PennState Dickinson Law | Center for Immigrants' Rights Clinic

The Immigration Act of 1965: 60 Years Later

Did You Know?

- The 1965 Immigration Act (Hart-Celler Act) was signed into law on October 3, 1965, by President Lyndon B. Johnson.[i] While President Lyndon B. Johnson signed the Act, Senator Philip Hart of Michigan and Representative Emanuel Celler of New York were the Act's two main sponsors.[ii] The Act is considered to have "set in motion powerful demographic forces that are still shaping the United States today."[iii]

- The national origins system was the culmination of a series of laws passed by Congress in 1917, 1921, and 1924. The sponsors of these laws sought to bar most non-Protestant and non-Northern-European immigrants from the United States. The national origins system set ethnoracial quotas that largely banned immigration from East, Central, and Southern Europe, and all of Asia and Africa.[iv]

- In 1952, the McCarran-Walter Act, also known as the Immigration and Nationality Act of 1952, preserved the national origin quota established in the Immigration Acts of 1921 and 1924 while also instituting new quotas based on race for Asian nations by counting individuals with at least one Asian parent, born anywhere in the world, under the national quota.[v]

- The 1965 Act changed immigration policy by discriminatory quotas based on race and ethnicity.[vi] The Act abolished the national-origins quota system, which historically "favored immigrants from northern Europe and the British Isles, discriminated against those from southern and eastern Europe, and barred those from Asia and non-whites from entering the country."[vii]

- The 1965 Act also amended the Immigration and Nationality Act to provide that "No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence."[viii]

- The Civil Rights movement helped shape reform in immigration policy by highlighting unfair discrimination on the basis of race, color, religion, sex, or national origin.[ix] After the Civil Rights Act of 1964 and the Voting Rights Act of 1965 were passed, [x] legislators began scrutinizing immigration laws that were based on national origin. Shifts to family reunification through the 1965 Act was considered a civil rights achievement because of the constitutional protections given to family unity in the United States. [xi]

- The 1965 Act shifted the framework towards family-based immigration.[xii] About 74% of permanent visas were awarded to family reunification categories whereas before 1965 visas had been split roughly equally between family and employment categories.[xiii]

- However, the 1965 Act also imposed first-ever numerical limits on immigration from Latin America. These limits, imposed by segregationists in Congress, added more controls and penalties to those seeking entry. Even after dismantling the national origins quota, Mexican migration was recast as "illegal."[xiv]

- In 1965, Hispanic people comprised only 4% of the United States population.[xv] Asian Americans comprised only 1% of the United States Population.[xvi] After the passing of the 1965 Act, these numbers rose. By 2015, people who described themselves as Hispanic or Latino increased to 18% and Asian Americans to 6%.[xvii] In 2022, Hispanics comprised 19.1% of the United States population,[xviii] and Asian Americans comprised approximately 5.9%.[xix]

- From 1980 to 2013, the Indian immigrant community in the United States increased from 206,000 to 2.04 million. The 1965 Act is considered to be a contributing factor to this increase in Indian immigration since there were approximately only 12,000 Indian immigrants in 1960.[xx]

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[i] *Immigration and Nationality Act*, LBJ PRESIDENTIAL LIBR., https://www.lbjlibrary.org/news-and-press/media-kits/immigration-and-nationality-act#:~:text=The%20Immigration%20and%20Nationality%20Act%20abolished%20quotas%2C%20opening%20the%20doors,President%20John%20F (last visited Sept. 6, 2025).

[ii] *Immigration and Nationality Act of 1965*, HIST., ART & ARCHIVES: U.S. HOUSE OF REPRESENTATIVES, https://history.house.gov/Historical-Highlights/1951-2000/Immigration-and-Nationality-Act-of-1965/#:~:text=October%2003%2C%201965,immigration%20based%20on%20national%20origin (last visited Sept. 2, 2025).

[iii] Muzaffar Chisti et al., *Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States*, MIGRATION POL'Y INST. (Oct. 15, 2015), https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states.

[iv] JOHN HIGHAM, STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM, 1860-1925 300–31 (1955).

[v] *The Immigration and Nationality Act of 1952 (The McCarran-Walter Act)*, OFF. HISTORIAN, https://history.state.gov/milestones/1945-1952/immigration-act (last visited Sept. 3, 2025).

[vi] *Id.*

[vii] *Id.*; Tom Gjelten, *The 1965 Immigration Act: Opening the Nation to Immigrants of Color,* GILDER LEHRMAN AM. HIST. https://www.gilderlehrman.org/history-resources/essays/1965-immigration-act-opening-nation-immigrants-color (last visited Sept. 7, 2025).

[viii] Pub. L. No. 89-236, 79 Stat. 911, 911 (1965) (codified in 8 U.S.C. § 1152). The 1965 Act provided exceptions to this prohibition on discrimination, provided in section 101(a)(27), section 201(b), and section 203 of the immigration statutes.

[ix] Todd Scribner, *How the Civil Rights Movement Influenced U.S. Immigration Policy*, U.S. CONF. CATH. BISHOPS, https://www.usccb.org/committees/african-american-affairs/how-civil-rights-movement-influenced-us-immigration-policy (last visited Sept. 1, 2025).

[x] Rose Cuison Villazor, *The 1965 Immigration Act: Family Unification and Nondiscrimination Fifty Years Later*, *in* THE IMMIGRATION AND NATIONALITY ACT OF 1965: LEGISLATING A NEW AMERICA 199 (Gabriel J. Chin & Rose Cuison Villazor, eds., 2015).

[xi] Stanley v. Illinois, 405 U.S. 645, 651 (1972) ("The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment, . . . the Equal Protection Clause of the Fourteenth Amendment, . . . and the Ninth Amendment . . . ."); Moore v. City of East Cleveland, Ohio, 431 U.S. 494, 505–06 (1977) ("Whether or not such a household is established because of personal tragedy, the choice of relatives in this degree of kinship to **live together** may not be lightly denied by the State.") (emphasis added).

[xii] David S. FitzGerald & David Cook-Martin, *The Geopolitical Origins of the U.S. Immigration Act of 1965*, MIGRATION POL'Y (Feb. 5, 2015), https://www.migrationpolicy.org/article/geopolitical-origins-us-immigration-act-1965.
[xiii] Phillip E. Wolgin, *Family Reunification is the Bedrock of U.S. Immigration* Policy, AM. PROGRESS (Feb. 12, 2018), https://www.americanprogress.org/article/family-reunification-bedrock-u-s-immigration-policy/.
[xiv] MAE NGAI, IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA 227–64 (2004).
[xv] *Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065*, PEW RSCH. CTR., https://www.pewresearch.org/race-and-ethnicity/2015/09/28/modern-immigration-wave-brings-59-million-to-u-s-driving-population-growth-and-change-through-2065/ (last visited Sept. 10, 2025).
[xvi] *Id.*
[xvii] *Id.*
[xviii] *Hispanic/Latino Health*, U.S. DEP'T OF HEALTH & HUM. SERVS. OFF. MINORITY HEALTH, https://minorityhealth.hhs.gov/hispaniclatino-health (last visited Sept. 10, 2025). The U.S. Census Bureau defines Hispanic or Latino as individuals of "Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race." *Id.*
[xix] *Asian American Health*, U.S. DEP'T OF HEALTH & HUM. SERVS. OFF. MINORITY HEALTH, https://minorityhealth.hhs.gov/asian-american-health (last visited Sept. 10, 2025). "The U.S. Census Bureau defines 'Asian' as a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, India, China, the Philippine Islands, Japan, Korea, or Vietnam." *Id.* The Census also includes those who indicate their race as "Asian Indian, Chinese, Filipino, Korean, Japanese, Vietnam, and 'Other Asian' or provide other detailed Asian responses such as Pakistani, Cambodian, Hmong, Thai, Bengali, Mien, etc." *Id.*
[xx] Erika Lee, *Legacies of the 1965 Immigration Act*, S. ASIAN AM. DIGIT. ARCHIVE (Oct. 1, 2015), https://www.saada.org/tides/article/legacies-of-the-1965-immigration-act.