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MRS. MARGIE E. FLEISCHBEIN
EXECUTIVE SECRETARY

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Hon. Michael A. Feighan
House of Representatives
Washington, D.C.

My dear Congressman Feighan:

This letter is submitted by the Federation of American Scientists as a statement in support of H.R. 2580, a bill to amend the Immigration and Nationality Act.

The members of this Federation, as scientists and as citizens, have a special interest in the laws which govern the movements of scientists to our shores. Such laws have a direct impact on the vitality of our national effort in a great many areas of research since science--both basic and applied--must constantly have fresh and novel insights into its problems. It is clear that the U.S. scientific effort has benefited immeasurably from the many talented foreign scientists who have worked temporarily or permanently in this country during the past several decades. It is clear, too, that because of various restrictive provisions in the present Immigration and Nationality Act, others were denied the opportunity to make similar contributions.

Consider the following two very recent cases which illustrate well the urgent need for changes in the present law. First is Dr. X, born in the Union of South Africa, a country which, because it receives the minimum number of quota visas per year (100), has a large backlog of applicants for immigration visas. Dr. X is one of the world's leading theoretical nuclear physicists and is now, happily, a key member of the senior staff at a University of California laboratory supported by the Atomic Energy Commission.

In 1963 Dr. X held a chair at a leading British university and was invited to join the staff of the AEC-supported laboratory and the Department of

Physics at the University of California. He accepted the offer and resigned his chair, intending to accept the offer and emigrate to this country. But Dr. X could not secure an immigrant's visa because the South African quota was over-subscribed. The embarrassment of the University, of the Laboratory, and of those scientists who had arranged the appointment was acute. It developed, however, that because the host laboratory was AEC-supported, Dr. X could enter on a temporary basis and then wait "on probation" for an opening in the South African quota.

Had there not been an AEC-supported laboratory involved, or had Dr. X declined to wait several years for a quota opening -- or had Dr. X been born in a country whose quota was even longer over-subscribed then South Africa's -- the United States would have lost a scientist of major importance.

A second illustrative case is that of a recent graduate student, Dr. Y, presently on the theoretical physics staff of the Saclay Laboratory near Paris, France. Though he has been offered a permanent position at that laboratory, he would like to return to a university faculty position in the United States. As a Korean, he faces considerable difficulties under the present immigration law, so especially restrictive against Oriental persons. Because of restrictions on quota visas, Dr. Y can most feasibly get an immigration visa (other than a temporary visa) by qualifying for a "preferred status" -- a category available only when a prospective employer in the United States petitions the Attorney General alleging that the services of an alien are "urgently needed." Dr. Y's efforts to accept an offer from an Eastern university were frustrated recently when university representatives maintained (probably incorrectly), that it would be necessary for the university president to make a special trip to Washington, D.C. to secure the visa and that such a trip would be warranted only for prospective full professors.

If H.R. 2580 were law, the above difficulties would have been doubly circumvented: first, H.R. 2580 eliminates the special "Oriental exclusion" features of the present law; second, H.R. 2580, in its Secs. 10 and 11, makes less cumbersome the petitioning procedure and simplifies the criteria for preferential status by virtue of high education and skills. To require, as under present law, that only a prospective employer can file the necessary petition, is unnecessarily restrictive, and paragraph 5 of Sec. 11 would permit the highly-skilled prospective immigrant to file his own petition for preferred status.

Another valuable reform in H.R. 2580 is the relaxation of the existing blanket exclusion of persons with any of a wide range of mental deficiencies. The existing approach denies to this country, for example, the services of a needed foreign scientist with a mentally-retarded child. We agree with the goal of Sec. 17 of H.R. 2580 to make it possible flexibly to deal with the problem, subject to control by the Attorney General and the Surgeon General.

Thus, we strongly endorse the bill under consideration and we will welcome its passage. Its reforms will add strength to scientific research in the United States.

As welcome as are its reforms, the present bill leaves serious problems unresolved. H.R. 2580 does not affect the present excessive emphasis on the morality and the past organizational affiliations of applicants. We have shared the embarrassment of distinguished foreign colleagues who are subjected to questions about non-intention to commit immoral sexual acts. We have shared their annoyance at the necessity of securing from police departments in the numerous cities over the world where they have lived the required affidavits that they have had no criminal records.

In October, 1952, Dr. V. F. Weisskopf, then chairman of the FAS Visa Committee, published in the Bulletin of Atomic Scientists an analysis of visa difficulties of foreign scientists together with illustrative cases. A copy of that article, unfortunately still pertinent, is attached hereto together with a subsequent commentary in the March 1954 issue of the Bulletin. Since the time of Dr. Weisskopf's articles, the visa problems of foreign scientists seem to have been somewhat ameliorated, apparently because of a more sophisticated and sensible application of the regulations by our consular officials. In part, the apparent improvement may be the result only of a decrease in applications from foreign scientists who, once rebuffed, may be unwilling to try again. But aside from minor changes in the regulations and procedures (removal of fingerprinting requirements and hand-raised swearing to truth of statements in non-immigrant visa applications), there still remain restrictive language and provisions that place a substantial burden on consuls abroad. Especially with respect to invitations to scientists from Communist countries, there is difficulty in proceeding through the labyrinth of conditions imposed by the United States, and to be sure equally tortuous hurdles imposed by the home country.

As international scientific travel has become increasingly important over the past two decades, the regulations of most Western countries have become less oppressive. Many countries have adopted reciprocal agreements eliminating visas altogether if there is a valid passport. Unfortunately, the U.S. visa regulations during this period have remained, for the most part, static. We are placed in an increasingly unfavorable position for attracting not only individual scientists, but international scientific conferences as well.

We urge Congress now to pass H.R. 2580, but to do so with the realization that it is but the first of many needed changes in our immigration laws.

Very truly yours,

Daniel M. Singer
General Counsel for the
Federation of American Scientists
and its Passport and Visa
Committee

Enclosures