

U. S. Citizenship and Immigration Services

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Overview of INS History

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Americans encouraged relatively free and open immigration during the eighteenth and early nineteenth centuries, and did not question that policy until the late 1800s. After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared that regulation of immigration is a Federal responsibility. Thus, as the number of immigrants rose in the 1880s and economic conditions in some areas worsened, Congress began to issue immigration legislation. The Chinese Exclusion Act of 1882 and Alien Contract Labor laws of 1885 and 1887 prohibited certain laborers from immigrating to the United States. The more general Immigration Act of 1882 levied a head tax of fifty cents on each immigrant and blocked (or *excluded*) the entry of idiots, lunatics, convicts, and persons likely to become a public charge. These national immigration laws created the need for a Federal enforcement agency.

In the 1880s, state boards or commissions enforced immigration law with direction from U.S. Treasury Department officials. At the Federal level, U.S. Customs Collectors at each port of entry collected the head tax from immigrants while "Chinese Inspectors" enforced the Chinese Exclusion Act. Congress soon expanded the list of excludable classes, and in doing so made regulation of immigration more complex. As a result, when the Immigration Act of 1891 barred polygamists, persons convicted of crimes of moral turpitude, and those suffering loathsome or contagious diseases from immigrating, it also created the Office of the Superintendent of Immigration. Located within the Treasury Department, the Superintendent oversaw a new corps of U.S. Immigrant Inspectors stationed at the United States' principal ports of entry.

Under the 1891 law, the Federal Government assumed the task of inspecting, admitting, rejecting, and processing all immigrants seeking admission to the United States. The Immigration Service's first task was to collect arrival manifests (passenger lists) from each incoming ship, a responsibility of the Customs Service since 1820. Enforcing immigration law was a new Federal function, and the 1890s witnessed the Immigration Service's first attempts to implement national immigration policy.

Operations began in New York Harbor at a new Federal immigration station on Ellis Island, which opened January 2, 1892. The largest and busiest station for decades, Ellis Island housed inspection facilities, hearing and detention rooms, hospitals, cafeterias, administrative offices, railroad ticket offices, and representatives of many immigrant aid societies. Ellis Island station also employed 119 of the Immigration Service's entire staff of 180 in 1893. The Service continued building additional immigrant stations at other principal ports of entry through the early twentieth century. At New York, Boston, Philadelphia, and other traditional ports of entry, the Immigration Service hired many Immigrant Inspectors who previously worked for state

agencies. At other ports, both old and new, the Service built an Inspector corps by hiring former Customs Inspectors and Chinese Inspectors, and training recruits. An "immigrant fund" created from collection of immigrants' head tax financed the Immigration Service until 1909, when Congress replaced the fund with an annual appropriation.

During its first decade at Ellis Island and other ports, the Immigration Service formalized basic immigration procedures. Inspectors questioned arrivals about their admissibility and noted their admission or rejection on manifest records. Detention Guards and Matrons cared for those people detained pending decisions in their cases or, if the decision was negative, awaiting deportation. Inspectors also served on Boards of Special Inquiry that closely reviewed each exclusion case. Often, aliens were excluded because they lacked funds or had no friends or relatives nearby. In these cases the Board of Special Inquiry usually admitted the person if someone could post bond or one of the immigrant aid societies would take responsibility for the alien. Those denied admission by the Board were deported at the expense of the transportation company that brought the alien to the port.

Congress continued to exert Federal control over immigration with the Act of March 2, 1895, which upgraded the Office of Immigration to the Bureau of Immigration and changed the agency head's title from Superintendent to Commissioner-General of Immigration. The Act of June 6, 1900, further consolidated immigration enforcement by assigning both Alien Contract Labor law and Chinese Exclusion responsibilities to the Commissioner-General. Because most immigration laws of the time sought to protect American workers and wages, an Act of February 14, 1903, transferred the Bureau of Immigration from the Treasury Department to the newly created Department of Commerce and Labor.

Attention then turned to naturalization, a duty assigned to Congress by the Constitution but carried out by "any court of record" since 1802. A commission charged with investigating naturalization practice and procedure reported in 1905 that there was little or no uniformity among the nation's more than 5,000 naturalization courts. Congress responded with the Basic Naturalization Act of 1906, which framed the rules for naturalization in effect today. The 1906 law also proscribed standard naturalization forms, encouraged state and local courts to relinquish their naturalization jurisdiction to Federal courts, and expanded the Bureau of Immigration into the Bureau of Immigration and Naturalization.

To standardize naturalization procedures nationwide, the new Naturalization Service collected copies of every naturalization record issued by every naturalization court. To prevent fraud, Bureau officials checked immigration records to verify that each applicant for citizenship had been legally admitted into the United States. When the Department of Commerce and Labor divided into separate cabinet departments in 1913, the Bureau of Immigration and Naturalization divided into the Bureau of Immigration and the Bureau of Naturalization. The two bureaus existed separately within the Department of Labor until 1933.

The Immigration Service took form during an unprecedented rise in immigration to the United States. While Congress continued to strengthen national immigration law with acts such as the Immigration Act of 1907, a Presidential Commission investigated the causes of massive emigration out of Southern and Eastern Europe and a Congressional Commission studied conditions among immigrants in the United States. These commission reports influenced the writing and passage of the Immigration Act of 1917,

which, among other provisions, required that immigrants be able to read and write in their native language. The Immigration Service then began administering literacy tests.

The outbreak of World War I reduced immigration from Europe, but also imposed new responsibilities on the agency. Internment of enemy aliens (primarily seamen who worked on captured enemy ships) became a Service function. Passport requirements imposed by a 1918 Presidential Proclamation increased agency paperwork during immigrant inspection and deportation activities. The passport requirement also disrupted routine traffic across United States land borders with Canada and Mexico, and the Immigration Service consequently began to issue Border Crossing Cards.

Mass immigration resumed after the war, and Congress responded with a new immigration policy, the national origins quota system. Established by Immigration Acts of 1921 and 1924, the system limited immigration by assigning each nationality a quota based on its representation in past United States census figures. The State Department distributed a limited number of visas each year through United States Embassies abroad, and the Immigration Service only admitted immigrants who arrived with a valid visa.

The corollary to severely restricted immigration is increased illegal immigration. In response to rising illegal entries and alien smuggling, especially along land borders, Congress in 1924 created the U.S. Border Patrol within the Immigration Service. The strict new immigration policy coupled with Border Patrol successes shifted more agency staff and resources to deportation activity. Rigorous enforcement of immigration law at the ports of entry also swelled appeals under the law and led to creation of the Immigration Board of Review within the Immigration Bureau in the mid-1920s. (The Board of Review became the Board of Immigration Appeals after moving to the Justice Department in the 1940s, and since 1983 has been known as the Executive Office of Immigration Review.)

A grassroots Americanization movement popular before World War I influenced developments in the Naturalization Bureau during the 1920s. The Bureau published the first *Federal Textbook on Citizenship* in 1918 to prepare naturalization applicants, and its Education for Citizenship program distributed textbooks to public schools offering citizenship education classes and notified eligible aliens of available education opportunities. Legislation of 1926 introduced the designated examiner system that assigned a Naturalization Examiner to each naturalization court to monitor proceedings, interview applicants, and promote uniform implementation of Federal naturalization policy.

Executive Order 6166 of June 10, 1933, reunited the two bureaus into one agency, the Immigration and Naturalization Service. Consolidation resulted in significant reduction of the agency's workforce achieved through merit testing and application of Civil Service examination procedures. During the 1930s, immigration volume dropped significantly. Deportation constituted a larger share of INS operations, as did certain repatriation programs later in the decade.

The threat of war in Europe, and a growing perception of immigration as a national security rather than an economic issue, affected the Immigration and Naturalization Service in 1940. The President's Reorganization Plan Number V of that year moved the INS from the Department of Labor to the Department of Justice. United States entry into World War II brought additional change when many Service personnel enlisted in the Armed

Forces and left INS short of experienced staff. At the same time, INS Headquarters moved to Philadelphia to sit out the war.

New responsibilities led to the agency's rapid growth during World War II. The INS' war-related duties included: Recording and fingerprinting every alien in the United States through the Alien Registration Program; organization and operation of internment camps and detention facilities for enemy aliens; constant guard of national borders by the Border Patrol; record checks related to security clearances for immigrant defense workers; and administration of a program to import agricultural laborers to harvest the crops left behind by Americans who went to war. The only agency responsibility to end during the war was enforcement of the Chinese Exclusion Act, which Congress repealed in 1943. Other war-time changes were conversion to a new record-keeping system, implementation of the Nationality Act of 1940, and doubling of the agency workforce from approximately 4,000 to 8,000 employees.

Immigration remained relatively low following World War II, because the 1920s national origins system remained in place after Congress re-codified and combined all previous immigration and naturalization law into the Immigration and Nationality Act of 1952. American agriculture continued to import seasonal labor from Mexico, as they had during the war, under a 1951 formal agreement between the United States and Mexico that made the Bracero Program permanent. Other INS programs of the late 1940s and 1950s addressed conditions in post-war Europe. The War Brides Act of 1945 facilitated admission of the spouses and families of returning American soldiers. The Displaced Persons Act of 1948 and Refugee Relief Act of 1953 allowed for admission of many refugees displaced by the war and unable to come to the United States under regular immigration procedures. With the onset of the Cold War, the Hungarian Refugee Act of 1956, Refugee-Escapee Act of 1957, and Cuban Adjustment Program of the 1960s served the same purpose.

By the mid-1950s, INS enforcement activities focused on two areas of national concern. Public alarm over illegal aliens resident and working in the United States caused the Service to strengthen border controls and launch targeted deportation programs, most notably "Operation Wetback." Additional worry over criminal aliens within the country prompted INS investigation and deportation of communists, subversives, and organized crime figures.

In 1965 amendments to the 1952 immigration law, Congress replaced the national origins system with a preference system designed to reunite immigrant families and attract skilled immigrants to the United States. This change to national policy responded to changes in the sources of immigration since 1924. The majority of applicants for immigration visas now came from Asia and Central and South America rather than Europe. The preference system continued to limit the number of immigration visas available each year, however, and Congress still responded to refugees with special legislation, as it did for Indochinese refugees in the 1970s. Not until the Refugee Act of 1980 did the United States have a general policy governing the admission of refugees.

The Immigration and Naturalization Service's functional responsibilities expanded again under the Immigration Reform and Control Act of 1986. The Act charged the INS with enforcing sanctions against United States employers who hired undocumented aliens. Carrying out employer sanction duties involved investigating, prosecuting, and levying fines against corporate and individual employers, as well as deportation of those found to

be working illegally. The 1986 law also allowed certain aliens illegally in the U.S. to legalize their residence here, and INS administered that legalization program.

Changes in world migration patterns, the modern ease of international travel for business or pleasure, and a growing emphasis on controlling illegal immigration all fostered growth of the Immigration and Naturalization Service during the late twentieth century. The INS workforce, which numbered approximately 8,000 from World War II through the late 1970s, today includes more than 30,000 employees in thirty-six INS districts at home and abroad. The original force of Immigrant Inspectors is now a corps of officers specializing in inspection, examination, adjudication, legalization, investigation, patrol, and refugee and asylum issues. As it enters a second century, the Immigration and Naturalization Service continues to enforce laws providing for selective immigration and controlled entry of tourists, business travelers, and other temporary visitors. It does so by inspecting and admitting arrivals at land, sea, and air ports of entry, administering benefits such as naturalization and permanent resident status, and apprehending and removing aliens who enter illegally or violate the requirements of their stay.

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