

SELECTED LAWS AFFECTING FILIPINO IMMIGRATION TO THE UNITED STATES

EXPLAINER 14



THE FILIPINO VETERANS RECOGNITION
AND EDUCATION PROJECT

DUTY TO COUNTRY
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TEACHER BACKGROUND

Over the course of Filipino veterans' long fight for equity and justice, the right of Filipino veterans to immigrate to the United States and naturalize as U.S. citizens was an important point of contention. Activists secured "half a loaf" (a partial victory) with the passage of the Immigration Act of 1990, which allowed for the naturalization of Filipino veterans who had been excluded by the terms of the Rescission Act.

The legal framework controlling Filipino immigration to the United States during the 20th century was complex and changed dramatically over time. At times, Filipinos were subjected to the same racial quota laws as other people from Asia, while at others, special carve-outs due to the status of the Philippines as a colony of the United States, existed. The terms of the watershed 1965 Immigration and Nationality Act made it easier for highly-educated Filipinos and those with family members already in the U.S. to immigrate, while it did little to help those, including many veterans, who were poor, uneducated or lacked existing family connections.

Filipino immigration to the United States is a case study of the complexity of U.S. immigration law, especially how it intersects with race. Another running theme is the role of military service to "speed up" or override pre-existing naturalization regulations. Use this timeline to discuss U.S. immigration law generally, Filipino immigration specifically, and/or to help students understand the particular demands of activists as they relate to immigration. It can also be a jumping off point for deeper research on immigration history and Filipino American community formation.

SUGGESTED TEACHING STRATEGIES

- › Have students analyze the timeline and discuss (or answer in writing) the focus questions.
- › For more advanced students, ask them to consider the importance of the 1965 Immigration and Naturalization Act on the growth of the Filipino American community, and its subsequent effect on the activist movement. To help them do so, students can review the section "A New Community" in the online exhibit *Under One Flag*.
<https://exhibition.dutytocountry.org/the-long-road-to-equity/a-new-community/>
- › To turn this Explainer into a research activity, give students the dates and major laws, then ask them to research the effect of each law on Filipino immigration. Information from the online exhibit *Under One Flag* and the Immigration History website (<https://immigrationhistory.org/>) created by the Immigration and Ethnic History Society are two peer-reviewed sources of information.
- › Service in the U.S. military, whether as enlisted service members or as advisors, still factors in immigration and naturalization in the U.S. today. Ask students to research current law (and debates)



about the status of noncitizens who have served in Afghanistan and Iraq, and Iraqi and Afghan advisers to the U.S. military.

CURRICULUM STANDARDS

Common Core: Middle School

- › CCSS.ELA-LITERACY.RH.6-8.7 Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

Common Core: High School

- › CCSS.ELA-LITERACY.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

UCLA Public History Initiative | US History Content Standards

- › Era 7, Standard 7: How the United States changed from the end of World War I to the eve of the Great Depression.
- › Era 10, Standard 2: Economic, social, and cultural developments in the contemporary United States.

SELECTED LAWS AND EVENTS AFFECTING FILIPINO IMMIGRATION TO THE UNITED STATES

Filipino immigration to the United States is a case study of the complexity of U.S. immigration law, especially how it intersects with race. Another running theme is the role of military service to “speed up” or override pre-existing naturalization regulations.

Date	Event or Law	Effect on Filipino Immigration to the United States
1898-1935	Colonial Period beginning with the Treaty of Paris 1898, establishing the Philippines as a colony of the United States	During this period, as colonial subjects of the United States, Filipinos could immigrate freely to the United States and its territories. Most came to work as laborers in agriculture, especially in Hawaii and on the West Coast.
1924	The Immigration Act of 1924	<p>This law implemented strict quota laws that cut off almost all immigration from Asia, Latin America and other “undesirable” parts of the world.</p> <p>For the time being, Filipinos, as colonial subjects, were not subject to quota laws that affected other Asians.</p>
1934	The Tydings-McDuffie Act	<p>This law laying out the terms of Philippines independence, included a clause that Filipinos would now be considered foreigners and thus have to follow U.S. immigration law if they wanted to move to the U.S. mainland or Hawaii.</p> <p>Filipino immigration to the U.S. drops sharply. Those here cannot bring their families over.</p> <p>The law also allowed U.S. states to pass laws to bar Filipinos from owning land (such laws already existed for other Asian groups in the U.S.).</p>

Date	Event or Law	Effect on Filipino Immigration to the United States
1940	Nationality Act of 1940	<p>This law establishes the Immigration and Naturalization Service (INS) and clarifies who can and cannot naturalize as a U.S. citizen, even if they're already living here. It excludes Asians but makes an exception for Filipinos who have served in the U.S. military. Thus it affects thousands of Filipinos living in the U.S. and in the Philippines who served in the Navy, the Philippine Scouts, and other branches.</p>
1941	Japanese invasion of the Philippines	<p>On December 8, the Japanese begin their invasion of the Philippines. By the end of April 1942, the Americans are forced out and the Japanese fully occupy the islands. Over the next four years, at least 200,000 Filipinos will fight for the U.S., either as part of formal organized units or as guerrillas, to free their homeland from the Japanese.</p>
1942	Second War Powers Act	<p>As part of a larger law granting special powers to the U.S. government during World War II, the law speeds up the naturalization timeline and overturns quota laws for noncitizens serving honorably in the U.S. military.</p> <p>INS begins holding naturalization ceremonies on or near U.S. military bases, in the U.S. and overseas. Many Filipino servicemen living in the U.S. are able to naturalize. Filipinos in the Philippine Islands, however, cannot, because the islands are occupied by the Japanese.</p>



Date	Event or Law	Effect on Filipino Immigration to the United States
1946	The Rescission Act	<p>As part of a cost-cutting bill after WWII, this law stripped Filipino veterans of their status. It stated that Filipinos who served in the U.S. military during the war would henceforth not be considered veterans, and therefore not entitled to any veterans benefits from the United States government. This included the right to immigrate and naturalize as U.S. citizens.</p> <p>Filipinos were the only group excluded from benefits and naturalization rights following the war.</p>
1965	Immigration and Naturalization Act of 1965	<p>This sweeping law overturns the quota system and establishes new criteria for who can immigrate to the U.S. It prioritizes the following criteria:</p> <ul style="list-style-type: none"> › Immigrants with family members already living in or naturalized as U.S. citizens (75% of available visas) › Immigrants with advanced degrees or other skills highly prioritized by the U.S. labor market (20% of available visas) › Refugees (5% of available visas) <p>Since 1965, thousands of Filipinos have immigrated to the United States. Filipinos are now the second-largest group of Asian Americans. However, low-skilled (and usually poor) Filipinos without existing family connections, including many WWII veterans, are still unable to immigrate legally to the U.S.</p>
1990	Immigration Act of 1990	<p>After years of petitioning Congress, a clause is inserted into this small immigration bill that allows for the naturalization of Filipino veterans who had been excluded by the terms of the Rescission Act. About 25,000 Filipino veterans immigrate to the U.S.</p>



FOCUS QUESTIONS

- › How did Filipinos' status as colonial subjects affect their ability to immigrate to the United States? What was similar to or different for Filipinos compared to other Asians?
- › How does race affect who can and cannot immigrate to the United States? When and how did race affect Filipinos' ability to immigrate to the United States?
- › What effect does service in the U.S. military have on one's ability to naturalize as a U.S. citizen? Why do you think the U.S. government has made exceptions for military service? How were Filipinos affected by these laws?
- › How did the Rescission Act affect Filipino veterans' ability to immigrate and naturalize?
- › What changed in 1965? Who benefitted? Who did not?
- › Why do you think activists called the 1990 Immigration Act "half a loaf" (partial victory)?

