

U.S. Immigration Act of 1965 and Asian Brain Drain*

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I. Introduction

As a major phenomenon in American history, immigration could be regarded as a keystone for understanding the American experience. Historically, many changes have been made in American immigration policy, primarily reflecting changes in the American economic and political situation. Of the several immigration reforms, the Immigration and Nationality Act Amendment of 1965 (hereafter referred to as the 1965 Immigration Act) has been often regarded as the most radical immigration policy in that it brought far-reaching and basic changes to American

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immigration.

Despite the significant transformation in the patterns of immigration in American history, there has been little thorough analysis of the 1965 Immigration Act. In addition, there has been little systematic study of the long term consequences of the act. The primary focus of this study is an analysis of the 1965 Immigration Act and its major effects upon American society as well as on the Asian countries. In so doing, this paper will deal with the major developments in immigration policy over several decades. It will also analyze the unanticipated results of the 1965 Immigration Act such as rapid increases in the number of Asian immigrants and the problem of the "brain drain." And then, it will examine the reaction of the U.S. government toward Asian immigration since the 1965 Immigration Act.

In the years covered by this paper, 1965-1976, the majority of Asian immigrants under this legislation came from three countries: Taiwan, South Korea, and the Philippines, and hence the focus here is on those three nations. The terms China and Korea as used here, follow the usage of the U.S. Immigration and Naturalization Service. In fact, all of Chinese who migrated to the United States during these years came from Taiwan, though some of the older Chinese may have been born in China and fled to Taiwan at the time of the flight of Chiang Kai-Shek. United States data does not distinguish between persons born in China and Taiwan. But certainly during these years there was no migration from the peoples Republic. All the Korean immigrants, of course, departed from South Korea. This study also focuses the period between 1965 and 1976. The year of 1965 marks the adoption of reforms that abandoned the use of national origin quotas and substituted in its place two general principles for granting immigration visas. First, the reunification of families was permitted. In 1976, 102,000 people entered the United States under this provision. Second, preference was accorded to professional, technical, and

kindred workers and to workers with skills in short supply in the United States. The magnitude of the flow of professional and skilled workers from these three nations caused people both in their home countries and in the United

States to perceive this migration during these years as a brain drain. While the brain drain in general contributed economic benefits to the United States, it created major controversy in terms of its moral and economic implications for the Asian countries.

II. The Evolution of U. S. Immigration Policy before the 1965 Immigration Act

Historically, immigration policy in the United States has reflected the nation's economic and political situation. In the 19th century, the government of the United States was groping toward an immigration policy. It was mainly influenced by the condition of the country's economic underdevelopment and its need for human resources from outside. In addition to economic necessity, its political situation also affected immigration policy. Official policy and popular attitudes toward immigration fluctuated, depending on the situation in the country.

The first organized attack on the immigrant occurred at the end of 18th century. An undeclared war between the United States and France was in progress, and this situation led to a time of crisis between the two countries. In order to defend the country against French spies and saboteurs, the U.S. Congress enacted the Alien and Sedition Acts in 1798. According to these acts, the immigration of foreigners who were regarded as dangerous to the peace and security of the United States was prohibited by the government (Tyler 1956: 18).

In 1818, John Quincy Adams, the Secretary of State, enunciated the first formal expression of the immigration policy of the nation. He argued:

The Republic invites none to come; it will not keep out those who have the courage to cross the Atlantic; they will suffer no disabilities as aliens, but they can expect no special advantages. (Hansen 1940: 96-97)

He further stated that foreign-born and native-Americans have the same opportunities and their success will rely on their individual activity and good fortune. This statement initiated the development of a national immigration policy.

In the 1840s and 1850s American nativism began to emerge, causing conflict between Irish Catholics and Protestants. During these years many of the Germans and most of the Irish immigrants were Roman Catholics. The establishment of Catholic churches and convents terrified Protestant Americans. As a result, Irish and German immigrants became subjects for attack (Stephenson 1926: 100).

However, during the 1860s and 1870s—the Civil War and the Reconstruction era—the United States opened its doors to immigrants more widely than ever. In the 1880s, as immigrants from eastern and southern Europe began to pour into the country, a more sharply defined policy began toward European immigration. In 1882, upon recommendation of President Arthur, the first general immigration law was enacted. It began not only the policy of collecting a head tax from all immigrants but also the practice of exclusion of undesirables, including lunatics, idiots, and convicts. The underlying principle of this 1882 legislation was that the government could select individual immigrants (Tyler 1956: 27).

Like European immigrants, Asian immigrants came largely for economic reasons. The earliest Asian immigrants, the Chinese, arrived on the West

Coast in the mid-19th century to be cheap laborers in gold mines and on railroads. The first Japanese and Korean immigrants came to Hawaii and California as laborers. During the 1870s, a decade of high unemployment and depression, Californians developed antagonistic attitudes toward the Asian immigrants. The Chinese immigrants were the predominant targets for attack. The main reason for the antagonistic feelings came from the prostitution of Chinese women and the opium dens in the various Chinatowns in California. The low wages accepted by Chinese laborers in the 1860s and 1870s also provoked the hostility of native workers toward the Chinese (Daniels 1970: 39).

The growth of an antagonistic social, economic, and political situation led to several expressions of hostility to the Asian immigrants. The first was the enactment of the Chinese Exclusion Act in 1882 which prohibited the immigration of Chinese laborers for 10 years and denied the Chinese eligibility for naturalization. An anti-oriental atmosphere—"yellow peril"—was the main reason for the passage of this act. Thereafter Chinese immigration virtually ceased. In the years after 1900, the Japanese became another target for attack, leading to the Gentlemen's Agreement between the two governments in 1907, which was intended to halt Japanese immigration (Cafferty 1983: 142).

The demand for immigration restriction grew in the late 19th century, reaching its peak in the mid-1890s. Several factors contributed to this trend. The most influential factor was the shift in the sources of European immigration. Before the 1880s, immigrants had come mostly from northwestern Europe, especially great Britain, Germany, and Scandinavia. Therefore these immigrants were outnumbered by 'new immigrants'—those from eastern, southern, and southeastern European countries such as Russia, Poland, Italy, and the Austro-Hungarian Empire (Divine 1957: 5). Cultural friction between established Americans and the new immigrant

groups generated antagonism toward the immigrants. Economic depression finally led to a movement to restrict immigration.

The first major changes in immigration policy occurred in the early 20th century. The growth in the number of immigrants resulted in demands for more restrictive legislation. The number of immigrants expanded from 152,000 in 1820-1830 to 8.8 million between 1901 and 1910 (United States Bureau of the Census 1965-1989: 91). Responding to this pressure, in February 1907, Congress established the first Immigration Commission, known as the Dillingham Commission to investigate and make recommendations for new legislation (Fuchs 1983: 58). In 1911, the Commission published 42 volumes about the impact of immigration on American life. Along with the arguments that a policy restricting immigration was inevitable in terms of economic, moral, and social considerations, the Commission recommended imposing a literacy test on new immigrants.

The recommendation of the Immigration Commission was followed in 1913 by a literacy test. Several bills, relating to the literacy test, had passed Congress since 1897. However, each had been vetoed by the president: President Cleveland in 1897, President Taft in 1913, and President Wilson in 1915 and 1917 (Stephenson 1926: 49). Despite heavy pressure President Wilson vetoed for a literacy test in 1915 and 1917. His message of January 28, 1915, explained his objections to the proposed law.

In this bill it is proposed to turn away from tests of character and of quality and impose tests which exclude and restrict; for the new tests here embodied are not tests of quality or of character of personal fitness, but tests of opportunity. Those who come seeking opportunity are not to be admitted unless they have already had one of the chief

opportunities they seek, the opportunity of education. (Handlin 1959: 188)

On May 1, 1917, a literacy test bill became effective over President Wilson's veto. According to this Act, a person over 16 years of age "physically capable of reading, who cannot read the English, or some other language or dialect, including Hebrew or Yiddish" was excluded from admission to the United States (Divine 1957: 6). The purpose of this law was obviously to restrict immigrants rather than select them. This Act became a landmark in the development of a policy of immigration restriction.

The Commission's Proposals also sought to limit the number of each nationality arriving every year to a certain percentage of the total. This new principle allocated immigrants according to their national affiliation rather than on the basis of their individual qualifications. It assumed that some ethnic groups were more desirable than others as potential American citizens. This part of the Commission's recommendations provided the basis for the national origins quota legislation of 1921 and 1924.

The Quota Law of 1921, a temporary measure, provided that the number of aliens of any nationality to be admitted in any year be limited to three percent of the number of foreign born of such nationality already resident in the United States according to the 1910 census. This law was extended in 1922 and continued until 1924. The Immigration Restriction Act of 1924 began a wholly new departure in U.S. immigration law: a limitation on the overall number of immigrants. This Act of 1924 not only carried into permanent law a limitation of the numbers, but it also initiated a formula for selection on the basis of two percent of each foreign-born group resident in the United States according to the 1890 census. As a result, it generally discriminated against southern and eastern Europeans (Briggs 1994: 45).

The Immigration and Nationality Act of 1952 is usually explained as a reaffirmation of the immigration restrictions of the 1920s. The most important provisions of the 1952 Act were those relating to numerical restrictions based on the national origins quota system. Immigrants from northwestern Europe had a priority, acquiring approximately 85 percent of the total European quota. In addition, half of each national quota was reserved for applicants possessing special job skills in short supply in the United States (U.S. Immigration Law and Policy 1979: 51). Finally, prospective immigrants from the Asia-Pacific triangle had to qualify under a special discriminatory formula that attached them to the quota of the country of their ancestry rather than the country of their birth.

Ⅲ. Historical Background on the Enactment of 1965 Immigration Act

As a major liberal reform in immigration policy, the 1965 Immigration Act was obviously a turning point in the system of selecting immigrants for admission into the United States. Since its passage, immigration to the United States has changed dramatically, both quantitatively and qualitatively. As a result immigration once more exerted a significant influence on American labor. The historical background of this act reflected American society during the post World War II period. Several aspects can be pointed out, including the economic, social, and political background of the post-World War II period.

First, the economic situation of the United States during the post-World War II period led to the emergence of new attitudes and policies. The growing demand for highly trained workers influenced immigration policy.

Accordingly, the 1952 Immigration and Nationality Act assigned a high priority to immigrants with skills in short supply in the American labor force. In the late 1950s, the United States began to encourage heavy expenditures in the areas of space, education, defense, industrial growth, and national development (Oh 1977: 4-5). This led to a higher demand for a highly trained workforce. As a result, many highly skilled and educated professional people immigrated to the United States.

In addition to the influence of the economy on immigration reform, it is also true that the nation's attitudes toward race and ethnic background had changed dramatically by the early 1960s. The Civil Rights Movement, which had begun in 1957 with the Montgomery, Alabama bus boycott, influenced immigration reform in terms of the alleviation of racial discrimination. Congress passed several laws, such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965, aimed at ending racial discrimination (Reimers 1985: xii-xiii). Immigration reform policy shared the same interest in ending racial and ethnic discrimination. For instance, it proposed abolishing the individual quotas imposed on person from the Asia-Pacific region and, indeed, the idea of national origins quotas.

The public tolerance of immigration was clearly shown in public surveys during the 1950s and 1960s. In a 1955 Gallup Poll on the question "Do you think the McCarran-Walter Act should be made more strict or more liberal?" Sixty-eight percent of the respondents answered that the McCarran-Walter Act should be made more liberal, while 26 percent answered that this act should be made more strict (Gallup Poll 1955). According to a Gallup Poll in 1965, most American favored a change in the selection process. To the Gallup Poll question: "Would you favor or oppose changing the 'quota system' so that people would be admitted on the basis of their occupational skill rather than on the basis of their country?" Seventy-one percent responded that occupational skills were very

important. In addition, 56 percent answered that country of birth was not important, while 33 percent answered it was a very important consideration (Gallup Poll 1965). As the Gallup Poll shows, the public did not want radical change in immigration policy. The public, however, realized the necessity for a change in the national origins quota system.

The trend in public mood influenced private organizations. A great number of ethnic, religious, and humanitarian groups, including the American Immigration and Citizenship Conference and the National Catholic Welfare Conference, strongly objected to the national origins quota system. And they actively lobbied for the administration's immigration reform proposals. Organized labor pushed for immigration reform during the 1950s. For instance, the CIO had opposed the McCarran-Walter Act and urged President Truman to veto the act. By the end of the 1950s, the merged AFL-CIO favored new immigration policies, particularly prospective worker's immigration (Reimers 1985: 70).

Not every private organization supported the immigration reforms. Some organizations were skeptical concerning the various reform proposals. Edward M. Kennedy, U. S. Senator from Massachusetts, pointed out that several organizations, including the American Coalition of Patriotic Societies, the American Legion, the Daughters of the American Revolution, had negative reactions to specific immigration reform proposals. In particular, these groups opposed radical changes in the immigration policy that might lead to a rapid increase in the number of immigrants (Kennedy 1964: 142). However, these organizations recognized the disadvantages of the national origins quota system. Indeed, no significant opposition to eliminating the national origins quota system appeared throughout the country.

The political climate in 1965 strongly affected the enactment of the 1965 Immigration Act. Indeed, the 88th and 89th Congresses were crucial

to the enactment of the 1965 Immigration Act. The Democratic Party had majorities in both the House and the Senate, and this majority attacked the 1952 Act and the national origins quota system. From the beginning of the session, a large number of private immigration and naturalization bills were presented to the Senate. According to the Congressional Report, 1,002 private Immigration and Naturalization bills were received by the relevant subcommittee during the 88th Congress (U.S. Congress, Senate Committee on the Judiciary Immigration and a Naturalization Matters 1966). The number of bills turned into the subcommittee continuously increased. In the 89th Congress, 1,254 such bills were referred to the subcommittee.

In general, the executive branch also played a crucial role in the enactment of the 1965 Immigration Act. Beginning with President Truman, three successive presidents, Truman, Eisenhower, and Kennedy, urged the repeal of the national origins quota system. In his veto message of the McCarran-Walter Act in June 1952, Truman criticized the quota system as an out-of-date and unrealistic system, given the world situation. In his message, the president strongly urged the Congress to remove the discriminatory quotas assigned to persons from the Asia-Pacific triangle. In rejecting the McCarran-Walter Act of 1952, President Truman called for a special commission to reexamine the whole issue of immigration (President's Commission on Immigration and Naturalization 1953: 278).

A major effort to eliminate the quota system began with the work of this special commission's historic report, *Whom Shall We Welcome?* This report supported and amplified the criticisms made by the President in his veto message. Taking a liberal position on immigration policy, the commission sought to increase the flexibility of immigration policy.

The recommendations for immigration policy reform in *Whom Shall We Welcome?* were based on the interest, needs, creed, and security of the

United States. It also asserted that the immigration and naturalization law of the United States should reflect the best interests and the traditions and fundamental ideals of the American people. This report also stated that immigration has given strength on the nation not only in manpower, new industries, inventions, and property but also in new ideas and new culture, creative abilities, and ideas (President's Commission on Immigration and Naturalization 1953: xi-xv).

In 1960, President Eisenhower sent a message to the House of Representatives on immigration reform. In this message, the President urged the liberalization of existing restrictions on immigration, insisting that the flow of migrants to the United States should be encouraged under the principles of national interest and the ideas of freedom and fairness to all. The majority of immigrants, he argued, made useful contributions in the fields of science, law, and almost every other field. The president further stated:

In the world of today our immigration law badly needs revision. Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards....The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve. (Liberalization of Restrictions upon Immigration, Message from President Eisenhower 1960)

In his message, Eisenhower suggested two major reforms: first, the liberalization of the quota system; second, provisions for refugees to alleviate a continuing refugee problem.

Eisenhower suggested several steps to liberalize the quota system: first, the removal of the 2,000-person quota assigned the Asia-Pacific triangle; second, basing the quota assignments on the 1960s census; third, the

annual acceptance of one-sixth of one percent of the total United States population; fourth, abandonment of the concept of racial and ethnic classifications of the quota. In his second proposal, concerning the refugee problem, the President suggested making provisions to accept more refugees fleeing from or displaced by communism without charging them to the annual national quota.

John F. Kennedy had actively supported immigration reform during his congressional career, and he gave it top priority after he became president. At a press conference on January 24, 1963, President Kennedy defined immigration reform as a major goal of his Administration. In general, the major purpose of his proposal involved eliminating the national origins quota system and establishing a new formula based on equality for the people of all nations. In place of the national origins quota, Kennedy suggested a preference system based on special vocational and professional skills and on family reunification. In his recommendations, the President indicated that the legislation he proposed would not solve all of the problems in the field of immigration law serving national interest. He stated, "our investment in new citizens has always been a valuable source of our strength (*New York Times* July 24, 1963)."

President Kennedy's proposal was a historic one, and it generated considerable public interest in immigration reform. It led to major debates in Congress and throughout the country. It also became basis for the action that was to come the following year.

President Lyndon Johnson, who succeeded to the presidency in November 1963, declared his intention of carrying on the policies of the Kennedy Administration. The Johnson Administration's intention with regard to immigration reform first appeared in his message to Congress on January 8, 1964:

We must lift by legislation the bar of discrimination against those who seek entry into our country, particularly those joining their families. In establishing preference, a nation that was built by immigrants from all lands can ask those who now seek admission; "What can you do for your country?" But we should not be asking: "In what country were you born?" (Liberation of Restrictions upon Immigration, Message from President Eisenhower)

As the President stated, this legislation has been regarded as a significant landmark for immigration policy in the United States.

IV. An Analysis of the 1965 Immigration Act

The Immigration and Nationality Act Amendment of 1965, which became effective on July 1, 1968, was a major reform in the United States immigration policy. This act abolished the previous national origins quota and provided equal access to potential immigrants from all nations. It also established preference system based on humanitarian values and potential economic benefits for the United States. Indeed, the 1965 Immigration Act was developed under the Kennedy and Johnson Administrations by experts both in Congress and the Executive branch.

In the 1965 Congressional debate, Senator Edward Kennedy made clear that the major principle of the 1965 Immigration Act was the concept of "first come, first served." "Favoritism" based on nationality, he pointed out, will be replaced by "favoritism" based on individual worth and job skills (Congressional Record 24226).

Though the 1965 Amendments were enacted within the framework of

the 1952 Act, their underlying principles were significantly different in tone, substance, and direction. The most significant changes in policy were in the substitution of a preference system for the national origins system and in the elimination of discriminatory quotas for persons from the Asia-Pacific triangle. These two major principles generated major controversies in the 1965 Congressional debates.

The most outspoken opposition to these changes came from conservative southern senators of whom Strom Thurmond was the most vocal. He rejected the idea that the national origins quota system was a product of the idea of racial superiority or racial inferiority. Instead, he insisted that the national origins quotas, based on the ethnic proportions of the American population in 1890, were intended to prevent immigration from changing the national or ethnic composition of the American population. Thurmond concluded his arguments by saying:

The wish to preserve one's identity and the identity of one's nation requires no belief in racial or national superiority.... There is no merit in the contention that the quota system is racist or morally wrong (Congressional Record 24226).

Senator Kennedy, however, insisted that the national origins system had failed. It had not kept the ethnic balance of the country as it was in 1920. For example, he argued, in 1920, 79 percent of the white population was of Northern and Western European origin, yet during the first 30 years of the national origins system, only 39 percent of total immigration came from Western European countries. Since 1952, the government had authorized 2.1 million immigrants under the national origins quotas. However, just one-half of these immigrants, about one million, came from Western European countries. Senator Kennedy argued that the system had failed to realize its purpose.

While the McCarran-Walter Act of 1952 utilized four preferential categories, the 1965 Immigration Act established seven preferential categories based on family reunification, profession, skills, and refugee status as shown in Table 1 and 2.

In addition to eliminating the national origins system, the 1965 Act abolished the discriminatory quotas which the McCarran-Walter Act of 1952 assigned to persons from the Asia-Pacific triangle. Senator Kennedy stated, in the Congressional debate in 1965, that the elimination of special provisions for people from the Asia-Pacific triangle would mean that Asian peoples would no longer be discriminated against by immigration laws. He reminded Congress that the Asia-Pacific triangle as a geographic region had been used to identify those nations for the East to which especially discriminatory quotas applied. Accordingly, any person, regardless of their place of birth, whose ancestry could be traced to a nation or nations within the triangle was included in the quota of that nation, or in a general triangle quota of 100 (Reimers 1985: 21). The elimination of this system meant that there no longer would be discrimination against Asian immigrants in the immigration policy in the United States.

Table 1: The Preference Categories in the McCarran-Walter Act of 1952

Preference	Category	Proportion
First	Highly skilled immigrants whose services are urgently needed in the United States and the spouse and children of such immigrants.	50%
Second	Parents of United States citizens over age of 21 and unmarried sons and daughters of United States citizens.	30%
Third	The spouse and unmarried sons and daughters of an alien lawfully admitted for permanent residence.	20%
Fourth	Brothers, sisters, married sons and daughters of United States citizens, and an accompanying spouse and children.	50%
Non Preference	Any applicant not entitled to one of the above preferences.	50%

(Source: Bryce-Laporte 1994: 17)

Table 2: The Preference Categories in the Immigration Act of 1965

Preference	Category	Proportion
First	Unmarried sons and daughters over age 21 of United States Citizens.	20%
Second	Spouse and unmarried sons and daughters of an alien lawfully admitted for permanent residence	20%
Third	Members of the professions and scientists and artists of exceptional ability	10%
Fourth	Married sons and daughters over age of 21 of United States citizens.	10%
Fifth	Brothers and sisters of U.S. citizens	24%
Sixth	Skilled and unskilled workers in occupations for which labor is in short supply in the United States.	10%
Seventh	Refugees to whom conditional entry or adjustment of status may be granted.	6%

(Source: Bryce-Laporte 1994: 17)

Even though there were dramatic changes in immigration policy, the primary intention of the 1965 Act was not to increase the number of immigrants. The primary purpose of the 1965 Act was the repeal of the national origins quota system. Senator Edward Kennedy in the Congressional debates in 1965 stated:

The bill we are considering today accomplishes major reforms in our immigration policy. This immigration to this country, nor will it lower any of the high standards we apply in selection of immigrants. (Congressional Record 24226)

As Kennedy's statement shows, the U.S. Congress did not expect that the 1965 reform would increase the number of immigrants substantially, especially those from Asia. Thus, an increase in the number of the Asian

immigrants and the resulting Asian brain drain were major unanticipated results of the 1965 Immigrant Act. Immigration from Asia rose nearly 500 percent. Nor was it foreseen that so many Asian professionals would enter the country. The flow of highly skilled and educated people such as scientists, engineers, physicians, and nurses from Asian countries into the United States—the so called "brain drain"—was at first welcomed in America as evidence of the elimination of discriminatory immigration policies. However, it would arouse public concern on many grounds.

V. The Increase of the Asian Immigrants and Asian Brain Drain

The 1965 Immigration Act brought about substantial changes in the immigration policy of the United States. Major changes led to many unanticipated results for future immigration to the United States (Bryce-Laporte 15). The most significant change resulting from the 1965 Immigration Act was a shift in the geographic origin of immigrants from the Western Hemisphere to the Eastern Hemisphere. This was a result of the elimination of the national origins quota system as well as the discriminatory quotas for the Asia-Pacific triangle, which had seriously restricted migration from Eastern Hemisphere nations. As immigration patterns changed and attention shifted away from older groups to newer ones, Asian immigrants became an increasing concern of the American government.

Beginning with fiscal year 1969, the new immigration act provided 170,000 visas per year for persons from the Eastern Hemisphere and 120,000 visas for those from the Western Hemisphere (Reimers 1985:

80). As a result, the Eastern Hemisphere contributed a greater share of total immigration in 1969-1973 than in 1961-1965, while the Western Hemisphere share decreased. In particular, immigration from Asian nations increased substantially while that from Western European countries decreased. According to data for the periods 1962-1966, 1967-1971 and 1972-1976, the proportion of total immigration contributed by European nations dropped from 40 percent to 22 percent while immigration from Asia increased from eight percent to 32 percent. This shift in the sources of origin of immigration was one of the unanticipated results of the 1965 immigration reform and is occasionally regarded as directly contrary to the intent of its authors.

There were major reasons why Congress and the immigration reformers failed to foresee this increase in Asian immigration. Congress and the Johnson Administration regarded the 1965 Immigration Act as a moderate reform that would not lead to any radical changes in immigration trends. Attorney General Robert Kennedy's statement to the House Subcommittee investigating immigration in 1964 demonstrates this point. To a question concerning anticipated Asian visa requests Mr. Kennedy replied:

I would say for the Asia-Pacific triangle it would be approximately 5,000, Mr. Chairman, after which immigration from that source would virtually disappear; 5,000 immigrants could come in the first year, but we do not expect that there would be any great influx after that. (U.S. Congress 1966: 418)

Indeed, prior to the 1965 Act, Asian applicants for immigrant visas were far fewer than European applicants. Historically, Asians had been discouraged from immigrating under the strict origins quota system and restrictions aimed at people from the Asia-Pacific triangle. Thus, both the

Congress and the Administration underestimated the potential for an increase in Asian immigration based on family networks and occupational preferences under the 1965 immigration reform (Reimers 1985: 92-93).

In fact, a large number of Asians who were eligible to migrate under the occupational preference system strongly desired to emigrate to the United States. After they emigrated, they utilized the preference for family reunification to invite their brothers, sisters, and spouses to join them. Thus, the chain of migration, utilizing the relative preferences, resulted in a dramatic increase in Asian immigration, leading Asia to become the primary source of immigrants to the United States after the 1965 immigration reform.

In 1965, total Asian immigrants numbered 19,778 (five percent of total immigration). The *Annual Report* series of the U.S. Immigration and Naturalization Service shows that Asian immigration increased over 40 percent between 1965 and 1968. It also shows that in the years immediately following the 1965 Act, the major Asian countries from which the number of immigrants increased, were China including Taiwan, South Korea and the Philippines (U.S. Immigration and Naturalization Service 1968 & 1978).

Of the Asian immigrants in 1965, Chinese immigrants (primarily Chinese from Taiwan) were the largest group. Most scholars and students who were in the United States at the time of the Chinese Revolution had decided to stay to pursue their academic dreams and enjoy political freedom. The 1965 immigration law permitted their family members to come to the United States. In addition, large numbers of high-level professionals emigrated from Taiwan to the United States after the 1965 Immigration Act. The professionals who emigrated to the United States through occupational preferences subsequently utilized the relative preferences—the fifth preference and the second preference—to bring their

family members, including sisters, brothers, spouses, and unmarried daughters and sons. In the late 1960, about 9,000 Chinese emigrated to the United States through these Channels. This figure was six-fold greater than in the early 1960s (U.S. Congress 1967).

The 1965 immigration reform, however, led to changes in terms of numbers and the patterns of Korean immigration. Between 1950 and 1965, the majority of Korean immigrant women came to the United States after the Korean War as nonquota wives of American servicemen. After the 1965 Immigration Act, Korean immigration increased steadily. For instance, between 1960 and 1965, only a few thousand Koreans immigrated annually. This figure reached about 6,000 in 1969 and over 30,000 in 1977. Of these, one third were the nonquota immediate family members (Reimers 1985: 110).

Like other Asian immigrants in the immediate post-1965 Immigration Act period, professional immigrants (especially Korean-educated medical professionals) became a major factor in Korean immigration. These professional Korean immigrants utilized the family unification provisions of the new law, especially the brother and sister category. From the passage of the 1965 Act until 1980, about a quarter-million Korean immigrants entered the United States. Korea became one of the three largest immigrant countries of origin.

As with other Asian groups, the total number of professional immigrants from the Philippines increased significantly during the late 1960s through the 1970s. From a historical perspective, immigration from the Philippines to the United States has been influenced by the long period of association between two countries. The experience of colonial status for more than 50 years facilitated the continuous migration to the United States. While immigration from the Philippines was severely restricted by the Philippines Independence Act, the 1965 Immigration Law permitted the resumption of

large scale immigration, According to the *Annual Report* of Immigration and Naturalization Service, the Philippines has been one of the largest sources of immigrants admitted to the United States since the late 1960s. For instance, about 20,000 Filipinos a year emigrated to the United States in the late 1960s, This figure was six-fold greater than in the early 1960s (U.S. Immigration and Naturalization Service 1961-1968). The 1965 Act not only radically increased the number of immigrants from the Philippines to the United States, but it also changed the social, economic, and educational backgrounds of the immigrants. As with other Asian groups, the total number of professional immigrants from the Philippines increased significantly during the late 1960s through the 1970s. In particular, the immigration of medical personnel played a large part in the immigration from the Philippines.

In fact, the 1965 Immigration Act led to a shift in the geographic origins of immigration from European countries to Asian countries, especially three Asian nations—the Republic of China, South Korea, and the Philippines. This increase in the overall number of Asian immigrants, especially the rapid increase in professional migration, generated a major brain drain problem.

The brain drain is an old phenomenon in human history. There was the great emigration in the 19th century from Europe to the United States and Canada. The brain drain received a great deal of attention from scholars during the 1960s and 1970s. The passage of the 1956 Immigration Act led to a significant transformation in the patterns and occupational characteristics of international migration flows, particularly the migration of professionals from less developed countries, especially from Asia, to the United States. The term “brain drain” was coined initially to describe the emigration of British engineers and scientists to the United States after World War II. It was, however, later used to describe the general

phenomenon of emigration of highly trained people from one country to another (Watanabe 1969: 401).

The brain drain issue before the 1965 Immigration Act was a problem of European countries as well. The emigration of highly educated personnel from Great Britain to the United States was a political issue in the 1960s. After the 1965 Immigration Act, however, the brain drain became chiefly an issue for the Asian countries. Immigration to the United States took the "cream of the crop."

Despite deep concern about the loss of professionals through migration, it was difficult to determine how serious the effect of the brain drain was on each country. The brain drain from Asian countries, however, seemed to be mainly concerned with the role of professionals and their relationship to economic development in their home countries.

Several scholars argued that emigration of skilled manpower adversely affected the national growth of developing countries. This argument, widely disseminated in the Report of the Secretary-General of the United Nations in 1967, assumed that the developing countries needed more skilled and professional personnel and that the brain drain retarded the economic development of the home country by creating shortages of vitally needed high-level personnel. The home countries, according to this argument, experienced several kinds of costs in losing skilled people. These included the educational costs in losing skilled people, and the educational costs incurred in providing the technical and professional training, the loss of the skilled immigrant's career, and the psychological impact (United Nations General Assembly 1968: 14).

One of the unfavorable effects of the brain drain was the loss of investment in education and training. Before a Congressional hearing, Dr. William C. Thiesenhusen of the University of Wisconsin testified on the adverse effects of the brain drain on the developing countries in terms of

the loss of the investment in education. He pointed out that the emigration of 7,913 scientists to the United States in 1967 represented an investment loss in one year of more than \$150 million to the developing countries (185). Another unfavorable effect of the brain drain on the countries of origin was the loss of the skilled immigrant's talents. Three countries—South Korea, Taiwan, and the Philippines—especially experienced considerable migration and loss of medical personnel was most obvious. Such medical personnel included physicians and nurses. For instance, the Republic of Korea, from which large numbers of nurses and doctors emigrated, sometimes on contract, developed a shortage of nurses, especially in rural areas. Statistics compiled by the Ministry of Health and Social Affairs (South Korea) clearly showed this situation. In 1972, the ratio of medical doctors to the Korean population was 1 to 13,551 and that of nurses was 1 to 2,203. By comparison the ratio of doctors to the population in the United States was 1 to 690. In the case of Japan, the ration stood at 1 to 960 (*The Korea Annual* 1973).

As the ratio of medical doctors to the population in Korea suggests, the emigration of trained doctors exacerbated an acute problem by the 1970s. *The Korea Annual* indicated this situation:

The shortage of trained medical personnel was compounded by their continued outflow to foreign nations in search of higher payments and better research conditions. (*The Korea Annual* 1973)

According to statistics, by the early 1970s more than 500 Korean medical doctors and dentists were practicing or employed in foreign countries, in particular the United States. This situation decreased the availability of medical care for Koreans, especially in rural and remote areas.

In the case of the outflow of physicians from the Philippines, doctors often found it frustrating to practice medicine in their home country, so migration permitted frustrated doctors to escape, thereby reducing the number of discontented in the home country. Moreover, the Philippines was a major source of the brain drain of other professionals including professional, technical, and kindred workers to the United States. By the late 1960s, the Philippine government became seriously concerned with the brain-drain problem. In the Philippines, both the press and academia decried the exodus of educated people. Rene Mendoza, a professor of Philippines Studies at the University of the Philippines spoke for many in contending that these emigrants could have made a "substantial contribution" to the Philippines (Mangiafico 1988: 58).

Philippine government officials, including those of the ministry of education, began to realize that many scholars wished to emigrate permanently, and that many more students would be influenced to emigrate as a result of study abroad. In the face of this situation in 1973, the Marcos administration offered a variety of incentives for the "brain drain Filipinos to return home and use their skills and talents for their country's development (Pido 1986: 114)."

In retrospect, the impact of the brain drain on the economy of Taiwan appears negligible. The most enduring impact, however, was a psychological one. In 1966 the Economic Minister of Taiwan, K.T. Li., pointed out the serious impact of the brain drain in a speech to the American University Club of Taipei. He argued that the United States had always attracted the young, skilled people of Taiwan. He stated:

It is a fact that there is room for improvement in our social, cultural and economic environment and that centers of wealth and opportunity (such as the United States) have always attracted people of talents. On the other hand, how could we

ever improve our environment if we all those faith in the future of our country and instill in the minds of our children that their future lies out of the country. (U.S. Congress 1967)

During the 1960s and 1970s, the cost of the brain drain from developing countries seemed high. And it was true that a combination of economic, cultural, political, and administrative reasons prevented them from providing suitable jobs at home to all professionals who completed their education. To Asians, such as Minister Li, it appeared evident that, if developing countries continued expensive systems of education which produced an imbalance of skills in terms of their national needs, then their economic development would suffer: too many people in some areas, too few in others. Under such circumstances even the transfer of persons with unneeded skills from a developing country to the United States, if long continued, would have an adverse effect.

From the American point of view, the increase in professional immigration was a positive factor because the human resources of a nation are its most valuable asset. From the point of view of the emigrating nation, however, it seemed a tremendous loss. The developing countries demanded more skilled personnel if they were to develop effective modern economies. The major adverse effect of the brain drain on the three developing countries was the loss of many of their brightest and best future scientists and technologists. The development of these countries might have been hindered by the shortage of crucial human capital at critical stages in their development; however, economic development in two of the three cases seems to indicate contradictory results after 1976.

VI. Conclusion

There is no subject that touches the essence of the American experience more fundamentally than immigration. America is, as John F. Kennedy declared, a nation of immigrants. And historically, United States immigration policy has served as major element in the growth of that society. Throughout much of the 20th century, immigration policy was a most crucial factor in public policy. Post World War II United States immigration policy relied on the premise that immigrants could have a favorable impact on the country's economic development. It was especially true in the case of the 1965 Immigration Act.

An increasing demand for highly trained people in the American economy along with the Civil Rights Movement of 1960s motivated the passage of the 1965 Immigration Act. These economic and social factors generated broad public and official support for immigration reform.

As a turning point in immigration policy, the 1965 Immigration Act led to dramatic changes both in the quality and quantity of the immigrants. The most crucial transformation was the abolition of the national origins quota system along with a discriminatory quota for the Asia-Pacific triangle.

One of the most significant results of the 1965 Immigration Act was a shift in the geographical origin of immigrants from the Western hemisphere to the Eastern hemisphere. In the period between 1965 and 1968, Asian immigration increased over 40 percent compared with the pre-1965 Immigration Act period. The occupational preference system of the 1965 Immigration Act led to an increase in the immigration of high-level professionals, after which they invited other family members to join them. This accelerated the increased flow of Asian immigrants to the United States.

The provision of preference for skilled people in the 1965 Immigration Act also contributed to a substantial increase in professional, technical, and kindred (PTK) immigration from Asia. For instance, it increased about eight times between 1965 and 1970. The continuing influx of large numbers of highly skilled and trained people finally precipitated the issue of the Asian brain drain.

The number of immigrants through the two major channels—non-returning foreign students and PTK workers—added substantially to the number of professional workers in the United States. In 1971, the number of non-returning students from three developing Asian countries—Taiwan, South Korea, and the Philippines—who changed their visas so as to become permanent residents of the United States, was almost 60 percent of total PTK immigrants.

As it has been argued, the number of professionals from Asia who immigrated appears at first sight to be slight. However, the small number of people in highly specialized professions, including science, engineering, and medicine, must be evaluated in terms of the impact on the growth of the developing countries. In the 1960s and 1970s there seemed good reason to suspect that the brain drain would be a serious obstacle to development through the loss of scarce resources, both economic and human. The loss to the developing countries seemed clearly very high, though it could not be calculated precisely in dollars-and-cents terms. However, it was clear that the economies of Taiwan, South Korea, and Philippines, as measured by its per capita gross national product, were less than half of the nations of western Europe and less than one fifth that of the United States during these years.

As a major recipient of the brain drain, the United States faced a paradox. On one hand, during the post World War II period, the United States sought to promote the well-being of Third World countries by

foreign aid, technical assistance programs, and the Peace Corps; on the other hand, as the recipient of foreign professionals, scientists, technologists, and doctors, it seemed to take away the very kinds of people the developing countries needed to sustain their growth. If the brain drain did not stymie the long-term economic development of developing Asian nations, it nonetheless was widely perceived as having a harmful effect during the period 1965 to 1976.

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Abstract

U.S. Immigration Act of 1965 and Asian Brain Drain

Chang-Shin Lee

Of the several immigration reforms in the United States, the 1965 Immigration and Nationality Act Amendments in particular has been regarded as the most crucial turning point in immigration policy. It generated the most substantial changes both in quality and quantity of immigrants in the recent history of the U.S.

The primary focus of this paper is an analysis of the 1965 Immigration Act and its significant effects upon American society as well we on the affected Asian countries. A major effect of the 1965 Immigration policy was the Asian "brain drain." This refers to the migration of highly skilled and educated immigrants, especially those from three major Asian countries, Taiwan, the Philippines, and South Korea in the period from 1965 to 1976.

While the brain drain in general resulted in economic benefits for the United States, it created major controversy in terms of its moral and economic implications for the sending Asian countries. While the short-term consequences of the loss of scientists and technicians were probably minimal for some developing countries, the brain drain during 1965-1976 posed increased economic problems in others. As late as 1976, it seemed to threaten to retard the economic development of the home countries by creating shortages of vitally needed, highly skilled personnel.

As a major recipient of the brain drain, the United States faced a paradox. On one hand, the United States promoted the economic well-being

of Third World countries by foreign aid, technical assistance, and the Peace Corps during the 1960s and 1970s; on the other hand, as the recipient of professionals, scientists and engineers, and medical personnel, it seemed to take away the very kinds of people the developing countries needed to sustain their growth. During the 1960s and 1970s, the brain drain was perceived in Asia and America as threatening the future of economic development of these developing countries.

Key words: U.S. Immigration Policy, Immigration and Nationality Act Amendment of 1965, The McCarran-Walter Act of 1952, Asian Immigration, Asian Brain Drain
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