



Immigration And Naturalization Service (INS)

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Background

Most people think of the U. S. IMMIGRATION and Naturalization Service (INS) as the organization that deports illegal [ALIENS](#). This task is only part of what INS does. Its main function is to enforce immigration laws (including work permits and border control) and administer benefits (including asylum and naturalization). As an agency of the Department of Justice (whose commissioner reports directly to the attorney general), INS also works in cooperation with the Departments of State and Health and Human Services and the U. S. Foreign Service, as well as the United Nations.

When Ellis Island opened as an immigration processing center in New York Harbor in 1892, INS (then known as the Immigration Service) employed fewer than 200; by the beginning of the twenty-first century INS employed some 29,000. Headquartered in Washington, D. C., INS also has three regional offices, as well as 39 area offices outside the United States. In addition to its primary duties, INS also serves as a repository for historical information about immigration and immigration laws since the end of the eighteenth century.

The 29,000 employees of INS stay busy. Among the agency's accomplishments in 1999 are the following:

- Apprehended more than 1.5 million illegal aliens
- Removed more than 176,000 criminal and other illegal aliens from the U. S.
- Collected nearly \$1.1 billion in fees for services (double the figure for 1993)
- Was victorious in more than 45,000 criminal alien cases
- Received 5.3 million applications for immigration benefits including naturalization

Functions of INS

Immigration Process

INS maintains some 250 ports of entry into the U.S. covering some 8,000 miles of borders. Travelers who wish to emigrate to the U. S. arrive at these ports and are inspected by INS agents. INS has specific procedures for handling the entry of immigrants who simply wish to move to the U. S. (for employment opportunities, as an example), those seeking asylum from a country that may persecute or even kill them, and nonresidents who wish to study in the U. S. (Regular tourist travel from overseas is generally handled by the Department of State.)

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For those who wish to remain in the U. S. as *legal permanent residents*, INS issues Alien Registration Receipt Cards, more popularly known as "green cards" (even though they have not been green for many years). The [GREEN CARD](#) allows aliens with permanent resident status to travel outside the U. S. and return freely, as long as they maintain their permanent home in the U. S. the green card is the first step toward U. S. citizenship; aliens who have been in the U.S. for five years (four in certain cases) are allowed to apply for U. S. citizenship; upon acceptance of their application they are sworn in and become naturalized citizens.

Controlling Borders

Because the United States is seen by many, literally, as the "land of opportunity," many people wish to immigrate to it. The U. S. government has a quota system that regulates the number of green cards that can be issued each year; without a green card, an alien cannot get permission to work in the United States. One result of this is a steady stream of undocumented or "illegal" aliens who cross into the United States and take low-paying jobs offered by unscrupulous employers. The working conditions for these aliens are often just as oppressive as what they left behind, and the employers threaten to report them to INS if they complain. INS tries to limit the number of illegal aliens who enter the United States through its Border Patrol. The Border Patrol surveys the U. S. borders by air, sea, and land. Some Border Patrol inspectors do their work on horseback or on foot. INS is responsible for finding illegal aliens and returning them to their home country. As for employers who knowingly hire and exploit illegal aliens, INS works diligently to uncover instances of exploitation and imposes stiff criminal penalties.

INS also works to identify and remove criminal aliens from the United States. This group includes anyone who has a criminal record from another country, as well as anyone who may in some way attempt to subvert the U. S. government. Inspectors work to spot [FRAUDULENT](#) immigration documents and punish those who carry or produce them. In addition to working with other federal agencies and the United Nations, INS also works with state and local agencies to ensure that laws are enforced.

Brief History

Pre-1900

There was no perceived need for an immigration service in the United States in its early days. The country was still enormous and immigration was welcome. In fact, the first immigration law in the United States, passed in 1864, was actually intended to encourage immigration by making the process easier by assisting in transportation and [SETTLEMENT](#). Most immigration matters were handled by individual states until nearly three decades later, when the number of immigrants was growing rapidly and the state laws were competing with federal statutes.

The Immigration Act of 1891 gave control of the immigration process to the federal government. Under the law, the new Office of Immigration (then a branch of the U. S. Treasury Department) was able to consolidate the process and thus streamline it as well. Soon after the office was established, 24 inspection stations were opened at various ports of entry (both on the borders and at seaports). The most famous of these inspection stations was the one on Ellis Island in New York Harbor. Opened in 1892, it processed hundreds of thousands of immigrants for more than 60 years. (Today, the site is a museum dedicated to the immigrants who came to New York.) In fact, in 1893, of the 180 employees at Immigration, 119 (nearly two-thirds) worked at Ellis Island. While Ellis Island remained the best known immigrant station, others were built or expanded, and former state customs officials were hired to serve as immigration inspectors. During these early years the basic structure of the U. S. immigration service was formulated and formalized. It was at Ellis Island that the process of choosing who would and who would not gain admission was refined. Boards of Special Inquiry

were developed to hear individual exclusion cases and determine whether a decision to deport could be reversed.

1900 to the Present

In 1895 the office was restructured to reflect its growing importance and was renamed the Bureau of Immigration. Over the next several years the Bureau's duties expanded as the U. S. government worked to further consolidate national immigration policy. In 1903 the Bureau of Immigration was transferred from the Treasury Department to the newly formed Department of Commerce and Labor. By now the government was also seeking to consolidate the process of naturalization, which was handled by individual state and local courts; in fact, in 1905 it was determined that more than 5,000 courts across the United States were handling naturalization. In 1906 Congress passed the Basic Naturalization Act, which standardized and federalized the naturalization process. The responsibility for naturalization was given to the Bureau of Immigration, which became the Bureau of Immigration and Naturalization.

Immigration and naturalization were separated in 1913 after the Bureau was transferred to the Department of Labor (which itself had separated from Commerce). The two bureaus were reunited in 1933 under the current name, Immigration and Naturalization Service. By 1940, with World War II quickly engulfing the globe, the U. S. government decided that immigration and naturalization were more appropriately issues of national security than of economics. As a result, INS was transferred once more, this time to the **JUSTICE DEPARTMENT**.

After World War II, Congress consolidated all existing immigration and naturalization laws under the Immigration and Nationality Act of 1952. During the 1950s INS shifted its focus on the growing problem of illegal aliens. It also devoted more time to the admission of refugees from post-war Europe. The Immigration and Nationality Act was amended and revised in 1965, and additional laws were passed in the ensuing decades. The Refugee Act of 1980 consolidated several refugee laws into one standardized process. Additional laws passed in the 1980s and 1990s further consolidated immigration procedures and also addressed problems such as companies that knowingly hired illegal aliens

Challenges facing INS

It should come as no surprise that an organization that deals with so basic an issue as nationality often finds itself precariously balanced between two sides of an argument. For INS this is a particularly challenging problem. On the one hand, the United States is proud of how free and open its borders are to the rest of the world. On the other hand, that openness has sometimes made it much more difficult to protect the nations interests. Throughout its history INS has reflected the national mood, even when the national mood was overly suspicious.

For example:, anti-Chinese sentiment in the United States, a result of the heavy influx of immigrants from China, led to the Chinese Exclusion Act of 1882. Originally intended as a temporary measure to limit the number of Chinese immigrants, the act was later renewed and was not repealed until 1943. After World War I, the U. S. government passed laws assigning quota numbers to each nationality based on immigration and [CENSUS](#) figures from past years. This action was in response to a post-war increase in immigration. (The increase in illegal entries by aliens in the 1920s was what led to the establishment of the Border patrol in 1924.)

In another example, after the United States entered World War II in 1941, INS initiated a program to document and fingerprint every alien residing in the United States. It was one of several organizations that

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operated internment camps that housed Japanese-Americans and Japanese who were longtime U.S. residents. The INS-run camps were supposed to house "enemy aliens," but in many cases it was unclear whether the internees were enemies or merely Japanese resident aliens

In light of unrest around the world in the 1990s and early in the twenty-first century, INS has been watched closely by civil liberties and [HUMAN RIGHTS](#) organizations. Laws passed by Congress in 1990s such as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, have met with criticism by groups that claim they give INS the power to deny due process to innocent aliens.

INS must strike a delicate balance between being too lax and being too restrictive. Events such as the destruction of the World Trade Center in September of 2001 underscore the difficulty of maintaining this balance. As a means of providing more accountability and better management, INS maintains an Office of INTERNAL AUDIT, whose goal is to investigate and resolve issues that can keep INS from doing its job properly. These issues can include how to make operations more efficient, and they can include more serious problems such as employee misconduct.

For general customer service issues, INS maintains a National Customer Service Center (NCSC), which provides avenues for people to seek basic information and receive general assistance through such options as a toll-free telephone information service (launched in 2000). For more serious issues, such as employee misconduct, complaints may be submitted to INS Office of Internal AUDIT. More serious complaints are referred to the Department of Justice's Office of the Inspector General, which determines what further action is necessary; in the case of criminal [CIVIL RIGHTS](#) violations, further action can include investigation by the FBI. INS provides a good overview of its policies and procedures at its website, <http://www.ins.usdoj.gov>.

The website provides comprehensive information about INS, including forms that can be printed or downloaded and links to individual INS field office web sites. It also serves as a starting place for people who seek to conduct research on the history of immigration, or who wish to do research on their own families. INS maintains immigration records dating from 1892 and naturalization records dating from 1906. INS can provide information or point researchers in the direction of other resources such as the National Archives (which holds many early INS records).

Additional Resources

Emigrating to the USA: A Complete Guide to Immigration, Temporary Visas, and Employment. Beshara, Edward C., and Richard & Karla Paroutard, Hippocrene Books, 1994.

Historical Guide to the U. S. Governments. Kurian, George T., ed., Oxford University Press, 1998.

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Meeting the Challenge through Innovation. U. S. Department of Justice, Immigration and Naturalization Service, 1996.

Refugee Law and Policy: International and U. S. Responses. Nanda, Ved P., editor, Greenwood Press, 1989.

Refugee Rights and Realities: Evolving International Concepts and Regimes. Frances Nicholson Frances, and

Patrick Twomey, editors, Cambridge University Press, 1999.

Organizations

United States Association for the United Nations High Commissioner for Refugees (UNHCR)

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