

IMMIGRATION POLICIES IN TIMES OF CRISIS: A COMPARATIVE
STUDY OF THE UNITED STATES AND AUSTRALIA

by

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ABSTRACT

Although they are two very similar net immigration countries, Australia and the US took very different approaches to immigration policy adoption and implementation and to immigration control, in the last two decades of the 20th century. The literature explains these different approaches by invoking the influence of interest groups, human rights initiatives and the reaction of state institutions to public pressure.

This paper proposes an alternative explanation for the difference in immigration policy and control: crisis. Crisis, or a sense thereof, is what leads the population to mobilize and to put pressure on the government for more efficient policies and stricter immigration controls. The historical analysis of major immigration policies passed in Australia and the United States in the 1800s and 1990s, reveals that, indeed, wars, social pressures, internal conflicts, and, indeed, a generalized sense of crisis was key to major changes in immigration policy in both countries.

DEDICATIONS

For those brave individuals who dared to make a change in their life. For those who sought better lives for their family and themselves. For the spirit inside all of us who seeks betterment.

To my family who immigrated to the United States in seek of a better life. I truly learned more about myself during this process than I ever thought possible.

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Introduction: Literature Overview and Research Question

Immigration policy is one of the most discussed and most divisive arguments in American politics today. This can be seen in the numerous times Congress and the President have invoked the need for immigration reform and in the fact that it was a central campaign issue for presidential and congressional candidates both in 2008 and 2012. The issue is perceived with a sense of urgency by most voters and politicians, due to a feeling that not enough is being done to effectively and efficiently manage and regulate both legal and illegal immigration.

Currently, immigration feels like an issue that has gotten out of control. This is why, numerous states, such as Arizona, Alabama, Georgia and Mississippi have recently passed restrictive immigration laws. The Arizona state legislature felt that the United States federal government was not doing enough to prevent illegal immigration and passed Senate Bill 1070, imposing strict immigration controls and regulations within the state. In 2011, Georgia enacted House Bill 87, the Illegal Immigration Reform and Enforcement Act, following in Arizona's footsteps. The individual state laws were challenged in court and several were overturned, while on the ground, the challenges of illegal immigration persisted. More so, the current situation rekindled the discussion about the role of the individual states and of the federal government in making and enforcing immigration policy. The federal government has been in charge of immigration policy since 1875.

Even though immigration has always been an important issue for Americans, the past decade has brought the issue to the forefront of the national debate. Yet, in spite of much controversy, and much debate about legislation, problems related to immigration persist and no

viable solution for a better immigration policy and better immigration control seems to be in sight.

In order to better understand what informs stronger controls of immigration, this study will employ a historical and comparative perspective. It will look at a net immigration country that is, in many ways, similar to the US: Australia. A study by Freeman and Birrell shows that during the late 1980s and until 2001, Australia put tighter immigration controls in place and enforced them much more successfully than the US, thus better controlling the inflow of both legal and illegal immigrants. Freeman's and Birrell's comparative study of the US and Australia serves as a reference point for seeking an explanation for the discrepancy in results between Australia and the US when it comes to efficient immigration policies and immigration control. Freeman and Birrell examine three factors that could account for this discrepancy: interests, rights and state institutions.

Interest groups and corporations or other organizations play a major role in immigration policy creation. These groups lobby law makers to influence political decisions and policy in both the U.S. and Australia. Some interest groups advocate welfare programs for immigrants, while employers value the cheap labor that immigrants provide. Many of these groups have historically been on both sides of the immigration debate.

Rights play an important role in immigration in both countries, since they are both democracies and thus value human rights. Both countries are members of the United Nations, and Australia is a signatory of the International Covenant on Civil and Political Rights. However, both countries implement international agreements regarding refugees, asylum seekers, and

immigrants, only to a certain degree, and thus commitment to international legislation regarding human rights is not a major factor in their policy-making decisions.

Finally, the structure of state institutions impacts immigration policies and enforcement can play an important role in immigration policy and implementation. The United States usually depends on state legislatures and Congress to create and pass immigration laws, which means more debate and less decisive action. In Australia, the government and its highly specialized bureaucracy and departments are better organized and more efficient in terms of not dealing with gridlock in order to be able to produce policy to answer the needs of the people, which in turn has led to better policy outcomes (Freeman, Birrell 546).

According to Freeman and Birrell's findings, institutions of the state are much more proactive in policy design and implementation in Australia than in the United States, due to popular involvement and grass roots efforts: "popular opinion in Australia is more readily mobilized and volatile than in the United States and more efficiently translated into pressures on governments. Australian politicians, therefore, need to attend to the public's anxieties in a way that their American counterparts do not." The authors only vaguely hint at what may be the cause of more efficient and determined mobilization of the Australian public versus the US public: "The Australian public is susceptible to arguments about the threat posed by immigration and multiculturalism for national identity. Such fears are less palpable in Americans" (Freeman, Birrell 548).

Freeman and Birrell briefly mention "threat" and "such fears" in their conclusion, but do not address the extent to which a sense of crisis, fear or threat play a crucial role in mobilizing the public which in turn presses the government for more efficient policies and tighter controls

on immigration. Yet, it is clear that a heightened sense of threats to national identity has mobilized Australians during the late 1980s and the 1990s, thus leading their government to adopt more restrictive legislation and to implement it in an efficient manner (Freeman, Birrell 541). These fears were rooted in the increase in the number of illegal arrivals by boat by Afghans and Asians escaping wars and poverty. At the same time, a recently adopted policy that allowed non-White immigration for the first time in decades, created fears linked to national identity. Thus, immigration issues became a matter of national concern and national crisis, leading to popular mobilization and leading to government action that halted massive immigration and gave Australia the chance to tighten controls on immigrants while reducing their numbers.

In the United States, during the same time frame, such fears and perceived threats were minimal. The Cold War had just ended, immigration numbers had stabilized and immigration was perceived mostly in benign terms by a country experiencing economic growth. Racial diversification of the immigrant population had been going on since 1965. Positive attitudes towards immigration and a lack of perceived foreign threats or major crises meant that immigration policy had not been updated in a couple of decades. In fact, the 1970s and 1980s were known as the years of a “policy of no policy”. The population was not worried about immigration and thus the government was acting on the matter, leading to lax controls and laxer enforcement. Thus, a sense of crisis may be the explanatory factor that accounts for the differences noted by Freeman and Birrell more than other factors, such as economic interest groups or human rights campaigns.

The sense of crisis and threat can be further explored through the lens of group threat theory, that suggests that once an immigrant group is perceived as threatening, people start mobilizing against it. Even though the number of immigrants is often times much smaller than that perceived by the general population, cultural and ethnic differences and racial biases, make some immigrant groups more threatening to the majority than others.(Hjerm 1253). Hjerm cites Blumer in connecting “group identity, out-group stereotyping, preferred group status and perceived threat” to prejudice (Hjerm 1254). Quillian finds that that Gross Domestic Product, scarce resources and differences in income between groups can be a source of anti-immigration sentiments(Hjerm 1254). This is due to immigrants being associated with cheap labor, which may force native workers to either accept lower wages or lose their jobs. Additionally, a majority may often fear a minority because they may believe that the minority will attempt to take political action against them. At the same time, the more rigid the boundaries between two groups, the more likely that group members will fear and distrust each other (Hjerm 1255). Group-threat theory also indicates that these boundaries are seen in greater numbers in metropolitan areas versus rural areas, as immigrants tend to live in the same area as other immigrants from their country of origin. Esposito states that research conducted by Bobo and Hutchings in 1996 concluded that group threat is more prevalent in certain groups (Esposito 405). His study concluded that African-Americans and Latinos were the most likely to find other groups as competitive threats, while non-Hispanic Whites were the least likely to feel threatened from competitive threats.

Hjerm cites work by Bobo, Sears and Jessor that claims there are two schools of thought regarding group threat theory. One is the realistic-group-threat theory, where anti-immigration sentiment derives from a group's real experiences. The second is not about whether a threat is

real or not, but if it is perceived as real or not (Hjerm 1255). For example, a group of people may believe that there are hundreds of thousands of immigrants from a particular country moving and living into their country, there may only be a few hundred. Additionally, governments, leaders and citizens may play a role in promoting the idea that a certain immigrant group or groups is a threat. A huge issue with this way of thinking is that individuals notice another person more often if they look or sound different, versus the countless amounts of people that they encounter on a daily basis (Hjerm 1255).

Evidence shows that perceived threats have a major effect on negative attitudes towards minority groups. Hjerm provides an example from Bobo in a 1983 study by illustrating the reaction of parents who had their white children transported to black neighborhoods. The evidence shows that while most of these white parents were advocates for equality between different groups, they were against their own children being transported through these neighborhoods (Hjerm 1254). This evidence provides an example that group threat can be perceived as motivated by both ethnicity and race. This portion of group-threat theory directly connects with findings in my research. While Australia has always allowed European immigration regardless of geographic location, the United States often would not allow southern and eastern European migration, as they believed that the people from these countries were of an inferior race and perceived them as an economic and cultural threat.

Blumer was a scholar who first introduced the concept of group-threat theory in 1958 (Quillian 586). Since then, many scholars have sought to provide additional research in this field of study. Lincoln Quillian has tested group-threat theory based off of population data along with

survey results involving attitudes towards immigrants (Quillian 586). Quillian concludes that group-threat is the explanation behind prejudice across all twelve countries in his study.

This study distinguishes the relationship between crises, or perceived crises, and immigration, and group threat theory provides the link between the two. The elements outlined in the literature as conducive to threat perceptions (prejudice, racism, cultural and ethnic differences, economic disparities) tie into real or perceived crises as well. Group threat theory provides an in-depth look to the three elements that Birrell and Freeman only mention in passing in their conclusion: "fear", "threat" and "anxieties" and explains their origin and causes.

The aim of this paper is to examine threat perceptions and times of crisis as the cause for more efficient immigration policies and government control of immigration inflows, in both Australia and the United States. . According to Merriam-Webster, a crisis can be defined as: ” an unstable or crucial time or state of affairs in which a decisive change is impending; especially : one with the distinct possibility of a highly undesirable outcome” (“Merriam-Webster: Encyclopedia”). A crisis can be either real or perceived. For example, a massive amount of immigrants arriving in a country may be considered a crisis because the group threatens the majority group with change in culture or identity. Another example of a crisis could be a war, where law makers will rush to pass laws in a more rapid manner to respond to the ongoing crisis.

As shown above, crisis could have explained the discrepancy in policy adoption and implementation discussed by Freeman and Birrell from the late 1980s until 2001, but to what

extent is it still accurate in the post 9/11 era, or during other times of crisis, when the local population might perceive immigrants as threats due to internal or international crises?

The hypothesized link between an increase in government controls on immigration and internal or international crises will be tested in this paper through historical comparisons and analyses. The paper will compare the adoption and implementation of immigration control legislation and policies in Australia and the US throughout history, as well as in contemporary context, thus prior to the 1980s and after 2001.

Historical Comparison

Australia: The Immigration Restriction Act of 1901 and the White Australia Policy

During the first session of the Australian Parliament, one of the first pieces of legislation ever passed was the *1901 Immigration Restriction Act* (Migration Heritage Centre). This Act was No. 17 of the convened legislature of 1901 (“Immigration Restriction Act 1901”). This Act is now commonly referred to as the “White Australia” Act. The White Australia Policy was the country's approach to immigration from the creation of the current Australian government until the second half of the 20th century. In 1901, 98% of the population was white (Migration Heritage Centre). Australia was then a dominion in the British Empire and wished to preserve its British cultural inheritance and racial homogeneity. Immigration of non-whites was seen as a threat to the majority's way of life (Migration Heritage Centre).

This sense of threat had started to develop in the population once Chinese workers started arriving in Australia to mine for gold. Many Chinese lived on the northern coast of

Australia, as it contained a high amount of gold, which was discovered in the late 1850s (Bagnall). White Australians began to fear that their cultural and ethnic ties were being jeopardized due to the difference in cultures between the Australian and Chinese people. During this time, many Australians felt the Chinese living in Australia were law-abiding and polite, though believed they were incapable of assimilating into Australian culture. Therefore, a popular belief was that Chinese exclusion was necessary (Lusk). According to the *Official Yearbook of Australia*, in 1881 the number of Chinese males in Australia numbered 38,274, whereas the amount of Chinese females numbered 259 (“1301.0 – Year Book Australia, 1925”). Since Anglo-Australians did not want the Chinese men to mix races with Australian women, one lawmaker suggested that Malay women be brought into the country to offer the opportunity for Chinese men to find wives, but the proposal was rejected. Gender discrepancies as well as work and wage pressures heightened the tensions between Anglos and the Chinese workers. Violence that erupted on the Buckland River led state governments to start placing restrictions on Chinese immigration. Factory workers also grew opposed to Chinese immigration for fear that non-white immigrants would accept a lower wage to work the same jobs as them. Thus, Chinese exclusion in Australia originated from the clashes between white and Chinese workers and from the resentment of white miners towards Chinese immigrant workers (Bagnall).

Chinese workers were forced out of mining and industrial jobs. As a result, many Chinese opened stores or started working as fishermen. The Chinese population was increasing by the 1890s, mainly in New South Wales (Migration Heritage Centre). The *Immigration and Restriction Act of 1901* restricted Chinese immigration and the types of work the Chinese could engage in. This resulted in the decline of the Chinese population in Australia. The children that were born in Australia were permitted to stay in the country with their families. The only line of

work that seemed to be left for the Chinese was gardening. Chinese immigration was low for many years until the breakout of war between China and Japan between 1937 and 1945, where many Chinese fled to Australia due to Japanese occupation (Migration Heritage Centre).

Besides the Chinese exclusion, the *Immigration Restriction Act of 1901* ended employment of Pacific Islanders in Australia. This act was described by the Australian government as meant to create certain restrictions on immigration in order to enable the removal of 'prohibited' immigrants. This Act was the first Act on a federal level in Australia to introduce a quota system. In 1901, there were an estimated 10,000 Pacific Islanders working in Australia. The Act prohibited the entrance of Pacific Islanders after March 31, 1904. Pacific Islanders were required to have a license to stay in Australia. In 1902, the number of licenses issued was determined by three-quarters of the Pacific Islander population who left Australia in 1901. In 1903, this quota adjusted based upon half of the number of Pacific Islanders who left the country in 1902. Any person illegally bringing a Pacific Islander in to Australia after 1904 was subject to a fine of one-hundred British pounds. Beginning in 1907, the Australian government had the authority to deport any Pacific Islander found on the island (“Pacific Island Labourers Act 1901”).

Another part of the *1901 Immigration Restriction Act* was the *1901 Post and Telegraph Act*. Section 15 of this Act concluded that any ship carrying Australian mail was only permitted to employ white employees. The purpose of these acts was to prevent non-European (non-white) immigration to Australia (Thompson).

Thompson also touched upon another provision of the act that showed pro-European bias and racism was the policy that required a dictation test to individuals who sought to migrate to

Australia. This test was designed to allow only the admittance of Europeans and to exclude people from Asia. The dictation test could be conducted in any European language such as Dutch, English, or French. The test was given within the first five years of residency and could be taken an unlimited amount of times. In 1905, the dictation test was altered to allow testing in all other languages. This was done in part to not offend Japan, a British ally. The test was conducted 805 times between 1902 through 1903 with forty-six people passing and 554 times in 1904 through 1909 with only six people successful. There was no successful attempts following 1909. Those who did not pass the test were deported or denied entry (Thompson).

According to Kepple, shortly before and during World War II, the outbreak of anti-immigration feelings re-energized the White Australia Policy. Public opinion and the government opposed Jewish immigration. Many Australians believed that Jewish immigrants would accept jobs for lower wages and would cost jobs for many native Anglo-Australians. Additionally, Australians feared that Jewish immigrants would not be able to assimilate into traditional Australian society. During this period, Jewish people were viewed as not only a religious group, but a racial group as a well. The Australian government sought to preserve the traditional white, Christian English speaking society that it promoted under the White Australia Policy. During World War II, Australia used the guise that they wished to not offend Germany as a reason to not accept Jewish immigrants. Britain attempted to negotiate the settlement of Jewish people in former dominion countries such as Australia, though Australia responded that it was unable to raise the annual racial quotas it had previously established. Australia began to accept more Jewish immigrants following World War II in an attempt to not anger other western countries, as Australia was still a young country that could not afford to be left out of important economic and defense alliances (Kepple).

Many other non-white refugees were permitted to stay in the country during World War II, but had to leave when combat finished. However, there were individuals who wished to stay as they had married Australian citizens. The first immigration minister, Arthur Calwell wished to deport these individuals, which created much controversy. In 1949, Australia permitted only 800 non-European refugees to stay, as well as Japanese war brides (Department of Immigration and Citizenship).

Following World War II, Australians felt that they needed to increase their population due to the realization that they were severely outnumbered compared to many of their neighboring countries (Populate or perish). Australia originally believed that it would develop natural growth on its own. However, the estimated projection did not prove to be sufficient to satisfy government's plan. This led to the creation of the "Populate or Perish" program. This initiative was heavily influenced by the fear of a possible invasion by Japan during the war. At the same time, the Australians wanted to maintain the racial profile of the country unchanged. That meant that they maintained tight quotas and controls on non-white immigration, while seeking to encourage white, European immigration on a great scale. War brides and eastern Europeans were often welcomed and actively recruited for immigration by the Australian government (Western perspectives on a Nation). Australia partnered with the British government to encourage British immigration. The first major wave of immigrants came in 1947 from Britain and Poland. From 1948 to 1952, waves of immigrants from the former Yugoslavia, Germany, Italy and Netherlands arrived. The government provided training camps and hostels for these new immigrants. Though many migrants underwent tough living arrangements upon arrival, this migrant population certainly increased the country's population, but not at the levels envisioned by the government.

The demographic reality on the ground, and the lack of a sense of crisis, due to low immigration numbers and peaceful times since the 1950s, led to the gradual dismantling of the White Australia Policy.

The beginning of the dismantling of the White Australia Policy came more than a decade after the end of WWII, when, in 1957, non-Europeans who had fifteen years of residence in Australia were permitted to become citizens. The *Migration Act of 1958* established a simpler immigration system and eliminated the language tests. This Act also saw an elimination of questions regarding race. Sir Alexander Downer, the Minister for Immigration, stated that “distinguished and highly qualified Asians’ might immigrate.”(Department of Immigration and Citizenship). “In March 1966, Immigration Minister, Hubert Opperman announced applications for migration would be accepted from well-qualified people on the basis of their suitability as settlers, their ability to integrate readily and their possession of qualifications positively useful to Australia.” (Department of Immigration and Citizenship). During this time, the government eased restrictions on non-European immigration and would allow a number of temporary residents to become citizens after five years. It was announced in 1966 that the White Australia policy would be abolished. In 1973, immigrants were allowed to obtain citizenship after three years, were not to be judged by category of race to decide who should immigrate and ratify international agreements relating to race and immigration. The removal of the policy took over twenty-five years. The policy was completely dismantled in 1973.

Australia: Current Policies-- Asylum, Refugee and Illegal Immigration

A second major period of crisis in Australia's history of immigration started in the 1980s, with the increase in the number of unauthorized, clandestine overseas arrivals from the Middle

East and South-East Asia. These arrivals have generated a strong reaction on behalf of the population, especially in light of several maritime tragedies.

Two of the most controversial incidents involving Australian refugees were the Christmas Island disasters of 2001 and 2010, when dozens of undocumented immigrants perished at sea. In 2010, a boat that carried around ninety asylum seekers mostly from Iraq and Iran crashed off the coast of Christmas Island, the Australian territory. Of these migrants, only forty-two of the ninety survived (BBC News Asia-Pacific). The accident increased the heated debates over asylum policy in Australia and brought the matter front and center in the national political debate.

A 2012 survey showed that 51% of all Australians felt that immigration should stop . This result indicates a 10% rise in the percentage of Australians who wish to close off their borders to immigrants. The number of Australians who believe that the country has substantial room for new immigrants also dropped to a third of the population, a decrease of 42% since 2002. The country's immigration and refugee program is predicted to reach 203,000 people, which is unprecedented. (Wright, and Masanauskas). This attitude shift within the broad public has meant that people have mobilized the government, leading to major legislative and policy implementation changes.

Many individuals who seek asylum in Australia do so with proper visas or through proper channels. Others do not use this traditional process and may have to hire a smuggler to assist them in escaping their home country. Refugees are often not able to apply for asylum or visas through the embassy in their own country due to fear of being persecuted which could result in punishment, imprisonment or death. Many countries in the Asia-Pacific region have not signed

the Refugee Convention and have no obligation to protect refugees in their country. The process of leaving on boat is often very expensive and not desirable to the individuals attempting to claim asylum.

Australia immigration follows the statues of the *Migration Act 1958*. Under this law, it is mandatory for any person in Australia with no valid visa to be detained. These individuals are only allowed to be released if they are provided a visa or if they are ruled to be removed from the country. Off shore areas of Australia are also designated to detain unlawful non-citizens. A few examples of who is declared non-citizens are individuals who: “ have arrived in Australia by plane or boat without a visa, including people seeking asylum from persecution in their home country, have had their visa cancelled because they breached one or more of the conditions attached to the visa, have overstayed their visa, have had their visa cancelled on character grounds or have alleged illegal foreign fishers” (Australian Human Rights Commission).

In 1989, the Migration Legislation Amendment Act was introduced by the Hawke government in order to prevent further illegal immigration into the country. A large amount of refugees were arriving in Australia due to suppression in China and the collapse of the Soviet Union. This regulation required mandatory deportation of all illegal immigrants that arrived in Australia.

As a result of numerous asylum petitions and clandestine arrivals since the 1908s, Australia has a variety of laws regarding refugees. If a refugee arrives as an irregular maritime arrival, a Protection visa is available. Australian law issues the right to protect refugees at risk of harm in their home countries but insists that not everyone is entitled to protection regardless of the security threat in the home country of the migrant.

According to the Australian Government Department of Immigration and Citizenship, as of June 2009 there were 48,700 illegal immigrants in Australia. Around 80% of these individuals are of working age, with a great amount of them working in breach of their visa conditions. Between the years of 2008 and 2009, the department discovered 990 people working illegally. The largest industries in Australia for illegal immigrants include agriculture, forestry, fishing, accommodations, restaurants, cafes, and construction. The Australian government considers the employment of illegal workers to be a criminal offense. ("Australian Government: Department of Immigration and Citizenship" 1-18).

Between 2010 and 2011, 89.6 percent of asylum seekers who arrived by boat were found to be asylum seekers (Refugee Council of Australia). Between 2006 and 2011, Australia had 14,215 irregular arrivals by sea (Refugee Council of Australia).

In Australia, the current debate is whether to allow refugees to be processed in Malaysia. Prime Minister Julia Gillard supported a bill that would allow this type of offshore processing. The bill passed in June of 2012 with a narrow 74 to 72 victory in the Australian House of Representatives. For years, immigrants have been drowning on their way to Australia, while crossing the seas in ill-suited boats. Prime Minister Gillard's Labor Party sought to prevent such tragedies. However, members of the Green Party claim that this legislation is a ruse to prevent the asylum seekers from ever reaching Australian shores.

As of September 30, 2012 there are 7670 non-citizens detained in Australia at various locations. From this number, 5492 are located inside Immigration Detention Facilities, or IDCs. The largest IDC is Wickham Point, with Curtin and Christmas Island following close behind. Out of those in IDCs, 5441 are male, while 51 are female. 8,987 of non-citizens in IDCs were

detained due to irregular maritime arrival, 252 overstayed their visa, 61 were visa cancellations, 56 were unauthorized air arrivals and 2 were either ship stowaways or ship deserters. The top three countries of origin of detainees were Sri Lanka, Afghanistan and Iran (Immigration Detention Statistics Summary 1-8).

United States: The Immigration Act of 1875-- Asian Exclusion Policies

Times of internal or international crisis translated into tighter immigration control and stricter immigration policies in the United States as well. During the days of post-colonial conflict with England, In 1798, President John Adams signed the Alien and Sedition Acts into law. These were the first laws passed in the newly independent United States, aiming at creating special requirements and a special status for certain categories of 'aliens'. The Acts consisted of four separate laws that increased the residency requirements from five to fourteen years, allowed the president to imprison or deport aliens considered “dangerous to the peace and safety of the United States” and restricted language that was critical to the government. The naturalization Act was repealed in 1802, while the other provisions were set to expire over time, as the threat of foreign sedition subsided.(“Alien and Sedition Acts”).

In 1903, following the assassination of President William McKinley by a foreign anarchist, Congress passed the Immigration Act, also known as the Anarchist Exclusion Act. This Act was designed to deal with individuals involved with immoral behavior and anarchy. This law created a higher tax for immigrants entering the United States, except for those from Canada and Mexico. The time limit for immigrant deportation was increased from one to three years (Encyclopedia of Immigration).

Just like in the case of Australia, the exclusion of Chinese and other Asian workers was the catalyst for the first official immigration act passed by the US federal government, in 1875. Until then, immigration policy had been the prerogative of each individual state. But, in the mid to late 1800s, the issue of Chinese immigration became more salient to American workers and more pressure came from the unions and the general public for a unified, federal policy regarding their immigration status (Tichenor 98-100).

The *Immigration Act of 1875* made it illegal to transport Asian immigrants without their consent. This Act also banned prostitutes and felons. Large-scale Oriental immigration first began in the United States between 1850 and 1860. Of all these immigrants during this particular time, 408,493 were born in China (Boyd). Chinese workers were recruited in order to work on the trans-Mississippi frontier. Majorities of these immigrants were males, often residing near the west coast.

Initially, Chinese immigration was favorable with many Americans who desired the much needed man power on the western frontier (Tichenor 66). Later, numerous groups opposed it. The Know-Nothing movement was a collective of members from both the Order of the Star Spangled Banner and the Order of United Americans that supported 'Nativism' throughout the United States during the mid-late 1800. 'Nativism' emphasized the protection of the rights of 'native-born Americans' and depicted immigrants, especially non-white immigrants, as a menace to the 'native-born' and to the American society and culture (Tichenor 60-62). Thus, this movement viewed recent immigrants as the reason behind an increase in crime and poverty in the country and sought to limit or ban immigration. This movement was so popular that there

were goods marketed such as Know-Nothing tea and toothpicks and many of its members were elected to state and federal office, including in the US Congress (Tichenor 61).

Thus, opposition to non-white, and particularly Asian immigration developed over time among the Nativists and the white workers concerned with wage levels and the 'negative effects' of Chinese culture. When quota acts were first established, Asian immigration was not considered because there were not many immigrants from the Asian continent during this time period. This was the first time that a group was excluded, based on nationality or race, as opposed to previous acts that only declined individuals' entrance into the U.S on an individual basis. The act did not eliminate Chinese immigration outright, though it did prohibit unskilled laborers.

While the act was initially passed for a ten year period and expired in 1892, it was passed permanently in 1904. This legislation would stay in effect for twenty years until the passing of the Immigration Act of 1924, which prohibited massive Oriental immigration as a whole. Early occupations for Chinese workers were often limited due to legislative enactments that forced workers into operating businesses such as laundry and restaurants. Japanese immigrants were also excluded from acceptable immigration categories, since in 1907, the United States negotiated a 'Gentlemen's Agreement' with Japan that stated that Japan would not issue passports to the United States to any of its citizens.

United States: World War I and the Immigration Act of 1917

The Immigration Act of 1917 was passed in reaction to the ongoing WWI, that the US had also recently joined. The US government was concerned about the burden of massive

numbers of displaced, sick Europeans arriving on US shores, as a result of the war. More so, the US government feared infiltration by Bolsheviks, anarchists or extremists from Germany or the newly created USSR (Tucker, Davis, and Jessi Creller). These many concerns, rooted in a time of international crisis, led to the creation of the Immigration Act of 1917, which increased the restrictions to enter the United States for such individuals as homosexuals, criminals, as well as “idiots, imbeciles, epileptics, alcoholics, poor, criminals, beggars, any person suffering attacks of insanity, those with tuberculosis, and those who have any form of dangerous contagious disease, aliens who have a physical disability that will restrict them from earning a living in the United States, polygamists and anarchists, those who were against the organized government or those who advocated the unlawful destruction of property and those who advocated the unlawful assault of killing of any officer" (H.R. 10384; Pub.L. 301; 39 Stat. 874, 874-898). An eight dollar tax was created for all immigrants, excluding those under sixteen who were accompanied by a parent. Those over sixteen who had not paid for their travel were not permitted admission into the country.

Immigrants from Asia were not permitted to immigrate under the law unless the territory they were coming from was owned by the United States. Thus, the Act was also known as the "Asiatic Barred Zone" Act. A reading test was created for those over sixteen in order to demonstrate a working ability of the English language. Those who were escaping their country due to religious persecution were not required to take the test. The captains of the ships that transported the immigrants were required to list such items as description and country of origin of the immigrants. Various fines were placed on those who did not follow these rules (Tucker, Creller).

On December 13, 1943, the Chinese Exclusion Act was repealed by the U.S. government in an effort to show good faith to their war time ally during World War II. A quota that allowed 105 Chinese immigrants into the country was established.

United States: Post WWI-- The Emergency Quota Acts

The quota acts adopted in the early 1920s were deemed "emergency" quota acts. The sense of emergency came from the recent memories of the 'Great War' and of the fear of foreign saboteurs or spies. The suspicion of the Bolshevik infiltrator reigned supreme during this times, and thus the 'emergency' quotas were in fact about the exclusion or restriction of immigrants arriving from Eastern and Southern Europe.

The first racial quota act passed in the United States was the *Emergency Immigration Act of 1921*. This Act was commonly referred to as the Emergency Quota Act. This Act was passed in order to limit the number of immigrants entering the United States from what was described as undesirable countries, such as Southern and Eastern European countries, or countries whose populations were considered "non-white". The Quota Act admitted 3% of immigrants from a particular country based on the number of residents from that country in the United States listed in the 1910 federal census. Through this law, the number of new immigrants dropped from 805,228 in 1920 to 309,556 in 1921 (Department of State). The act did not place restrictions on, and clearly encouraged immigration from Northern and Western Europe.

The Immigration Act of 1924, or commonly referred to as the Johnson-Reed Act, was created to reform the previous quota law. According to the United States Government, "In all of its parts, the most basic purpose of the 1924 Immigration Act was to preserve the ideal of

American homogeneity” (“Milestones: 1921-1936”). The Act was signed into law by President Calvin Coolidge. This law was created as a response to popular belief that southern and eastern Europeans, Jews and Asians were of an inferior race and could undermine the American way of life.

A dramatic change in this Act was that the percentage of immigrants allowed in the country based on the number of residents from the home country in the United States, which was reduced from 3% to 2%. Additionally, the Act determined that these numbers would change from determining quotas from the 1910 census to the 1890 census. These changes were in reaction to the fear of 'foreign infiltrators', spies, Bolsheviks, but also to the high number of eastern and southern Europeans immigrants who had arrived in America from the 1890s to the time of the beginning of the war.

The Immigration Act of 1924 included a provision that denied entry to people who were unable to naturalize in the U.S. This meant that previous laws not allowing people from Asia to naturalize would restrict the entry of any person from the continent.

The Act originally indicated that the percentage system would be dropped in July of 1927 in favor of a number that would be limited to 150,000, still being based off immigrant populations in the United States from that particular country. The change was that it would be based off of the 1920 census. A preference system was developed under the Act which permitted family members, children and skilled workers on a case by case basis. The Immigration and Naturalization Service and the State Department then divided responsibility for immigration. Immigrants were required to receive a visa from an American consulate prior to admittance into the country. Additionally, transportation companies were fined for transporting

illegal aliens on to American soil. This Act eventually allowed an annual immigration ceiling of 186,437. Northern and western immigrants from Europe were given 84% of the quota whereas southern and eastern immigrants were limited to 16% of the quota (Tichenor 144-145). In 1929, the annual quota ceiling was set at 153,714. A majority of these slots were again given to northern and western Europeans. Potential immigrants from countries such as Hungary, Poland and Russia were put on waiting lists ranging from ten to seventy-five years (Tichenor 150-155).

The use of national origins 'emergency' (racial) quotas in immigration policy was finally abandoned by the Immigration and Nationality Act of 1965, also known as the Hart-Cellar Act. This Act was heavily supported by the Democratic Party. President John F. Kennedy was a major supporter of this bill. President Lyndon B. Johnson eventually signed the bill into law at the base of the Statue of Liberty to symbolize freedom for all. The Act was passed during an important time in United States history: the Civil Rights movement era. This Act replaced the quota system with a preference system based on family ties with U.S. residents and citizens as well as a preference for skilled workers based on ability and not nationality, or race. This Act is important to study due to the lack of threat being involved during this time period. Since there was no threatening real or perceived crisis at the time, the previously restrictive quota acts were able to be dismantled. This example shows that crisis is not always necessary to motivate policy.

United States: Cold War Pressures and Preferential Asylum Policies

Between 1945 and 1990, US asylum policies have been defined by the international crisis that defined that era: the Cold War. During this time, the US granted asylum exclusively on political criteria, to escapees from communist regimes. Economic, humanitarian or other grounds for asylum were ignored during this time.

The pressures of the Cold War led the United States to develop a preferential asylum system for those countries under communist control. Following World War II, the United States and the Soviet Union began to expand their ideals across the globe, and the United States projected their disapproval of communism through foreign policy, but also through their immigration and asylum policy. During the 1980s, the height of the Cold War, the US asylum policies favored only refugees fleeing Communist countries. The top seven countries whose citizens received asylum in the US between the years of 1981 to 1990, were: Vietnam, Laos, Cambodia, Cuba, the Soviet Union, Poland and Romania (Congressional Research Service).

A prime example of a preferential immigrant community is the Cubans. When Fidel Castro gained power, Cubans began to flee to the United States. By the time the Cuban missile crisis had developed, over 250,000 Cubans were living in the U.S (Buffington). The Cuban Refugee Program was established in 1961 to assist Cubans who arrived to the United States. Between 1965 and 1973, the Cuban and United States governments agreed that Cubans with families in the U.S. would be able to relocate. This movement saw 300,000 additional Cubans move to the United States. In 1980, the Mariel Boat Lift, an additional 150,000 Cubans left the country for the U.S (Buffington). Today, Cubans continue to attempt to make it to Florida on small make-shift boats in an effort to escape communism (Buffington).

United States: The Terrorist Attacks of 2001 and their Aftermath

The aftermath of the Terrorist Attacks of 2001 can be regarded as yet another time of crisis in American history that will certainly redefine immigration policy, enforcement and control. Due to the fact that the attackers were all foreigners, non-white and had entered the

country on student visas, immigration has been linked to the attacks in the mind of many Americans and is now seen as a national security issue.

Since the attacks have happened, visa requirements for legal entry into the United States have become stricter, background checks have become mandatory for immigrants from countries such as Pakistan and Iran and the national rhetoric on illegal immigration has become more and more divisive. Crisis is once more redefining immigration policy. Deportation and border security have become a major government priority. The Obama administration also presided over a record number 396,906 deportations in 2011 (and a total of over one million since taking office) (Negrin, Pierre). However, President Obama created an order that prevented the deportation of younger illegal immigrants who have been in the United States since their infancy.

The Secure Communities Act was implemented in 2008 under the George W. Bush Administration. Under this Act, Immigration and Customs Enforcement (ICE), the FBI and the Department of Homeland Security were required to share data such as fingerprints in order to make the immigration process more fluid in order to catch and detain illegal immigrants in the United States. According to the Secure Communities section on the ICE website: “ICE prioritizes the removal of criminal aliens, those who pose a threat to public safety, and repeat immigration violators” (“Secure Communities”). This Act ensures that the agencies can work together more fluidly. Additionally, the Act goes on to state that only a federal agency can make a final say on deportation matters.

Arizona, Alabama, Georgia, Mississippi and other US states have recently passed restrictive immigration laws. In 2010 Arizona enacted SB 1070. The Arizona state legislature felt that the United States federal government was not doing enough to prevent illegal

immigration. In 2011, Georgia enacted HB 87, the Illegal Immigration Reform and Enforcement Act. The bill was designed to create additional restrictions on unauthorized immigrants in the state. The law makes it a crime to not have immigration papers on hand if the individual is an immigrant. An additional provision is that a law enforcement officer has the right, without warrant, to check the status of a person or persons that is believed to be an illegal immigrant. These measures met with much scrutiny from many Americans, as well as from state governments and the federal government.

In 2011, the U.S. Department of Homeland Security released a report addressing illegal immigration (Hoefler, Rytina, and Baker 1-7).. According to this report, there was an estimated 11.5 million undocumented immigrants living inside the United States. Most of these immigrants entered the country between the years of 1995 and 2004, a number predicted around 55% of the current illegal immigrant population. Only 14% of the illegal immigrant population arrived after 2005. According to the study, 59% of these illegal immigrants are originally from Mexico. Between the mixture of high unemployment in the U.S., improved conditions in Mexico and an increase in border security, there have not been a large percentage of illegal immigrants entering the United States since 2007. From 2010 to 2011, the number of illegal immigrants actually dropped by .01 percent. The leading region of illegal immigration in the United States is North America with immigrants coming from Canada, Mexico and the Caribbean. Asia and South America follow behind in second and third place. The three states with the highest number of illegal immigrants from 2010 to 2011 were California, Texas and Florida. Illegal immigrants tend to be between the ages of 25 to 34 (Hoefler, Rytina, and Baker 1-7).

American public opinion has been divided in recent years in addressing the issue regarding illegal immigration. A poll conducted by CNN/ORC between September 28 through 30 in 2012 asked voters nationwide: "What should be the main focus of the U.S. government in dealing with the issue of illegal immigration: developing a plan that would allow illegal immigrants who have jobs to become legal U.S. residents, or developing a plan for stopping the flow of illegal immigrants into the U.S. and for deporting those already here?" A margin of error of 4.5 was given for the following results (CNN,ORC). 56% were in favor of allowing illegal immigrants with jobs to become legal U.S. residents, 39% voted to develop a plan for stopping the flow of illegal immigrants and deporting those already here and 5% were unsure. An increase in citizen vigilante groups rose when the issue of illegal immigration among the U.S./Mexican border began to become more prominent. In 2005, the group Civil Homeland Defense invited ranchers out to patrol the U.S. border in an attempt to curb illegal immigration. Random ranchers and farmers have also come forth to patrol these borders, with many being arrested for weapon charges and hate crimes. This type of behavior is similar to the one we saw in history with the Nativists and Know-Nothings and is inspired by radical anti-immigration groups such as the Tea Party movement. The Tea Party is known to be a fringe group in the Republican Party that many in its own party do not agree with. The Tea Party has previously sought to deport all illegal immigrants, denying them rights to any healthcare needs even in the case of emergency. While the movement is still active, it appears to be decreasing in popularity among Americans due to some of its far-right ideologies.

Official immigration policies have also become more restrictive in the aftermath of the 2001 attacks, even though they are still based on the 1952 Immigration and Nationality Act. Today, the INA allows an annual limit of 675,000 immigrants into the United States. Exceptions

are made for family members under certain circumstances. The Immigration Policy Center lists the basis of U.S. immigration policy on three principles: “the reunification of families, admitting immigrants with skills that are valuable to the U.S. economy, and protecting refugees” (Immigration Policy Center).

Family unification is considered one of the most important principles of immigration policy in the United States. There are 480,000 visas available every year for the families of U.S. citizens and lawful permanent residents. Federal law dictates that there are two types of relatives admitted into the country, either as immediate relatives or through the family preference system. Immediate relatives can be a spouse of a U.S. citizen, unmarried minor children under the age of twenty-one of a U.S. citizen or the parents of a U.S. citizen that is twenty-one years of age or older. There is no limit set on the amount of visas obtained through this method. The family preference system includes adult children, brothers, and sisters of U.S. citizens. Also included are spouses and unmarried children of legal permanent residents (Immigration Policy Center).

There are over twenty types of visas available for temporary workers. For example, entertainers and athletes receive a P visa, whereas diplomatic employees receive A visas. These types of visas usually all involve highly skilled employees who are usually sponsored by a U.S. employer. Permanent immigrant visas are distributed in the amount of 140,000 per year. These visas are divided into five preferences between one and five (Immigration Policy Center).

All countries are designated an immigration ceiling. No number of immigrants from a single country may exceed 7% of the total immigration group for that year. Unlike the quota systems of the past, this limit is set to ensure that one immigrant group is not overwhelming other immigrant groups to enter the United States (Immigration Policy Center).

Refugees are considered people that have a “well-founded fear of persecution” due to such things as race and religion. Refugees usually apply for admission to the United States from a country that they have previously fled to in order to escape persecution. Priorities are placed on potential refugees relative to the risk they face. The United States President and Congress annually determine a set of groups that are of special concern to the United States that are given priority status in obtaining refugee status. The President and Congress also set an annual ceiling on the number of refugees admitted into the country. These limits are also broken down into regions (Immigration Policy Center).

Asylum seekers are individuals who wish to not return to their country for fear of prosecution. Asylum seekers may apply either in the United States or at a port of entry while seeking admission. Additionally, these individuals must petition the federal government within one year of arrival in the country. Individuals receiving either refugee or asylum status are permitted to become Lawful Permanent Residents one year after being determined either of the prior (Immigration Policy Center).

The United States government also offers certain humanitarian policies regarding immigration. Temporary Protected Status, or TPS, is granted to people who are in the United States but cannot return home due to factors such as a natural disaster or temporary conditions. Individuals typically receive TPS for either six, twelve or eighteen months, but could go longer if conditions do not improve. Undocumented immigrants may be eligible for Differed Enforcement Departure if their home country is determined unstable. The Diversity Visa Lottery is available to individuals who are home to a country of a low number of immigrants of the United States, have a high school education or equivalent, and have worked at least two years

within the past five years in a job field that requires two years of training or experience. The lottery is determined by a computer-generated list (Immigration Policy Center).

United States citizenship is granted to those individuals who have had Legal Permanent Resident status for five years, or three years for those who obtained their green card through a U.S. citizen spouse. Exceptions are made for members of the military. Requirements for an applicant applying for U.S. citizenship are: be at least 18 years of age, demonstrate residency and “good moral character”, pay a fee and pass English, civics and U.S. History exams (Immigration Policy Center).

Of all asylum claims submitted in the United States in recent years, around 30% have been approved. Critics of asylum policy often claim that this process is more of a tool of immigration than an actual humanitarian policy. Approval rates from political asylum offices range based on regions and jurisdictions. Many question as to whether the asylum policies that the United States originally instituted to deal with the Cold War are still relevant, or need a new structure created to replace them (Wasem 1-36).

Conclusion

Freeman and Birrell's discussion of the factors that make for more comprehensive immigration policies and a better control of overall immigration served as the starting point and the inspiration for this study. The explanations analyzed by the two authors gravitated around the idea that popular involvement and interest in the issue of immigration best explains why some governments are more likely to handle immigration policies more efficiently than others.

This paper took the matter one step further and asked: what motivates the people and, ultimately, governments to act when it comes to matters of immigration policy and control. Based on Freeman and Birrell's vague allusions to "threats" and "palpable fears", this paper examines the most important immigration initiatives, measures and acts passed in the history of two net immigration countries: Australia and the United States.

Group-threat theory was also incorporated to provide a link between a crisis, whether real or perceived, and the implementation of policy regarding immigration. This theory has provided insight as to how a threat may be an actual threat that needs a proper response such as war or a perceived threat such as a growing immigrant group in a country that threatens the native workers both socially and economically.

The patterns that the paper uncovers show that, indeed, all important provisions and immigration control legislation have been passed in times of major internal or international crisis. Thus, this paper hopes to contribute to the debate launched by Freeman and Birrell, by suggesting that times of crisis are the main determinants of action or inaction when it comes to immigration policy and control in net immigration countries.

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