

88TH CONGRESS
1ST SESSION

H. R. 7976

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1963

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

A BILL

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

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

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

6 "SEC. 201. (a) The annual quota of any quota area shall
7 be the same quota heretofore determined under the provi-
8 sions of the Immigration and Nationality Act of 1952: *Pro-*
9 *vided*, That the minimum quota for any quota area shall
10 be two hundred: *Provided further*, That beginning with the
11 first fiscal year commencing after the enactment of this Act

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

8 SEC. 2. Section 201 of the Immigration and Nationality
9 Act (66 Stat. 175; 8 U.S.C. 1151) is amended by adding
10 the following additional subsection:

11 "(f) Quota numbers made available at the commence-
12 ment of any fiscal year as a result of the reduction of the
13 annual quota of any quota areas pursuant to subsection
14 (a) of this section, together with quota numbers not issued
15 or otherwise used during the previous fiscal year, shall
16 then be made available (1) during the five fiscal years
17 following the passage of this Act, to quota immigrants,
18 if otherwise admissible under the provisions of this Act,
19 who are unable to obtain prompt issuance of visas due to
20 oversubscription of their quotas or subquotas as determined
21 by the Secretary of State, and (2), thereafter, to quota
22 immigrants if otherwise admissible under the provisions
23 of this Act. These quota numbers shall be allocated within
24 the percentage limitations and in the order of priority speci-
25 fied in section 203 without regard to the quota to which the

1 alien is chargeable: *Provided, however,* That the combined
2 number of quota numbers issued to any quota area in any
3 year, under the provisions of this subsection and subsection
4 (a) of this section, shall not exceed 10 per centum of the
5 total quota numbers authorized for that year: *Provided*
6 *further,* That in no case shall this limitation operate to
7 reduce any quota in any of the five fiscal years following
8 the enactment of this Act by more than the 20 per centum
9 specified in subsection (a) of this section: *And provided*
10 *further,* That the President may, after consultation with
11 the Immigration Board, reserve—

12 “(1) not to exceed 50 per centum of such num-
13 bers for allocation to quota immigrants, if otherwise
14 admissible under the provisions of this Act, whose ad-
15 mission is determined by him to be required (A) to
16 avoid undue hardship, resulting from the reduction of
17 annual quotas pursuant to subsection (a) of this section,
18 which is not otherwise avoided under the provisions of
19 this subsection, and (B) in the national security interest
20 of the United States: *Provided,* That the limitation on
21 immigration from any single country in any year shall
22 not apply to visas issued under this clause; and

23 “(2) not to exceed 20 per centum of such num-
24 bers for allocation to quota immigrants, if otherwise
25 admissible under the provisions of this Act, whose

1 admission will further the traditional policy of the United
2 States of offering asylum and refuge to persons oppressed
3 or persecuted, or threatened with oppression or persecu-
4 tion, because of their race, color, religion, national
5 origin, adherence to democratic beliefs, or their opposi-
6 tion to totalitarianism or dictatorship, and to persons up-
7 rooted by natural calamity or military operations who
8 are unable to return to their usual place of abode. After
9 consultation with the Attorney General, the Secretary
10 of State shall establish by regulation the requirements
11 for qualification within this class, with reference to cur-
12 rent world conditions.

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

17 SEC. 3. Section 201 (c) of the Immigration and Na-
18 tionality Act (66 Stat. 176; 8 U.S.C. 1151 (c)) is amended
19 to read as follows:

20 "There shall be issued to quota immigrants chargeable
21 to any quota (1) no more immigrant visas in any fiscal year
22 than the quota for such year, and (2) in any calendar month
23 of any fiscal year, no more immigrant visas than 10 per
24 centum of the quota for such year in addition to that portion
25 of the quota authorized for issuance but not issued during any

1 preceding calendar month or months of the same fiscal year;
2 except that during the last two months of any fiscal year im-
3 migrant visas may be issued without regard to the 10 per
4 centum limitation contained herein.”

5 SEC. 4. (a) Section 202 (a) of the Immigration and
6 Nationality Act (66 Stat. 176; 8 U.S.C. 1152 (a)) is
7 amended by deleting paragraph (5) thereof.

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

10 (c) Section 202 (c) of the Immigration and Nationality
11 Act (66 Stat. 177; 8 U.S.C. 1152 (c)) is redesignated sec-
12 tion 202 (b) and is amended to read as follows:

13 “Any immigrant born in a colony or other component
14 or dependent area of a governing country for which no
15 separate or specific quota has been established, unless a
16 nonquota immigrant as provided in section 101 (a) (27)
17 of this Act, shall be chargeable to the quota of the govern-
18 ing country, except that no more persons born in any
19 such colony or other component or dependent area overseas
20 from the governing country shall be chargeable to the quota
21 of its governing country in any one year than a number
22 which bears the same relation to the quota of its governing
23 country as the number two hundred bears to the quota of
24 the governing country prior to the enactment of this Act.”

25 (d) Section 202 (d) of the Immigration and National-

1 ity Act (66 Stat. 178; 8 U.S.C. 1152 (d)) is redesignated
2 section 202 (c).

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

8 SEC. 5. Section 207 of the Immigration and Nationality
9 Act (66 Stat. 181; 8 U.S.C. 1157) is repealed, and the
10 following inserted in its place:

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

13 SEC. 6. Paragraph (27) (A) of section 101 (a) of the
14 Immigration and Nationality Act (66 Stat. 169; 8 U.S.C.
15 1101 (a) (27) (A)) is amended to read as follows:

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

18 SEC. 7. Paragraph (27) (C) of section 101 (a) of the
19 Immigration and Nationality Act (66 Stat. 169; 8 U.S.C.
20 1101 (a) (27) (C)) is amended to read as follows:

21 "(C) An immigrant who was born in any
22 independent foreign country of North, Central, or
23 South America, or in any independent island coun-
24 try adjacent thereto, or in the Canal Zone, and the

1 spouse and children of any such immigrant, if accom-
2 panying or following to join him:”.

3 SEC. 8. (a) Section 203 (a) (1) of the Immigration
4 and Nationality Act (66 Stat. 178; 8 U.S.C. 1153 (a) (1))
5 is amended by deleting the words “determined by the Attor-
6 ney General to be needed urgently in,” and substituting the
7 words “especially advantageous to.”

8 (b) Section 203 (a) (2) of the Immigration and Na-
9 tionality Act (66 Stat. 178), as amended (73 Stat. 644;
10 8 U.S.C. 1153 (a) (2)), is amended by deleting the words
11 “parents of citizens of the United States, such citizens being
12 at least twenty-one years of age or who are the”.

13 (c) Section 203 (a) (4) of the Immigration and Na-
14 tionality Act (66 Stat. 178), as amended (73 Stat. 644;
15 8 U.S.C. 1153 (a) (4)), is amended by—

16 (1) inserting after the words “married daughters
17 of citizens of the United States” a comma, followed by
18 the words “or parents of aliens lawfully admitted for
19 permanent residence,” and

20 (2) adding at the end thereof the following:
21 “Qualified quota immigrants capable of performing spec-
22 ified functions for which a shortage of employable and
23 willing persons exists in the United States shall be en-
24 titled to a preference not to exceed 50 per centum of the

1 immigrant visas remaining available for issuance under
2 this paragraph after the preference to the named rela-
3 tives of United States citizens and resident aliens is
4 satisfied or exhausted.”

5 SEC. 9. Section 204 of the Immigration and Nationality
6 Act (66 Stat. 179; 8 U.S.C. 1154) is amended as follows:

7 (1) Subsections (a) and (c) are amended by
8 deleting the words “or section 203 (a) (1) (A)” and
9 substituting, in each instance, a comma, followed by the
10 words “section 203 (a) (1) (A) or the last clause of
11 section 203 (a) (4).”

12 (2) Subsection (b) is amended (A) by deleting
13 the words “section 203 (a) (1) (A)” and substituting
14 the words “the last clause of section 203 (a) (4)” and
15 (B) by inserting, after the words “required by the At-
16 torney General” the words “after consultation with the
17 Immigration Board.”

18 (3) Subsection (d) is redesignated (e) and is
19 amended by deleting the words “or section 203 (a) (1)
20 (A),” and substituting a comma, followed by the words
21 “section 203 (a) (1) (A) or the last clause of section
22 203 (a) (4).”

23 (4) The following new subsection is inserted after
24 subsection (c):

25 “(d) Any immigrant claiming in his application to be

1 entitled to an immigrant visa under section 203 (a) (1) (A)
2 of the Act shall file a petition with the Attorney General.
3 The petition shall be in such form as the Attorney General
4 may by regulations prescribe and shall contain such addi-
5 tional information and be supported by such documentary
6 evidence as may be required by the Attorney General. The
7 petition shall be made under oath administered by any
8 individual having authority to administer oaths, if executed
9 in the United States, but, if executed outside the United
10 States, administered by a consular officer.”

11 SEC. 10. The first sentence of section 205 (b) of the
12 Immigration and Nationality Act (66 Stat. 180), as
13 amended (73 Stat. 644; 8 U.S.C. 1155 (b)), is amended
14 to read as follows:

15 “(b) Any citizen of the United States claiming that any
16 immigrant is his spouse, child, or parent, and that such
17 immigrant is entitled to a nonquota immigrant status under
18 section 101 (a) (27) (A) of this Act, or any citizen of the
19 United States claiming that any immigrant is his unmarried
20 son or unmarried daughter and that such immigrant is
21 entitled to a quota immigrant status under section 203
22 (a) (2) of this Act, or any alien lawfully admitted for
23 permanent residence claiming that any immigrant is his
24 spouse or his unmarried son or unmarried daughter and that

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

11 SEC. 11. (a) Section 1 of the Act of July 14, 1960
12 (74 Stat. 504), is amended by inserting the word “and”
13 after the words “Communist-occupied,” by inserting a period
14 after the word “made,” and by deleting the third clause of
15 said section and the word “and” immediately preceding it.

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

20 SEC. 12. Section 15 (c) (2) of the Act of September 11,
21 1957 (71 Stat. 644), is amended by deleting the word
22 “Libya” and inserting the word “Morocco” in its place.

23 SEC. 13. Section 281 of the Immigration and Nationality
24 Act (66 Stat. 230; 8 U.S.C. 1351) is amended as follows:

25 (1) Immediately after “SEC. 281.” insert “(a)”.

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

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

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

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

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

15 SEC. 14. Section 203 (c) of the Immigration and Na-
16 tionality Act (66 Stat. 179; 8 U.S.C. 1153 (c)) is amended
17 by adding at the end thereof the following: "The Secretary
18 of State, in his discretion, may terminate the registration on
19 a quota waiting list of any alien who fails to evidence his
20 continued intention to apply for a visa in such manner as may
21 be by regulation prescribed."

22 SEC. 15. (a) Paragraph (4) of section 212 (a) of the
23 Immigration and Nationality Act (66 Stat. 182; 8 U.S.C.
24 1182 (a) (4)) is amended by deleting the word "epilepsy"
25 and the commas before and after it.

1 (b) Section 212 (g) of the Immigration and National-
2 ity Act (75 Stat. 654; 8 U.S.C. 1182 (g)) is amended to
3 read as follows:

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

21 SEC. 16. (a) There is hereby established the Immigra-
22 tion Board (hereafter referred to as the "Board"). The
23 Board shall consist of seven members, of whom three mem-
24 bers, including a Chairman of the Board, shall be appointed
25 by the President, two members by the President of the

1 Senate, and two members by the Speaker of the House of
2 Representatives. The members of the Board shall be
3 selected by virtue of their high personal integrity, their
4 capabilities, and their experience in and expert knowledge
5 of immigration laws and international migration problems.
6 A vacancy in the membership of the Board shall be filled
7 in the same manner as the original designation and appoint-
8 ment.

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

10 (1) to promulgate, after consultation with the At-
11 torney General, such regulations as are necessary to in-
12 sure its efficient functioning under the provisions of this
13 Act;

14 (2) to make a continuous study of such conditions
15 within and without the United States, which, in the
16 opinion of the Board, might have any bearing on the
17 immigration policy of the United States;

18 (3) to consider, and after consultation with the
19 Secretary of State, to recommend to the President, such
20 allocation of quota immigrant visas, under section 201
21 (f) of the Immigration and Nationality Act, as will best
22 fulfill the purposes of that section;

23 (4) to consider, and after consultation with the
24 Secretaries of Labor, State, and Defense, to recom-
25 mend to the Attorney General such criteria for admission

1 of immigrants under section 203 (a) (1) (A) of the
2 Immigration and Nationality Act, as amended, and the
3 last clause of section 203 (a) (4), as amended, as will
4 further the policy of the United States to secure the im-
5 migration of persons of high skill, education, or training,
6 or who are capable of performing specified functions for
7 which a shortage of employable, willing persons exists
8 in the United States;

9 (5) to study such other aspects of the Immigra-
10 tion and Nationality Act as the President shall assign
11 to the Board for study, and make recommendations with
12 respect thereto;

13 (6) to conduct such investigations and to hold such
14 public and executive hearings in such places within and
15 without the United States and at such times as the
16 Board deems necessary.

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

20 (d) Each member of the Board who is not otherwise
21 in the service of the Government of the United States
22 shall receive the sum of \$75 for each day spent in the
23 work of the Board, shall be paid actual travel expenses,
24 and per diem in lieu of subsistence expenses, when away

1 from his usual place of residence, in accordance with section
2 5 of the Administrative Expenses Act of 1946, as amended.

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

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

15 SEC. 17. Section 221 (g) of the Immigration and
16 Nationality Act (66 Stat. 192; 8 U.S.C. 1201 (g)) is
17 amended by deleting the period at the end thereof and by
18 substituting the following: “: *Provided further*, That a visa
19 may be issued to an alien defined in section 101 (a) (15)
20 (B) or (F), if such alien is otherwise entitled to receive
21 a visa, upon receipt of a notice by the consular officer from
22 the Attorney General of the giving of a bond with sufficient
23 surety in such sum and containing such conditions as the con-
24 sular officer shall prescribe, to insure that at the expiration of

1 the time for which such alien has been admitted by the
 2 Attorney General, as provided in section 214 (a), or upon
 3 failure to maintain the status under which he was admitted,
 4 or to maintain any status subsequently acquired under section
 5 248 of the Act, such alien will depart from the United
 6 States.”

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