

CITIZENSHIP OF NATIVES AND INHABITANTS OF THE
VIRGIN ISLANDS

JUNE 3 (legislative day, MAY 28), 1940.—Ordered to be printed

Mr. TYDINGS, from the Committee on Territories and Insular Affairs,
submitted the following

REPORT

[To accompany S. 3582]

The Committee on Territories and Insular Affairs, to whom was referred the bill (S. 3582) relating to the status of certain natives and inhabitants of the Virgin Islands, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The action of the committee is based upon the recommendations of the Secretary of Labor and the Secretary of the Interior, as indicated by the following letters to the chairman of the committee, and the amendments to the bill are in accordance with their suggestions. The letters are as follows:

DEPARTMENT OF LABOR,
Washington, April 2, 1940.

HON. MILLARD E. TYDINGS,
*Chairman, Committee on Territories and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR TYDINGS: You have requested a report on S. 3582, a bill relating to the status of certain natives and inhabitants of the Virgin Islands.

I recommend that the bill be enacted, concurring in the views expressed in the memorandum analyzing the bill submitted to your committee by the Department of the Interior.

I suggest that section 2 of the bill be amended by adding after the word "operative" and before the comma on page 2, line 8, of the bill the words "as to natives residing in any foreign country on the effective date of this act". Such an amendment will make the purpose of section 2 more explicit. On page 2, line 3, the date should read "January 17, 1917", instead of "July 17, 1917". On page 2, line 7, the citation should read "8 U. S. C., sec. 204a", instead of "8 U. S. C., sec. 204b", and the citation "(8 U. S. C., sec. 204b)" should be added after the figure "2" on page 2, line 8, of the bill. On page 2, line 13, the approval date cited should read "February 25, 1927", instead of "February 27, 1927".

Sincerely yours,

FRANCES PERKINS.

DEPARTMENT OF THE INTERIOR,

Washington, May 20, 1940.

HON. MILLARD E. TYDINGS,

*Chairman, Committee on Territories and Insular Affairs,
United States Senate.*

MY DEAR SENATOR TYDINGS: You have requested a report on S. 3582, a 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., 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., 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, the immigration laws were not effectively enforced in the Virgin Islands due to a doubt as to their application to the 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 suggest that section 2 of the bill be amended by adding after the word "operative" and before the comma on page 2, line 8, of the bill the words "as to natives residing in any foreign country on the effective date of this act". Such an amendment will make the purpose of section 2 more explicit. On page 2, line 3, the word "January" should be substituted for the word "July". On page 2, line 7, the citation should read "8 U. S. C., sec. 204a" instead of "8 U. S. C., sec. 204b" and the citation "(8 U. S. C., sec. 204b)" should be added after the figure "2" on page 2, line 8, of the bill. On page 2, line 13, the approval date cited should read "February 25, 1927" instead of "February 27, 1927".

I have been advised by the Director of the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

The purposes of the bill are set forth and discussed in the memorandum referred to in such letters, which memorandum is as follows:

MEMORANDUM ON S. 3582

S. 3582 is designed to deal with three specific situations with respect to certain natives or residents of the Virgin Islands of the United States.

First. It is understood that there are a small number of natives of the Virgin Islands of the United States who now reside in the United States or its Territories or possessions, but who were not residing in the Virgin Islands or in the United States on January 17, 1917, nor in the United States or its Territories on June 28, 1932; and therefore were not made citizens of the United States under the provisions of section 1 of the act of February 25, 1927 (44 Stat. 1234; 8 U. S. C., sec. 5b), or section 5 of the act of June 28, 1932 (47 Stat. 336; 8 U. S. C., sec. 5b), and are not citizens of any country.

Second. There are a small number of natives of the Virgin Islands who at the present time reside outside continental United States, its Territories and possessions, and did not reside in the Virgin Islands or in the United States on January 17, 1917, nor in the United States or its Territories on June 28, 1932, and hence were not made citizens of the United States under those statutes. They are not citizens of any country, and a substantial number of them apparently reside in Panama.

Third. A considerable number of aliens have entered the Virgin Islands before or since their acquisition by the United States without any record having been made of their entry and have remained there. The lack of record since the acqui-

sition results from the fact that the immigration laws of the United States—owing to doubt as to what portions, if any, apply to the Virgin Islands—were not enforced there to any extent while the islands were under the administration of the Navy Department from the time of their acquisition on January 17, 1917, to February 27, 1931, when they came under the Interior Department, and from that date to July 1, 1938. It was not until this last date that effective enforcement of the immigration laws of the United States began in those islands, which was shortly after the Solicitor of Labor had rendered an opinion that the Immigration Act of 1917, as well as that of 1924, is applicable to those islands, and enforceable by the Commissioner of Immigration and Naturalization and the Secretary of Labor.

Many of these aliens have intermarried with natives of the Virgin Islands and have children born therein. Perhaps the larger group who have thus entered and remained have come from the island of Tortola, a British possession not far from the Virgin Islands group and where there is no American consular officer. Some of the others have likewise come from places where there are no American consular officers. If the law were strictly enforced against these aliens they could not visit their homes and return to the Virgin Islands. They cannot secure reentry permits since under the present law such documents can be issued only to aliens lawfully resident in the United States, and they cannot secure visas because there is no American consular officer to which they can apply in their respective former places of residence. It would impoverish some of these people were they required to proceed to a place where an American consular officer is located, if indeed many of them could raise sufficient funds to make the trip. This does not mean that they are necessarily potential public charges; it is simply that their mode of living requires the possession on their part of very little ready cash, and generally their wages are such that when they have families to support there is a very small margin between earnings and expenditures.

Some of these aliens who are in continental United States and its insular possessions are within the present law which provides for their registration where they entered prior to July 1, 1924, and concerning whom no record of admission for permanent residence exists (8 U. S. C., sec. 106a, as amended by Public, No. 315, 76th Cong., 1st sess.). That law fixes July 1, 1924, because that is when our present so-called quota law became effective. However, the present registration act does not take care of the majority of those whom it is sought to reach in the Virgin Islands, because there are probably as many if not more who have entered between July 1, 1924, and July 1, 1938, than entered prior to that period.

CITIZENSHIP

S. 3582 makes provision for the first class of natives of the Virgin Islands referred to above by declaring that all natives of the Virgin Islands of the United States who are on the date of enactment of this bill residing in continental United States or any of its Territories or possessions and who are not citizens or subjects of any foreign country are citizens of the United States. This would be accomplished in section 1 of the bill by adding subsection (e) to section 1 of the act of February 25, 1927 (8 U. S. C., sec. 5b).

NATURALIZATION

S. 3582 proposes to make provision for the second class of persons discussed above—natives of the Virgin Islands residing outside continental United States, its Territories or possessions—by permitting their entry into the United States, its Territories or possessions, as nonquota immigrants, and by authorizing the natives of the Virgin Islands so admitted to become naturalized as American citizens without the necessity of filing a declaration of intention.

This purpose would be accomplished in section 2 of the bill by the repeal of section 2 of the act of June 28, 1932, and by the revival of section 1 of that act (8 U. S. C., secs. 204a, 204b). Section 2 of the act provided a 2-year time limitation upon the admission of natives of the Virgin Islands to the United States as nonquota immigrants. The repeal of section 2 and the revival of section 1 will permit natives of the Virgin Islands who are not citizens of the United States to be admitted as nonquota immigrants at any time. They will be afforded the shortened naturalization process by so amending section 2 of the act of February 25, 1927 (8 U. S. C., sec. 377a), as to remove the 1-year time limitation therein as to filing petitions for naturalization and to authorize all natives of the Virgin Islands admitted as nonquota immigrants, under the act of June 28, 1932 (8 U. S. C., sec. 204a), as revived by this bill, to the United States, Puerto Rico, the

Virgin Islands of the United States, or any Territory, to become citizens by full compliance with all the provisions of the naturalization laws except the filing of a declaration of intention. This amendment revises section 2 of the act of February 25, 1927, for this purpose, because the section became obsolete in 1928.

REGISTRATION PROVISIONS

The third class of persons mentioned above are taken care of by sections 4 and 5 of the attached draft bill. Section 4 extends the provisions of the Registration Act of March 2, 1929 (45 Stat. 1512), to all persons who entered the Virgin Islands prior to July 1, 1938, and who have resided in the Virgin Islands continuously since such entry. Section 5 exempts such aliens from the registry fee of \$10 prescribed by that act. That fee would be a considerable hardship upon these aliens, considering their small earnings and the fact that they took up residence there without any reason to believe there were any immigration laws to comply with.

