



## Legislation from 1981-1996

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## Legislation from 1981-1996

### **1 Act of June 5, 1981 (95 Statutes-at-Large 14)**

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Supplemental appropriations and rescissions bill, reduced previously-appropriated funds for migration and refugee assistance, including funds provided for reception and processing of Cuban and Haitian entrants.

### **2 Act of August 13, 1981 (95 Statutes-at-Large 357)**

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Federal appropriations bill for fiscal year 1982, also contained items restricting the access of aliens to various publicly-funded benefits. Immigration-related provisions:

- a. Precluded the Secretary of HUD from making financial assistance available to any alien unless that alien is a resident of the United States by virtue of admission or adjustment as a permanent resident alien, refugee or asylee, parolee, conditional entrant, or pursuant to withholding of deportation. Alien visitors, tourists, diplomats, and students were specifically excluded.
- b. Severely restricted eligibility of aliens to Aid to Families with Dependent Children.

### **3 Immigration and Nationality Act Amendments of December 20, 1981 (95 Statutes-at-Large 1611)**

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“INS Efficiency Bill,” amended the Immigration and Nationality Act of 1952 and the Act of November 2, 1978:

- a. Authorized INS to seize vehicles without having to establish whether the owner was involved in the illegal activity in question.
- b. Eliminated the requirement that the government bear administrative and incidental expenses where an innocent owner is involved.
- c. Eliminated the requirement that the INS satisfy any valid lien or other third party interest in a vehicle without expense to the interest holder.
- d. Eliminated the required annual notification by aliens of their current address.

### **4 Act of September 30, 1982 (96 Statutes-at-Large 1157)**

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Allowed admission as permanent residents to certain nonimmigrant aliens residing in the Virgin Islands.

### **5 Act of October 2, 1982 (96 Statutes-at-Large 1186)**

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Greatly limited the categories of aliens to whom the Legal Services Corporation may provide legal assistance.

### **6 Act of October 22, 1982 (96 Statutes-at-Large 1716)**

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Provided that children born of U.S. citizen fathers in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950 and before enactment, may come to the United States as immediate relatives or as first or fourth preference immigrants.

## **7 Immigration Reform and Control Act of November 6, 1986 (IRCA) (100 Statutes-at-Large 3359)**

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Comprehensive immigration legislation:

- a. Authorized legalization (i.e., temporary and then permanent resident status) for aliens who had resided in the United States in an unlawful status since January 1, 1982 (entering illegally or as temporary visitors with authorized stay expiring before that date or with the Government's knowledge of their unlawful status before that date) and are not excludable.
- b. Created sanctions prohibiting employers from knowingly hiring, recruiting, or referring for a fee aliens not authorized to work in the United States.
- c. Increased enforcement at U.S. borders.
- d. Created a new classification of seasonal agricultural worker and provisions for the legalization of certain such workers.
- e. Extended the registry date (i.e., the date from which an alien has resided illegally and continuously in the United States and thus qualifies for adjustment to permanent resident status) from June 30, 1948 to January 1, 1972.
- f. Authorized adjustment to permanent resident status for Cubans and Haitians who entered the United States without inspection and had continuously resided in country since January 1, 1982.
- g. Increased the numerical limitation for immigrants admitted under the preference system for dependent areas from 600 to 5,000 beginning in fiscal year 1988.
- h. Created a new special immigrant category for certain retired employees of international organizations and their families and a new nonimmigrant status for parents and children of such immigrants.
- i. Created a nonimmigrant Visa Waiver Pilot program allowing certain aliens to visit the United States without applying for a nonimmigrant visa.
- j. Allocated 5,000 nonpreference visas in each of fiscal years 1987 and 1988 for aliens born in countries from which immigration was adversely affected by the 1965 act.

## **8 Immigration Marriage Fraud Amendments of November 10, 1986 (100 Statutes-at-Large 3537)**

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Provisions:

- a. Stipulated that aliens deriving their immigrant status based on a marriage of less than two years are conditional immigrants. To remove conditional status, the alien must apply within 90 days after their second-year anniversary of receiving conditional status.
- b. Required alien fiance(e)s of U.S. citizens to have met their citizen petitioner in person within two years of the date the petition was filed.

## **9 Amerasian Homecoming Act of December 22, 1987 (101 Statutes-at-Large 1329)**

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An appropriations law providing for admission of children born in Vietnam between specified dates to Vietnamese mothers and American fathers, together with their immediate relatives. They are admitted as nonquota immigrants but receive refugee program benefits.

## **10 Act of September 28, 1988 (102 Statutes-at-Large 1876)**

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United States-Canada Free-Trade Agreement Implementation Act:

- a. Facilitated temporary entry on a reciprocal basis between the United States and Canada.

- b. Established procedures for the temporary entry into the United States of Canadian citizen professional business persons to render services for remuneration.
- c. No nonimmigrant visa, prior petition, labor certification, or prior approval required, but appropriate documentation must be presented to the inspecting officer establishing Canadian citizenship and professional engagement in one of the occupations listed in the qualifying occupation schedule.

### **11 Act of November 15, 1988 (102 Statutes-at-Large 3908)**

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Provided for the extension of stay for certain nonimmigrant H-1 nurses.

### **12 Foreign Operations Act of November 21, 1989 (103 Statutes-at-Large 1195)**

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An appropriations law, provided for adjustment to permanent resident status for Soviet and Indochinese nationals who were paroled into the United States between certain dates after denial of refugee status.

### **13 Act of December 18, 1989 (103 Statutes-at-Large 2099)**

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The “Immigration Nursing Relief Act of 1989.” Provisions:

- a. Adjustment from temporary to permanent resident status, without regard to numerical limitation, of certain nonimmigrants who were employed in the United States as registered nurses for at least three years and meet established certification standards.
- b. Establishment of a new nonimmigrant category for the temporary admission of qualified registered nurses.

### **14 Immigration Act of November 29, 1990 (104 Statutes-at-Large 4978)**

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A major overhaul of immigration law:

- a. Increased total immigration under an overall flexible cap of 675,000 immigrants beginning in fiscal year 1995, preceded by a 700,000 level during fiscal years 1992 through 1994. The 675,000 level to consist of: 480,000 family-sponsored; 140,000 employment-based; and 55,000 “diversity immigrants.”
- b. Revised all grounds for exclusion and deportation, significantly rewriting the political and ideological grounds. For example, repealed the bar against the admission of communists as nonimmigrants and limited the exclusion of aliens on foreign policy grounds.
- c. Authorized the Attorney General to grant temporary protected status to undocumented alien nationals of designated countries subject to armed conflict or natural disasters.
- d. Revised and established new nonimmigrant admission categories:
  - 1. Redefined the H-1(b) temporary worker category and limited number of aliens who may be issued visas or otherwise provided nonimmigrant status under this category to 65,000 annually.
  - 2. Limited number of H-2(b) temporary worker category aliens who may be issued visas or otherwise provided nonimmigrant status to 66,000 annually.
  - 3. Created new temporary worker admission categories (O, P, Q, and R), some with annual caps on number of aliens who may be issued visas or otherwise provided nonimmigrant status.
- e. Revised, and extended the Visa Waiver Pilot Program through fiscal year 1994.
- f. Revised naturalization authority and requirements:

1. Transferred the exclusive jurisdiction to naturalize aliens from the Federal and State courts to the Attorney General.
  2. Amended the substantive requirements for naturalization: State residency requirements revised and reduced to 3 months; added another ground for waiving the English language requirement; lifted the permanent bar to naturalization for aliens who applied to be relieved from U.S. military service on grounds of alienage who previously served in the service of the country of the alien's nationality.
- g. Revised enforcement activities. For example:
1. Broadened the definition of "aggravated felony" and imposed new legal restrictions on aliens convicted of such crimes.
  2. Revised employer sanctions provisions of the Immigration Reform and Control Act of 1986.
  3. Authorized funds to increase Border Patrol personnel by 1,000.
  4. Revised criminal and deportation provisions.
- h. Recodified the 32 grounds for exclusion into nine categories, including revising and repealing some of the grounds (especially health grounds).

### **15 Armed Forces Immigration Adjustment Act of October 1, 1991 (105 Statutes-at-Large 555)**

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Provisions:

- a. Granted special immigrant status to certain types of aliens who honorably served in the Armed Forces of the United States for at least 12 years.
- b. Delayed until April 1, 1992 the implementation of provisions relating to O and P nonimmigrant visas. (See Act of November 29, 1990.)

### **16 Act of December 12, 1991 (105 Statutes-at-Large 1733)**

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Miscellaneous and Technical Immigration and Naturalization Amendments Act, amended certain elements of the Immigration Act of 1990. Revised provisions regarding the entrance of O and P nonimmigrants, including the repeal of numerical limits of visas for the P categories of admission, and made other technical corrections. (See Act of November 29, 1990.)

### **17 Chinese Student Protection Act of October 9, 1992 (106 Statutes-at-Large 1969)**

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Provided for adjustment to permanent resident status (as employment-based immigrants) by nationals of the People's Republic of China who were in the United States after June 4, 1989 and before April 11, 1990.

### **18 Soviet Scientists Immigration Act of October 10, 1992 (106 Statutes-at-Large 3316)**

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Provisions:

- a. Conferred permanent resident status (as employment-based immigrants) on a maximum of 750 scientists from the independent states of the former Soviet Union and the Baltic states. The limit does not include spouses and children.
- b. Stipulated that employment must be in the biological, chemical, or nuclear technical field or work in conjunction with a high technology defense project.

- c. Waived the requirement that workers with expertise in these fields were needed by an employer in the United States.

North American Free-Trade Agreement Implementation Act (supersedes the United States-Canada Free-Trade Agreement Act of September 28, 1988):

- a. Facilitated temporary entry on a reciprocal basis between the United States and Canada and Mexico.
- b. Established procedures for the temporary entry into the United States of Canadian and Mexican citizen professional business persons to render services for remuneration:
  - 1. For Canadians, no nonimmigrant visa, prior petition, labor certification, or prior approval required, but appropriate documentation must be presented to the inspecting officer establishing Canadian citizenship and professional engagement in one of the occupations listed in the qualifying occupation schedule;
  - 2. For Mexicans, nonimmigrant visa, prior petition by employer, and Department of Labor attestation are required in addition to proof of Mexican citizenship and professional engagement in one of the occupations listed in the qualifying occupation schedule;
  - 3. For Canadians, nonimmigrant visas are not required of spouses and minor children who possess Canadian citizenship;
  - 4. For Mexicans, nonimmigrant visas are required of spouses and minor children who possess Mexican citizenship;
  - 5. For Canadians, no limit to number of admissions;
  - 6. For Mexicans, a limit was set for a transition period for up to ten years at 5,500 initial petition approvals per year.

## **19 Act of December 8, 1993 (107 Statutes-at-Large 2057)**

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North American Free-Trade Agreement Implementation Act (supersedes the United States-Canada Free-Trade Agreement Act of September 28, 1988):

- a. Facilitated temporary entry on a reciprocal basis between the United States, Canada, and Mexico.
- b. Established procedures for the temporary entry into the United States of Canadian and Mexican citizen professional business persons to render services for remuneration:
  - 1. For Canadians, no nonimmigrant visa, prior petition, labor certification, or prior approval required, but appropriate documentation must be presented to the inspecting officer establishing Canadian citizenship and professional engagement in one of the occupations listed in the qualifying occupation schedule;
  - 2. For Mexicans, nonimmigrant visa, prior petition by employer, and Department of Labor attestation are required in addition to proof of Mexican citizenship and professional engagement in one of the occupations listed in the qualifying occupation schedule;
  - 3. For Canadians, nonimmigrant visas are not required of spouses and minor children who possess Canadian citizenship;
  - 4. For Mexicans, nonimmigrant visas are required of spouses and minor children who possess Mexican citizenship;
  - 5. For Canadians, no limit to number of admissions;
  - 6. For Mexicans, a limit was set for a transition period for up to ten years at 5,500 initial approvals per year.

## **20 Violent Crime Control and Law Enforcement Act of September 13, 1994 (108 Statutes-at-Large 1796)**

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Provisions:

- 1. Authorized establishment of a criminal alien tracking center.

2. Established a new nonimmigrant classification for alien witness cooperation and counterterrorism information.
3. Revised deportation procedures for certain criminal aliens who are not permanent residents and expanded special deportation proceedings.
4. Provided for expeditious deportation for denied asylum applicants.
5. Provided for improved border management through increased resources.
6. Strengthened penalties for passport and visa offenses.

## **21 Antiterrorism and Effective Death Penalty Act of April 24, 1996 (110 Statutes-at-Large 1214)**

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### Provisions:

- a. Expedited procedures for removal of alien terrorists.
- b. Established specific measures to exclude members and representatives of terrorist organizations:
  1. Provided for the exclusion of alien terrorists;
  2. Waived authority concerning notice of denial application for visas;
  3. Denied other forms of relief for alien terrorists;
  4. Excluded from process aliens who have not been inspected and admitted.
- c. Modified asylum procedures to improve identification and processing of alien terrorists.
  1. Established mechanisms for denial of asylum to alien terrorists.
  2. Granted authority to inspection officers to both inspect and exclude asylee applicants.
  3. Improved judicial review process to expedite hearings and removal (if necessary) of alien terrorists.
- d. Provided for criminal alien procedural improvements.
  1. Provided access to certain confidential immigration and naturalization files through court order.
  2. Established a criminal alien identification system.
  3. Established certain alien smuggling-related crimes as RICO-predicate offenses.
  4. Granted authority for alien smuggling investigations.
  5. Expanded criteria for deportation for crimes of moral turpitude.
  6. Established an interior repatriation program.
  7. Allowed for deportation of nonviolent offenders prior to completion of sentence of imprisonment.
  8. Authorized State and Local law enforcement officials to arrest and detain certain illegal aliens.
  9. Expedited process of criminal alien removal.
  10. Limited collateral attacks on underlying deportation order.
  11. Established deportation procedures for certain criminal aliens who are not permanent residents.

## **22 Personal Responsibility and Work Opportunity Reconciliation Act of August 22, 1996 (110 Statutes-at-Large 2105)**

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### Provisions:

- a. Established restrictions on the eligibility of legal immigrants for means-tested public assistance:
  1. Barred legal immigrants (with certain exceptions) from obtaining food stamps and Supplemental Security Income (SSI) and established screening procedures for current recipients of these programs;
  2. Barred legal immigrants (with certain exceptions) entering the U.S. after date of enactment from most federal means-tested programs for 5 years;
  3. Provided states with broad flexibility in setting public benefit eligibility rules for legal immigrants by allowing states to bar current legal immigrants from both major federal programs and state programs.
  4. Increased the responsibility of the immigrants' sponsors by: making the affidavit of support legally enforceable, imposing new requirements on sponsors, and expanding sponsor-deeming requirements to more programs and lengthening the deeming period.
- b. Broadened the restrictions on public benefits for illegal aliens and nonimmigrants.
  1. Barred illegal, or "not qualified aliens," from most federal, state and local public benefits.

2. Required INS to verify immigration status in order for aliens to receive most federal public benefits.

## **23 Illegal Immigration Reform and Immigrant Responsibility Act of September 30, 1996 (110 Statutes-at-Large 3009)**

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### Provisions:

- a. Established measures to control U.S. borders, protect legal workers through worksite enforcement, and remove criminal and other deportable aliens:
  1. Increased border personnel, equipment, and technology as well as enforcement personnel at land and air ports of entry;
  2. Authorized improvements in barriers along the Southwest border;
  3. Increased anti-smuggling authority and penalties for alien smuggling;
  4. Increased penalties for illegal entry, passport and visa fraud, and failure to depart;
  5. Increased INS investigators for worksite enforcement, alien smuggling, and visa overstayers;
  6. Established three voluntary pilot programs to confirm the employment eligibility of workers and reduced the number and types of documents that may be presented to employers for identity and eligibility to work;
  7. Broadly reformed exclusion and deportation procedures, including consolidation into a single removal process as well as the institution of expedited removal to speed deportation and alien exclusion through more stringent grounds of admissibility;
  8. Increased detention space for criminal and other deportable aliens;
  9. Instituted 3- and 10-year bars to admissibility for aliens seeking to reenter after having been unlawfully present in the United States;
  10. Barred re-entry of individuals who renounced their U.S. citizenship in order to avoid U.S. tax obligations.
- b. Placed added restrictions on benefits for aliens:
  1. Provided for a pilot program on limiting issuance of driver's licenses to illegal aliens;
  2. Declared aliens not lawfully present ineligible for Social Security benefits;
  3. Established procedures for requiring proof of citizenship for Federal public benefits;
  4. Established limitations on eligibility for preferential treatment of aliens not lawfully present on the basis of residence for higher education benefits;
  5. Provided for verification of immigration status for purposes of Social Security and higher educational assistance;
  6. Tightened the requirement for an affidavit of support for sponsored immigrants, making the affidavit a legally binding contract to provide financial support;
  7. Provided authority of States and political subdivisions of States to limit assistance to aliens in providing general cash public assistance;
  8. Increased maximum criminal penalties for forging or counterfeiting the seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
- c. Miscellaneous provisions:
  1. Recodified existing INS regulations regarding asylum;
  2. Provided that the Attorney General's parole authority may be exercised only on a case-by-case basis for urgent humanitarian reasons or significant public health.
  3. Created new limits on the ability of F-1 students to attend public schools without reimbursing those institutions;
  4. Established new mandates for educational institutions to collect information on foreign students' status and nationality and provide it to INS;
  5. Tightened restrictions regarding foreign physicians' ability to work in the United States;
  6. Added new consular processing provisions and revised the visa waiver program.