nationality Act, it included in the list of nonquota countries all those which were dependent at that time. Meanwhile, Jamaica and Trinidad-Tobago have become independent. The bill proposes that these countries, as well as any countries in the Western Hemisphere which become independent in the future, shall enjoy the same status of immigration without numerical limitation; however, immigration from all such countries in the hemisphere remains subject to the qualitative restrictions in the law.

Exclusionary provisions

In view of the representations made by the U.S. Public Health Service that term "psychopathic personality" would encompass homosexuals and sex perverts, the Congress in enacting the Immigration and Nationality Act omitted from the law any specific provision relating to the ineligibility of such persons (note S. Rept. 1137, 82d Cong.).

However, the U.S. Court of Appeals for the Ninth Circuit on April 17, 1962, set aside a deportation order and enjoined its enforcement holding that section 212(a)(4) was unconstitutionally vague in that homosexuality was not sufficiently encompassed within the term "psychopathic personality." (*Fleuti* v. *Rosenberg*, 302 F. 2d 652.)

To resolve any doubt the committee has specifically included the term "sexual deviation" as a ground of exclusion in this bill.

The Public Health Service interprets the term "epilepsy" as meaning only convulsive disorders whose cause is unknown. The alien who is found to be afflicted with this so-called idiopathic or true epilepsy is mandatorially excludable under the present law without regard to the alien's intelligence or ability to earn a living.

However, the alien found to have epileptic symptoms caused by a previous brain injury or disease is evaluated medically on the facts and circumstances of that injury or disease and its effect on his ability to function. The examining physician gives the consul a medical evaluation and the consul determines admissibility under those provisions of the law which exclude aliens likely to become a public charge.

With the deletion of epilepsy as a ground of exclusion, any alien with idiopathic epilepsy will be considered the same way as an alien who has epileptic symptoms due to identifiable physical causes. Each individual will be evaluated in terms of effect of the condition on his ability to earn a living and the likelihood of his becoming a public charge so that the more severe cases might still be excluded.

The change in law is reasonable and desirable because medical advances have brought this condition under control with medication and it is now possible to achieve complete control of symptoms in half of the cases and a very marked reduction in another 30 percent.

Quota control under H.R. 2580, as amended

The quota control function of the Department of State under H.R. 2580 as amended will operate substantially as it has in the past with one important exception. The percent limitation on visas (or conditional entries), as specified in the bill for each of the preference categories (sec. 203(a)(1–7)), will be applied during the transition period and thereafter on a worldwide basis (exclusive of the Western Hemisphere) instead of the present individual quota area basis. The allocation of quota numbers, whether from the established quotas or from the immigration pool, for the issuance of visas, for conditional entries, or for adjustments of status in the United States will be governed by the following three general limitations:

(*a*) The overall numerical limit of 170,000 (inclusive of 10,200 refugees);

(*b*) The individual foreign state limit of 20,000; and

(*c*) The percentage limit fixed for each preference category on a worldwide basis.

Within the foregoing limitations, quota numbers will be made available on a first-come, first-qualified basis. All consular offices abroad will be required to submit monthly reports to the Department showing the number of intending immigrants within each preference and nonpreference category who have been examined and found qualified to receive visas, and their priority date on the waiting list. These monthly reports will form the basis for estimating the qualified demand for immigrant visas in each category (preference and nonpreference). Based upon this estimated qualified demand, the Department of State will allocate the requested numbers to the extent of their availability for the particular month and subject to the percent limitation specified in the law for each preference class. When the qualified demand exceeds the available numbers, the later registrants in each category must await a number in the next monthly allotment.

In allotting quota numbers under H.R. 2580, as amended, during the three-year interim period, the Department will first use the numbers available under the established quotas to the full extent of the quota and, thereafter, to the extent that they are available for allotment from the immigration pool. The general rule of quota chargeability (country of birth) will govern the allotment of numbers from the establishment quotas but not from the immigration pool. Numbers from the pool will be available to natives of oversubscribed quota areas within preference percentages and without regard to country of birth.

After the 3-year interim period visa numbers will be issued from the 170,000 authorized to qualified immigrants and refugees, without regard to place of birth, within the preference or nonpreference categories, up to the limit of 20,000 per foreign state, and in accordance with the order of priority.

With regard to the conditional entries of refugees under section 203(a)(7), it will be necessary for the Department of State to know currently the exact number of such entries not only for statistical purposes (determining when numerical limitations are reached) but also to enable the Department of State to make a reasonable estimate, at least quarterly, of numbers available for allotment to intending immigrants within the nonpreference category.

BASIC CHANGES

1. Abolition of the national origins system.
2. New system of preferential admissions based upon the existence of a close family relationship with U.S. citizens or permanent resident aliens, and upon the advantage to the United States of the special talents and skills of the immigrant.
3. Parents of U.S. citizens (if such citizen is over 21 years of age) will not come under a numerical limitation.
4. Two preference categories for immigrants to be employed in the United States:
   (*a*) Third preference—professions or exceptional ability in the sciences or the arts (an immigrant in this category may file his own petition).
   (*b*) Sixth preference—skilled or unskilled workers who can fill specific needs in short supply.
5. A limitation of 170,000 (including 10,200 refugees) on the number of immigrants who may be admitted to the United States in any fiscal year other than the defined "special immigrants" and "immediate relatives." No foreign state will be allowed more than 20,000 immigrants in any one fiscal year.
6. Elimination of the discriminatory Asia-Pacific triangle provision of the existing law.
7. Exemption from numerical limitation on immigration for newly independent Western Hemisphere countries (Jamaica, Trinidad-Tobago).
8. Elimination of technical restrictions which have existed in the refugee laws and establishment of a definite number to be utilized for refugees.
9. Safeguards to protect the American economy from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market.

SECTION-BY-SECTION ANALYSIS OF H.R. 2580, AS AMENDED

Section 1

A limit of 170,000 is established for the number of aliens who may enter the United States as immigrants or who may have their status adjusted in the United States to that of a permanent resident, or who may conditionally enter as refugees. However, as under the present system, natives of independent countries of the Western Hemisphere and spouses and unmarried minor children of U.S. citizens are not subject to this numerical limitation. Parents of U.S. citizens are also in this numerically unrestricted category. To facilitate administration, not more than 45,000 aliens, subject to the numerical ceiling, may be admitted in each of the first three quarters of any fiscal year.

A new classification "immediate relative" is set forth and defined to include parents, spouses, and minor unmarried children of U.S. citizens while natives of the Western Hemisphere are classified as "special immigrants."

This section will bring the system of national quotas to an end on June 30, 1968, but continues for the intervening 3-year period (July 1, 1965, to June 30, 1968) the existing quotas for quota areas. During each fiscal year in this period, quota numbers not used in the course of

the preceding fiscal year are to be transferred to an immigration pool. Quota numbers in the pool will be made available to immigrants who cannot obtain visas due to oversubscription of their quotas. Such numbers will be allocated from the immigration pool in accordance with the preference percentages in section 3 of the bill without regard to quota chargeability. Otherwise, the existing quota system will continue to operate during this 3-year period.

Allocation of numbers from the pool and from the existing quotas shall not exceed the 170,000 limitation. The immigration pool and the national origins system will be terminated on June 30, 1968. Thereafter all aliens subject to the 170,000 limitation, whether they are issued immigration visas, acquire the status of those admitted for permanent residence, or are granted conditional entry, shall be treated in accordance with the percentage limitations laid down in section 3 of the bill.

It is the intention of the committee that "immediate relatives" as that term is defined in section 201(b) and "special immigrants" as defined in section 101(a)(27) will be documented as such and not issued visas which are subject to the numerical limitations of the act.

Section 2

The new system for issuance of immigrant visas without regard to national origin is established. This system will apply to the immigration pool during the 3-year period of its existence and thereafter to all immigration subject to the 170,000 ceiling. Of this total of 170,000, not more than 20,000 immigrant visas and conditional entries are to be made available to the natives of any single foreign country in any fiscal year. However, during the 3-year period of the continuation of quotas, the 20,000 ceiling will not operate to reduce the number of immigrants who may be admitted from a quota area with a quota larger than 20,000.

The remainder of this section is a restatement of section 202 of the Immigration and Nationality Act and provides that an immigrant is to be charged to the country of his birth for the purposes of the 20,000 limitation, except in a case where such chargeability would cause the family unit to be divided. An accompanying spouse or child may be charged to the same foreign state as his spouse or parent if the limitation for that foreign state has not been utilized. The Asia-Pacific-triangle provision contained in section 202(b) of the Immigration and Nationality Act, requiring quota chargeability on the basis of racial ancestry, is immediately repealed. The section also provides that a colony or other dependent area of a foreign state shall not in any one fiscal year receive more than 1 percent of the maximum number of immigrant visas available to that state, thus preventing such colony or dependent area from preempting the governing country's visa limitation disproprotionately.

The Secretary of State is authorized to take appropriate action in the event there is any change in the territorial limits of foreign states.

Section 3

The order of preference priorities and percentage allocations for the admission of qualified immigrants under the numerical limitation of 170,000 (sec. 201(a)) is as follows:

(1) Unmarried sons or daughters of U.S. citizens—the first 20 percent of the total of 170,000.

(2) Husbands, wives, and unmarried sons or daughters of alien residents—20 percent plus any unused portion of class (1).

(3) Members of professions, scientists, and artists—the next 10 percent.

(4) Married sons or daughters of U.S. citizens—10 percent plus any unused portions of classes (1) through (3).

(5) Brothers or sisters of U.S. citizens—24 percent plus any unused portions of classes (1) through (4).

(6) Skilled or unskilled persons capable of filling labor shortages in the United States—the next 10 percent.

(7) Refugees from persecution by Communist or certain other governments—The next 6 percent. As distinguished from the aleins in the other classes, who are given immigrant visas, refugees will be granted conditional entries by the Attorney General provided they qualify as refugees within the definition prescribed in the bill. However, one-half of this 6 percent figure, or 5,100 of these numbers authorized for refugees may be used in lieu of conditional entries to adjust the status of refugees who have been physically present in the United States for 2 years.

(8) Otherwise qualified immigrants, in the order of their qualification (i.e., nonpreference immigrants)—any portion of the 170,000 not used by classes (1) through (7).

The requirement that visas shall be issued to nonpreference applicants in the order in which they qualify rather than in the order in which they apply for registration on a waiting list will have the effect of preventing the buildup of unrealistic waiting lists of aliens who register without serious intent to immigrate to the United States.

The Secretary of State is authorized to terminate the waiting list registration of any alien who does not continue an interest to immigrate to the United States.

Section 203(c) of the Immigration and Nationality Act, as proposed in section 3 of the bill, requires that visas issued to qualified immigrants pursuant to paragraphs (1) through (6) of scetion 203(a) shall be issued in the order in which the approved petition is filed with the Attorney General. This requirement is intended to apply to preference petitions approved prior to enactment of the bill.

Subsection (f) requires the Attorney General to submit reports to Congress concerning refugees who have entered the United States conditionally. Subsections (g) and (h) provide for the inspection of refugees after they have been in the United States for at least 2 years and retroactive adjustment of status to that of an alien lawfully admitted for permanent residence as of the date of their arrival in the United States.

The other subsections of this section set forth a number of technical amendments and establish procedures for authorizations in connection with the administration of the preference provisions.

Section 4

Sections 204 and 205 of the Immigration and Nationality Act are revised to establish a single procedure for the filing of petitions with the Attorney General to accord immediate relative status, or preference status, as the case may be. The limitation on the number of orphan petitions which may be approved for one petitioner is continued as well as the prohibition against approval of a petition for an alien whose prior marriage was determined by the Attorney

General to have been entered into for the purpose of evading the immigration law.

The Attorney General is required to submit a report to Congress on each petition approved for the professional or occupational preferences.

Section 5

This section restates section 206 of the Immigration and Nationality Act and authorizes the Attorney General to revoke for sufficient cause a preference petition previously approved.

Section 6

This section restates the present section 207 of the Immigration and Nationality Act and is amended to authorize the reissuance of an immigrant visa, if not used by the initial holder, to another qualified alien.

Section 7

Section 207 of the Immigration and Nationality Act is repealed.

Section 8

Section 101(a)(27) of the Immigration and Nationality Act, which section defines "nonquota immigrant," is amended to eliminate the term "nonquota immigrant" and insert in lieu thereof "special immigrant." Therefore, natives of independent countries of the Western Hemisphere, returning resident aliens, certain former citizens of the United States, ministers of religion, and certain retired employees of the U.S. Government abroad previously referred to as "nonquota immigrants" will henceforth be referred to as "special immigrants." The term "profession" used in section 3 of the bill is defined, and the definition of an "eligible orphan" is consolidated from different sections and restated.

Section 9

Section 211 of the Immigration and Nationality Act which requires an unexpired visa and a passport for every immigrant arriving in the United States, is restated and amended to broaden the authority of the Attorney General to waive documentation required of a returning resident alien.

Section 10

Section 212(a)(14) of the Immigration and Nationality Act is restated so as to require an affirmative finding by the Secretary of Labor that any alien seeking to enter the United States as a worker, skilled or otherwise, will not replace a worker in the United States nor will the employment of such alien adversely affect the wages and working conditions of individuals in the United States similarly employed. This required certification will be applicable to special immigrants (other than the parents, spouses, and minor children of U.S. citizens or permanent resident aliens), preference immigrants described in section 203(a) (3) and (6), and the nonpreference immigrants.

Section 11

In addition to technical changes in a number of the sections of the act, this section amends section 224 to require the President to notify the Congress with recommendations, if any, if in any year the special

immigrants from the Western Hemisphere exceed by 10 percent the average number admitted from that area in the previous 5 years.

Section 243(h) of the Immigration and Nationality Act is amended to authorize the Attorney General to withhold deportation of an alien who, in his opinion, would be subject to persecution if deported. Existing law requires evidence that the alien would be subjected to "physical" persecution. Techniques of persecution are not limited to bodily violence alone.

Section 12

Section 244(d) of the Immigration and Nationality Act is amended to conform to changes in the act due to the termination of the quota system. In each case where an alien, other than a special immigrant or an immediate relative, has his deportation suspended, a number is deducted from the nonpreference immigrant visas authorized for the current fiscal year.

Section 13

Section 245 of the Immigration and Nationality Act, relating to adjustment of status of aliens in the United States, is amended to prohibit the adjustment of status of natives of the Western Hemisphere now referred to as "special immigrants." The Immigration and Naturalization Service has been faced with a recurring problem in cases of natives of Central and South America who come to the United States as nonimmigrant visitors and promptly seek permanent residence status under section 245.

In those instances when adjustment of status is granted, a number is to be deducted from the appropriate preference or nonpreference category.

Section 14

Section 281 of the Immigration and Nationality Act is amended to grant the Secretary of State discretion to specify the time and manner of payment of fees for visa application and issuance. This amendment is designed to discourage registration by persons not sincerely intending to immigrate to the United States.

Section 15

Section 212(a)(1) of the Immigration and Nationality Act is amended by deleting the term "feebleminded" and inserting in lieu thereof "mentally retarded." This change is made to conform with modern medical terminology. Also, "epilepsy" is deleted as a ground for exclusion and "sexual deviation" is included as a ground for exclusion.

Section 16

The Fair Share Refugee Act is repealed with the exception of the sections that permit adjustment of status for those refugees who have already been admitted and will soon be eligible to apply for adjustment. (A new provision is made for refugees in sec. 3 of the bill).

Section 17

Consular officers are authorized in their discretion to require the giving of a bond in cases where aliens apply for student or visitor visas to come to the United States to insure that such alien will maintain his status. This provision will make it possible to resolve doubts in borderline cases in which the consular officer is uncertain as

to the bona fides of the nonimmigrant's intention to remain in the United States temporarily.

Section 18

Section 272 of the Immigration and Nationality Act, which imposes a penalty for bringing certain excludable aliens to the United States, is amended to conform with the amended section 212.

Section 19

The effective date of this legislation is established, which is on the first day of the first month after the expiration of 30 days following the date of enactment, except as otherwise provided.

Section 20

This section amends the titles of chapters 1 and 3 of title II to conform with the contents of the sections of the Immigration and Nationality Act, as proposed to be amended by this legislation.

Section 21

The table of contents is amended to conform with changes proposed by this legislation.

COMMITTEE RECOMMENDATION

The committee, upon examination of all the facts involved in this legislation, recommends that H.R. 2580, as amended, do pass.

CHANGES IN EXISTING LAW

In compliance with paragraph 2 of clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (new matter is printed in italic, matter proposed to be omitted is printed in black brackets, existing law in which no change is proposed is printed in roman):

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* * * * * * *

TITLE II—IMMIGRATION

CHAPTER 1—[QUOTA] *SELECTION* SYSTEM

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Sec. 202. [Determination of quota to which an immigrant is chargeable] *Numerical limitation to any single foreign state.*
Sec. 203. Allocation of immigrant visas [within quotas].
Sec. 204. Procedure for granting immigrant status [under section 101(a)(27)(F)(i) or 203(a)(1)(A)].
Sec. 205. [Procedure for granting nonquota status or preference by reason of relationship.] *Revocation of approval of petitions.*
Sec. 206. [Revocation of approval of petitions] *Unused immigrant visas.*
[Sec. 207. Unused quota immigrant visas.]

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CHAPTER 3—ISSUANCE OF ENTRY DOCUMENTS

Sec. 221. Issuance of visas.
Sec. 222. Applications for visas.
Sec. 223. Reentry permits.
Sec. 224. [Nonquota] *Immediate relative and special* immigrant visas.

Section 101(a)(27) of the Immigration and Nationality Act

(27) The term [~~"nonquota immigrant"~~] *"special immigrant"* means—

(A) [~~an immigrant who is the child or the spouse of a citizen of the United States~~] *an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him: Provided, That no immigrant visa shall be issued pursuant to this clause until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14)*;

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

[~~(C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;~~]

[~~(D)~~] *(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;

[~~(E) an immigrant included within the second proviso to section 249(a)(1) of title III;~~]

[~~(F)~~] *(D)*(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

[~~(G)~~] *(E)* an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided,* That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of [~~nonquota~~] *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.

Section 101(a)(32) of the Immigration and Nationality Act

(32) The term [~~"quota immigrant" means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this Act as a nonquota immigrant or a nonimmigrant shall not be admitted or considered in any manner to be either a nonquota immigrant or a nonimmigrant notwithstanding his relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.~~] *"profession" shall include but not be limited to architects,*

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

Section 101(b)(1) of the Immigration and Nationality Act

(b) As used in titles I and II—

(1) The term "child" means an unmarried person under twenty-one years of age who is—

(A) a legitimate child; or

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred; or

(C) a child legimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.

(D) an illegitimate child, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother;

(E) a child adopted while under the age of fourteen years if the child has thereafter been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: *Provided*, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

(F) a child [who is an eligible orphan, adopted abroad by a United States citizen and spouse or coming to the United States for adoption by a United States citizen and spouse] *under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), 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.

Title II, Chapter I, Immigration and Nationality Act

CHAPTER 1—[QUOTA] *SELECTION* SYSTEM

NUMERICAL LIMITATIONS[; ANNUAL QUOTA BASED UPON NATIONAL ORIGIN; MINIMUM QUOTAS]

SEC. 201. (a) [The annual quota of any quota area shall be one-sixth of 1 per centum of the number of inhabitants in the continental United States in 1920, which number, except for the purpose of computing quotas for quota areas within the Asia-Pacific triangle, shall be the same number heretofore determined under the provisions of section 11 of the Immigration Act of 1924, attributable by national origin to such quota area: *Provided*, That the quota existing for Chinese persons prior to the date of enactment of this Act shall be continued, and, except as otherwise provided in section 202(e), the minimum quota for any quota area shall be one hundred.

[(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the President shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration Act of 1924 shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202(e).

[(c) There shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

[(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

[(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

[(1) section 19(c) of the Immigration Act of 1917, as amended;

[(2) the Displaced Persons Act of 1948, as amended; and

[(3) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act.]

Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence or who may, pursuant to section 203(a)(7) enter conditionally, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and (ii) shall not in any fiscal year exceed a total of 170,000.

(b) the "immediate relative" referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: Provided, that in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act.

(c) During the period from July 1, 1965, through June 30, 1968, the annual quota of any quota area shall be the same as that which existed for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

(d) Quota numbers not issued or otherwise used during the previous fiscal year, as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Allocation of numbers from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of a preference visa due to oversubscription of their quotas, or subquotas as determined by the Secretary of State. Visas and conditional entries shall be allocated from the immigration pool within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

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

[DETERMINATION OF QUOTA TO WHICH AN IMMIGRANT IS CHARGEABLE]
NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE

SEC. 202. (a) [Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions and the countries specified in section 101(a)(27)(C), shall be treated as a separate quota area when approved by the Secretary of State. All other inhabited lands shall be attributed to a quota area specified by the Secretary of State. For the purposes of this Act, the annual quota to which an immigrant is

chargeable shall be determined by birth within a quota area, except that—

[(1) an alien child, when accompanied by his alien parent or parents may be charged to the quota of the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the quota to which such parent has been or would be chargeable is not exhausted for that fiscal year;

[(2) if an alien is chargeable to a different quota from that of his accompanying spouse, the quota to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the quota of the accompanying spouse, is such spouse has received or would be qualified for an immigrant visa and if the quota to which such spouse has been or would be chargeable is not exhausted for that fiscal year;

[(3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer;

[(4) an alien born within any quota area in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the quota area of either parent;

[(5) notwithstanding the provisions of paragraphs (2), (3), and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a non-quota immigrant status under paragraph (27)(A), (27(B), (27)(D), (27)(E), (27)(F), or (27)(G) of section 101(a) shall be chargeable to a quota as specified in subsection (b) of this section: *Provided*, That the child of an alien defined in section 101(a)(27)(C), if accompanying or following to join him, shall be classified under section 101(a)(27)(C), notwithstanding the provisions of subsection (b) of this section.

[(b) With reference to determination of the quota to which shall be chargeable an immigrant who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle comprising all quota areas and all colonies and other dependent areas situate wholly east of the meridian sixty degrees east of Greenwich, wholly west of the meridian one hundred and sixty-five degrees west, and wholly north of the parallel twenty-five degrees south latitude—

[(1) there is hereby established, in addition to quotas for separate quota areas comprising independent countries, self-governing dominions, and territories under the international trusteeship system of the United Nations situate wholly within said Asia-Pacific triangle, an Asia-Pacific quota of one hundred annually, which quota shall not be subject to the provisions of subsection (e);

[(2) such immigrant born within a separate quota area situate wholly within such Asia-Pacific triangle shall not be chargeable to the Asia-Pacific quota, but shall be chargeable to the quota for the separate quota area in which he was born;

[(3) such immigrant born within a colony or other dependent area situate wholly within said Asia-Pacific triangle shall be chargeable to the Asia-Pacific quota;

[(4) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to not more than one separate quota area, situate wholly within the Asia-Pacific triangle, shall be chargeable to the quota of that quota area;

[(5) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to one or more colonies or other dependent areas situate wholly within the Asia-Pacific triangle, shall be chargeable to the Asia-Pacific quota;

[(6) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to two or more separate quota areas situate wholly within the Asia-Pacific triangle, or to a quota area or areas and one or more colonies and other dependent areas situate wholly therein, shall be chargeable to the Asia-Pacific quota.

[(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than one hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section.

[(d) The provision of an immigration quota for a quota area shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

[(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provisions of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrange-

ments, change of boundaries, or other political change.] *No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: Provided, That the total number of immigrant visas and the number of conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year: Provided further, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968.*

(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

(c) Any immigrant born in a colony or other component or dependent area of a foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen as specified in section 201(b), shall be chargeable, for the purpose of limitation set forth in section 202(a), to the foreign state, except that the number of persons born in any such colony or other component or dependent area overseas from the foreign state chargeable to the foreign state in any one fiscal year shall not exceed 1 per centum of the maximum number of immigrant visas available to such foreign state.

(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices.

ALLOCATION OF IMMIGRANT VISAS [WITHIN QUOTAS]

SEC. 203. (a) [Immigrant visas to quota immigrants shall be allotted in each fiscal year as follows:

[(1) The first 50 per centum of the quota of each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (2) and (3), shall be made available for the issuance of immigrant visas (A) to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States, and (B) to qualified quota immigrants who are the spouse or children of any immigrant described in clause (A) if accompanying or following to join him.

[(2) The next 30 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (3), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the parents of citizens of the United States, such citizens being at least twenty-one years of age or who are the unmarried sons or daughters of citizens of the United States.

[(3) The remaining 20 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (2), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the spouses or the unmarried sons or daughters of aliens lawfully admitted for permanent residence.

[(4) Any portion of the quota for each quota area for such year not required for the issuance of immigrant visas to the classes specified in paragraphs (1), (2), and (3) shall be made available for the issuance of immigrant visas to other qualified quota immigrants chargeable to such quota. Qualified quota immigrants of each quota area who are the brothers, sisters, married sons or married daughters of citizens of the United States shall be entitled to a preference of not exceeding 50 per centum of the immigrant visas available for issuance for each quota area under this paragraph, and such preference shall be available to the spouses and children of such qualified quota immigrants if accompanying them.

[(b) Quota immigrant visas issued pursuant to paragraph (1) of subsection (a) shall, in the case of each quota area, be issued to eligible quota immigrants in the order in which a petition on behalf of each such immigrant is filed with the Attorney General as provided in section 204; and shall be issued in the first calendar month after receipt of notice of approval of such petition in which a quota number is available for an immigrant chargeable to such quota area.

[(c) Quota immigrant visas issued to aliens in the classes designated in paragraphs (2), (3), and (4) of subsection (a) shall, in the case of each quota, be issued to qualified quota immigrants strictly in the chronological order in which such immigrants are registered in each class on quota waiting lists which shall be maintained for each quota in accordance with regulations prescribed by the Secretary of State.

[(d) In determining the order for consideration of applications for quota immigrant visas under subsection (a), consideration shall be given first to applications under paragraph (1), second to applications under paragraph (2), third to appropriations under paragraph (3), and fourth to applications under paragraph (4).

[(e) Every immigrant shall be presumed to be a quota immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and to the immigration officers, at the time of application for admission, that he is a nonquota immigrant. Every quota immigrant shall be presumed to be a nonpreference quota immigrant until he establishes to the satisfaction of the consular officer and the immigration officers that he is entitled to a preference quota status under paragraph (1), (2), or (3) of subsection (a) or to a preference under paragraph (4) of such subsection.] *Aliens who are subject to the numerical limitations specified in section 201(a) shall be alloted visas or their conditional entry authorized, as the case may be, as follows:*

(1) Visas shall be first made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

(2) Visas shall next be made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), 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.

(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the brothers or sisters of citizens of the United States.

(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (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, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made. For the purpose of the foregoing the term "general area of the Middle East" means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: Provided, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

(8) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (6) and less the number of conditional entries and visas made available pursuant to paragraph (7), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraph (3) or (6) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

(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 or to conditional entry under paragraphs (1) through (8), be entitled to the same status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

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

(c) Immigrant visas issued pursuant to paragraphs (1) through (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.

(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 (6) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be an immediate relative of a United States citizen as specified in section 201(b) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. The Secretary of State, in his discretion, may terminate the registration on a waiting list of any alien who fails to evidence his

continued intention to apply for a visa in such manner as may be by regulation prescribed.

(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien who conditionally entered the United States pursuant to subsection (a)(7) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

(g) Any alien who conditionally entered the United States as a refugee, pursuant to subsection (a)(7) of this section, whose conditional entry has not been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

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

PROCEDURE FOR GRANTING IMMIGRANT STATUS [UNDER SECTION 101(a)(27)(F)(i) OR SECTION 203(a)(1)(A)]

SEC. 204. (a) [In the case of any alien claiming in his application for an immigrant visa to be entitled to an immigrant status under section 101(a)(27)(F)(i) or section 203(a)(1)(A), the consular officer shall not grant such status until he has been authorized to do so as provided in this section.

[(b) Any person, institution, firm, organization, or governmental agency desiring to have an alien classified as an immigrant under section 101(a)(27)(F)(i) or section 203(a)(1)(A) shall 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 by regulations prescribe and shall state the basis for the need of the services of such alien and contain such additional information and be supported by such documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

[(c) After an investigation of the facts in each case, and after consultation with appropriate agencies of the Government, the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for an immigrant status under section 101(a)(27)(F)(i) or section 203(a)(1)(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 such immigrant status. The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under section 203(a)(1) stating the basis for his approval and such facts as were by him

deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status and for the petitioner's urgent need for his services. 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.

[(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as an immigrant under section 101(a)(27)(F)(i) or section 203 (a)(1)(A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.] *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 to an immediate relative status under section 201(b), 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)(2), or any alien desiring to be classified as a preference immigrant under section 203(a)(3) (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 petititions to accord a status under section 230(a)(3) 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 an immediate relative specified in section 201(b) or is eligible for a preference status under section 230(a), approve the petitition 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)(3) or 203(a)(6) stating the basis for his approved 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) or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.

[PROCEDURE FOR GRANTING NONQUOTA STATUS OR PREFERENCE BY REASON OF RELATIONSHIP]

[SEC. 205. (a) In the case of any alien claiming in his application for an immigrant visa to be entitled to a nonquota immigrant status under section 101(a)(27)(A), or to a quota immigrant status under section 203(a)(2) or 203(a)(3), or to a preference under section 203(a)(4), the consular officer shall not grant such status or preference until he has been authorized to do so as provided in this section.

[(b) Any citizen of the United States claiming that any immigrant is his spouse or child and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A), or any citizen of the United States claiming that any immigrant is his parent or unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(2), or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or his unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3), or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) may file a petition with the Attorney General. No petition for quota immigrant status or a preference in behalf of a son or daughter under paragraph (2), (3), or (4) of section 203(a) of the Immigration and Nationality Act shall be approved by the Attorney General unless the petitioner establishes that he is a parent as defined in section 101(b)(2) of the Immigration and Nationality Act of the alien in respect to whom the petition is made, except that no such petition shall be approved if the beneficiary thereof is an alien defined in section 101(b)(1)(F). No petition for nonquota immigrant status in behalf of a child as defined in section 101(b)(1)(F) shall be approved by the Attorney General unless the petitioner establishes to the satisfaction of the Attorney General that the petitioner and spouse will care for such child properly if he is admitted to the United States, and (i) in the case of a child adopted abroad, that the petitioner and spouse personally saw and observed the child prior to or during the adoption proceedings, and (ii) in the case of a child coming to the United States for adoption, that the petitioner and spouse have complied with the preadoption requirements, if any, of the State of such child's proposed residence. The petition shall be in such form and shall contain such information and be supported by such documentary evidence as the Attorney General may by regulations prescribe. 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 an immigration officer or a consular officer.

[(c) After an investigation of the facts in each case the Attorney General shall, if he determines the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible

for a nonquota immigrant status under section 101(a)(27)(A), or for a quota immigrant status under section 203(a)(2) or 203(a)(3), or for a preference under section 203(a)(4), approve the petition and forward one copy thereof to the Department of State. Not more than two such 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. The Secretary of State shall then authorize the consular officer concerned to grant the nonquota immigrant status, quota immigrant status, or preference, as the case may be. Notwithstanding the provisions of this subsection, no petition shall be approved if the alien previously has been accorded, by reason of marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws—

[(1) a nonquota status under section 101(a)(27)(A) as the spouse of a citizen of the United States, or

[(2) a preference quota status under section 203(a)(3) as the spouse of an alien lawfully admitted for permanent residence.

[(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as a nonquota immigrant under section 101(a)(27)(A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a quota immigrant under section 203(a)(2) or 203(a)(3) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a preference quota immigrant under section 203(a)(4) if upon his arrival at a port of entry in the United States he is found not to be entitled to such preference.]

REVOCATION OF APPROVAL OF PETITIONS

[SEC. 206.] *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 [, section 205, or section 214(c) of this title]. 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.

UNUSED [QUOTA] IMMIGRANT VISAS

[SEC. 207.] *SEC. 206.* If [a quota] *an* immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission [to the United States] before the expiration of the validity of [the immigrant] *his* visa, or if an alien having an immigrant visa issued to him as a [quota] *preference* immigrant is found not to be a [quota] *preference* immigrant, [no immigrant visa shall be issued in lieu thereof to any other immigrant]

an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien.

Section 211 of the Immigration and Nationality Act

SEC. 211. (a) *Except as provided in subsection (b)* [No] *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 [immigrant] visa to the accompanying parent, *and* (2) [is properly chargeable to the quota specified in the immigrant visa, (3) is a nonquota immigrant if specified as such in the immigrant visa, (4) is of the proper status under the quota specified in the immigrant visa, and (5) is otherwise admissible under this Act.] *presents a valid unexpired passport or other suitable travel document, or document of identify and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.*

(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, [otherwise admissible aliens lawfully admitted for permanent residence who depart from the United States temporarily] *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.

[(c) The Attorney General may in his discretion, subject to subsection (d), admit to the United States any otherwise admissible immigrant not admissible under clause (2), (3), or (4) of subsection (a), if satisfied that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel or aircraft from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

[(d) No quota immigrant within clause (2) or (3) of subsection (a) shall be admitted under subsection (c) if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year, or the next fiscal year, has already been issued. If such entire number of immigrant visas has not been issued, the Secretary of State, upon notification by the Attorney General of the admission under subsection (c) of a quota immigrant within clause (2) or (3) of subsection (a), shall reduce by one the number of immigrant visas which may be issued to quota immigrants under the same quota during the fiscal year in which such immigrant is admitted, or, if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year has been issued, then during the next following fiscal year.

[(e) Every alien making application for admission as an immigrant shall present 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.]

Paragraphs (1), (4), (14), (20), (21), and (24) of Section 212(a) of the Immigration and Nationality Act

SEC. 212(a) Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

(1) Aliens who are [feeble-minded] *mentally retarded*;

* * * * * * *

(4) Aliens afflicted with psychopathic personality, [epilepsy] *or sexual deviation*, or a mental defect;

* * * * * * *

(14) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, [if] *unless* the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) *there are not* sufficient workers in the United States who are able, willing, [and] qualified, [are] *and* available at the time [(] of application for a visa and [for] admission to the United States [)] and *at the* place [(] to which the alien is destined [)] to perform such skilled or unskilled labor, [or] *and* (B) the employment of such aliens will *not* adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply [only to the following classes: (i) those aliens described in the non-preference category of section 203(a)(4), (ii) those aliens described in section 101(a) (27)(C), (27)(D), or (27)(E) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), unless their services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interest or welfare of the United States;] *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), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);*

* * * * * * *

(20) Except as otherwise specifically provided in this Act, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and natioality, if such document is required under the regulations issued by the Attorney General pursuant to section 211[(e)](*a*);

* * * * * * *

(21) Except as otherwise specifically provided in this Act, any [quota] immigrant at the time of application for admission whose

visa has been issued without compliance with the provisions of section 203;

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(24) Aliens [(other than those aliens who are native-born citizens of countries enumerated in section 101(a)(27)(C) and aliens described in section 101(a)(27(B))] *other than aliens described in section 101(a)(27)(A) and (B)* who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 238(a) and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

Section 221(a) of the Immigration and Nationality Act

SEC. 221. (a) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (1) to an immigrant who has made proper application therefor, an immigrant visa which shall consist of one copy of the application provided for in section 222, visaed by such consular officer, and shall specify the quota, if any, to which the immigrant is charged, the immigrant's particular status under such quota, [the particular non-qouta category in which the immigrant is classified, if a non-quota immigrant,] *the preference, non-preference, immediate relative, or special immigration classification to which the alien is charged* the date on which the validity of the visa shall expire, and such additional information as may be required; and (2) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.

Section 221(c) of the Immigration and Nationality Act

(c) An immigrant visa shall be valid for such period, not exceeding four months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.[33] A nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class. An immigrant visa may be replaced under the original [quota] number during the [quota] year in which the original visa was issued for [a quota] *an* immigrant who establishes to the satisfaction of the consular officer that he was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and

for which he was not responsible: *Provided*, the consular officer is in possession of the duplicate signed copy of the original visa, the immigrant is found by the consular officer to be eligible for an immigrant visa and the immigrant pays again the statutory fees for an application and an immigrant visa.

Section 221(g) of the Immigration and Nationality Act

(g) No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law: *Provided*, That a visa or other documentation may be issued to an alien who is within the purview of section 212(a)(7), or section 212(a)(15), if such alien is otherwise entitled to recieve a visa or other documentation, upon receipt of notice by the consular officer from the Attorney General of the giving of a bond or undertaking providing indemnity as in the case of aliens admitted under section 213[.]: *Provided further, That a visa may be issued to an alien defined in section 101(a)(15) (B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General or to giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States.*

Section 222(a) of the Immigration and Nationality Act

SEC. 222. (a) Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed. In the application the immigrant shall state his full and true name, and any other name which he has used or by which he has been known; age and sex; the date and place of his birth; present address and places of previous residence; whether married or single, and the names and places of residence of spouse and children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); languages he can speak, read, or write; names and addresses of parents, and if neither parent living, then the name and address of his next of kin in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, the name and complete address of such relative or friend; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to remain in the United States permanently; whether he was ever arrested, convicted

or was ever in prison or almshouse; whether he has ever been the beneficiary of a pardon or an amnesty; whether he has ever been treated in an institution or hospital or other place of insanity or other mental disease; if he claims to be [a preference quota or a nonquota immigrant] *an immediate relative within the meaning of section 201(b) or a preference or special immigrant,* the facts on which he bases such claim; whether or not he is a member of any class of individuals excluded from admission into the United States, or whether he claims to be exempt from exclusion under the immigration laws; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

Section 224 of the Immigration and Nationality Act

[NONQUOTA] *IMMEDIATE RELATIVE AND SPECIAL* IMMIGRANT VISAS

SEC. 224. A consular officer, may, subject to the limitations provided in [sections 204, 205, and 221] *section 221,* issue an immigrant visa to a [nonquota] *special* immigrant *or immediate relative* as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to [a nonquota] *special* immigrant *or immediate relative* status. *In the event that the number of immigrants admitted pursuant to the provisions of section 101(a)(27)(A) in any one fiscal year exceed by 10 per centum or more the average number of immigrants admitted from the Western Hemisphere in the previous five fiscal years, the President shall so notify the Congress by January 15 of the following year with such recommendations as he may have, if any.*

Section 241(a)(10) of the Immigration and Nationality Act

SEC. 241(a). Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

* * * * * * *

(10) entered the United States from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory transportation company under section 238(a) and was without the required period of stay in such foreign contiguous territory or adjacent islands following such arrival (other than an alien who is a nativeborn citizen of any of the countries enumerated in section 101(a)(27) [(C)] (*A*) and an alien described in section 101(a)(27)(B));

Section 243(h) of the Immigration and Nationality Act

SEC. 243. * * *

(h) The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to [physical] persecution and for such period of time as he deems to be necessary for such reason.

Section 244(d) of the Immigration and Nationality Act

SEC. 244. (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), or is an immediate relative within the meaning of section 201(b),* the Secretary of State shall [, if the alien was classifiable as a quota immigrant at the time of entry and was not charged to the appropriate quota,] reduce by one the [quota of the quota to which the alien is chargeable under section 202 for the fiscal year then current at the time of cancellation or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.] *number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current.*

Section 245 (b) and (c) of the Immigration and Nationality Act

SEC. 245. * * *

(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 [quota of the quota area to which the alien is chargeable under section 202 for the fiscal year current at the time such adjustment is made.] *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) The provisions of this section shall not be applicable to any alien who is [a native of any country contiguous to the United States or of any adjacent island named in section 101(b)(5).] *of the class described in section 101(a)(27)(A).*

Section 272(a) of the Immigration and Nationality Act

SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) [feeble-minded] *mentally retarded,* (2) insane, [(3) an epileptic, (4)] *(3)* afflicted with psychopathic personality, *or with sexual deviation,* [(5)] *(4)* a chronic alcoholic, [(6)] *(5)* afflicted with [tuberculosis in any form, (7) afflicted with leprosy or] any dangerous contagious disease, or [(8)] *(6)* a narcotic drug addict, shall pay to the collector of customs of the customs district in which the place of arrival is located for each and every alien so afflicted, the sum of $1,000 unless (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) the alien was allowed to land in the United States, or (3) the alien was in possession of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and

twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if such person establishes to the satisfaction of the Attorney General that the existence of such disease or disability could not have been detected by the exercise of due diligence prior to the alien's embarkation.

Section 281 of the Immigration and Nationality Act

SEC. 281. (*a*) The following fees shall be charged:

(1) For the furnishing and verification of each application for an immigrant visa (which shall include the furnishing and verification of the duplicate), $5;

(2) For the issuance of each immigrant visa, $20;

(3) For the issuance or each extension of a reentry permit, $10;

(4) For the filing of each application for adjustment of status under sections 245 and 248, for the creation of a record of admission for permanent residence under section 249, or for suspension of deportation, $25;

(5) For the issuance of each extension of stay to nonimmigrants, other than nonimmigrants described in section 101(a)(15)(F) and, upon a basis of reciprocity, the nonimmigrants described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v), $10;

(6) For filing with the Attorney General of each petition under [sections 204(b), 205(b), and 214(c)] *section 204 and section 214(c)*, $10; and;

(7) For approval of each application for, including issuance of each certificate of, admission to practice as attorney or representative before the Service, pursuant to such regulations as may be prescribed by the Attorney General, $25.

(*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*

(*c*) The fees for the furnishing and verification of applications for visas by nonimmigrants of each foreign country and for the issuance of visas to nonimmigrants of each foreign country shall be prescribed by the Secretary of State in amounts corresponding, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes, or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents: *Provided*, That nonimmigrant visas issued to aliens coming to the United States in transit to and from the headquarters district of the United Nations in accordance with the provisions of the Headquarters Agreement shall be gratis.

Sections 1, 2, and 11 of the Act of July 14, 1960, as Amended by the Act of June 28, 1962

[That under the terms of section 212(d)(5) of the Immigration and Nationality Act the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien

refugee-escapee defined in section 15(c)(1) of the Act of September 11, 1957 (71 Stat. 643) if such alien (1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist occupied, (2) is not a national of the area in which the application is made, and (3) is within the mandate of the United Nations High Commissioner for Refugees.

[SEC. 2. (a) The Secretary of State is hereby directed to submit to the Attorney General, as soon as practicable following the date of the enactment of this Act, an advisory report indicating the number of refugee-escapees, as specified in section 1 of this Act, who within the period beginning July 1, 1959, and ending June 30, 1960, have availed themselves of resettlement opportunities offered by nations other than the United States; and, thereafter, prior to January 1, and July 1 of each year to submit such an advisory report to the Attorney General indicating the number of such refugee-escapees who within the preceding six months period have availed themselves of such resettlement opportunities. The Attorney General shall not parole into the United States pursuant to section 1 of this Act, in any six months period immediately following the submission of the Secretary of State's advisory report, a number of refugee-escapees exceeding twenty-five per centum of the number of such refugee-escapees indicated in such advisory report as having been resettled outside of the United States. The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien paroled into the United States pursuant to section 1 of this Act. Such reports shall be submitted on or before January 15 and June 15 of each year. If within ninety days immediately following the submission of such report, either the Senate or the House of Representatives passes a resolution stating substance that it does not favor the continuation of the authority vested in the Attorney General under section 1 of this Act, the Attorney General shall, not later than at the expiration of sixty days immediately following the adoption of such resolution by either the Senate or the House of Representatives, discontinue the paroling into the United States of such refugee-escapees.

[(b) The Attorney General may, within the numerical limitation prescribed by subsection (a) of this section, parole in to the United States pursuant to section 1 of this Act not to exceed five hundred refugee-escapees listed by the United Nations High Commissioner for Refugees as "difficult to resettle": *Provided*, That no refugee-escapee may be paroled into the United States pursuant to this subsection if he suffers from conditions requiring institutionalization: *Provided further*, That in the case of each such refugee-escapee, the Attorney General receives and approves a finding by a voluntary relief or welfare organization recognized for this purpose by the Attorney General, that such refugee-escapee can, with some assistance, become self-supporting, or is a member of a family unit capable of becoming self-supporting.]

* * * * * * *

[SEC. 11. Nothing contained in this Act shall be held to repeal, amend, alter, codify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.]

ADDITIONAL VIEWS

The rationale for the abolition of the national origins quota system is that it deliberately discriminates against many of the peoples of the world. The President in his immigration message to the Congress on January 13, 1965, stated that the national origins system is incompatible with our basic American tradition—the fundamental American attitude has been not to ask where a person comes from, or to prejudge a person on the basis of place of birth, but to evaluate his personal qualities. The President, as did his two predecessors, asked that our immigration law be amended to bring it in line with this principle.

The committee bill, H.R. 2580, accomplishes only half of this task; it provides for the abolition of the national origins quota system, but it fails to end discrimination based upon national origin. Under its operation, a total ceiling and a maximum limitation for any country would affect all who come from beyond the Atlantic and Pacific Oceans, but natives of the Western Hemisphere would be admitted to the United States without any numerical limitation. Natives of the 24 independent countries of the Western Hemisphere would thus be placed in a highly preferred position to that of the natives of the more than 100 countries in the rest of the world who would be subjected to a limited numerical ceiling and a rigid system of qualifications called "preferences." The result would be illogical, unwise, shortsighted, and inconsistent. To allow unlimited immigration from the Western Hemisphere while imposing rigid ceilings on the number who can come in from the rest of the world, including our traditional friends and allies in Western Europe—and this in the name of ending a quota system labeled as discriminatory and racially prejudicial—is highly contradictory.

A few examples will demonstrate this inconsistency. Under H.R. 2580, total immigration from the United Kingdom would be limited, after June 30, 1968, to a maximum of 20,000 per year; however in 1964 the immigration from that country was much greater than this. Western Germany has also consistently exceeded the annual limit which will be imposed on this close friend of the United States by H.R. 2580. At the same time immigration from countries such as El Salvador, Paraguay, and Nicaragua would be subject to no numerical limitation whatsoever.

Furthermore, H.R. 2580 would require a doctor, lawyer, or teacher from Dublin, Milan, or Tel Aviv to compete for admission to the United States with his counterparts in Bonn, Stockholm, and Tokyo while the natives of North, Central, and South America, and the Caribbean island nations would be completely exempt from such competition.

If the United States is to reform its immigration system, let the new system be one that is truly nondiscriminatory—a system that judges all men on the basis of individual merit and worth without regard to place of birth. It is with this in mind that the MacGregor

proposal for a numerical ceiling of 115,000 immigrants per year from the Western Hemisphere was offered. Such a limitation would complement the existing provisions of H.R. 2580, which place a limitation of 170,000 upon immigration from the rest of the world, and thus establish a comprehensive immigration policy. Both limitations are to be exclusive of immediate family members of U.S. citizens.

The MacGregor amendment was adopted by the Immigration Subcommittee of the Committee on the Judiciary on July 22, only to be later rejected on a reconsideration vote taken just before H.R. 2580 was favorably reported.

The figure of 115,000 (plus immediate family members) per year for Western Hemisphere immigration was selected as a generous ceiling in light of the history of our experience with the admission of aliens from our neighboring countries. During the last 10 years total annual immigration from the Western Hemisphere has averaged approximately 111,000. For the last 5 years the average has been 125,000. These figures cover total immigration whereas, under the terms of H.R. 2580, parents, spouses, and children of U.S. citizens are not to be counted against numerical limitations. The best available estimates indicate that an annual immigration of up to 25,000 of such close relatives can be anticipated from the Western Hemisphere. Thus the total maximum immigration from the hemisphere in any one year under the MacGregor proposal would approximate 140,000—115,000 under the numerical ceiling plus an estimated 25,000 close relatives who are exempted from the numerical limitation.

It is argued in opposition to the MacGregor amendment that to impose a limit on Western Hemisphere immigration would be to reject the concept of hemispheric solidarity and to interfere with the conduct of our foreign affairs. Secretary of State Dean Rusk stated to the Committee:

> There is no valid reason at this time to move away from the special relationship which we have had with the Western Hemisphere for the past 40 years * * *.

He continued by pointing out that this special treatment of the Western Hemisphere was based upon a mutuality of interest, ideals, and aspirations. However, when pressed as to what the reaction of our neighbors would be to a policy of equal treatment with the rest of the world, he replied:

> I can't, this morning, tell you through direct contact with our colleagues in this hemisphere that they would object to a change on this particular point.

Strict adherence to a policy of nondiscrimination would require the imposition of a single worldwide ceiling (and this is an objective which many of us originally pursued). But the MacGregor proposal is responsive to the Secretary of State's arguments by continuing to give preferential treatment to the countries of this hemisphere within the framework of a system which sets numerical ceilings applicable to all parts of the world. There are three preferential provisions:

(1) A ceiling of 115,000 for the 24 countries of the Western Hemisphere would be very generous when compared with a ceiling of 170,000 for the more than 100 other countries in the world.

(2) The 20,000-per-country limitation applicable to Ireland, the United Kingdom, the Federal Republic of Germany, and others with close ethnic, historic, and cultural ties to the American citizenry would not apply to Canada, Mexico, or to any other country in the Western Hemisphere.

(3) The rigid operation of the system of preferences which will govern immigration from all countries external to the Western Hemisphere would not apply to our hemispheric neighbors.

The MacGregor proposal also respects the opinion of Secretary Rusk that it would be unwise to impose a ceiling on Western Hemisphere immigration "at this time." Under this amendment the numerical limitation would not take effect until July 1, 1968, the same date as that set for the abolition of the national origins quota system. Combined with a presently declared intent that the United States will henceforth treat every individual in the same way would be a provision for a 3-year period of adjustment.

The most compelling reason for placing a numerical ceiling upon immigration from the Western Hemisphere relates to the worldwide population explosion and the possibility of a sharp increase in immigration from Western Hemisphere countries. Testimony before the Judiciary Committee identified Latin America as the area of greatest future population growth. Sociologists and demographers appearing before the committee during its 2 years of exhaustive study and research in the field of immigration policy and problems testified that Central and South American countries taken together make up the world subdivision in which population is increasing most rapidly.

Thomas Mann, the Assistant Secretary of State for Inter-American Affairs, underscored this problem in a statement published December 7, 1964:

> Nearly every part of the world is affected. Here in the United States, for example, our population growth rate is said to be 1.6 percent this year. Because our population has been increasing for some time, more than a million additional people will be looking for jobs this year in our country alone.
>
> In Latin America the demographers say that the annual population increase is somewhere near 3 percent per annum. It is predicted that if this average is maintained, the population of the area which now stands about 200 million will reach about 600 million in 35 years. To use a different span of time, the population of Latin America will have increased in this century from some 69 million to some 600 million people.

Attorney General Nicholas deB. Katzenbach, when asked by the subcommittee to comment on these remarks of the Assistant Secretary of State, replied:

> I think it could conceivably mean that you would have to establish at some time an overall restriction on immigrants into the United States.

In order further to clarify the Attorney General's views, the subcommittee chairman asked him if he was suggesting that Congress

wait until immigration from Latin America reached "floodgate proportions" before acting. He responded:

> No, of course not, Congressman. What I am suggesting—it is much simpler than that—I am suggesting that Congress wait until there is a need to do it. That might be next year, that might be 5 years from now, that might be 15 years from now.

We suggest meeting the problem now with legislation that will take effect 3 years hence.

There is no way to prove a direct relationship between this demonstrated rapid growth of population in Central and South America and the desire of the inhabitants of these areas to emigrate to the United States; however, recent experience shows unmistakably that this population growth has been paralleled by an equally great increase in immigration. The Western Hemisphere immigration figures for the last decade are most illustrative.

Immigration from the Western Hemisphere for the fiscal years 1955–65

1955	94, 274	1961	112, 836
1956	124, 032	1962	133, 505
1957	113, 488	1963	147, 744
1958	88, 575	1964	139, 284
1959	68, 196	1965	[1] 75, 402
1960	91, 701		

[1] 1st 6 months.

While there were some fluctuations on a year-to-year basis, 5-year averages make the trend clear. Immigration from this hemisphere rose from an average 97,713 per year from 1955 through 1959 to an average of 125,014 per year from 1960 through 1964—an increase of more than 25 percent. Although there was a decline in immigration from 1963 to 1964, the figures for the first 6 months of 1965 show the illusory nature of this decline. Both the Attorney General and the Secretary of State see the need for a Western Hemisphere ceiling sometime and these figures indicate that the need is apparent and the time to act is now.

How much wiser, easier, and more realistic, it is to meet this problem now when we are in the process of a complete overhaul of our immigration policy, rather than to wait until the crisis is upon us. If immigration from the Western Hemisphere should grow sharply, as there are signs that it will, we would then be faced with great pressures to halt the sudden flow of immigrants. Action in a time of crisis is certain to engender trouble and ill-will. We should do this now as part of a comprehensive revision of our immigration laws.

By not including the Western Hemisphere under the concept of numerical limitation, H.R. 2580 permits the continuation of an unjustifiable and obvious discrimination and an unjustified and unnecessary favoritism. Any immigrant from the Western Hemisphere, whether he be a peasant farmer or a copper multimillionaire, will enjoy a preferred position for admission to the United States over a businessman, librarian, or schoolteacher from elsewhere in the world. This is a far cry from our declared policy of equal treatment for every immigrant.

Without a numerical limitation upon immigration from the Western Hemisphere the full objectives of H.R. 2580 are not achieved, the desirable and necessary reform of our immigration laws is incomplete, and a most essential change is postponed—postponed until the inevitable day when its accomplishment will be much more difficult and painful.

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