

Documenting Immigrants: An Examination of Immigration and Naturalization
Service Case Files

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Introduction

The significance of immigrants in United States history is indisputable. Since the founding of the Federal government in 1789 millions of immigrants have entered the country. Until fairly recently there was no formal registration requirement of most aliens.¹ Aliens entering seaports were first tabulated in 1819.² In fact, only in 1893, as a result of the passage of the Chinese Exclusion Act of 1892, did the Federal government begin to maintain any significant volume of files on individual immigrants.³ Surprisingly, it was not until the passage of the Alien Registration Act of June 28, 1940⁴ that individual files were kept for all aliens admitted to the United States. These alien files, coded with an "A" followed by a seven or eight digit number, have become known as A-files and are the subject of this paper.

¹ An alien is a person not a citizen or national of the United States. See *An Immigrant Nation: United States Regulation of Immigration, 1798-1991* (Washington, D.C.: Immigration and Naturalization Service, D.C., 1992), p. 37. Appendix F of this publication is a useful glossary of immigration terms.

² An act of March 2, 1891 (3 Stat. 489) required the documentation of aliens entering United States ports. The responsibility for compiling a passenger list was given to the captain of the vessel, who then had to file the list with the port's customshouse. For a brief introduction refer to the Introduction of *Immigration & Passenger Arrivals: A Select Catalog of National Archives Microfilm Publications* (Washington, D.C.: National Archives Trust Fund Board, 1983).

³ The Chinese Exclusion Act of 1892 gave the Department of Commerce and Labor the responsibility of administering the Act. The newly formed Immigration Bureau compiled individual case files as needed. Chinese exclusion act case files dating from 1893 are held by the Regional Archives System. See Department of Commerce and Labor, *Treaty, Laws, and Regulations Governing the Admission of Chinese* (Washington, D.C.: Government Printing Office, 1907), p. 21.

⁴ 54 Stat. 1137.

A-files bring to the fore a number of archival problems. The primary problems include NARA's current space requirements, the difficulty in assessing the historical value of a vast, very diverse series of records, and the adequacy of electronic records as a substitute for more voluminous textual records.

The A-files constitute a massive series of records, totaling more than 323,000 cubic feet already held by the Federal Records Center (NC) system.⁵ The sheer volume of the series is problematic considering the dire space problems faced by so many NARA facilities. As currently appraised, A-files are temporary records which are to be held for 75 years after they are retired to a Federal Records Center. Thus, none of these records is slated for disposal until the year 2022. All the while the annual volume of A-files deposited to FRCs grows.

Even more problematic is the question of content. The A-files series encompasses files for all legal immigrants, regardless of the authority under which they entered the country. Between 1946 and 1980 three major immigration acts, each containing several preferences or types of entrants have been in effect, and more than two dozen paroles of refugee groups not addressed by specific preferences or quotas have been granted.⁶ These immigrants represent a myriad of different situations, ranging from relatives of United States citizens to refugees fleeing Communist countries, yet all of these records have the same disposition. The records of these immigrants are potentially of great value to researchers, ranging from historians of immigration or specific ethnic groups to genealogists. In fact, as I will establish later in this paper, there are elements of the A-files which have been appraised as permanent when segregated as a separate series. These

⁵ The figure of 323,000 cubic feet is derived from a NARS-5 inquiry made in October, 1994.

⁶ Roger Daniels, *Coming to America* (New York: Harper Perennial, 1990), p. 337. Under the McCarran-Walter Act of 1952 the Secretary of State was given the authority to parole groups allowing them to enter the country on an emergency basis, bypassing the standard immigration law. Congressional Research Service, *History of the Immigration and Naturalization Service* (Washington, D.C.: Government Printing Office, 1980). 96th Congress 2nd Session, Senate Committee on the Judiciary, p. 64.

records have already been heavily used by researchers. The question at hand is not so much if there is permanent material contained in this series, but what elements are permanent and whether there is a means of segregating these records. This raises related questions regarding the extent and sufficiency of electronic records.

To address the issues just set forth it is necessary to examine a number of subjects. First I will analyze the issues relating to space and reference concerning A-files in NC's custody. Second, I will examine the content of the A-files, and how their content has evolved as a filing unit since 1940. Third, I will explore what NARA's role has been in appraising these files. Fourth, I will consider recent immigration history and laws to determine what elements of the A-files are of greatest historical interest. And finally, I will suggest several courses of action which might be pursued with respect to the A-files, ranging from the *status quo* to means by which historically valuable A-files may be segregated and ultimately accessioned.

Volume, Distribution, and Reference Requirements of A-files Currently Held by NC

While on average these case files are not large, they are numerous, and therefore constitute a significant portion of NC's holdings. Since the first A-files were accessioned in 1951, this series has grown to occupy in excess of 323,000 cubic feet in Federal Records Centers (FRCs) [see Chart 1, page 4]. And this is a figure which is sure to grow substantially in the coming decades. Since 1985 there has been a marked increase in the rate of accessioning

Distribution of A-files Held by NC

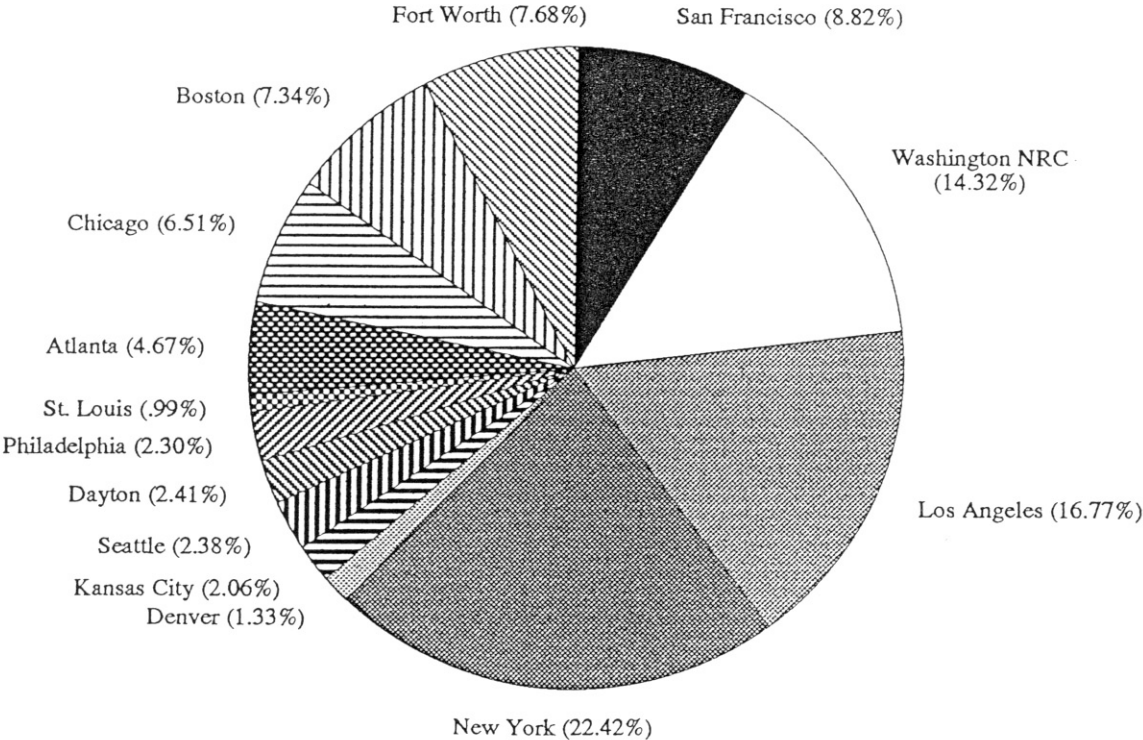


Chart 1

of A-files. During the period 1985-1993 NC accessioned an average of 13,790 cubic feet per year. Even if this rate of accessioning holds, and it is unlikely it will considering the increased numbers of legal immigrants in the last few years, FRC's may expect to accession in the neighborhood of 130,000 cubic feet of A-files in the next decade, without any disposal. The first year in which accessions of A-files (a total of 151 cubic feet) will be eligible for disposal is 2022. If accessioning continues at its current rate, which is admittedly unlikely to happen considering inevitable changes in immigration policy, immigration trends, INS administrative policies, and NARA's space limitations, accessioned A-files will constitute almost three quarters of a million cubic feet, or roughly the total capacity of the Los Angeles Federal Records Center. Closely linked to the issue of space is that of service requirements, and how INS practices have lead to the waste of valuable space in FRCs. During FY 94 the Los Angeles Federal Records Center fulfilled in excess of 83,000 reference requests for A-files. The high number of pulls has lead to a unique problem associated with these records, that being a disparity between the volume as recorded in the NARS-5 system and the actual volume. A survey of 104 boxes of A-files held by 9NC-L from every accessioning year up to 1994 revealed that on average the boxes are only 75% full. It is not uncommon to find boxes less than fifty percent full in older accessions. This situation has resulted from the INS practice of permanently withdrawing any files requested from a record center. Once a file which has been permanently withdrawn again meets the criteria for storage in an FRC, it is resubmitted in a new accession. As a result many files occupy twice the space they actually require.

I estimate that partially full boxes represent approximately 12,000 cubic feet of wasted space for 9NC-L alone.⁷ If this pattern of partially full boxes is similar system-wide, as much as

⁷ I took a sampling of several boxes from every accession year of A-files at 9NC-L. Boxes ranged from 10% to 100% full. The average of the total 93 box sample was 72% full.

80,000 cubic feet are being wasted. While in comparison to the total storage capacity of NC this may seem incidental, because these files are not distributed evenly among FRCs this figure is significant. Three FRCs, New York, Los Angeles, and Washington, DC hold 53% of all A-files. The largest concentration of A-files, about a quarter of the total, are held in California, 16.7% in Los Angeles, and 8.9% in San Francisco [see Chart 2, page 7].⁸ This uneven distribution means that certain Federal Records Centers are forced to confront the problems associated with storage of these records and servicing reference requests.

Thus, the A-files are a large series, occupying space disproportionate to their volume. Their uneven distribution among FRCs means that they present a greater burden to some NC units than others. And the 75 year retention period means the issues will not go away soon. Ultimately though, these problems alone hardly seem worthy of prolonged consideration. It is not until one considers the content (and ultimately historical value) coupled with the difficulty in identifying these case files that the full magnitude of the problems become apparent. To address these issues, it is necessary to examine the evolution of the A-files as a records unit.

⁸ This information is based upon data compiled from a NARS-5 inquiry made in October, 1994.

Total Volume of A-files Held by NC, 1950-1993

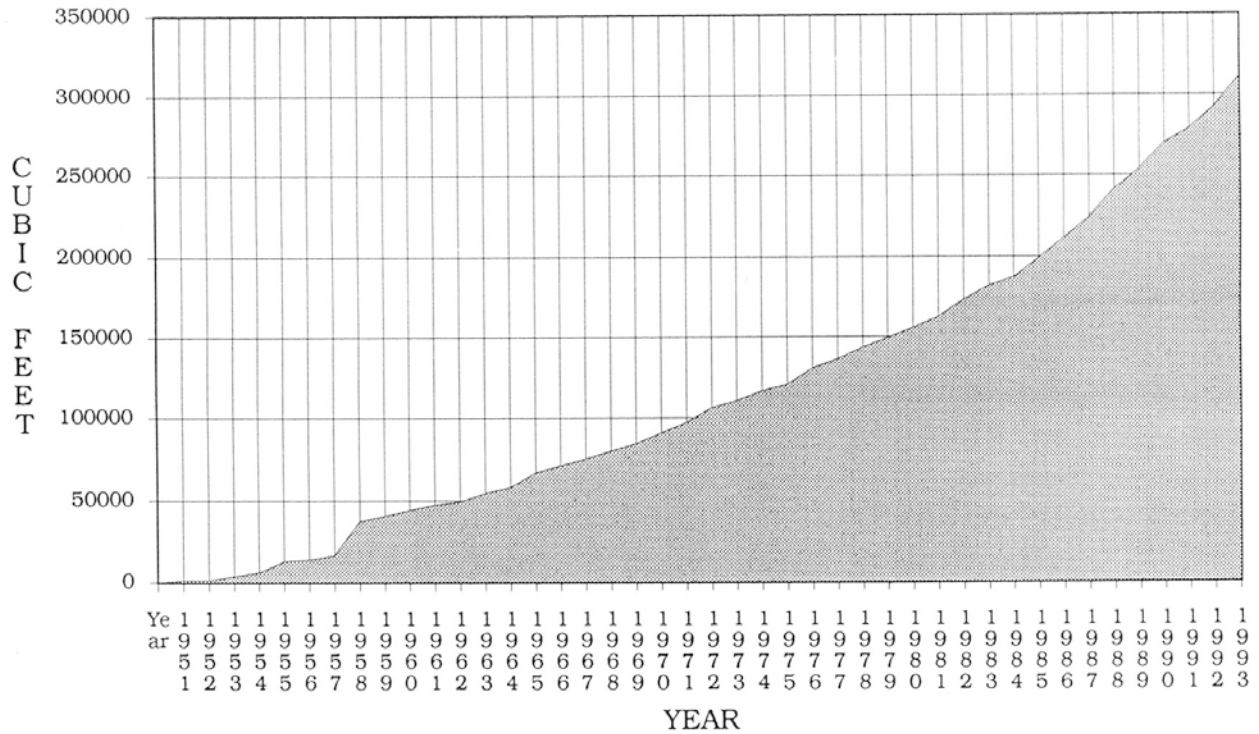


Chart 2

The Evolution of A-files: From Alien Registration to Service Case Files

Over time, as administrative requirements changed and the Immigration and Naturalization Service (INS) filing system evolved, the very nature of the files has changed from a series which merely documented alien registration, to the primary case files used by the INS. The first A-files were created in 1940, as mandated by the Alien Registration Act, which for the first time in the nation's history required all immigrant aliens to register with the Federal government. The law required aliens to complete an Alien Registration Form, Form AR-2. The AR-2 was used to assign

each alien a seven or eight digit number, prefaced by an "A," with the number sequence beginning with 1 million. This number was the individual's Alien Registration Number. The Form AR-2 includes: Name, address, date and place of birth, a physical description, occupation, employer, a statement of military service, papers submitted for naturalization, and a statement relating to participation in organizations devoted to influencing a foreign government. The first A-files through June 1944 contain only records mandated by the Alien Registration Act of 1940.

Until 1944, other sorts of administrative actions concerning aliens were maintained in separate files in local offices. Each field office established its own filing system. This led to as many filing procedures as districts. Only in 1944 did the INS begin to systematize the field office filing system.⁹

Starting July 1, 1944, the so-called District Files Series were established. The District Files were individual case files created in field offices. The file codes consisted of four digit numbers, the first two digits of which were the district number and the final two digits were the station number. For example, the Los Angeles District Office's file designation was 1600, while the San Pedro Office's number was 1680, and the San Francisco District Office was 1300. The four digit station number was then followed by a dash and a consecutively assigned number.¹⁰

According to the INS Administrative Manual, "Beginning in 1944 immigrants were registered at the time the visa was executed and the visa became the registration document as well as the admission document for the aliens."¹¹ On March 1, 1950, the INS central office began to decentralize A-files so that a single file for each lawfully admitted alien was maintained in the

⁹ One need only look to the Chinese exclusion act files to find an example of the various filing systems used. Between 1893 and 1944 the Los Angeles District Office used three different filing schemes, none of which matched any used by the San Francisco District Office.

¹⁰ Immigration and Naturalization Service. *Administrative Manual*, 2707.16.

¹¹ *Ibid.*, 2700.13.

district in which the alien resided. Whenever possible multiple files on an individual were consolidated before they were shipped from the central office to the district offices. Until 1955 the district offices remained the custodians of the A-files. Then, the District Files system was ended and the records were decentralized even further, to the local stations handling the case.¹² From 1955 onward all actions regarding a particular immigrant, including a copy of naturalization papers, were maintained in A-files. Thus from the time of their creation in 1940, the A-files have undergone a broadening in their content. The first A-files contained little more than registration records, while those being created today contain a record of any official action taken by the INS with regard to the individual. A question critical to NARA and researchers is, has the appraisal of this series kept pace with the changes in content made to the A-files?

Past Appraisals of A-files

An examination of the appraisal process as it has been applied to the A-files provides an even more compelling reason than issues relating to space for reexamining the disposition of the A-files. In the following section, I will suggest that the disposition authority currently applied to the A-files (NC1-85-80-5/1) was established on the basis of the earliest A-files, and has not been adequately updated to reflect the dramatic changes which have occurred in the content of these files since 1944, when Congress approved the schedule items that became NC1-85-80-5/1.

As noted above, the first A-files came into being as a result of the Alien Registration Act of 1940, which required all aliens to register with the Federal government. The Alien Registration Form, or AR-2, was the primary data collection vehicle. This form documented basic biographical information, as well as information regarding the alien's entrance into the country, occupation, relatives, and allegiances. Upon completing this form the alien was issued an alien registration (or

¹² Bill Polli, "History of the INS Records System" n.d., pp. 2-3.

"A") number.

The first A-files, which were created in 1940, had as their foundation the AR-2 form, along with four other schedule items. The first of these additional schedule items was correspondence relating to the registration of individual aliens. The second was the AR-AE-22, or Application for Alien Enemy Certificate of Identification. Copies of the certificates granted upon the approval of the AR-AE-2 was the third schedule item. And finally, the Form AE-11 which was used by aliens to report a change of address was filed in A-files.

The original disposal schedule for these items, which became the basis for the disposal authority currently applied to A-files, was established by job number 344-S199, which was approved by a report of the Joint Committee on the Disposition of Executive Papers, dated December 4, 1944.¹³ The retention period as approved for each of the four items discussed above was to be until the alien's departure, naturalization, or death. This disposal authority was approved with due consideration to the concern that these records might contain information of value to researchers. In fact, the appraisal report indicates that the AR-2 forms, the most significant element of the alien registration files, had been microfilmed. The disposal authority was approved by the National Archives and forwarded to Congress for approval only because the AR-2s were considered duplicates and "will not, after a lapse of the period of time specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government."¹⁴ The disposal of the original files could only take place "provided the records have been microphotographed in accordance with the regulations of the National Archives Council and that samples of the microphotographs thereof have been approved by the Archivist of the United States."¹⁵ These microfilm copies were intended to be duplicate copies, maintained so that "[t]he

¹³ House, 78th Congress, 2nd session, 1944, HR 2014.

¹⁴ National Archives and Records Administration, "Explanation of Appraisal Symbols" Appraisal Job Number 344-S199, item N.

research value of the forms for possible studies of a significant body of persons is adequately preserved on the film."¹⁶

Job number 344-S199 contained five schedule items, the first one being the AR-2 form. The other items were correspondence created during the registration process, Form AR-AE-22, Form AR-AE-23, and Form AE-11. (These five items, while submitted together on the same SF 115, and in practice often filed as a single unit, were not submitted for disposal consideration as a single unit.) The appraisal officer did, however, stipulate that the microfilm of the alien registration cards would contain duplicate information of that contained in the other records.

Job Number 344-S199 was not superseded until July 12, 1968 with the approval of NN168-101. On its face, NN168-101 merely clarified and simplified 344-S199. The resulting change in retention period relieved the INS of the need to determine when a person departed the country, was naturalized or died, by setting the retention period before disposal at 100 years following the file's closing date or date of last action. The microfilming requirement was removed. Finally the four separate items which comprised 344-S199 were combined into a single item, titled "Service Case Files," the official name for A-files.

The Service Case Files description indicates that the contents of these files varied over time.¹⁷ From initially containing only alien registration materials the files grew to encompass all records of "any type of Service action (other than a non-immigrant petition) which arises under the immigration and nationality laws." The problem lies in the fact that while the very nature of the A-files as a records management unit radically changed between 1944 and 1966, to the extent that one might contend that they are totally different series of records, there is no indication that the

¹⁵ *Ibid.*, Item N1.

¹⁶ *Ibid.*

¹⁷ National Archives and Records Administration, Appraisal Job Number NN168-101/1.

changes in the disposal authority took this into account.¹⁸ In essence, the approval of NN168-101 seems to have given the INS the ability to place their most basic filing unit under a disposition that was originally designated for files relating strictly to alien registration, primarily because these two clearly different types of files used the same file coding system - the alien registration number. The INS, for legitimate administrative reasons, realized that if each legal immigrant had a unique alien registration number it made sense to use this as the identification for Service Files. For this reason the District Files were eventually discontinued and the A-files, once limited to registration information, were greatly expanded, making them the most fundamental filing unit for immigrant individuals.

The Historical Value of Certain A-files

Thus, the A-files have undergone an evolutionary change. The files that were created in 1940 merely to document alien registration were turned into a catch-all file series. The schedule item was last modified in 1968 by job number NC1-85-80-5/1. This job readjusted the retention period, an action which did not prompt a reappraisal of the records historical content.¹⁹ The growth of social history, however, has opened up avenues of research that were just beginning to be pursued twenty-five years ago. While historians still study the great men of history and the creation of laws and policies at the highest levels, the growth of the study of social history has meant an ever increasing flow of studies of once neglected groups, such as immigrant communities. Local and regional studies, using both federal and non-federal records, have proliferated. Records which were once considered little more than administrative dross have taken on increased importance as researchers take a bottom up, rather than top down approach. Thus, perhaps the most

¹⁸ *Ibid.*

¹⁹ Memorandum dated September 8, 1980 from Henry J. Wolfinger, Records Disposition Division, located in Program File 1407 [RG 85], National Archives -- Pacific Southwest Region.

fundamental question to be answered is whether the A-files contain records of continuing historical value. I believe the answer to this is an indisputable yes.

Two clear examples exist of records contained in A-files (which are therefore currently non-permanent records) but have been appraised as permanent when segregated in separate series. These two examples point out the difficulties faced in appraising historical value in a series of records which is both voluminous and very diverse in nature. They also beg the question, do other A-files containing unique records with research value exist?

The first of these examples are naturalization records. Since 1906 the INS has been required to keep a record of all naturalizations. The courts, as the implementers of naturalization procedures, were required to report to the INS all naturalization procedures they performed. From 1906 through 1956 the INS maintained naturalization records in a segregated series known as naturalization and citizenship files.²⁰ In 1956 the decision was made to include these naturalization papers, namely Declarations of Intention, Petitions for Naturalization, and Certificates of Naturalization, in individual A-files.

Little attention has been given to the INS naturalization records because they are copies sent to the INS by the courts. The Immigration and Reform Act of 1990, however, has changed this situation. The INS now has the sole authority to naturalize and is responsible for maintaining records relating to the granting of citizenship.²¹ Thus the importance of these records, which are still being maintained within A-files, is greatly heightened due to the fact that the INS now maintains the record copy. These are records of great importance to the people who have been naturalized and to genealogists.

Individuals who have lost their Certificate of Naturalization often have no other recourse

²⁰ National Archives, Appraisal Job Number NN168-199.

²¹ 104 Stat. 4978.

than these files. In theory, the court which performed the naturalization can provide the necessary documentation. In reality, because a vast number of federal *and* non-federal courts exercised naturalization authority, these documents are not always accessible. Many of the non-federal courts have lost naturalization records, transferred them to archives which are difficult to locate, or are staffed by people who do not know their importance and do not care to provide reference service on the records. Simply identifying the court that performed a particular naturalization can be frustrating. The INS holds the only centralized source of naturalization records for the post-1906 period. Because these records are filed in A-files after 1956, the status of these files should be reassessed. And clearly the status of any files containing naturalizations performed by the INS under the Act of 1990 must be closely reviewed. Whether these records are duplicate copies or originals, there are compelling reasons to reexamine all A-files containing these records.

A second example of records contained in A-files which have in other instances been declared to be of lasting value are records relating to the Chinese exclusion acts.²² The first Chinese exclusion act was passed in 1882, restricting the entrance of Chinese laborers into the country for a period of ten years. This law was in fact the first mass immigration restriction enacted by the Federal government. The enforcement of this act was shared by the states and the Federal government.²³ The Act of 1882 did not require the registration of individuals. In 1891, as this Act was nearing expiration and the country found itself on economic hard times, Congress extended and

²² There were several Chinese exclusion acts. The first was the Chinese Exclusion Act of 1882. The Act of 1882 was extended and modified by the Chinese Exclusion Act of 1892, the so-called Geary Act. In 1902 all laws relating to Chinese immigration were extended indefinitely. The Chinese exclusion acts were repealed in 1943, and China was given a quota of 100 individuals per year under the National Origins Act of 1924. Department of Commerce and Labor, *Treaty, Laws, and Regulations Governing the Admission of Chinese* (Washington, D.C.: Government Printing Office, 1907).

²³ Following the passage of the Geary Act, any Chinese aliens wishing to leave the country and return at a later date had to apply for a return certificate. Applicants were investigated in advance of their trip to verify that they were legal residents of the United States, and to gather information which was used to verify their identity upon return. This job fell to the Immigration Bureau.

expanded the law of 1882, passing the Chinese Exclusion Act of 1892, commonly known as the Geary Act. The Geary Act required the registration of all Chinese within the United States, giving this task to the Department of Commerce and Labor. The resulting case files constitute the first comprehensive individual immigration case files, including applications for certificates of identity, applications for return certificates to be able to reenter the country after traveling to China, transcripts of extensive interviews, and other related records.

These case files, which were created from 1893 through 1943, have been accessioned by the Pacific Southwest, Pacific Sierra, Northwest, Northeast, and Mid-Atlantic Regional Archives. Despite the accessioning of large numbers of these records, the holdings of the regional archives are by no means complete. While the Chinese exclusion act case files were originally maintained as a separate filing unit by regional immigration offices, many of these files have been used by the INS to form the basis for A-files. An examination of later records, compiled during the twenties, thirties, and forties, reveals that approximately one third of the files held by the Pacific Southwest Region were withdrawn before accessioning, many of them having out cards that indicate the records were consolidated with an A-file.²⁴

The missing files resulting from INS withdrawals are more than incidental to the records series. The Chinese exclusion act case files are of considerable interest to scholars studying immigrant communities and the implementation of immigrant laws as well as family researchers studying individuals. While genealogists have been the most numerous users of these records, they have also been used by historians to study Chinese communities throughout the United States. These files provide highly detailed pictures of individuals and of their interaction with others in the community, including relatives, business associates, and Anglo-Americans who might have testified on behalf of individuals applying for return certificates to be able to visit China and legally

²⁴ Conversation with Waverly Lowell, Regional Director, National Archives -- Pacific Sierra Region, October 11, 1994.

return. Scholars have gleaned important information on immigration patterns from these files, which often contain not only the province, but the village from which the immigrants emigrated. This is crucial information for determining immigration and settlement patterns. They provide a unique picture of the composition of the Chinese community in America, and individuals' motivations for immigration. The importance of these case files is reflected in the fact that each of the regional archives which holds these records has initiated a project to index these records, and in some cases to create elaborate databases.

One might argue that the current regional archives' holdings of Chinese exclusion act case files are an adequate sample, and therefore there is no reason to be concerned that gaps exist in the series. The missing files do, however, have properties not present in those already accessioned. The files are all ones which had actions taken on them after 1943, when District Files and then A-files became the standard file type for individuals. Since the Chinese exclusion acts were repealed in 1943 and travel to China became severely restricted with the rise of the Communist regime, one might think that the actions documented in case files active after 1943 would be of less interest. Yet it is the advent of the Communist government in China in 1949 that makes these records all the more important, since the Chinese-American community came under great scrutiny on grounds of national security. One of the ways that Chinese immigrants came under scrutiny was the McCarran-Walter Act of 1952.²⁵

One of the provisions of the McCarran Act was to allow "paper sons," Chinese immigrants who entered the country posing as another person, to present themselves to the INS and have their status legally recognized. On the face of it, this seemed to be a liberal measure which sought to address some of the inequities forced upon Chinese immigrants. In practice it became a means for immigration agents to investigate the individuals coming forward and those connected to them.

²⁵ *Ibid.*

This is a case in which the regional files are of importance because they document the *implementation* of an official policy. In particular, these files can document an important shift in immigration policy which integrated it with foreign policy and national security concerns.

Nineteen-forty is the year in which A-files were first created, but it is also the year in which the Immigration Bureau was transferred to the Department of Justice. This move emphasized a growing concern for the impact of immigrants on national security, and subsequently foreign policy. The files of people who entered as "paper sons," and later sought to legitimize their entrance, document how immigration officials sought information about these people as well as others that might be in their same situation. Once the INS had names of individuals suspected of entering the country under false pretenses they could then conduct an investigation, which inevitably included an examination of the political sympathies, e.g., Communist ties.²⁶ In this way the INS was able to fulfill one of its key functions, the promotion of national security. Thus, while the provision of the McCarran Act which allowed the legalization of "paper sons" was administratively part and parcel of the Chinese exclusion acts, it was often used for different ends, and as a result these case files are of value to historians studying the implementation and effect of Cold War policies as they affected individuals. From this it is reasonable to ask if there are other instances in which individual case files might provide a unique window into immigration history and United States Cold War policies? If the answer is yes, then how might these files be identified?

Other Case Files of Historical Value

An analysis of the size and rate of growth of this record series indicates that NARA would have to devote considerable space resources to retain all A-files. And while many A-files will be of interest to the research community, the majority of A-files document routine administrative actions,

²⁶ Sucheng Chan, *Asian Americans* (Boston: Twayne Publishing, 1991), p. 141; Conversation with Waverly Lowell, October 12, 1994.

and the information contained in the files is substantially intact in the form of the Statistical Reporting System (a database maintained by the INS) which keeps detailed personal information on immigrants since 1976.²⁷ Additional material is located on the INS Master Index, which is a permanent record to be transferred when it is no longer needed for administrative uses. The main cause for concern is that case files which have unique qualities for scholars studying immigration, national security, and specific immigrant groups, and which are not satisfactorily duplicated by the electronic records, need to be adequately evaluated. On what basis can these significant case files be selected? One approach would be to take a sampling of all case files. For example, every fifth or tenth case file could be retained. This random approach would not place any greater significance on any particular nationality or class of entrant. There is merit in this approach in that files which do not seem significant now may be retained for researchers in the future who are interested in areas of study we currently consider inconsequential.

A more fruitful approach would be to identify certain classes of entrants, based upon the law or subsection of the law under which they were granted authority to enter the country. Examples of selection criteria might include individuals who entered as a result of the War Brides Act of December 28, 1945, Displaced Persons Act of June 25, 1948, or under the Secretary of State's parole authority. To make a determination of which types of entrants' files will have relevance to future historical work, one needs to examine the fundamentals of post-war immigration policy and trends.

Immigration trends and U.S. policy have shifted considerably since the Second World War. In terms of the ethnic makeup of post-war immigrants, the balance shifted from predominantly European to Latin American and Asian. With respect to immigration policy, the shift has been one away from a system of quotas based upon national origins to a policy that seeks to give preference

²⁷ The Statistical Recording System comes under job number NC1-85-79-3. *The Center for Electronic Records (NSX)* has already accessioned a number of databases from this system.

to highly skilled immigrants, those that already have close relatives in the country, and refugees. The last has taken on special importance in that granting of refugee status has been a tool of U.S. foreign policy.

It is not coincidental that A-files first came into being in the same year that the Immigration Service was transferred to the Department of Justice. The move reflected a shift in policymakers' perception of immigrants. The registration of aliens was started not to satisfy some bureaucrat's curiosity regarding the composition and distribution of the alien population, but to better safeguard America's interest in case of war or subversion. With war raging in Europe and relations with Japan steadily worsening, the object of the Alien Registration Act of 1940 was clear. Less clear at the time of the passage of the Alien Registration Act was that it signified the first movement in a shift to the use of immigration policy for foreign policy ends.

Since 1940 immigration policy has increasingly been used as an extension of foreign policy, particularly the granting of refugee status. The Refugee Relief Act in 1953, defined a refugee as: any person in a country or area which is either Communist or Communist-dominated, who because of persecution, fear of persecution, natural calamity or military operation is out of his usual place of abode and is unable to return thereto, who has not been firmly resettled, and who is in urgent need of assistance for the essentials of life or for transportation.²⁸

The litmus test to be declared a refugee in the eyes of the United States government was to be a persecuted person from a Communist country.

Between 1948 and 1980 approximately two and a quarter million people entered into the United States as refugees. Some entered in accordance with laws such as the Refugee Relief Act. Still more entered under an obscure provision of the McCarran Act of 1952 which gave the Attorney General the power to parole, or grant temporary residence to aliens "for emergency

²⁸ Quoted in Roger Daniels, *Coming to America*, p. 336.

reasons deemed strictly in the public interest."²⁹ Using the parole authority, administrations since Truman have been able to bring large numbers of people into the country, ignoring the quota system. In all, roughly twenty percent of all immigrants between 1948 and 1980 were refugees [see chart 3, page 23].³⁰

Refugees are of particular interest for a number of reasons. First, they are the beneficiaries, and at times tools of American foreign policy. They represent in almost all cases the human toll taken by the Cold War. But on a more important level, the individual case files of refugees will be of considerable interest to historians who wish to study just how refugee status was applied. Some questions which should be considered are, who was accepted as a refugee and exactly why? And were these decisions made with respect to broader foreign policy objectives?

Refugees in the post-war period include several very important groups, including German and eastern European opponents of Hitler and the Soviet bloc. Cuban refugees have had a tremendous impact upon American politics, and are a group which is of particular interest to researchers. Indochinese refugees represent an important legacy of the Vietnam war and are a prime subject for the study of the assimilation of a non-European group into the broader American culture. Each of these groups is a potential case study in one of the most important trends in recent world history, international migration.

The importance of world-wide migration and refugees entering into the United States is such that the maintenance of a simple database detailing basic facts about these people is insufficient for researchers. The A-files provide more detailed reports which put the lives of people in context, something that a database compiled for statistical reporting cannot do.

²⁹ *Ibid.*

³⁰ *Ibid.*, p. 337.

Immigration Acts and Paroles, 1948-1980

YEARS	REFUGEES OR PAROLEES	NUMBER
1948-1952	Displaced Persons	about 450,000
1953-1956	Refugee Relief Act	about 205,000
1956	East European Orphans	925
1956-1957	Hungarians	38,045
1958-1962	Portuguese	4,811
1960-1965	East European escapees (Fair Share Refugee Law)	19,745
1962	Chinese from Hong Kong & Macao	14,741
1962-1979	Cubans	692,219
1963	Russian Old Believers from Turkey	200
1968-1980	Admitted under 1965 Immigration Act, Seventh preference	about 130,000
1972-1973	Ugandan Asians	1,500
1973-1979	Soviet Union	35,758
1975-1979	Indochinese (10 separate programs)	about 400,000
1975-1977	Chileans	1400
1976-1977	Chileans, Bolivians, Uruguayans	343
1978-1979	Lebanese	1,000
1979	Cuban prisoners	15,000
1980	Refugees, all sources	110,000
1980	Cuban-Haitian "special entrants"	140,000

Chart 3

Source: Roger Daniels, *Coming to America* (New York: Harper Perennial, 1991), p. 330.

Options

There are several approaches which may be taken to resolve the situation which exists with respect to the A-files, ranging from maintaining the *status quo* to pursuing a program of selective retention. Whatever approach is taken, it should be done so only after due consideration of the historical value of the records, feasibility of selecting the files, and space requirements of NC and NS units.

The Status Quo

To continue the status quo would lead to the continued accumulation of A-files in Federal Records Centers with no immediate means of disposal. Seventy-five year retention of these records may be feasible if, for instance, the Internal Revenue Service converts to a system of digital imaging in the next few years, resulting in the disposal of tax returns currently held by NC, or if NARA increases its available space by some other means. In any event, this approach fails to deal with the larger issue of permanent records. Permanently valuable records such as naturalization papers would be destroyed. For this reason alone, the status quo is not an acceptable option.

Compaction

One short term approach to relieving space problems in some Records Centers which hold A-files would be to devise a means of compacting existing holdings of A-files. Currently, when the INS requests a file from FRC storage it is not returned to the original box, instead it is accessioned by the FRC again as part of a new accession. The result is that many accessions of A-files are made up of partially full boxes. A sampling of the box volume in Los Angeles indicated an average of 25% wasted space. While this represents only about 12,000 cubic feet, which is minor in comparison to NC overall capacity, this does represent a significant figure at facilities such as the Los Angeles Federal Records Center where any contiguous space is at a premium. Any such

compaction program would have to be done in close cooperation with the INS since they must record any changes in FRC locations in the Central Index.

Statistical Sampling

Another approach, which would seek to permanently retain some case files, would be to make a statistical sampling. This could be done in a couple of different ways. One method would entail selecting a certain percentage of all case files, without regard to individuals' entrant status, nationality, race, or other distinctions. For example, every fifth or every tenth case file might be selected, regardless of the content of the file. The size of the sampling would be dependant upon both the minimum number necessary to ensure a representative sample and the availability of space. No particular type of case file would be emphasized. Refugees, and war brides would be given no preference over more typical immigrants. This random approach would certainly include many case files of interest to researchers, but it is likely to also lead to the retention of a disproportionate amount of unimportant or routine records. This approach has been used in the bankruptcy case files screening project. A different ratio of case files has been retained, based upon the significance of the court.³¹

A more refined approach to statistical sampling would be to make an analysis of the various entrant types and weigh the selection of the most significant types or even the number of entries. For instance, it might be determined that case files of women who lost their United States citizenship due to marriage to an alien should be retained in greater numbers than individuals who entered under a family preference provision of immigration law.

³¹ National Archives, *Bankruptcy Screening Project Manual* (NS93-R019/NC93-114).

Historical Sampling

An approach which would better meet the needs of the research community would be to identify certain ethnic groups, classes of entrants, or people otherwise affected by specific immigration or naturalization laws, whose A-files would be of particular significance, and retain these segments of the A-files *in toto*. I have already suggested certain categories of A-files which have significant research value, namely those of refugees (as indicated in Chart 3) and, individuals who entered during the period of the Chinese exclusion laws. Other examples may be added to this list. Entrants under the War Brides Act are a unique group which deserve detailed study. Also of special interest are aliens who might have been considered dangerous or came under the scrutiny of the Federal government for reasons of national security. Case files of aliens which contain the primary documentation of their naturalization are clearly important since it is often impossible to locate this documentation through court records.

A-files with naturalization records are of special interest, for the reason that the INS is the only agency which has copies of all naturalizations executed after 1906. Until changes to naturalization laws were made in 1991, both federal and non-federal courts executed naturalizations, resulting in a diffusion of these records throughout the country. Those of the District Courts are maintained by the National Archives, while others performed in state sanctioned courts are sometimes still in the hands of the courts or have been transferred to state or local archives or even historical societies. This situation creates profound problems for researchers who have great difficulty locating these records, and commonly face court employees who have little interest in performing an archival reference function. Many smaller archives may not appreciate the importance of these records or have the means to properly preserve them. For these reasons A-files with naturalization records should be identified.

The regional archives have often identified prominent immigrants from naturalization records. Others could be identified through literature on immigrant groups or by consulting

historical organizations interested in immigration or specific ethnic groups.

The identification of these files would have to be a collaborative effort. Groups interested in immigration history such as the Balch Institute, genealogists, and social scientists conversant in statistical methods should be consulted as part of the creation of any selection criteria. Since the A-files are not segregated by any subject classification, it would be necessary to work in close cooperation with the INS, which maintains a master index containing not only the FRC location information, but the entrance and naturalization status of aliens. Using the Master index it should be possible to identify A-files based upon a number of different criteria, and then provide accession, box, and locations of the selected files.

Historical and Statistical Sampling With a Reduction in the Retention Period

A better approach, which would address both the space and permanent records issues, would be to establish a set of criteria for selecting permanent records, in conjunction with a reduction of the retention period for non-permanent records. If this was combined with a sampling of the entire series, there could be an adequate preservation of the records. With certain files maintained for the future, the issue of a shorter retention period for non-permanent records could be considered. The current 75-year retention is very lengthy. A reduction to 50 years would benefit NARA, which would be able to dispose of A-files currently held to compensate for new incoming files. To retain A-files for fifty years after the last administrative action should, combined with electronic records and selected permanent case files, meet the administrative needs of the INS, although this is an issue which only the INS is fully capable of resolving.

For example, sampling of ten percent of all A-files along with a historical sampling of refugee, naturalization, and other unique case files would result in the retention of approximately 30% of the total volume of A-files currently held. As noted above, any retention of permanent records would most greatly impact the Northeast, Pacific Southwest, and Pacific Sierra Regional

Archives. Problems of space would have to be addressed. However, if a reduction in the retention period for non-permanent A-files went into effect concurrently, the associated NC units would be see a windfall in available space.

Clearly though, while the retention of approximately one-third of all case files is the most preferable, the issue of available space may result in a more selective sampling, perhaps by applying a higher rate of statistical sampling to certain classes of entrants.

Summary

Whatever is done, NC can ill afford to continue to accession A-files for another 25 years without disposal. Nor can NARA afford to ignore the presence of permanent records simply because they are scattered amongst a massive number of more routine files. The experience of the regional archives with the Chinese exclusion act case files is proof that researchers are interested in investigating not only individual immigrants but how immigration laws were applied to them, and that detailed individual files are of great value in researching immigrant communities. These files contain a level of information which is not replicated in electronic records. Policy records are of great importance, but the records which reflect the policies' implementation are also important. As historical studies of the creation and intent of immigration laws become more plentiful, researchers will continue to examine how these laws were actually enforced. To do this they must examine the laws as they were applied to individuals, something which is best documented by A-files.

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