

89TH CONGRESS  
1ST SESSION

# H. R. 5572

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1965

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

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## 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  
7 shall be the same as that which existed for that area upon  
8 enactment of subsection (f) of this section: *Provided*, That  
9 the minimum quota for any quota area shall be two hundred:  
10 *Provided further*, That beginning with the first fiscal year  
11 commencing after the enactment of subsection (f) of this

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

8       SEC. 2. Section 201 (b) of the Immigration and Na-  
9 tionality Act (66 Stat. 175; 8 U.S.C. 1151 (b) ) is amended  
10 by substituting “section 202 (d)” for “section 202 (e)”  
11 after the words “provided for in”.

12       SEC. 3. Section 201 of the Immigration and Nationality  
13 Act (66 Stat. 175; 8 U.S.C. 1151) is amended by adding  
14 the following additional subsection:

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

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

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

1 included in the first proviso to this subsection shall not  
2 apply to visas issued under this clause; and

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

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

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

25 "There shall be made available for the issuance of im-

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

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

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

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

19 (b) Section 202 (b) of the Immigration and Nation-  
20 ality Act (66 Stat. 177, 8 U.S.C. 1152 (b) ) is repealed.

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

24 “Any immigrant born in a colony or other component

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

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

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

20 SEC. 7. Section 207 of the Immigration and Nationality  
21 Act (66 Stat. 181, 8 U.S.C. 1157) is amended by deleting  
22 the words “no immigrant visa shall be issued in lieu there-  
23 of to any other immigrant” and inserting in lieu thereof the  
24 words “an immigrant visa may be issued in lieu thereof  
25 to any other immigrant” .

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

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

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

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

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

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

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

1 ality Act (66 Stat. 178), as amended (73 Stat. 633; 8  
2 U.S.C. 1153 (a) (4)), is amended by—

3 (1) inserting after the words “married daughters  
4 of citizens of the United States” a comma, followed by  
5 the words “or parents of aliens lawfully admitted for  
6 permanent residence,” and

7 (2) adding at the end thereof the following: “Qual-  
8 ified quota immigrants capable of performing specified  
9 functions for which a shortage of employable and willing  
10 persons exists in the United States shall be entitled to  
11 a preference not to exceed 50 per centum of the immi-  
12 grant visas remaining available for issuance under this  
13 paragraph after the preference to the named relatives  
14 of United States citizens and resident aliens is satisfied  
15 or exhausted.”

16 SEC. 11. Section 204 of the Immigration and Nation-  
17 ality Act (66 Stat. 179; 8 U.S.C. 1154) is amended as  
18 follows:

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

23 (2) Subsection (b) is amended (A) by deleting the  
24 words “section 203 (a) (1) (A)” and substituting the words  
25 “the last clause of section 203 (a) (4)” and (B) by insert-



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

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

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

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

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

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

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

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

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

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

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

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

1       “(b) For the purposes of subsection (a), the term ‘ref-  
2 ugee-escapee’ means any alien who, because of persecution  
3 or fear of persecution on account of race, religion, or politi-  
4 cal opinion has fled or shall flee (A) from any Communist,  
5 Communist-dominated, or Communist-occupied area, or (B)  
6 from any country within the general area of the Middle East,  
7 and who cannot return to such area, or to such country, on  
8 account of race, religion, or political opinion. The expres-  
9 sion ‘general area of the Middle East’ means the area be-  
10 tween and including (1) Morocco on the west, (2) Turkey  
11 on the north, (3) Pakistan on the east, and (4) Saudi Ara-  
12 bia and Ethiopia on the south.”

13       SEC. 14. Section 2 of the Act of July 14, 1960 (74  
14 Stat. 504), as amended (76 Stat. 124), is amended by de-  
15 leting (1) the letter “(a)” immediately following the words  
16 “SEC. 2.”, and (2) subsection (b) thereof.

17       SEC. 15. Section 281 of the Immigration and Nation-  
18 ality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as fol-  
19 lows:

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

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

22       “(2) For the issuance of each immigrant visa, \$20;  
23 except that such fee shall be \$10 in the case of any alien  
24 who is the beneficiary of a petition required under sec-  
25 tion 204 (b) or 205 (b).”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25          (c) All Federal agencies shall cooperate fully with



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

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

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

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

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

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

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

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

89<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**A BILL.**

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

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By Mr. FOGARTY

MARCH 1, 1965

Referred to the Committee on the Judiciary