**Immigration and Nationality Act of 1965**

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| **Long title** | An Act to amend the Immigration and Nationality Act |
| [**Acronyms**](https://en.wikipedia.org/wiki/Acronym)(colloquial) | INA of 1965 |
| **Nicknames** | Hart–Celler Act |
| **Enacted by** | the [89th United States Congress](https://en.wikipedia.org/wiki/89th_United_States_Congress) |
| **Effective** | June 30, 1968 |
| **Public law** | [Pub.L. 89–236](http://legislink.org/us/pl-89-236) |
| [**Statutes at Large**](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) | 79 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [911](http://legislink.org/us/stat-79-911) |
| **Codification** | |
| **Acts amended** | [Immigration and Nationality Act of 1952](https://en.wikipedia.org/wiki/Immigration_and_Nationality_Act_of_1952) |
| **Titles amended** | [8 U.S.C.: Aliens and Nationality](https://en.wikipedia.org/wiki/Title_8_of_the_United_States_Code) |
| **U.S.C. sections amended** | [8 U.S.C.](https://en.wikipedia.org/wiki/Title_8_of_the_United_States_Code) [ch. 12](http://www.law.cornell.edu/uscode/text/8/chapter-12) (§§ 1101, 1151–1157, 1181–1182, 1201, 1254–1255, 1259, 1322, 1351) |
| **Legislative history** | |
| * **Introduced in the House of Representatives** **as** H.R. 2580 **by** Rep. [Emanuel Celler](https://en.wikipedia.org/wiki/Emanuel_Celler) ([D](https://en.wikipedia.org/wiki/Democratic_Party_(United_States))-[NY](https://en.wikipedia.org/wiki/New_York)) * **Committee consideration by** [Judiciary](https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_the_Judiciary) * **Passed the House on** August 25, 1965 ([318–95](http://www.govtrack.us/congress/votes/89-1965/h125)) * **Passed the Senate on** September 22, 1965 ([76–18](http://www.govtrack.us/congress/votes/89-1965/s232)) * **Agreed to by the House on** September 30, 1965 ([320–70](http://www.govtrack.us/congress/votes/89-1965/h177)) **and by the on** * **Signed into law by President** [Lyndon B. Johnson](https://en.wikipedia.org/wiki/Lyndon_B._Johnson) **on** October 3, 1965 | |

The **Immigration and Nationality Act of 1965** ([Pub.L. 89–236](http://legislink.org/us/pl-89-236), 79 [Stat.](https://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [911](http://legislink.org/us/stat-79-911), enacted June 30, 1968), also known as the **Hart–Celler Act**, abolished the [National Origins Formula](https://en.wikipedia.org/wiki/National_Origins_Formula) that had been in place in the [United States](https://en.wikipedia.org/wiki/United_States) since the [Emergency Quota Act](https://en.wikipedia.org/wiki/Emergency_Quota_Act) of 1921. It was proposed by Representative [Emanuel Celler](https://en.wikipedia.org/wiki/Emanuel_Celler) of [New York](https://en.wikipedia.org/wiki/New_York), co-sponsored by Senator [Philip Hart](https://en.wikipedia.org/wiki/Philip_Hart) of [Michigan](https://en.wikipedia.org/wiki/Michigan), and promoted by Senator [Ted Kennedy](https://en.wikipedia.org/wiki/Ted_Kennedy) of [Massachusetts](https://en.wikipedia.org/wiki/Massachusetts).

The Hart-Celler Act abolished the national origins quota system that was American [immigration policy](https://en.wikipedia.org/wiki/Immigration_policy) since the 1920s, replacing it with a preference system that focused on immigrants' skills and family relationships with citizens or U.S. residents. Numerical restrictions on visas were set at 170,000 per year, with a per-country-of-origin quota, not including immediate relatives of U.S. citizens or "special immigrants" (including those born in "independent" nations in the [Western Hemisphere](https://en.wikipedia.org/wiki/Western_Hemisphere), [former citizens](https://en.wikipedia.org/wiki/List_of_former_United_States_citizens_who_relinquished_their_nationality), ministers, and employees of the U.S. government abroad).

**Background**

The 1965 act marked a radical break from the immigration policies of the past. The law as it stood then excluded Asians and Africans and preferred northern and western Europeans over southern and eastern ones. At the height of the [civil rights movement of the 1960s](https://en.wikipedia.org/wiki/African-American_Civil_Rights_Movement_(1955%E2%80%9368)) the law was seen as an embarrassment by, among others, President [John F. Kennedy](https://en.wikipedia.org/wiki/John_F._Kennedy), who called the then-quota-system "nearly intolerable". After Kennedy's assassination, President [Lyndon Johnson](https://en.wikipedia.org/wiki/Lyndon_Johnson) signed the bill at the foot of the [Statue of Liberty](https://en.wikipedia.org/wiki/Statue_of_Liberty) as a symbolic foothold of signing the bill.

In order to convince the American people of the legislation's merits, its proponents assured that passage would not influence America's culture significantly. President Johnson called the bill "not a revolutionary bill. It does not affect the lives of millions", while [Secretary of State](https://en.wikipedia.org/wiki/US_SOS) [Dean Rusk](https://en.wikipedia.org/wiki/Dean_Rusk) and other politicians, including Senator Ted Kennedy, hastened to reassure the populace that the demographic mix would not be affected; these assertions would later prove grossly inaccurate.

In line with earlier immigration law, the bill also prohibited the entry into the country of "sexual deviants", including homosexuals. By doing so it crystallized the policy of the INS that had previously been rejecting homosexual immigrants on the grounds that they were "mentally defective" or had a "constitutional psychopathic inferiority". The provision [discriminating against](https://en.wikipedia.org/wiki/LGBT_rights_opposition#United_States) [gay people](https://en.wikipedia.org/wiki/LGBT_rights_in_the_United_States) was rescinded by the [Immigration Act of 1990](https://en.wikipedia.org/wiki/Immigration_Act_of_1990)

**Immigration and Nationality Act - Wages under Foreign Labor Certification**

As per the rules under the ***Immigration and Nationality Act (INA)***, U.S. organizations are permitted to employ foreign workers either temporarily or permanently to fulfill certain types of job requirement. The **Employment and Training Administration (ETA)** under the U.S. Department of Labor (DOL) is the body that usually provides *certification* to employers enabling them to hire foreign workers in order to bridge qualified and skilled labor gap in certain business areas. Workers willing to perform in a job in return of wages that either meet or exceed the present wage paid by the employers for the same occupation in the intended area of employment. However, some unique rules are applied to each category of visas. They are as follow:

* **H-1B and H-1B1 Specialty (Professional) Workers** should have a pay, as per the prevailing wage - an average wage that is paid to a person employed in the same occupation in the area of employment; or that the employer pays its workers the actual wage having similar skills and qualifications.
* **H-2A Agricultural Workers** should have the highest pay in accordance to the **(a)** *Adverse Effect Wage Rate (AEWR)*, **(b)** the present rate for a particular crop or area, or **(c)** the state or federal minimum wage. The law also stipulates requirements like employer-sponsored meals and transportation of the employees as well as restrictions on deducting from the workers’ wages.
* **H-2B Non-agricultural Workers** should receive a pay that is in accordance to the prevailing wage (mean wage paid to a worker employed in a similar occupation in the concerned area of employment).
* **D-1 Crewmembers** (longshore work) should be paid the current wage (mean wage paid to a person employed in a similar occupation in the respective area of employment).
* **Permanent Employment of Aliens** should be employed after the employer has agreed to provide and pay as per the prevailing wage trends and that it should be decided on the basis of one of the many alternatives provisioned under the said Act. This rule has to be followed the moment the Alien has been granted with permanent residency or the Alien has been admitted in the United States so as to take the required position.

**Congressional consideration**



October 3, 1965: President [Lyndon Johnson](https://en.wikipedia.org/wiki/Lyndon_Johnson) visits the [Statue of Liberty](https://en.wikipedia.org/wiki/Statue_of_Liberty) to sign the Immigration and Nationality Act of 1965.

The [House of Representatives](https://en.wikipedia.org/wiki/U.S._House_of_Representatives) voted 320 to 70 in favor of the act, while the [Senate](https://en.wikipedia.org/wiki/United_States_Senate) passed the bill by a vote of 76 to 18. In the Senate, 52 Democrats voted yes, 14 no, and 1 abstained. Of the Republicans, 24 voted yes, 3 voted no, and 1 abstained. In the House, 202 Democrats voted yes, 60 voted no and 12 abstained, 117 Republicans voted yes, 10 voted no and 11 abstained. One unknown representative voted yes. In total, 74% of Democrats and 85% of Republicans voted for passage of this bill. Most of the no votes were from the [American South](https://en.wikipedia.org/wiki/Southern_United_States), which was then still strongly Democratic. During debate on the [Senate](https://en.wikipedia.org/wiki/United_States_Senate) floor, Senator Kennedy, speaking of the effects of the act, said, "our cities will not be flooded with a million immigrants annually. ... Secondly, the ethnic mix of this country will not be upset".

The act's supporters not only claimed the law would not change America's ethnic makeup, but that such a change was not desirable. On October 3, 1965, President [Lyndon B. Johnson](https://en.wikipedia.org/wiki/Lyndon_B._Johnson) signed the legislation into law, saying "This old system violates the basic principle of American democracy, the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country".

**Long-term results**

Immigration changed U.S. demographics, opening the doors to immigrants from Asia, Africa, and the Middle East. The Latin American population has also dramatically increased since 1965, though this was more due to the various unexpected results of this act rather than due to this act itself (it is worth noting that this act introduced immigration quotas to Latin America, whereas there were previously no immigration quotas from the [Western Hemisphere](https://en.wikipedia.org/wiki/Western_Hemisphere); also see [National Origins Formula](https://en.wikipedia.org/wiki/National_Origins_Formula)). By the 1990s, America's population growth was more than one-third driven by legal immigration and substantially augmented by [illegal immigration](https://en.wikipedia.org/wiki/Illegal_immigration_to_the_United_States), primarily from Latin America and other parts of the developing world. Before passage of the Hart-Celler Act, immigration accounted for only ten percent of population increase in the U.S. Ethnic and racial minorities, as defined by the US Census Bureau, rose from 25 percent of the US population during the year 1990 to 30 percent in the year 2000 and to 36.6 percent as measured by the results from the 2010 census. Similarly, during the same time period the non-Hispanic white population in the United States decreased from 75 percent of the overall US population in 1990 to 70 percent in 2000 and finally to 63.4 percent during the year 2011.

It is estimated that by the year 2042, white people not referring to themselves as Hispanic will no longer constitute a majority but rather only a plurality of the population of the United States. Minority groups, led by [Hispanic Americans](https://en.wikipedia.org/wiki/Hispanic_and_Latino_Americans) (mainly [Mexican Americans](https://en.wikipedia.org/wiki/Mexican_Americans)), [Black Americans](https://en.wikipedia.org/wiki/Black_Americans), [Asian Americans](https://en.wikipedia.org/wiki/Asian_Americans), [Native Americans](https://en.wikipedia.org/wiki/Native_Americans_in_the_United_States), and [Pacific Islander Americans](https://en.wikipedia.org/wiki/Pacific_Islander_Americans) would together outnumber non-Hispanic White Americans. According to the 2000 census, roughly 11.1 percent of the American population was foreign-born, a major increase from the low of 4.7 percent in 1970. A third of the foreign-born were from Latin America and a fourth from Asia. The passage of the Hart-Celler Act contributed to increased illegal immigration from Latin America, especially Mexico, since the unlimited legal [*bracero*](https://en.wikipedia.org/wiki/Bracero_Program) program previously in place was eliminated.

The waves of immigrants have encountered both possibilities and problems. Many immigrants have been able to take advantage of the abundance of opportunities in the U.S., although some immigrant groups continue to face major challenges. For example, [Asian Indians](https://en.wikipedia.org/wiki/Indian_Americans) in the U.S. have a higher average income and lower poverty rate than the national average, while [Vietnamese Americans](https://en.wikipedia.org/wiki/Vietnamese_American) (mostly from refugee backgrounds) have median earnings less than the national average and a higher poverty rate. Asians and Pacific Islanders (including international students from Asia) constituted 30 percent of the student population in California's public universities by 2000, and over 38% of the student population by 2011. The problems have centered on questions of multicultural identity as opposed to the melting-pot idea, debates on the economic impact of immigration, impact of illegal immigration, and fears of becoming a polyglot nation with English not the primary language.

**See also**

* [History of laws concerning immigration and naturalization in the United States](https://en.wikipedia.org/wiki/History_of_laws_concerning_immigration_and_naturalization_in_the_United_States)
* [Luce–Celler Act of 1946](https://en.wikipedia.org/wiki/Luce%E2%80%93Celler_Act_of_1946)

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