

RELATING TO THE STATUS OF CERTAIN NATIVES AND INHABITANTS OF THE VIRGIN ISLANDS

FEBRUARY 24, 1943.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. MASON, from the Committee on Immigration and Naturalization,
submitted the following

REPORT

[To accompany H. R. 1573]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 1573) to amend certain provisions of the immigration and naturalization laws so as to permit of the adjustment of the status of certain natives and inhabitants of the Virgin Islands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to permit of the adjustment of the status of certain natives and inhabitants of the Virgin Islands.

GENERAL INFORMATION

An identical bill, H. R. 6858, was introduced in the Seventy-seventh Congress at the request of the Secretary of the Interior. Representatives of the Departments of Justice and the Interior appeared at the public hearing held by the committee and fully explained the purpose of the bill. As indicated in the letter of the Attorney General, the purpose of the bill is to revive and clarify the laws relating to the status of various natives and inhabitants of the Virgin Islands.

As the bill is rather technical in nature, it is deemed advisable to include in this report a section-by-section analysis.

Section 1 of the bill adds a new subsection to section 1 of the act approved February 25, 1927 (44 Stat. 1234).

The section of the law which is being amended declares the classes of persons referred to in subdivisions (a), (b), (c), and (d) to be citizens of the United States. Subdivision (e) will declare an additional class

of persons to be citizens, the said class being natives of the Virgin Islands who, on the date the act becomes effective, are residing in the continental United States or any Territory or insular possession of the United States, and who are not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917. Stated differently, the proposed legislation is intended to cover the cases of those natives of the Virgin Islands who, because of failure to meet the residential requirements of the present subdivisions of that section, cannot be regarded as citizens of the United States.

Section 2 of the bill provides for the reviving of section 1 of the act approved June 28, 1932 (47 Stat. 336), and for the repeal of section 2 of the said act.

Briefly stated, section 1 of the said act provided that natives of the Virgin Islands, who were residing in a foreign country on June 28, 1932, should for the purpose of the Immigration Act of 1924, as amended, be considered as nonquota immigrants for the purpose of admission to the United States. It further provided for a number of exceptions in the qualifications for admission under the basic exclusion laws. Section 2 limited the operation of all these exceptions to a period of 2 years after the enactment of the act, June 28, 1932. As stated, section 2 of H. R. 1573 would make permanent the provisions contained in section 1 of the act of June 28, 1932.

Section 3 of the bill is designed to amend section 2 of the act of February 25, 1927 (44 Stat. 1234). However, the reference to amending the section is a misnomer because section 2 of the act, by its own terms, expired within 1 year after the effective date of the act, or on February 24, 1928, because the act was effective from the date of its enactment, February 25, 1927. So, in reality, section 3 of H. R. 1573 must be considered reenacted legislation. For the year in which it was operative, section 2 of the act of February 25, 1927, provided, in substance, for the naturalization of certain classes of natives of the Virgin Islands, and also other persons who on January 17, 1917, resided in the Virgin Islands and who were residing in those islands on February 25, 1927, upon full and complete compliance with all provisions of the naturalization laws except the requirement of making a declaration of intention to become a citizen.

The amendment provides, in substance, without time limitation, that all natives of the Virgin Islands who have been or may be admitted to the continental United States, any Territory of the United States, the Virgin Islands of the United States, or Puerto Rico, as nonquota immigrants, and who are not citizens or subjects of any foreign country, if not ineligible to citizenship, may upon full and complete compliance with all other provisions of the naturalization laws be naturalized without making a declaration of intention.

Section 4 of the bill is designed to amend the qualifications for registry under the original act of March 2, 1929, as amended (54 Stat. 1151), now incorporated into section 328 (b) of the Nationality Act of 1940. The present qualifications for registry require the alien to show that he (1) entered the United States prior to July 1, 1924; (2) has resided in the United States continuously since such entry; (3) is a person of good moral character; and (4) is not subject to deportation.

The only changes made are that qualifications (1) and (2) are combined, and, insofar as aliens who have entered the Virgin Islands are concerned, the entry could have occurred at any time prior to July 1, 1938, instead of July 1, 1924. Residence in the islands since that time is required. The good-moral-character qualifications are retained and the provision that the applicant is not subject to deportation continues in effect except insofar as it relates to persons who were inadmissible into the Virgin Islands at the time of entry, which must have occurred prior to July 1, 1938. This section has been put in the bill because, although we took the Virgin Islands over in 1917, we did not actually begin to enforce the immigration laws until 1938. It would be, therefore, most inequitable not to adjust the status of persons who entered the islands between 1917 and 1938 without compliance with the immigration laws when the Government itself did not furnish any machinery for the examination of persons under the immigration laws.

Section 5 of the bill is designed to amend clause (1), subsection (b) of section 342 of the Nationality Act of 1940 (54 Stat. 1137, 1161). The pertinent clause provides for a registration fee of \$18. The amendment exempts from the payment of the fee any alien applicant seeking registry who entered the Virgin Islands prior to July 1, 1938, and has resided continuously in the islands since such entry.

A letter dated March 20, 1942, from the Secretary of the Interior to the Speaker of the House, and a letter dated May 23, 1942, addressed to the chairman of the House Committee on Immigration and Naturalization by the Attorney General read as follows:

MARCH 20, 1942.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I am transmitting herewith a draft of bill relating to the status of certain natives and inhabitants of the Virgin Islands.

I recommend that the bill be enacted.

Subsequent to the acquisition of the Virgin Islands several statutes were enacted by the Congress to confer citizenship upon certain natives of the islands who did not acquire this status when the islands were purchased (see 8 U. S. C., 1934 ed., sec. 5b). In addition, statutory provision was made for the admission as nonquota immigrants of natives not residing in the United States or its Territories or insular possessions and for naturalization of such persons (see 8 U. S. C., 1934 ed., secs. 204a, 204b, 377a). Despite this legislation, there are still a small number of natives of the islands who are not citizens of any country, and sections 1 to 3, inclusive, of the bill would attempt finally to remedy this situation by again putting into effect provisions similar to those embodied in statutes formerly enacted.

Prior to July 1, 1938, there did not exist adequate means for the enforcement of the immigration laws in the Virgin Islands. Many aliens who entered before July 1, 1938, and who now reside in the islands were unaware of the requirements of these laws and now would be unable to return if they left the islands to visit their original homes. Sections 4 and 5 of the bill would permit such persons to secure reentry permits.

The enactment of the bill would accomplish a much-needed clarification of the law, relieve hardship in a number of cases, and remove many administrative difficulties. A memorandum analyzing the bill in detail accompanies this report.

I have been advised by the Director of the Bureau of the Budget that there is no objection to the presentation of this legislation to the Congress.

Very truly yours,

Secretary of the Interior.

MAY 23, 1942.

HON. SAMUEL DICKSTEIN,
*Chairman, Committee on Immigration and Naturalization,
 House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department relative to a bill (H. R. 6858) relating to the status of certain natives and inhabitants of the Virgin Islands.

The purpose of the bill under consideration is to revive and clarify the laws relating to the status of various natives and inhabitants of the Virgin Islands and to relieve certain hardships.

Under existing law, natives of the Virgin Islands are citizens of the United States if they were in the United States, or any Territory or possession of the United States on June 28, 1932, or if they were born in the Virgin Islands subsequent to January 17, 1917 (U. S. C., title 8, sec. 5b). By the act of June 28, 1932 (U. S. C., title 8, sec. 204a and b), natives of the Virgin Islands who resided outside the islands or the United States on the date of the enactment of that act were made nonquota immigrants. That act, however, expired on June 28, 1934. A law which permitted certain natives of the Virgin Islands who were citizens of other countries to become naturalized without the necessity of filing a declaration of intention expired on February 25, 1928 (U. S. C., title 8, sec. 377 (a)). Moreover, a record of registry for permanent residence of a person in whose case there is no record of admission for permanent residence may be made only for those persons who entered the United States prior to July 1, 1924 (U. S. C., title 8, sec. 729 (b)).

There is at present in the Virgin Islands a group of natives who are not citizens of the United States. This group is comprised of persons who were born prior to January 17, 1917, and who were abroad on June 28, 1932.*

The bill under consideration would confer citizenship on all natives of the Virgin Islands who are in the continental United States or in any Territory or possession of the United States at the time of the enactment of the bill (sec. 1). It would also make all natives of the Virgin Islands who are not citizens or subjects of any other country and who, at the time of the enactment of the bill, are neither in the continental United States nor in any Territory or possession of the United States nonquota immigrants in the event they desire to return (sec. 2). Section 3 would waive the provision of the naturalization laws requiring a declaration of intention in respect of all natives of the Virgin Islands who are admitted to the United States as nonquota immigrants. Section 4 of the bill would permit a record of registry to be made for anyone who entered the Virgin Islands of the United States prior to July 1, 1938, and who has resided in the Virgin Islands continuously since the time of entry, if such person is of good moral character and is not subject to deportation. The \$18 fee for record of registry would be waived in respect to these persons (sec. 5).

The objectives of the measure appear to be desirable and, accordingly, I find no objection to its enactment.

Sincerely yours,

Attorney General.

The committee unanimously recommend that the bill do pass.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by this bill are shown as follows (existing law in which no change is made is printed in roman; omitted matter is printed within black brackets; the new matter is printed in italics):

The act of February 25, 1927 (44 Stat. 1234):

SECTION 1

That the following persons and their children born subsequent to January 17, 1917, are hereby declared to be citizens of the United States:

(a) All former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and are now residing in those islands or in the

United States or Puerto Rico, and who did not make the declaration required to preserve their Danish citizenship by article VI of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration, have heretofore renounced or may hereafter renounce it by a declaration before a court of record.

(b) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands, and are now residing in those islands or in the United States or Puerto Rico, and who are not citizens or subjects of any foreign country.

(c) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the United States and are now residing in the Virgin Islands of the United States, and who are not citizens or subjects of any foreign country (44 Stat. 1234; U. S. C., title 8, sec. 5b).

(d) All natives of the Virgin Islands of the United States who are, on the date of enactment of this subdivision, residing in continental United States, the Virgin Islands of the United States, Puerto Rico, the Canal Zone, or any other insular possession or Territory of the United States, who are not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917 (Act of June 28, 1932, 47 Stat. 336; U. S. C., title 8, sec. 5b (d)).

(e) *All natives of the Virgin Islands of the United States who on the effective date of this subdivision (e) are residing in the continental United States or any Territory or insular possession of the United States and who are not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917.*

The act approved June 28, 1932 (47 Stat. 336):

SECTION 1

That a native of the Virgin Islands of the United States who is now residing in any foreign country shall for the purpose of the Immigration Act of 1924, as amended, be considered as a nonquota immigrant for the purposes of admission to the United States; but shall be subject to all the other provisions of that Act and of the immigration laws, except that—

(a) *He shall not be subject to the head tax imposed by section 2 of the Immigration Act of 1917;*

(b) *He shall not be required to have a passport or immigration visa;*

(c) *If otherwise admissible, he shall not be excluded under section 3 of the Immigration Act of 1917, unless excluded under the provisions of that section relating to—*

- (1) *Persons afflicted with a loathsome or dangerous contagious disease;*
- (2) *Polygamy;*
- (3) *Prostitutes, procurers, or other like immoral persons;*
- (4) *Contract laborers;*
- (5) *Persons previously deported; or*
- (6) *Persons convicted of crime.*

[SEC. 2. The foregoing provisions of this Act shall not apply to any such alien after the expiration of two years following the enactment of this Act.]

[SEC. 3.] *SEC. 2.* An alien admitted to the United States under this Act shall not be subject to deportation on the ground that he has become a public charge.

[SEC. 4.] *SEC. 3.* Terms defined in the Immigration Act of 1924, as amended, shall, when used in this Act, have the meaning assigned to such terms in that Act.

[SEC. 5.] *SEC. 4.* Section 1 of the Act entitled "An Act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto," approved February 25, 1927, is amended by adding at the end thereof the following:

"(d) All natives of the Virgin Islands of the United States who are, on the date of enactment of this subdivision, residing in continental United States, the Virgin Islands of the United States, Puerto Rico, the Canal Zone, or any other insular possession or territory of the United States, who are not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917."

The act approved February 25, 1927 (44 Stat. 1234).

SEC. 2. All natives of the Virgin Islands of the United States who have been or may be admitted to the continental United States or to any Territory of the United States, the Virgin Islands of the United States, or Puerto Rico as nonquota immigrants

and who are not citizens or subjects of any foreign country, if not ineligible to citizenship, may upon petition and upon full and complete compliance with all other provisions of the naturalization laws be naturalized without making a declaration of intention.

The Nationality Act of 1940, as amended (54 Stat. 1137):

SECTION 328

(b) Registry of aliens at ports of entry required by subsection (a) of this section may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner, in accordance with regulations prescribed by the Commissioner, with the approval of the Attorney General, that such alien—

(1) entered the United States prior to July 1, 1924, and has resided in the United States continuously since such entry, or entered the Virgin Islands of the United States prior to July 1, 1938, and has resided in such islands continuously since such entry;

(2) is a person of good moral character; and

(3) is not subject to deportation, but this clause shall not relate to inadmissibility at time of entry into the Virgin Islands of the United States.

The Nationality Act of 1940, as amended (54 Stat. 1137):

SECTION 342 (b)

(1) For application for record of registry, \$18, except that no fee shall be charged and collected in the case of an alien applicant who entered the Virgin Islands of the United States prior to July 1, 1938, and has resided continuously in the islands since such entry.

