

The following is not the complete law but contains those sections that pertain to the insane and dependent classes.

The Immigration Law of 1882

“In his message of December 6, 1881, President Arthur called attention to the subject of immigration control and recommended legislation regarding the supervision and transitory care of the immigrants at ports of debarkation. In that session of Congress immigration legislation was given consideration, and on August 3, 1882, the first general immigration law was approved. This law provided that a head tax of 50 cents should be levied on all aliens landed at United States ports, the money thus collected to be used to defray the expenses of regulating immigration and for the care of immigrants after landing, no more being expended at any port than was collected at such port. The Secretary of the Treasury was charged with executing the provisions of the act, and for that purpose he was given power to enter into contracts with such state officers as might be designated by the governor of any State to take charge of the local affairs of immigration within such State. The law provided that foreign convicts (except those convicted of political offenses) lunatics, idiots, and persons likely to become public charges, should not be permitted to land.”

“United States Immigration Laws And Regulations

1. The Immigration Law. Act Of February 20, 1907, As Amended In Sections 2 And 3 By The Act Of Congress Approved March 26, 1910.

AN ACT to regulate the immigration of aliens into the United States.

Section 2. - That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or

persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled...

Section 9. - That it shall be unlawful for any person, including any transportation company other than railway lines entering the United states from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded; *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

Section 10. - That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

Section 11. - That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Section 17. - That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

Section 19. - That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back board thereof, or on board of any other vessel owned or operated by same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on

conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the 'immigrant fund,' but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the 'immigrant fund,' be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

Section 20. - That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to the landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States...

Section 21. - That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: *Provided*, That when in the

opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.”

“Rule 37. - Deportation procedure in cases of insane or diseased aliens requiring special care and attention.

a. When deportation is to be effected either under warrant proceedings or in pursuance of rejection at a port, the responsible steamship company shall be required to afford the deported alien special care and attention, if, in the first class of cases, the department decides when issuing the warrant that such care and attention are necessary, or if, in the second class of cases, the commissioner or inspector in charge at the port renders such a decision. The report of hearing in warrant proceedings should be accompanied by a statement obtained from the physician (if practicable a surgeon of the Public Health and Marine-Hospital Service) having personal knowledge of the alien’s condition, showing such condition in terms that will enable the department to determine whether special care and attention are needed.

b. If the department (or the commissioner or inspector in charge, as the case may be) finds that the alien requires special care and attention, the steamship line by which deportation occurs must provide all necessary care and attention as called for by his condition, not only during the ocean voyage, but also (except as hereinafter provided) during the foreign land journey. Proof that such care and attention have been provided and the alien sent to his final destination must be furnished through sheets ‘B’ and ‘C’ of Form 597 hereinafter referred to.

c. The alien may be delivered to the master or first or second officer of the vessel by which deportation is to occur, and together with the alien there shall be delivered Form 597 (composed of sheets ‘A,’ ‘B,’ and ‘C’), also a duplicate carbon of sheet ‘A.’ The receipt and sheet ‘A’ will be completely filled out by an immigration officer (except as to signature) prior to delivery. He shall also insert at the blank space following ‘No.’ at the top of each sheet the number of the departmental warrant where deportation occurs pursuant to warrant, and the local correspondence file number where deportation occurs pursuant to rejection by a board. The receipt attached to sheet ‘A’ shall be signed by the ship's officer to whom the alien has been delivered and returned

forthwith to the immigration officer making delivery. Sheets 'B' and 'C' shall be retained by the ship's officer and in due course filled out by the agents or persons therein designated and by them returned by mail as therein provided.

d. From the foreign port of debarkation the steamship company must forward the alien to destination in charge of a proper custodian (all expenses to be borne by such company), except only in cases where foreign public officials decline to allow such custodian to proceed and themselves take charge of the alien. In that event this fact must be shown by signing the form provided in the lower half of sheet 'C;' and where foreign public officials have taken charge at the port of debarkation it will be unnecessary to fill out any portion of the form on the upper half of sheet 'C.' Where the foreign public officials take charge not at the port of debarkation, but at an interior frontier, both forms on sheet 'C' must be filled in, the former in relation to the inland journey as far as such frontier.

e. Whenever, without excuse satisfactory to the commissioner or inspector in charge of immigration at the port of embarkation, a steamship company has failed, for a period of ninety days after departure of an alien requiring special care and attention under this rule, to comply with any of the terms thereof, including failure to return sheets 'B' and 'C' properly filled out, such commissioner or inspector in charge shall forthwith report this fact to the Commissioner-General of Immigration, and thereafter the Secretary of Commerce and Labor will, without further notice and during such period as he shall determine, exercise his right under section 21 to employ suitable persons to accompany to their final destinations aliens deported on a vessel of such steamship company requiring special care and attention. Instructions as to compensation of such attendants, their mode of travel, their right of access to the alien during the ocean voyage, and other necessary matters will be given in each case as it arises."

SOURCE: Reprinted from Abstracts of Reports of the Immigration Commission, Volume II, Washington, Government Printing Office, 1911, Pages 569,732,734-739, 773, 774. <<http://books.google.com/>>