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## Opening and Closing Gates in Cold War America: Foreign Policy and the Politics of Immigration Law<sup>1</sup>

### Introduction

Muhammed Schamiloglu was a tartar and a Soviet citizen. He fought with the Red Army from 1941 until 1945 when he was captured by the Nazis and brought to Germany as a prisoner of war. He was liberated few weeks after his deportation, as the Allies defeated the Nazi regime and eventually won the Second World War. When the US military administrative officers in charge of the operation asked for his nationality, Schamiloglu said he was a Turk born in Istanbul. He knew his facial traits could easily disorient those American bureaucrats who knew little about the ethnic composition of the USSR. Therefore, he intentionally hid his citizenship to avoid returning to the Soviet Union. Schamiloglu's strategy worked. He was granted the status of "displaced person," a category created after the Second World War to identify millions of Europeans living outside their countries of origin who could not return home, and was allowed to remain in Germany (see Salvatici 108; Cohen "Naissance d'une nation"; Gatrell 35-50).

In 1950, as the war in Korea started, the USA approved an amendment to its 1948 law on refugees allowing the relocation of several Soviet citizens wanting to escape their country of origin (Porter 666). When the news spread, Schamiloglu disclosed his citizenship status hoping that doing so would give him the chance to move across the Atlantic and begin a new life in the USA. As a Soviet citizen during the war, and as someone who had been forcibly enlisted in the Soviet Army, he should have been authorized to move to the United States under the country's new law provisions. However, he was (and looked) an Asian. Being admitted to the USA was harder for him than for white Europeans. The national origin quota system established in 1924 was still in place, and it would be for another 15 years.

The Chinese Exclusion Act approved in 1882 was repealed only in 1943, and Asians would not qualify for naturalization until 1952. Because of his ethnicity, he was initially denied permission to settle in the USA until his case was litigated and won in court a few years later (Salvatici 108).

Muhammed Schamiloglu's experience tells in a nutshell one side of the story of how the Cold War impacted on US immigration policy – as the country committed to its leadership role of the democratic world – and how it did not, because of long-standing prejudices, concerns, and debates on the nation's identity (the other side of the story, as will be analyzed, is that in the name of Cold War anti-communism the USA selected people's entries based on their ideological beliefs). Someone like him could qualify as the perfect candidate to play the role of the “escapee” from the Soviet enemy looking for a better future in the USA. However, he was also targeted by long-standing restrictive rules of admission based on a racist ideology.

Given the strong and sometimes paradoxical connection between the Cold War and US immigration policy, more attention needs to be paid to the issue. *The Cambridge History of the Cold War*, one of the most comprehensive collections of Cold War studies, includes only one essay on global migration. The author, Matthew Connelly, a scholar of transnational history, challenges the usefulness of the Cold War geopolitical paradigm to explain transnational phenomena such as migration. He contends that the international movement of people has far more enduring and deep consequences on the countries of departure and arrival than the periodization of diplomatic history suggests. While it is hard to argue with this point it is also true that the movements of people are regulated by state decisions (including through bilateral and international agreements), as states are the ultimate decision-makers on whom to include, exclude, or deport from their borders (see Sayad).

While the 1950 amendment committed to open US borders to refugees from communist countries in the name of the ideological confrontation with the Soviet Union, anti-communist ideology and the defense of national security<sup>2</sup> brought at the same time to a more selective policy on entries based on the ideology of the applicants. The coexistence of these features reveals the Janus nature of US immigration policy, and of the politics of the USA in its confrontation with the Soviet Union. Moreover, while the

histories of migration flows do not follow the conventional periodization of the geopolitical dimension of the Cold War, most of them refer to a “post-Cold War” scenario as a distinctive framework for the analysis of migration patterns, thus suggesting that the end of the bipolar system brought some novelty as far as international migrations are concerned (de Haas, Castels and Miller 127-38).

Largely based on the historiography on the subject, this essay reflects on the link between US immigration policy as it was shaped by debates over race, ethnicity, gender, and class since the early twentieth century, and the constraints imposed by the Cold War geopolitical and ideological paradigm (including those derived from its demise as a consequence of *détente*) from its beginning in 1946 until its end in 1989. It does so on the ground of two of the most useful and powerful perspectives recently adopted by immigration historians in the United States. The first is that immigration policy is a foreign policy issue as well as a domestic policy one. Foreign policy decisions, from going to war against a country to imperial expansion to signing international agreements, greatly impact on the movement of people (see Gabaccia; Young; Wu; Marinari, “Migration” 421-22).

The second perspective prompts a rethinking of the phenomenon of “immigration,” a word that evokes stillness and stability, as “migration,” a word that evokes movement and temporariness. In other words, to fully grasp the meaning of immigration policy one needs to consider the experience of all the “people on the move” using a comprehensive analytical framework, which includes so-called “economic migrants,” refugees, permanent and nonpermanent migrants reaching or trying to reach a country (in this case, the USA). Political decisions determine how individuals migrate and the duration of their sojourn in a foreign nation. The classifications of “immigrant” and “nonimmigrant” are merely outcomes of yet another arbitrary operation (Sassen 2-6; Gatrell 16-17; de Haas, Castels, and Miller 21-41). Therefore, all rules of admission – including those to manage temporary entries such as the ones for educational purposes – will be considered as part of US immigration policy.

This essay is divided into three parts. The first one shows how the imperatives of the Cold War era influenced immigration policies, leading

to the exclusion of individuals based on their ideological convictions. The second one examines how the same imperatives created fresh opportunities for migration to the USA, emphasizing the role of refugee policies as a foreign policy instrument in relation to the Soviet Union. The third part concentrates on the transformations in immigration policy during the 1970s, coinciding with a period of *détente* in the Cold War, and highlights the influence of the Helsinki process on the United States.

### Dissent and Exclusive Immigration Policies in Cold War America

The beginning of the Cold War offers a useful starting point to analyze how foreign policy goals contribute to open US borders as well as to close them. Since the late 1940s, the country put in place a set of regulations designed to welcome refugees from communist countries. At the same time, and especially since the 1950s, Congress passed laws to target specific groups of people or individuals whose beliefs were considered threatening to the country's national security. Those laws established a tight legal frame that ended up being difficult to navigate for the very authorities that enforced it, spurring constant debate among those policymakers who wanted American gates to be more open to "enemies" as a way of showing them – and the world – the benignity of the country, and those who wanted to close borders to show how "hard on communism" and committed to the defense of national security Americans were.

As stated in diplomat George Kennan's Long Telegram in 1946 and believed by policymakers and intellectuals for decades since the doctrine of "containment" was launched in 1947, communism was a disease that could easily spread unless halted by powerful advocates of democracy such as the US government. In the interest of national security, the United States should not only confront the Eastern bloc but also work towards diminishing the influence of communist parties within its borders and among its NATO allies (see Gleason).

We have comprehensive accounts of how US anti-communism functioned as a tool of control inside the national borders (see Selverstone; Engerman 20-43). In 1947, President Truman established a Loyalty

Review Board to conduct background checks on government officials. Between the end of the 1940s and the beginning of the 1950s Senator Joseph McCarthy, the House Commission for Un-American Activities (HCUA) and the FBI accused intellectuals, activists, government officials, and artists of communist sympathies and propaganda. They put them on public trials to show the magnitude of the anti-communist fight, not without questions and protests by civil rights defenders. As during the first “Red Scare” some thirty years earlier, policymakers thought that the best way to fight against all forms of radicalism – in this case, communism – was to treat them as imported ideologies that did not belong to the US democratic tradition. It happened in 1903 with the Anarchy Exclusion Act in the context of a global anti-anarchist fight, and it was restated by the introduction of a deportation clause in the Immigration Act of 1924, which eventually targeted a small group of anarchists and communists, and it happened during the Second World War, with the approval of the Alien Registration Act of 1940, also known as the Smith Act (Ong Hing 72-73).

However, the legislation approved during the McCarthy era openly connected being a “communist” and being an “alien” for the first time (Schrecker xiii). In 1950, Senator Patrick McCarran (D-Nevada), a Catholic, a fervent anti-communist and an advocate for immigration restriction, introduced the bill that would become the Internal Security Act after Congress overrode President Truman’s veto in late September 1950. Sections 22-30 brought about changes to the immigration and naturalization laws, impacting individuals already residing in the United States. It allowed for the detention and deportation of residents, and the denial of visas to non-immigrants who were or had been associated with the organizations specified in the Act.<sup>3</sup> Two years later, McCarran introduced a new bill in the Senate that retained the 1924 Immigration Act’s national origins quota targeting migrants from Eastern and Southern Europe while granting a quota to the countries of the Asia-Pacific region as well as revising several other measures. Soon after, Representative Francis Walter (D-Pennsylvania) introduced a similar bill in the House. After a tight discussion that took place among several advocacy groups, the McCarran-Walter Act was approved in 1952. As Maddalena Marinari has suggested, the original intent of the McCarran-Walter Act regarding

the geographical origins of applicants was gradually eroded. This occurred through the introduction of various measures by lawmakers who supported a more lenient approach to immigration policy. These measures aimed to safeguard refugees and orphans, as well as facilitate the process of reuniting families (Marinari, "Divided and Conquered" 31-32).

Regarding the selection criteria based on ideology, the McCarran-Walter Act prohibited the entry of aliens into the United States who were associated with or had a history of being anarchists, communists, or affiliated with any other totalitarian party within the five years prior to applying for a visa. This exclusion applied if their affiliation was voluntary according to section 202 of the Act.<sup>4</sup> The McCarran-Walter Act retained the term "totalitarian," which was already included in the Internal Security Act, without providing a specific definition for it. The first listed "fascist, Nazi, communist" parties as totalitarians, while the McCarran-Walter Act – avoiding explicit definition – intended to target communists only. As Truman said when he vetoed the Internal Security Act before Congress would override it, the term could prove problematic:

after all, until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet, section 22 would require that. In one instance, it is clear that under the definitions of the bill the present government of Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other non-official travelers who support the present government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security. ("Veto of the Internal Security Bill").<sup>5</sup>

That danger was avoided but issuing visas to foreign communist sympathizers would, from then on, prove controversial (as in the case of Charlie Chaplin, whose visa's renewal was denied in 1952) and highly discretionary.

Advocates of civil rights such as the American Civil Liberties Union (ACLU) challenged the Smith Act and the McCarran Act on several

occasions. The cases of some people facing deportation on the ground of their political beliefs were brought to the Supreme Court, which made it more burdensome for lower courts to command the deportation of non-citizens. However, the visa-granting process remained untouched. Despite a few exceptions (newspaper reporters or intellectuals such as the Italian writer Alberto Moravia who was deemed too left-leaning to receive a visa in 1951, but was granted one in 1955 and travelled to the USA on multiple occasions thereafter), issuing visas to communist sympathizers, affiliates or supporters who were not representatives of a foreign institution continued to be a hard task up until the end of the 1970s, when US immigration policy was partly transformed by the Helsinki Final Act of 1975. Even as the nation opened its gates in the Kennedy-Johnson era to relaunch the role of the USA in the world arena as a harbor of anti-communist dissenters and refugees from conflicts as an anti-communist tool, America did not welcome potential dissenters. Nonetheless, as will be analyzed in section 3, starting from the 1960s, the policy of ideological exclusion became harder to defend in front of the American and the foreign public opinion. As the Cold War consensus crumbled, the USA had to face the limits of this set of rules.

### Opening Borders as an Instrument of Diplomacy: Refugee Admission and the Dismantling of the National Origin Quota System

According to many historians, the primary influence of the Cold War on US immigration policy can be observed in its significant impact on the refugee admission system (see Bon Tempo; Keely 303-14; Daniels 113-28).

The Second World War left Europe in disarray. Besides the unprecedented number of civilian deaths, cities and villages virtually destroyed, poverty, and the spread of illnesses, one of the most serious legacies of the war were the millions of Europeans who found themselves outside of their countries of origin because of forced removals (Judt 23). How to deal with these “displaced persons” became, together with the redefinition of borders, one of the Allies’ first concerns. During the United Nations Assembly

organized in London in October 1945, the US and Soviet delegations had an animated debate around what to do with “displaced persons” who did not want to return to their countries of origin, with Eleanor Roosevelt at its forefront (Baritono 427-46).

With the descent of the Iron Curtain upon Europe, the Soviets worried that numerous individuals would be reluctant to return to Eastern Europe, given its post-war circumstances that were of particular concern. Retrospectively, that was one of the first superpowers’ Cold War debates, and one of the moments that defined the features of the post-war world (see Cohen, *In War’s Wake* 13-33). However, it was only starting from the mid-1950s, at the height of the confrontation, that a distinct image of the “ideal refugee” in the “first world” admission system emerged: a (white) European fleeing a communist regime in search of freedom in the Western world (see Trachtenberg; Leffler and Painter; Hogan).

The USA contributed a great deal to building this definition by increasingly tightening the connection between its refugee admission system and the Cold War ideological confrontation, and by showing “kindness” to a selected group of (preferably white) people coming from socialist countries (see Loescher and Scanlan). In light of the lingering impact of the Second World War and the significant failure to provide refuge for Jews fleeing persecution, US Congress enacted a series of laws aimed at alleviating restrictions in the country’s immigration policies. In 1946, some restrictions on Asian immigration were relaxed, and in 1948, the Displaced Persons Act was approved (later amended in 1950). These legislative measures signaled a shift towards a more open approach to immigration altogether, in line with the Cold War internationalism embraced by President Harry Truman (see Marinari “Divided and Conquered”), but did not redesign the refugee admission system *per se*. The first step in that direction was the approval of the 1948 Refugee Relief Program (RRP), essentially codified to allow the entrance of European refugees coming from Germany and Italy to the United States. The RRP did not make explicit reference to communism. However, since 1952 the anti-communist spirit embodied in the Internal Security Act and the McCarran Act animated the enforcement of the program. People seeking to enter the USA as refugees were now subject to intense background scrutiny on their political activity by a subdivision of the State Department’s Bureau of



Security and Consular Affairs (BSCA). The review process was very strict, largely discretionary and openly elitist, leaving most of the power in the hands of bureaucrats that managed the applications (Bon Tempo 34-59; Zolberg 19-23).

The equation between “refugee and European and anti-communist” was therefore built within the Cold War framework, for the domestic purpose of maintaining the American liberal political identity and for the foreign policy purpose of becoming the sanctuary of freedom. The two more illustrative examples of how this policy played out are the programs to allow Hungarian refugees to the USA after the 1956 Soviet invasion of the country designed by Dwight Eisenhower, and John F. Kennedy’s policy of admitting refugees from Cuba after Castro’s socialist revolution (see Bradford; Current; Conde; Makodoro 65-82). Later, the refugee admission system (especially in the case of Chilean and Indochinese refugees) was based on concerns over the respect for human rights, and while partly challenging the notion of the “perfect refugee” it also reinforces its strength, as different positions over the admission of new refugees to the country coexisted until the end of the Cold War (Bon Tempo 133-66).

After the troops of Moscow invaded Hungary in 1956 to repress the local reform experiment, Eisenhower pushed his executive authority to the limits and authorized the admission to the USA of some 38,000 Hungarian citizens who had previously relocated to Yugoslavia and Austria (only 6,000 of them were admitted through the RRP). Allowing visas to refugees from a country invaded by Soviet tanks and deemed as “counter-revolutionaries” by all the parties of the world communist movement was a diplomatic move against the USSR – but accurately perceived as one that would not lead to a military escalation – and a message to the world. At the same time, it was an attempt by the US administration to force Congress to revise the most restrictive parts of immigration policy. The fact that Hungarians were white and Christians probably made Eisenhower’s move easier, as American public opinion was more open to welcoming them (see Bradford).

Race and class were key factors in managing the arrival of people fleeing socialist Cuba as well. According to historian Maria Cristina García, the overwhelming majority of migrants who left Cuba to reach the USA since 1959 was formed by white, educated political opponents of Fidel Castro.

Eisenhower, Kennedy and Johnson – the latter less willingly – all agreed on the political benefit that welcoming anti-Castroists would bring to the USA (see Conde; García 149-50; Current, 42-67).<sup>6</sup>

It was only in the late 1980s, when the Mariel Boatlift brought 125,000 people to the USA, that a more ethnically – and economically – diverse group of Cubans reached the country. The Mariel Boatlift was a turning point in the history of Cuban migration to the USA and a clear-cut example of how Cold War foreign policy goals could clash with other concerns affecting US society. In April 1980, using a well-established narrative, President Carter argued that the mere existence of political refugees from Cuba testified to the socialist failure.<sup>7</sup> Yet, when Castro allowed departures from Cuba to the USA from the port of Marie soon after, and numerous boats left the country directed to Florida, his administration quickly changed posture and became much more reluctant to open the borders. The press contributed to criminalizing the so-called Marielitos, describing them as troublemakers that the Cuban regime wanted to get rid of, instead of as people escaping for political reasons or “unable or unwilling to return to their homeland” because of “persecution or a well-founded fear of persecution,” as the Refugee Act of 1980 defined refugees.<sup>8</sup> The issue became a matter of diplomatic controversy between the USA and Cuba and was resolved only months later (see Jacklin; Peña; Skop). Moreover, the Mariel Boatlift incident exposed the limits of a Cold War dictated immigration policy that the text of the Refugee Act of 1980 still reflected (Cameron and Balajaran 203).

### Exchange, Détente, and the End of the Cold War

A final example on how the Cold War impacted on US immigration policy is the way in which the country adjusted its legislation on cultural and academic exchanges from 1946 until the approval of the Final Act of the Conference for Security and Cooperation in Europe (CSCE) in 1975, a turning point in the US decision to loosen its restrictions for temporary visas. Acknowledged as an important matter by Cold War historians (see Richmond; Arndt; Cull; Scott-Smith and Krappendam), migration

scholars – with a few exceptions (see Oyen) – have largely overlooked this issue. Yet, cultural exchanges imply the international movement of people for a determined amount of time, a movement subject to the countries' visa policies, a part of their immigration policy.

In 1946, Senator William J. Fulbright (D-Arkansas) introduced an amendment to the Foreign Expenditures Bill starting what would become the most well-known academic exchange program in the USA and abroad: the Fulbright program. It granted scholarships to a selected group of American students, researchers, and professors to spend some months abroad, and allowed foreigners to spend time in the USA for academic purposes. Based on bilateral agreements, the Fulbright program was open to both democratic and autocratic governments, friendly or unfriendly to the USA. One of the first countries to send students overseas was non-aligned Yugoslavia (see Konta). Since the late 1950s, intellectual exchange involved a very limited number of people coming from the Soviet Union as well (see Richmond). In 1971, as the USA and China re-opened diplomatic channels, Chinese students and academics were allowed to go to the USA too. Moreover, exchange students coming from allied countries were virtually exempted from the background checks imposed by the McCarran Act provided they were not communist activists (see Oyen). As recalled by many who benefited from the Fulbright scholarship, the experience was life-changing, though not always in the sense the US public diplomacy establishment might have expected (see Arndt and Rubin).

While the two policies of opening borders – refugee admission and cultural exchange – were indeed a foreign policy tool and followed a Cold War rationale, greater importance should be placed on the consequences that the CSCE had on the US immigration system. The conference, which took place in Helsinki from 1972 until 1975, was launched by the Soviets to freeze the Cold War and defend territorial sovereignty, as USSR Foreign Minister Andrei Gromyko contended. It involved representatives from all European countries except Albania, the United States, and Canada. Helsinki became the most important forum for East-West discussions, and the outcome of the conference would be of the utmost importance for the future of the Cold War and its eventual dismissal.

Basket Three of the Helsinki Final Act that set the standard for

the protection of human rights in all adhering countries became of paramount importance for dissenters in the USSR and its satellites as well as for advocates of detente in the United States and Europe. Basket Three explicitly mentioned three freedoms to be protected: the freedom of movement, especially as far as family reunification was concerned, the freedom of information, and the freedom of intellectual exchange. By signing the Helsinki accords, the United States had to face its immigration policy contradictions. If the three freedoms (movement, information, and intellectual exchange) were to be safeguarded, granting nonimmigrant visas to members of communist parties across the world became unavoidable.

According to a Memorandum sent by Secretary of State Cyrus Vance to President Carter on March 9, 1977, the Democratic administration was aware that the double standard on admitting foreign communists had become increasingly hard to justify. In 1975, for instance, the great majority of requests by people coming from communist countries was accepted (17,400 out of 18,200), while Western European communist or socialist party leaders and members, despite – or because – they came from friendly countries, were not.<sup>9</sup> The case of socialist economist Ernest Mandel is among the best known. Mandel, who had been invited to give speeches at several US universities, was denied a visa after a controversial procedure, and against the opinion of the Department of State. His case got to the Supreme Court, which upheld the choice of the lower courts.

Even more exemplary are the cases of two Italian communist leaders: Sergio Segre, head of the Italian Communist Party foreign section, and Giorgio Napolitano, head of the economic section of the party and future President of the Republic. In 1975 they were invited to travel to the USA and tour the country to give speeches at Harvard, Yale and other universities, as well as think tanks such as the Council on Foreign Relations. In both cases, at the request of the US Embassy in Italy led by John A. Volpe, the two were denied the chance to enter the country. The *New York Times* covered the story stressing the inconsistency of a Cold War policy that barred communists from entering the USA while allowing neofascists – as in the case of Italian leader Giorgio Almirante – to do so (see Schuster). Those who had invited Segre and Napolitano, university professors at Yale and members of the Council on Foreign Relations, unsuccessfully tried to appeal to Secretary of State Helmut Sonnenfeldt for a waiver.<sup>10</sup> Despite

their failure, the issue sparked a debate that would continue to resonate for years, and would be used as a tool to revise the McCarran Act in Congress a few years later. The revision resulted from the efforts of Congressmen like Dante Fascell (D-Florida), leader of the Congressional Committee for the implementation of the Helsinki Final Act, Senator George McGovern (D-South Dakota), and grassroots advocates. In August 1977, McGovern successfully reformed Subsection 28 of the McCarran-Walter Act by amending the Foreign Relations Authorization Act of Fiscal Year 1978. Under the so-called McGovern amendment, the Attorney General could grant “the approval necessary for the issuance of a visa” to aliens affiliated to a proscribed organization otherwise admissible “unless the Secretary determines that the admission of such alien would be contrary to the security interest of the United States.”<sup>11</sup>

However, the amendment did not offer the ultimate solution against exclusion on ideological grounds. Under the Reagan administration, artists, writers and political activists such as Chilean Hortensia Bussi de Allende, widow of Salvador Allende, exiled to Mexico after General Pinochet’s coup d’état and member of the World Peace Council, Italian General Nino Pasti, also a member of the World Peace Council, Italian actor and playwright Dario Fo and his wife, Franca Rame, were among the most prominent examples of how the USA could still bar entry to advocates of disliked ideologies. The State Department’s denial of visas to these well-known figures spurred an intense debate that involved civil rights associations, intellectuals and public opinion, just as much as it had since the mid-1970s (Kraut 188-92). What is worth noting, though, is that Bussi, Pasti, Fo and Rame were not excluded because of their membership to communist parties, not only because this would not be an acceptable reason under the McGovern amendment but also because they were not. Bussi was active in peace movements; Pasti had a fairly complicated relationship with the Italian Communist Party and was elected as an “independent” in its list in 1977; Fo and Rame had been long-time critics of communist parties, and were close to the Italian extra-parliamentarian left. Also worth noticing is that the only organization explicitly mentioned in the revision of the McGovern Amendment was the Palestinian Liberation Organization (PLO), whose members were barred from the USA because of

their Marxist-Leninist beliefs and their terrorist actions in the Middle East. Although the result was the same – the exclusion of advocates of suspect ideologies, namely communism in all its varieties – the choice of whom to exclude signals a fracture in the Cold War ideological confrontation that needs further investigation. While weakened, the McCarran Act remained in place until 1989, when a large part of it was repealed (see Daniels).

As President George H. W. Bush underlined while signing the most comprehensive reform of US immigration policy after the Cold War, the Immigration Act of 1990, the law revised “the exclusion grounds for the first time since enactment in 1952, putting an end to the kind of political litmus tests that might have excluded even some of the heroes of the Eastern European Revolution of 1989” (“Remarks”). The law made a distinction between immigrant and nonimmigrant visas, and it listed political activities – rather than beliefs – as possible causes for rejection. With limited exceptions, members of “totalitarian” – including communist – parties would be allowed to enter the USA (see Edwards).

The end of the Cold War, therefore, drastically limited the ideological dimension of US immigration policy. Initially, anti-immigrant sentiments combined with anti-global sentiments on the right of the political spectrum and targeted specifically people coming from Latin America. Things changed after September 11, 2001. Since then, people coming to the USA from the Middle East were subject to more intense scrutiny and background checks and a consistent number of Middle Eastern applicants was denied a US visa (Kraut 218-23).

The equation between Muslims and terrorists did not end in the early 2000s, as testified by recent policies put in place by the Trump administration. Yet, exclusion based on ideological grounds has been eclipsed with the end of the Cold War. Since the late 1980s, and especially with the beginning of the “unipolar moment,” the debate on immigration in the USA has revolved around economic, racial, and legal concerns. “Illegal” migrants are the most unwanted subjects of post-Cold War America (see Macías-Rojas; Bon Tempo 197-206).

## Conclusion

As Juan Lim and Maddalena Marinari have observed, inclusive and exclusive provisions have always coexisted – and purposely so – in the US legal immigration system (Lim and Marinari 49-52). Yet, the Cold War era had distinctive features that need further exploration. Its total character, its ideological dimension, the role the USA played in it, and the fact that the end of the Cold War led to the emergence of new conflicts and new issues over the question of immigration makes the Cold War a fertile ground of research on the management of immigration, in and beyond the paradigm of the superpowers' confrontation frame. Cold War imperatives played a key role in framing US immigration policy. Anti-communist concerns lay under the rejection of visas to non-US citizens because of their ideology and political activity in the early Cold War. As *détente* unraveled, the USA willingly decided to get rid of this policy and replace it with a new one, despite the survival of part of its rationale (excluding dissenters). At the same time, eager to present itself as the linchpin of the liberal-democratic world, a place where respect for civil liberties was guaranteed, the USA established refugee programs to welcome people coming from the socialist bloc, and adapted to the new paradigm of the 1970s as human rights acquired a primary role in the international agenda. These issues coexisted from the beginning to the end of the Cold War, when a new set of rules, based on a new set of principles, was adopted.

Despite the complex architecture of international law that guarantees protection under certain circumstances to specific groups of migrants (refugees), and despite some regional bodies trying to provide supranational legal frameworks applicable to all its members as the European Union has, managing migration is still largely a state matter. Therefore, while migrations and migrants force us to rethink a state-centered narrative of historical phenomena and adopt transnational frameworks instead (see Goodman), a state-centered analysis and a diplomatic history perspective can still be relevant to explaining policymaking, especially when thinking of the role played by the USA during the Cold War.

As the story of Muhammed Schamiloglu shows, the interplay of foreign and domestic policy paints a multi-faceted and complicated picture of how

the USA managed (and manages) its immigration system. Exploring the link between US immigration policy and how the Cold War contributed to shaping it can help us broaden our knowledge in both fields of immigration history and Cold War studies.

## Notes

<sup>1</sup> I wish to thank Maddalena Marinari for her thoughtful comments on earlier versions of this essay.

<sup>2</sup> To complicate the picture, race still played an important role in deciding whom to welcome to the USA. While Eastern Europeans fleeing communist regimes were allowed protection, Asians escaping after the Chinese revolution of 1949 were still subject to strict – and racist – rules.

<sup>3</sup> Internal Security Act of 1950 (McCarran Act), <[https://www.law.cornell.edu/topn/internal\\_security\\_act\\_of\\_1950](https://www.law.cornell.edu/topn/internal_security_act_of_1950)>.

<sup>4</sup> Immigration and Nationality Act of 1952, <<https://immigrationhistory.org/item/immigration-and-nationality-act-the-mccarran-walter-act/>>.

<sup>5</sup> Veto of the Internal Security Bill, September 22, 1950, <<https://www.trumanlibrary.gov/library/public-papers/254/veto-internal-security-bill>>.

<sup>6</sup> In 1960 Eisenhower invoked the Mutual Security Act to assist them in resettling to the USA, thus granting them the refugee status. Kennedy continued this path by establishing the Cuban Refugee Program and assisting unaccompanied minors migrating to the USA in the so-called “Operation Peter Pan.”

<sup>7</sup> See for instance Jimmy Carter’s “Cuban Refugees in the Peruvian Embassy in Havana White House Statement.”

<sup>8</sup> 94 Stat. 102 Public Law 96-212, Mar. 17, 1980, <<https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf>>. See also Kennedy 1981.

<sup>9</sup> Jimmy Carter Presidential Library (JCPL), Plains File, Subject File, Secret Service, 2/77-11/80, Box 37, State Department Memorandum from Vance to Carter, March 9, 1977.

<sup>10</sup> National Archives and Records Administration (NARA), College Park (MD); RG 59, Department of State, Office of the Counselor, Helmut Sonnenfeldt, Country and Subject Files, 1973-1976, A1 5339-A, Germany 1976 THRU Presidential Transition 1974, Box 4, Italy, July 1976.

<sup>11</sup> H. R. 6689 (95th): Foreign Relations Authorization Act, Fiscal Year 1978. <<https://www.govtrack.us/congress/bills/95/hr6689>>.



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