

IMMIGRATION AND NATURALIZATION OF CERTAIN NATIVES OF THE VIRGIN ISLANDS

APRIL 23, 1932.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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

REPORT

[To accompany H. R. 11363]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 11363) relating to the immigration and naturalization of certain natives of the Virgin Islands, having considered the same, reports it to the House without amendments and recommends that the bill do pass.

The popular belief that all Virgin Islanders are American citizens has caused much confusion and is one of the problems to which the civil administration of these islands has given considerable attention.

The following analysis explains the citizenship situation and indicates the reason for this bill being enacted at this time:

(A) By the treaty of cession Danish citizens and natives of the Virgin Islands who were residing in these islands on January 17, 1917, and who did not elect to preserve their Danish nationality within one year, became "citizens of the Virgin Islands entitled to the protection of the United States."

(1) Practically all natives believed that, if they did not make declaration within one year to retain their Danish citizenship, they became citizens of the United States.

(B). To correct this confusion, Congress on February 25, 1927, declared the following persons were granted full United States citizenship:

(1) Former Danes who resided in the Virgin Islands on January 17, 1917, who did not retain their Danish nationality and who resided in the Virgin Islands, the United States, or Porto Rico on February 25, 1927.

(2) Natives of the Virgin Islands who resided in the Virgin Islands on January 17, 1917, who did not retain their Danish nationality, and who resided in the Virgin Islands, the United States, or Porto

Rico, on February 25, 1927; and their children born after January 17, 1917.

(3) Natives of the Virgin Islands who resided in the United States on January 17, 1917, and who resided in the Virgin Islands on February 25, 1927; and their children born after January 17, 1917.

(4) Persons born in the Virgin Islands on or after January 17, 1917, and who were subject to the jurisdiction of the United States on February 25, 1927.

(C) The act of Congress of February 25, 1927, further provided the privilege of naturalization, if applied for prior to February 25, 1928; to the following natives of the Virgin Islands:

(1) Natives of the Virgin Islands who resided in the Virgin Islands on January 17, 1917, and who resided either in the Virgin Islands or in the United States or in Porto Rico on January 25, 1927.

(2) Natives of the Virgin Islands who resided in the United States on January 17, 1917, and who resided either in the United States or in Porto Rico on February 25, 1927.

(D) No provision was made in the act of February 25, 1927, for the citizenship or naturalization of the following natives of the Virgin Islands:

(1) Natives of the Virgin Islands who, on January 17, 1917, resided anywhere else than (a) in the Virgin Islands, (b) in the United States; or

(2) Natives of the Virgin Islands who resided either in the Virgin Islands or in the United States on January 17, 1917, and who, on February 25, 1927, resided anywhere else than (a) in the Virgin Islands, (b) in the United States, or (c) in Porto Rico.

(3) Natives of the Virgin Islands regardless of date of birth, who on current date do not reside either (a) in the Virgin Islands, or (b) in the United States, or (c) in Porto Rico, regardless of their place of residence on either January 17, 1917, or February 25, 1927.

Notwithstanding the legislation contained in the acts referred to, there still remains considerable confusion, especially with regard to the present status of (1) natives of the Virgin Islands who are on current date residing in territory of, and territory under the jurisdiction of, the United States, other than Porto Rico, the Virgin Islands, and the United States proper, i. e., the States and the District of Columbia, and (2) natives of the Virgin Islands who are on current date residing in any territory under the jurisdiction of any other nation than the United States.

Under a misconception of the above provisions of law, most of the natives of the Virgin Islands who have been residing in foreign countries are ignorant of the fact that they are not American citizens, since most of their fellow countrymen were made citizens by the clause of the treaty of 1917. Many of them have returned from time to time to the Virgin Islands without nonquota immigration visas. The requirement that these natives of the Virgin Islands should go to the nearest American consul to secure a nonquota visa is extremely difficult to comply with, and it is almost impossible for them to carry out, because there are few American consuls in the Islands of the Caribbean Sea and most of these native Virgin Islanders now domiciled in foreign countries are pretty well distributed throughout the Caribbean Islands.

Sections 1, 2, 3, and 4 of the bill are intended to be a short emergency immigration act, with certain concessions and specific exceptions, to remain in force for only two years from this date, under which natives of the Virgin Islands, may, with the minimum of delay and few restrictions, return from foreign soil to their native land for permanent residence after which they may become naturalized in the same way that any alien applicant for United States citizenship. No visa, passport, or head tax is required.

To clarify the status of, and to extend justice to natives of the Virgin Islands who now reside in territory under the jurisdiction of the United States, as distinct from definitely foreign soil, section 1 of the act of February 25, 1927 is amended by section 1 of this present act so as to declare citizens of the United States such natives of the Virgin Islands, who are not citizens or subjects of any foreign country, who reside at current date (a) in the States or the District of Columbia, (b) in the Virgin Islands, (c) in Porto Rico, (d) in the Canal Zone, (e), in any other insular possession of the United States, or (f) any Territory of the United States but without regard to their place of residence as on January 17, 1917.

The context of H. R. 11363 is such that, from the very nature of things, the benefits of section 1 of this act or of section 5 of this act are very specifically limited to "natives of the Virgin Islands" and the burden of proof would be upon the applicants for these benefits to establish that they were born in the Virgin Islands and that unless primary fact is satisfactorily established no benefits under this act would accrue to any one.

During the hearings before your committee it was indicated by the Governor of the Virgin Islands and other witnesses that the native Virgin Islanders who would, or could, be benefited by this act is, in the very nature of known facts, relatively a very small number. However, those comparatively few are almost in the status of "persons without a country" and find it difficult to return to the country of their birth.

The act does not provide, or require, any additional appropriation of Government funds specifically for its administration.

In compliance with paragraph 2A of Rule XIII of the Rules of the House of Representatives, changes in the existing law made by the bill are shown as follows: New matter is printed in italics, existing law in which change is proposed is shown in roman.

Sections 1, 2, 3, and 4 constitute the short emergency immigration act and is new matter, as follows:

SEC. 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. *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. *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.*

Section 1 of the act approved February 25, 1927 (44 Stat. 1235), is shown in roman, together with the amendment proposed by section 5 of the bill shown in italics, as follows:

[Act of February 25, 1927]

Be it enacted by the Senate and Houss of Representatives of the United States of America in Congress assembled, 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 Porto Rico, and who did not make the declaration required to preserve their Danish citizenship by article 6 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 Porto Rico, and who are not citizens or subjects of any foreign country; and

(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. Sup. I, t. 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, Porto 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.*

There is appended to this report a letter received from the Governor of the Virgin Islands; which is self-explanatory and favorable to the enactment of this bill:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 20, 1932.

HON. SAMUEL DICKSTEIN,
House of Representatives.

MY DEAR MR. DICKSTEIN: The popular belief that all Virgin Islanders are American citizens has caused much confusion and is one of the problems to which the civil administration has given considerable attention. The citizenship situation may be analyzed as follows:

1. By the treaty of cession, Danish citizens and natives of the Virgin Islands who were residing in these islands on January 17, 1917, and who did not elect to preserve their Danish nationality within one year, became "citizens of the Virgin Islands entitled to the protection of the United States."

Practically all natives believed that if they did not make declaration within one year to retain their Danish citizenship, they became citizens of the United States.

2. To correct this confusion Congress on February 25, 1927, declared the following persons were granted full United States citizenship:

(a) Former Danes who resided in the Virgin Islands on January 17, 1917, did not retain their Danish nationality, and who resided in the Virgin Islands, the United States, or Porto Rico, on February 25, 1927.

(b) Natives of the Virgin Islands who resided in the Virgin Islands on January 17, 1917, did not retain their Danish nationality, and who resided in the Virgin Islands, the United States, or Porto Rico, on February 25, 1927.

(c) Natives of the Virgin Islands who resided in the United States on January 17, 1917, and in the Virgin Islands on February 25, 1927.

(d) Natives of the Virgin Islands who were residing in the United States on January 17, 1917, and in the United States or Porto Rico on February 25, 1927, were granted the privilege of naturalization within one year on petition.

(e) No provision was made for those natives who were residing in foreign countries on January 17, 1917. They are held to be "nonquota immigrants" and must have nonquota immigration visas in order legally to resume residence in these islands.

Despite this legislation there still remains considerable confusion.

To clarify the status of and to give justice to Virgin Islanders in the Virgin Islands, Canal Zone, Porto Rico, and continental United States, it is recommended that Congress grant full American citizenship to all natives of the Virgin Islands, regardless of their place of residence on January 17, 1917, with the exception, of course, of those natives who have retained their Danish nationality or have acquired some foreign nationality.

As most Virgin Islanders who have been residing in foreign countries are ignorant of the fact that they are not American citizens, as their fellow countrymen were made by the clause of the treaty of 1917, and as many of them returned to the Virgin Islands from time to time without nonquota immigration visas, the Virgin Islands government is considerably embarrassed. The requirement that these natives of the Virgin Islands should go to the nearest consul to secure a nonquota visa makes it almost impossible of carrying out. There are few consuls in the Caribbeans, and Virgin Islanders are distributed pretty well throughout the islands of the Caribbean, where most of these natives in foreign countries are now domiciled.

It is recommended that natives of the Virgin Islands residing in any foreign country shall, for the purpose of the immigration act of 1924, as amended, be considered as nonquota immigrants for the purposes of admission to the United States; but shall be subject to all other provisions of that act and of the immigration laws, except such as the proper authorities of immigration and naturalization deem necessary.

Very sincerely,

PAUL M. PEARSON,
Governor Virgin Islands.



