

U. S. Laws, etc., etc., etc.

U. S. DEPARTMENT OF LABOR

JAMES J. DAVIS, Secretary

BUREAU OF IMMIGRATION

W. W. HUSBAND, Commissioner General

IMMIGRATION LAWS

Act of February 5, 1917; and Acts approved October 16, 1918

October 19, 1918; May 10, 1920; June 5, 1920

December 26, 1920, and May 19, 1921

as amended, and Act May 26, 1922



RULES OF MAY 1, 1917

SEVENTH EDITION, AUGUST, 1922

Amendments to Rules 10, 22, 28, and 35, and
Regulations under Acts approved May 19, 1921, and
May 9, 1918



1922

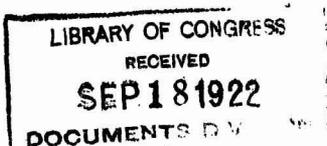
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THE IMMIGRATION ACTS.

NOTE.—The immigration act of February 5, 1917, repeals the act of February 20, 1907, the act of March 3, 1903, and all prior acts or parts of acts inconsistent with the new law. In the back of this pamphlet are published such portions of the prior acts as are not repealed by or reenacted in the act of February 5, 1917; also the act of March 2, 1907, regarding expatriation; an extract from the sundry civil appropriation act of March 4, 1909, the act relative to outward alien manifests of March 4, 1909; the "White-slave traffic act" of June 25, 1910; the act of August 24, 1912, providing that all charges for maintenance and return of Chinese shall be borne by steamship companies; the act of March 4, 1913, creating the Department of Labor; and the act of March 4, 1915, "to promote the welfare of American seamen," etc. If necessary to refer to the old acts, they may be found in the United States Statutes at Large, as follows:

- Act approved March 3, 1875: 18 Stat. L., part 3, page 477.
- Act approved August 3, 1882: 22 Stat. L., page 214.
- Act approved June 26, 1884 (sec. 22 only): 23 Stat. L., page 58.
- Act approved February 26, 1885: 23 Stat. L., page 332.
- Act approved February 23, 1887: 24 Stat. L., page 414.
- Act approved October 19, 1888: 25 Stat. L., page 565.
- Act approved March 3, 1891: 26 Stat. L., page 1084.
- Act approved February 15, 1893 (sec. 7): 27 Stat. L., page 449.
- Act approved March 3, 1893: 27 Stat. L., page 569.
- Act approved August 18, 1894: 28 Stat. L., page 390.
- Act approved March 2, 1895: 28 Stat. L., page 780.
- Act approved June 6, 1900: 31 Stat. L., page 611.
- Act approved April 29, 1902: 32 Stat. L., part 1, page 176.
- Act approved March 3, 1903: 32 Stat. L., part 1, page 1213.
- Act approved March 22, 1904: 33 Stat. L., part 1, page 144.
- Act approved April 28, 1904: 33 Stat. L., part 1, page 591.
- Act approved February 3, 1905: 33 Stat. L., part 1, page 684.
- Act approved February 20, 1907: 34 Stat. L., page 698.
- Act approved March 26, 1910: 36 Stat. L., page 263.



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IMMIGRATION LAWS AND RULES.

REGULATING IMMIGRATION OF ALIENS TO, AND RESIDENCE OF ALIENS IN, THE UNITED STATES.

[Act of February 5, 1917.]

SECTION 1. That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

That this act shall be enforced in the Philippine Islands by officers of the general government thereof, unless and until it is superseded by an act passed by the Philippine Legislature and approved by the President of the United States to regulate immigration in the Philippine Islands as authorized in the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August twenty-ninth, nineteen hundred and sixteen.

SEC. 2. That there shall be levied, collected, and paid a tax of \$8 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States: *Provided*, That children under sixteen years of age who accompany their father or their mother shall not be subject to said tax.¹ The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other con-

¹ For complete list of exceptions, see Rule 1.

veyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien to the United States is impracticable. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who enter the United States after an uninterrupted residence of at least one year immediately preceding such entrance in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, for a temporary stay, nor on account of otherwise admissible residents or citizens of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory, and the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall issue rules and regulations and prescribe the conditions necessary to prevent abuse of these exceptions: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, by agreement with transportation lines, as provided in section twenty-three of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory:¹ *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien.

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States:² All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living;³ persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all

¹ See Rules 1, 12, and 13.

² This section enumerates all the excluded classes but two. A description of those two is found in secs. 18 (last proviso) and 23 (last proviso).

³ See Rule 17 regarding landing under bond.

forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely to become a public charge;¹ persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor;² all children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible;³ unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the continent of Asia west of the one hundred

¹ This clause excluding aliens on the ground likely to become a public charge has been shifted from its position in section 2 of the immigration act of 1907 to its present position in section 3 of this act in order to indicate the intention of Congress that aliens shall be excluded upon said ground for economic as well as other reasons and with a view to overcoming the decision of the Supreme Court in *Gegiow v. Uhl*, 239 U. S., 3 (Senate Rept. 352, 64th Cong., 1st sess.). See Rule 17 regarding landing under bond.

² See Rule 7.

³ See Rule 6.

and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under sixteen years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section nineteen of this act.¹

That after three months from the passage of this act,² in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over sixteen years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish:³ *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over fifty-five years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have

¹ See Rule 8.

² The illiteracy test does not become operative until the morning of May 5, 1917. All other provisions of the law become operative on the morning of May 1, 1917.

³ For method of applying the reading test, see Rule 4.

resided therein continuously for five years and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States;¹ all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political: *Provided further*, That the provisions of this act, relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed as domestic servants:² *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone:³ *Provided further*, That aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe:⁴ *Provided further*, That nothing in the contract-labor or reading-test provisions of this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General

¹ See Rule 9.² See Rule 27.³ See Rule 11.⁴ See subd. 1, Rule 16.

of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons:¹ *Provided further*, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission:² *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests.

SEC. 4. That the importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than ten years and by a fine of not more than \$5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occurs. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against each other.

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the fifth proviso of section three of this act, or have been imported with the permission of the Secretary of Labor in accordance with the fourth proviso of said section, and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States as debts of like amount are now recovered in the courts of the United States. For every violation of the provisions hereof the person violating the same may be prose-

¹ See Rule 27.

² See subd. 2, Rule 16; also subd. 6, Rule 27.

cuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of \$1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid. The Department of Justice, with the approval of the Department of Labor, may from any fines or penalties received pay rewards to persons other than Government employees who may furnish information leading to the recovery of any such penalties, or to the arrest and punishment of any person, as in this section provided.

SEC. 6. That it shall be unlawful and be deemed a violation of section five of this act to induce, assist, encourage, or solicit or attempt to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or criminal penalty or both imposed by said section shall be applicable to such a case.

SEC. 7. That it shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to or within the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, oral representation, payment of any commissions to an alien coming into the United States, allowance of any rebates to an alien coming into the United States, or otherwise to solicit, invite, or encourage or attempt to solicit, invite, or encourage any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution, or both, prescribed by section five of this act; or if it shall appear to the satisfaction of the Secretary of Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of \$400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded:¹ *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions: *Provided further*, That this section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailing of their

¹ For method of enforcing this provision, see Rule 28.

vessels and terms and facilities of transportation therein: *Provided further*, That under sections five, six, and seven hereof it shall be presumed from the fact that any person, company, partnership, corporation, association, or society induces, assists, encourages, solicits, or invites, or attempts to induce, assist, encourage, solicit, or invite the importation, migration, or coming of an alien from a country foreign to the United States, that the offender had knowledge of such person's alienage.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$2,000 and by imprisonment for a term not exceeding five years, for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9.¹ That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section three of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in

¹ For method of enforcing the provisions of this section, see Rule 28.

which the port of arrival is located the sum of \$25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section three of this act because unable to read, or who is excluded by the terms of section three of this act as a native of that portion of the continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section three hereof exempted from the excluding provisions of said section.

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section twenty-three of this act, bringing an alien to, or providing a means for an alien to come to, any seaport or land border port of the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such person, owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$200 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, a penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section three hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming

from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports.¹

SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage.

SEC. 12. That upon the arrival of any alien by water at any port within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States,² it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read or write; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing;

¹ See Rule 29.

² For procurement of manifests from Canadian transportation companies, see Rule 12.

whether having a ticket through to such final destination; by whom passage was paid; whether in possession of \$50, and if less, how much; whether going to join a relative or friend, and, if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane; whether ever supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; whether coming with the intent to return to the country whence such alien comes after temporarily engaging in laboring pursuits in the United States; and such other items of information as will aid in determining whether any such alien belongs to any of the excluded classes enumerated in section three hereof; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; if native born, the place and date of birth, or if naturalized the city or town in which naturalization has been had; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in rela-

tion to the sex, age, class of travel, and port or debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fourteen of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name and other items of information required by this act are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section three of this act, and that also according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some

competent surgeon employed by the owners of the said vessels, and manifests shall be verified by such surgeon before a United States consular officer or other officer authorized to administer oaths: *Provided*, That if any changes in the condition of such aliens occur or elop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof.¹

SEC. 14.² That it shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this act, and if it shall appear to the satisfaction of the Secretary of Labor that there has been such a refusal or failure, that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the time of arrival or departure the sum of \$10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this act. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine.

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and to inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated place and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this act bind the said vessels, transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, each of them, shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise

¹ See Rule 2.

² For method of enforcing this section, see Rule 28.

under the terms of any of the provisos of section eighteen hereof. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section eighteen of this act.¹

SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor. All aliens arriving at ports of the United States shall be examined by not less than two such medical officers at the discretion of the Secretary of Labor, and under such administrative regulations as he may prescribe and under medical regulations prepared by the Surgeon General of the United States Public Health Service. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. Any alien certified for insanity or mental defect may appeal to the board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and said alien may introduce before such board one expert medical witness at his own cost and expense. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors at the discretion of the Secretary of Labor and under such regulations as he may prescribe.² Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths³ and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a

¹ For method of enforcing this section, see Rule 28.

² See subd. 1, Rule 3.

³ When such officials are detailed to investigate frauds or attempts to defraud the Government, or any irregularity or misconduct of any officer or agent of the United States, sec. 183 R. S., as amended by the act approved Feb. 13, 1911 (36 Stat. L., 898), should be relied upon for authority to administer oaths to witnesses.

written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section one hundred and twenty-five of the act approved March fourth, nineteen hundred and nine, entitled "An act to codify, revise, and amend the penal laws of the United States." All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section three hereof. Any commissioner of immigration or inspector in charge shall also have power to require by subpoena the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof.¹ That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than one year, or by a fine of not more than \$2,000, or both; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment for not more than ten years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such chal-

¹ See Rule 24.

lenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

SEC. 17.¹ That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public, but the immigrant may have one friend or relative present under such regulations as may be prescribed by the Secretary of Labor. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decisions of any two members of the board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry.² In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Labor: *Provided*, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section twenty-one hereof, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section three of this act.

SEC. 18. That all aliens brought to this country in violation of law shall be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them, unless in the opinion of the Secretary of Labor immediate deportation is not practicable or proper. The

¹ For detailed provisions regarding boards, see Rule 15.

² For procedure under this provision, see Rule 17.

cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to fail to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien, or to take any security for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section three hereof; and if it shall appear to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, or any of the provisions of section fifteen hereof, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of \$300 for each and every violation of any provision of said sections; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded:¹ *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any aliens found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act or other laws of the United States;² and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of \$1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than \$500, with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section sixteen of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treat-

¹ For method of enforcing, see Rule 28.

² See Rule 25.

ment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: ¹ *Provided further*, That upon the certificate of an examining medical officer to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of an examining medical officer to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens. ²

SEC. 19. ³ That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; ⁴ any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and

¹ See Rule 19.

² See Rule 5.

³ For method of enforcing, see Rule 22.

⁴ The latter part of this provision relates to Chinese entering or found in the United States in violation of the Chinese-exclusion laws. (S. Rept. 352, 64th Cong., 1st sess.)

deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section four hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported: *Provided*, That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship if the marriage of such alien female shall be solemnized after her arrest or after the commission of acts which make her liable to deportation under this act: *Provided further*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within thirty days thereafter, due notice having first been given to representatives of the State, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States: *Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof: *Provided further*, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law.¹ In every case where any person is ordered deported from the United States under the provisions of this act, or of any law or treaty, the decision of the Secretary of Labor shall be final.

SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they em-

¹ This provision relates to Chinese entering or found in the United States in violation of the Chinese-exclusion laws. (S. Rept. 352, 64th Cong., 1st sess.)

barked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section eighteen of this act:¹ *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed.² Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than \$500 with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21.³ That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and

¹ See Rule 28.

² See Rule 23.

³ For method of enforcing provisions of this section, see Rule 17.

all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. In lieu of such bond, such alien may deposit in cash with the Secretary of Labor such amount as the Secretary of Labor may require, which amount shall be deposited by said Secretary in the United States Postal Savings Bank, a receipt therefor to be given the person furnishing said sum showing the fact and object of its receipt and such other information as said Secretary may deem advisable. All accruing interest on said deposit during the time same shall be held in the United States Postal Savings Bank shall be paid to the person furnishing the sum for deposit. In the event of such alien becoming a public charge, the Secretary of Labor shall dispose of said deposit in the same manner as if same had been collected under a bond as provided in this section. In the event of the permanent departure from the United States, the naturalization, or the death of such alien, the said sum shall be returned to the person by whom furnished, or to his legal representatives. The admission of such alien shall be a consideration for the giving of such bond, undertaking, or cash deposit. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, District, county, town, or municipality in which such alien becomes a public charge.

SEC. 22.¹ That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted: *Provided*, That if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of this act.

SEC. 23. That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Labor. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder; he shall establish such

¹ For method of enforcing, see Rule 19.

rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.¹ It shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for service in foreign countries; and, upon his request, approved by the Secretary of Labor, the Secretary of the Treasury may detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with the enforcement of this act. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Labor: *Provided*, That no person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry.¹ The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section eight of this act, and upon conviction shall be subject to the penalty therein prescribed: *Provided further*, That for the purpose of making effective the provisions of this section relating to the protection of aliens from fraud and loss, and also the provisions of section thirty of this act, relating to the distribution of aliens, the Secretary of Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in

¹ See Rules 12 and 13.

transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors: *Provided further*, That in prescribing rules and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory, due care shall be exercised to avoid any discriminatory action in favor of foreign transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to seaports of the United States, and, from and after the taking effect of this act, no alien applying for admission from foreign contiguous territory shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the date of his application for admission to the United States.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$100,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed.

SEC. 25. That the district courts of the United States are hereby invested with full jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act. That it shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this act. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. That no suit or proceeding for a violation of the provisions of this act shall be set-

tled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 26. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder, after public competition, notice of such competitive bidding having been made in two newspapers of general circulation for a period of two weeks, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, may prescribe, and all receipts accruing from the disposal of privileges shall be paid into the Treasury of the United States. No such contract shall be awarded to an alien. No intoxicating liquors shall be sold at any such immigration station.

SEC. 27. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both.

Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of

foreign Governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 30. That there shall be maintained a division of information in the Bureau of Immigration; and the Secretary of Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 31.¹ That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding \$5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 32. That no alien excluded from admission into the United States by any law, convention, or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board

¹ For method of enforcing secs. 31 and 36, see Rule 10.

any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding \$1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section twenty of this act.

SEC. 35.¹ That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided*

¹ For method of enforcing, see Rule 28.

further, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.¹

SEC. 36.² That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

SEC. 37. That the word "person" as used in this act shall be construed to import both plural and the singular, as the case may be, and shall include corporations, companies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association.

SEC. 38. That this act, except as otherwise provided in section three, shall take effect and be enforced on and after May first, nineteen hundred and seventeen. The act of March twenty-sixth, nineteen hundred and ten, amending the act of February twentieth, nineteen hundred and seven, to regulate the immigration of aliens into the United States; the act of February twentieth, nineteen

¹ Treatment in hospital of diseased seamen. See act approved Dec. 26, 1920.

² For method of enforcing, see Rule 28.

hundred and seven, to regulate the immigration of aliens into the United States, except section thirty-four thereof; the act of March third, nineteen hundred and three, to regulate the immigration of aliens into the United States, except section thirty-four thereof; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, except as provided in section nineteen hereof, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, nor to repeal, alter, or amend the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto, except as provided in section eleven hereof: *Provided further*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the third proviso of section nineteen hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

CHAMP CLARK,

Speaker of the House of Representatives.

THOS. R. MARSHALL,

Vice President of the United States and

President of the Senate.

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,

February 1, 1917.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 10384) "To regulate the immigration of aliens to, and the residence of aliens in, the United States," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and,

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE,
Clerk.

IN THE SENATE OF THE UNITED STATES,
February 5, 1917.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (H. R. 10384) entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest:

JAMES M. BAKER,
Secretary.

THE SEAMEN'S ACT.

[Act of March 4, 1915 (38 Stat. L., 1164).]

SECTION 1. That section forty-five hundred and sixteen of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts."

* * * * *

SEC. 3. That section forty-five hundred and twenty-nine of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner or [of] any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section forty-five hundred and thirty of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section forty-five hundred and twenty-nine of the

Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section forty-five hundred and fifty-two of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

* * * * *

SEC. 7. That section forty-five hundred and ninety-six of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to

reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months.”

* * * * *

SEC. 11. That section twenty-four of the act entitled “An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce,” approved December twenty-first, eighteen hundred and ninety-eight, be, and is hereby, amended to read as follows:

“SEC. 24. That section ten of chapter one hundred and twenty-one of the laws of eighteen hundred and eighty-four, as amended by section three of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, be, and is hereby, amended to read as follows:

“SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman’s wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

“(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

“(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

“(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

.. “(e) That this section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessels who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

“The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

“(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.”

SEC. 12. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section forty-five hundred and thirty-six of the Revised Statutes of the United States is hereby repealed.

SEC. 13. That no vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section one of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than seventy-five per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless forty per centum in the first year, forty-five per centum in the second year, fifty per centum in the third year, fifty-five per centum in the fourth year after the passage of this act, and thereafter sixty-five per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels or coast guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies; including decked fishing vessels, naval vessels, or coast guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea: *Provided*, That upon examination, under rules prescribed by the De-

partment of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck twelve months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the board of supervising inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

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SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions

thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within ninety days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section fifty-two hundred and eighty and so much of section four thousand and eighty-one of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

SEC. 18. That this act shall take effect, as to all vessels of the United States, eight months after its passage, and as to foreign vessels twelve months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section sixteen of this act.

* * * * *

SEC. 20. That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow servants with those under their authority.

**AN ACT TO PROVIDE FOR THE TREATMENT IN HOSPITAL OF
DISEASED ALIEN SEAMEN.¹**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 35 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge: *Provided,* That alien seamen suspected of being afflicted with any such disability or disease may be removed from the

¹ For regulations see Rule 10.

vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: *Provided further*, That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against.

Approved December 26, 1920.

ACT APPROVED OCTOBER 16, 1918, AS AMENDED BY THE ACT APPROVED JUNE 5, 1920.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, is amended to read as follows:

That the following aliens shall be excluded from admission into the United States:

- (a) Aliens who are anarchists;
- (b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that advises, advocates, or teaches, opposition to all organized government;
- (c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage;
- (d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage;
- (e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

For the purpose of this section: (1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

SEC. 2. That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section one of this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February fifth, nineteen hundred and seventeen. The provisions of this section shall be applicable to the classes of aliens mentioned in this act irrespective of the time of their entry into the United States.

SEC. 3. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act, thereafter return to or enter the United States or attempt to return to or to enter the United States shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than five years; and shall, upon the termination of such imprisonment, be taken into custody, upon the warrant of the Secretary of Labor, and deported in the manner provided in the immigration act of February fifth, nineteen hundred and seventeen.

JOINT RESOLUTION OF OCTOBER 19, 1918.

Joint Resolution Authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section three of the immigration Act of February fifth, nineteen hundred and seventeen, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another, or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident in the United States when heretofore or hereafter enlisted or conscripted for the military or naval service of the United States, or of any one of the nations cobelligerent of the United States in the present war; and aliens lawfully resident in the United States who have enlisted for service with Czecho-Slovak, Polish, or other independent forces attached to the United States Army or to the army or navy of any one of the cobelligerents of the United States in the present war, who may during or within one year after the termination of the war apply for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military or naval authorities, or after being rejected on final examination in connection with their enlistment or conscription shall, within two years after the termination of the war, be readmitted; and that any alien of either of the foregoing descriptions who would otherwise be excluded under said section of the immigration Act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall

be readmitted if it is proved that the disability was acquired while the alien was serving in the military or naval forces of the United States or of any one of the nations cobelligerent of the United States in the present war or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within two years after the termination of the war;¹ and that the head tax provided in the immigration Act of February fifth, nineteen hundred and seventeen, shall not be collected from aliens readmitted into the United States under the provisions of this resolution.

Approved October 19, 1918.

AN ACT TO DEPORT CERTAIN UNDESIRABLE ALIENS AND TO DENY READMISSION TO THOSE DEPORTED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who are now interned under section 4067 of the Revised Statutes of the United States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, respectively.

(2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following acts or parts of acts, the judgment on such conviction having become final, namely:

(a) An act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, or the amendment thereof approved May 16, 1918;

(b) An act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917;

(c) An act entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;

(d) An act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;

(e) An act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or any amendment thereof or supplement thereto;

¹ For the purposes of this resolution, the war ended Mar. 3, 1921. (Pub. Res. 64, approved Mar. 31, 1921, vol. 41, Stat. L., p. 1359.)

(f) An act entitled "An act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, or any amendment thereof;

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European war.

SEC. 2. That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

SEC. 3. That in addition to the aliens who are by law now excluded from admission into the United States all persons who shall be expelled under any of the provisions of this act shall also be excluded from readmission.

Approved May 10, 1920.

AN ACT APPROVED JUNE 5, 1920.

An Act To amend section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917, is hereby amended by adding at the end thereof the following:

Provided further, That an alien who can not read may, if otherwise admissible, be admitted if, within five years after this act becomes law, a citizen of the United States who has served in the military or naval forces of the United States during the war with the Imperial German Government, requests that such alien be admitted, and with the approval of the Secretary of Labor, marries such alien at a United States immigration station.

Approved June 5, 1920.

AN ACT APPROVED MAY 19, 1921, AS AMENDED BY PUBLIC RESOLUTION NO. 55, APPROVED MAY 11, 1922.

An Act To limit the immigration of aliens into the United States.¹

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1924.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

¹ For regulations see pp. 89, 96.

The term "United States" means the United States, and any waters, territory, or other place subject to the jurisdiction thereof except the Canal Zone and the Philippine Islands; but if any alien leaves the Canal Zone or any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

The word "alien" includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed nor citizens of the islands under the jurisdiction of the United States.

The term "Immigration Act" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States"; and the term "immigration laws" includes such Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

SEC. 2. (a) That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910. This provision shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this Act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory; (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration; (6) aliens from the so-called Asiatic barred zone, as described in section 3 of the Immigration Act; (7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands; or (8) aliens under the age of eighteen who are children of citizens of the United States.

(b) For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1910.

(c) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this Act. In case of changes in political boundaries in foreign countries occurring subsequent to 1910 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the

transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of persons resident in the United States in 1910 who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this Act generally aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

(d). When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this Act shall have been admitted all other aliens of such nationality, except as otherwise provided in this Act, who may apply for admission during the same fiscal year shall be excluded: *Provided*, That the number of aliens of any nationality who may be admitted in any month shall not exceed 20 per centum of the total number of aliens of such nationality who are admissible in that fiscal year: *Provided further*, That aliens returning from a temporary visit abroad, aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, aliens belonging to any recognized learned profession, or aliens employed as domestic servants, may, if otherwise admissible, be admitted notwithstanding the maximum number of aliens of the same nationality admissible in the same month or fiscal year, as the case may be, shall have entered the United States; but aliens of the classes included in this proviso who enter the United States before such maximum number shall have entered shall (unless excluded by subdivision (a) from being counted) be counted in reckoning the percentage limits provided in this Act: *Provided further*, That in the enforcement of this Act preference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancées, (1) of citizens of the United States, (2) of aliens now in the United States who have applied for citizenship in the manner provided by law, or (3) of persons eligible to United States citizenship who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and have been separated from such forces under honorable conditions.

SEC. 3. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall, as soon as feasible after the enactment of this Act, and from time to time thereafter, prescribe rules and regulations necessary to carry the provisions of this Act into effect. He shall, as soon as feasible after the enactment of this Act, publish a statement showing the number of aliens of the various nationalities who may be admitted to the United States between the date this Act becomes effective and the end of the current fiscal year, and on June 30 thereafter he shall publish a statement showing the number of aliens of the various nationalities who may be admitted during the ensuing fiscal year. He shall also publish monthly statements during the time this Act remains in force showing the number of aliens of each nationality already admitted during the then current fiscal year and the number who may be admitted under the provisions

of this Act during the remainder of such year, but when 75 per centum of the maximum number of any nationality admissible during the fiscal year shall have been admitted such statements shall be issued weekly thereafter. All statements shall be made available for general publication and shall be mailed to all transportation companies bringing aliens to the United States who shall request the same and shall file with the Department of Labor the address to which such statements shall be sent. The Secretary of Labor shall also submit statements to the Secretary of State, who shall transmit the information contained therein to the proper diplomatic and consular officials of the United States, which officials shall make the same available to persons intending to emigrate to the United States and to others who may apply.

SEC. 4. That the provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws.

SEC. 5. That this Act shall take effect and be enforced fifteen days after its enactment (except sections 1 and 3 and subdivisions (b) and (c) of section 2, which shall take effect immediately upon the enactment of this Act), and shall continue in force until June 30, 1922, and the number of aliens of any nationality who may be admitted during the remaining period of the current fiscal year, from the date when this Act becomes effective to June 30, shall be limited in proportion to the number admissible during the fiscal year 1922.

SEC. 6.¹ That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this Act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.

Approved May 19, 1921, as amended by Public Resolution No. 55, approved May 11, 1922.

¹ For method of enforcing this section see Rule 28.

ACT APPROVED MAY 26, 1922.

[Public—No. 227—67th Congress.]

An Act To amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 2 of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended, are amended to read as follows:

That when used in this act—

(a) The term "narcotic drug" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

(b) The term "United States," when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

* * * * *

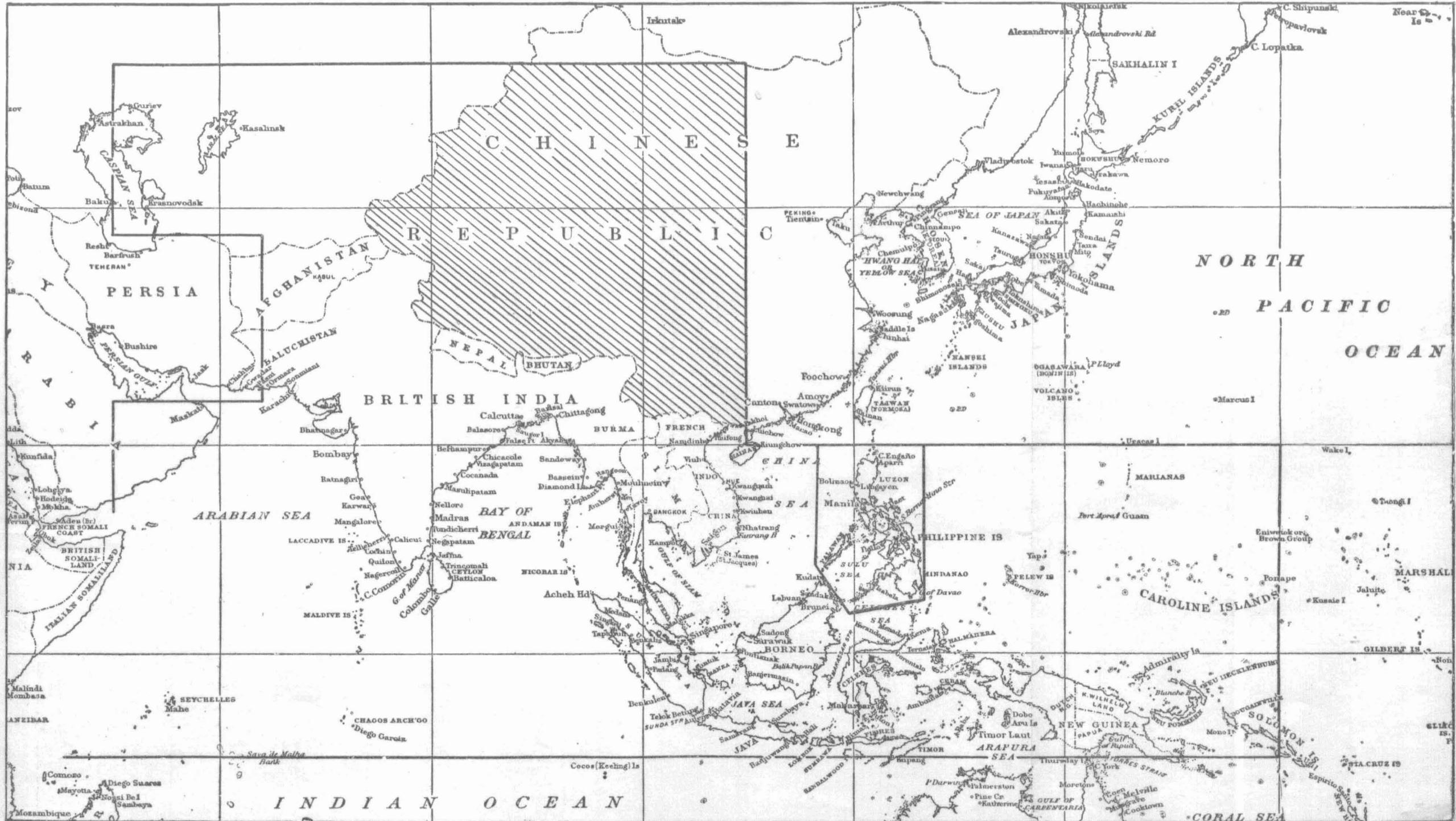
SEC. 2. (c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than \$5,000 and imprisoned for not more than ten years.

* * * * *

(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

MAP SHOWING ASIATIC ZONE PRESCRIBED IN SECTION THREE OF IMMIGRATION ACT, THE NATIVES OF WHICH ARE EXCLUDED FROM THE UNITED STATES, WITH CERTAIN EXCEPTIONS.

(Section indicated by diagonal lines covered by treaty and laws relating to Chinese. The Philippine Islands are United States possessions and therefore not included in barred zone.)



IMMIGRATION RULES OF MAY 1, 1917.

SCOPE OF THE LAW.

The act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," passed February 5, 1917, is the immigration act or law referred to in the following rules.¹

It applies to and is to be enforced in every part of the United States and every place possessed by the United States except the Isthmian Canal Zone. It is enforced by the Bureau of Immigration and the Immigration Service in every such place except the Philippine Islands, where it is enforced by the "officers of the general government thereof." But under the provisions of the act persons who are not citizens of the United States, or citizens of the insular possessions, coming from the insular possessions to the mainland or proceeding from one insular possession to another, must undergo examination under each and every provision of the act. Hawaii is a Territory, not an insular possession.

For the purposes of the act citizens of islands under the jurisdiction of the United States are regarded as though citizens of the United States; all other persons who are not native born or naturalized citizens of this country, except untaxed United States Indians, are aliens under the terms of the act. (Sec. 1.)

Rule 1. COLLECTION OF HEAD TAX.²

SUBDIVISION 1. Notice to collector.—Upon the arrival of aliens at a seaport of the United States or at any designated port of entry on the Mexican border,³ the immigration officer there in charge shall certify to the collector of customs the number of such aliens other than those described in subdivision 3 hereof, together with the name of the transportation agent or other person responsible for the payment of head tax due in respect of them, and shall specify:

- (a) How many of said aliens have been held for special inquiry;
- (b) How many, other than such as are covered by paragraph (g) of subdivision 3 hereof, claim to enter for the purpose of passing in transit through the United States;⁴
- (c) How many make unsupported claims to American citizenship;

¹ All numbered sections mentioned in the rules refer to those of said act unless stated to the contrary.

² With respect to collection of head tax on account of aliens coming from or through Canada, see also Rule 12.

³ See Rule 13.

⁴ Tourists are included in this class. An alien may enter and leave the United States by the same port and still be an "in transit" passenger.

SUBD. 5. *Seamen*.—Head tax shall be collected on “seamen regularly admitted” (sec. 2). “Regularly admitted” means admitted in accordance with Rule 10.¹

Rule 2. MANIFESTS.

SUBDIVISION 1. *How to be written*.—All manifests must be typewritten or printed in the English language (sec. 12). For purpose of manifesting, alien passengers shall be regarded as falling into one or another of the following three classes: First cabin, second cabin and steerage. First cabin shall be listed on pink, second cabin on yellow and steerage on white manifests. If typewritten, the forms furnished by the bureau or sheets of the same size (36 by 18½ inches) and respective colors shall be used, the quality of the paper to be approved by the bureau. If printed, a sheet of either the same or exactly one-half said size may be used, the prescribed color scheme to be observed and the quality of the paper to be approved by the bureau.²

SUBD. 2. *Grouping by locality and family*.—In furtherance of the requirements of section 13 that aliens “shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable,” transportation companies shall assemble or group together, to the fullest extent possible, all aliens coming from the same locality; also all members of a family, and the names of all members of a family shall appear upon the same manifest sheet when such members travel in the same class. Where the members of a family travel in different classes appropriate cross references to this fact should be made on the several manifest sheets on which their names are listed, so that the immigration authorities may consider their cases together.

SUBD. 3. *Foreign officials*.—The only statistical information required concerning foreign officials duly accredited by their governments, including diplomatic and consular officers, their suites, families, or guests, is their names and titles.

SUBD. 4. *Stowaways*.—Alien stowaways shall be manifested and a produced for inspection in the same manner as are other aliens, and the fact that they were stowaways shall be indicated on the manifest.

SUBD. 5. *When no surgeon on board*.—The certificate (verified before a United States consular officer or other officer qualified to administer oaths) of a reputable surgeon located at the port of embarkation or at the last port of call, in the form appearing upon the reverse side of the manifest, shall be exacted in compliance with the requirement of section 13 regarding instances in which no surgeon sails with a vessel bringing aliens.

SUBD. 6. *When changes occur en route in aliens' condition*.—When a surgeon sails with the vessel and the manifest, therefore in accordance with section 13, is verified by such surgeon before an immigration official at the port of arrival, any changes in the condition of the aliens that have occurred or developed during the voyage shall be noted in the manifest before it is verified.

¹ See said rule; subd. 2 thereof covers collection of head tax.

² Forms Nos. 500 for first cabin, 500A for second cabin, and 500B for steerage. The practice of furnishing blank books to transportation companies in order that they may prepare alphabetical indexes and thus facilitate reference to the manifests, shall be continued. Manifests should not be defaced nor have notations or check marks of any kind placed thereon otherwise than as required by the law.

SUBD. 7. *Report of ship's surgeon or master concerning health of passengers.*—In addition to making the notations on the manifest specified in subdivision 6, the ship's surgeon (or, if no surgeon sails on the ship, the master) shall furnish to the immigration official in charge at the port of arrival a full report concerning diseases, injuries, births, and deaths developing or occurring during the voyage.¹

SUBD. 8. *Data concerning cost of transportation.*—Transportation companies shall furnish the immigration officers in charge at ports of entry, within two days after request therefor, with the original transportation contracts of all rejected aliens whose cases are covered by the provisions of section 9, such contracts showing the exact amounts paid for transportation from the "initial point of departure" (sec. 9)—which point shall be shown—to the foreign port of embarkation, from the latter to the United States port of arrival, and from the port of arrival to inland point of destination, respectively, and also the amount paid for head tax.

Rule 3. PRIMARY INSPECTION AND DETENTION.

SUBDIVISION 1. *Double inspection.*—At each of the ports of New York, Boston, Providence, Philadelphia, Baltimore, Key West, New Orleans, Galveston, San Juan, San Francisco, Seattle, Honolulu, Vancouver, Quebec, Halifax, and St. John two immigrant inspectors shall pass upon the case of each arriving alien. The two inspectors to serve together for this purpose shall be designated from day to day by the immigration officials in charge at such ports. The challenging of decisions of one inspector by another shall be continued. At seaports other than those herein enumerated and at the land border ports double inspection shall be maintained whenever feasible.

SUBD. 2. *Determination of admissibility, in general.*—As to each alien applying to enter the United States, the appropriate immigration officers shall determine, as promptly as in their estimation the circumstances permit, whether or not he is entitled to apply for admission, and, if so, whether or not he is clearly and beyond a doubt entitled to land.

SUBD. 3. *Postponement if alien in hospital.*—If an alien suffering from a disability which in the opinion of the immigration officials renders it impracticable correctly to apply the immigration law to his case is placed in hospital upon his arrival or pending determination as to his right to land, inspection may be postponed during such disability.

SUBD. 4. *Postponement if member of family in hospital.*—If in the estimation of the appropriate immigration officers the cases of members of a family are interdependent, and a member is detained in hospital from a disability of the character described in subdivision 2 of this rule, the determination of such cases may be postponed until the member detained in hospital has been discharged therefrom.²

¹ Form 542.

² Typical instances hereof are (1) where the afflicted member is a minor or one otherwise dependent, requiring an accompanying alien in the event of deportation, one or the other parent being the proper person to select for such purpose, and the effect of depriving the remaining members of the family of the care of such parent would be to render some or all of them persons likely to become public charges; (2) where the afflicted member is the head of the family and its only breadwinner, and his physical condition, due presumably to temporary causes, is such that he could not travel if either admitted or ordered deported and the cases of the remaining members of the family depend upon the disposition made of his case.

SUBD. 5. *Immediate determination upon certain conditions.*—In cases arising under subdivision 4 of this rule, when the member in hospital is in no manner necessary to the support of the remaining members of the family and presumably is eligible to land provided he recover, such remaining members may be forthwith inspected and, if found eligible, landed upon the deposit (1) of a sum of money (or ticket covering transportation and money) sufficient to defray the expenses of conveying the detained member to final destination, and (2) if for infancy or any other cause he may require an attendant when traveling or in process of deportation, unless satisfactory assurances are given that a proper attendant will be furnished without charge to the Government, of a further sum sufficient to cover the cost of the services and transportation to and fro of such an attendant.

SUBD. 6. *Alien's money.*—In the absence of a statutory provision no hard and fast rule can be laid down as to the amount of money an alien should have. This is only one element to be considered in each case, but generally he should have enough to provide for his reasonable wants and those of accompanying persons dependent upon him until such time as he is likely to find employment; also, when bound for an interior point, railroad ticket or funds with which to purchase the same.

Rule 4. READING TEST.

SUBDIVISION 1. *Who subject thereto and by whom examined.*—All aliens over 16 years of age who are physically capable of reading, except as specified in the statute and described in subdivision 5 of this rule, shall be required to demonstrate their ability to read matter printed in plainly legible type and in a language or dialect designated by the alien at the time of examination.

SUBD. 2. *General method of applying the reading test.*—When applying the reading test, immigration officers shall use the printed and numbered slips supplied by the bureau for that purpose, and a record shall be made upon the manifest or board minutes showing both the class and serial numbers of the slip used in each case and the language or dialect designated by the applicant and actually used in the examination. No two aliens listed upon the same manifest sheet shall be examined at seaports by the use of the same slip. If the examining inspector is unable to speak and understand the language or dialect in which the alien is examined, the services of an interpreter shall be used for interpreting into spoken English as read the printed matter read by the alien, so that the examining inspector may compare such interpretation with the slip of corresponding serial number containing the English translation of the same reading matter.

SUBD. 3. *Special method of applying reading test.*—In all cases in which, because of lack of the qualified interpreters necessary for the observance of the general method prescribed in subdivision 2 hereof, or because for any other reason it is impracticable to adopt said general method, immigration officers shall use special printed and numbered slips supplied by the bureau, the sentences appearing upon which are instructions to the alien to do several simple acts. The alien's responding or failure to respond properly and in proper order to the instructions will constitute a demonstration of whether

or not he is able to read the prescribed number of words printed upon the slip handed him.

SUBD. 4. Examination by board of special inquiry.—In the event the applicant is subject to the reading test and is unable to satisfy the examining or challenging inspectors of his ability to read matter printed in the designated language or dialect, it shall be the duty of either the examining or the challenging inspectors to detain the applicant for special inquiry and to record upon the manifest and detention cards, for the information of the board, the class and serial numbers of the slip used in the primary examinations. Applicants so detained shall be examined by boards of special inquiry as to their ability to read, in the same manner as aliens detained for special inquiry upon other grounds. The examination shall be conducted as prescribed in subdivisions 1 and 2 of this rule, and the result shall be noted in the recorded minutes.

SUBD. 5. Exemptions.—The following classes of aliens over 16 years of age are exempted by law from the illiteracy test or from the "operation" thereof, viz:

(a) Persons who are physically incapable of reading.

(b) Persons of any of the following relationships to United States citizens, admissible aliens, or legally admitted alien residents of the United States, when such persons are sent for or brought in by such citizens, admissible aliens, or admitted aliens: Father, if over 55 years of age; grandfather, if over 55 years of age; wife; mother; grandmother; unmarried daughter; or widowed daughter.

(c) Persons seeking admission to the United States to avoid religious persecution in the country of their last permanent residence.

(d) Persons previously residing in the United States who were lawfully admitted, have resided continuously here for five years, and return to the United States within six months from the date of their departure therefrom.

(e) Persons in transit through the United States.¹

(f) Persons lawfully admitted and who later go in transit through foreign contiguous territory. The period an alien may remain in foreign contiguous territory while in transit under this exemption shall be limited to 60 days. An alien may leave and enter the United States at the same port and still be in transit within the meaning hereof.

(g) Exhibitors and employees of fairs and expositions authorized by Congress.²

(h) Aliens whose ability to read can be readily and certainly learned or ascertained by any ordinary method approved by the department may be excused from the actual taking of the test.

SUBD. 6. Method of determining right to exemption.—All claims to exemption from the operation of the illiteracy provisions of the Immigration Act shall be made the subject of careful inquiry by the examining inspector, who, if he is not convinced that the applicant is entitled to exemption, shall detain him for investigation by a Board of Special Inquiry. In all cases in which the exemption claimed is not fully established before such board, the alien, if illiterate, shall be debarred.

¹ See subd. 2, Rule 9.

² See subd. 7, Rule 27.

SUBD. 7. *Proof of exemption.*—Clear and convincing proof of claims of exemption from the illiteracy test shall be required in every instance. When relationship by adoption is asserted, nothing less shall be accepted as sufficient proof than a certificate from an official who is shown by a notation placed thereon by a United States diplomatic or consular officer to be in charge of the records involved. The certificate must establish that the claimed adoption occurred while the alien was still a minor and in accordance with the laws of the country where such certificate is issued. When the relationship of husband and wife is asserted, unless the two parties arrive together, so the testimony of each can be taken and compared with that of the other, a certificate of marriage or other convincing proof of the performance of the ceremony shall be exacted.

Rule 5. ACCOMPANYING ALIENS.

SUBDIVISION 1. *Rejection.*—Under the last proviso to section 18, if an alien who is certified to be helpless from sickness, mental or physical disability, or infancy is accompanied by another, the accompanying alien may be rejected and deported as protector or guardian of the helpless alien.

SUBD. 2. *Detention until case of accompanied alien decided.*—When in the opinion of the appropriate immigration officials an alien likely to be rejected as helpless under the last proviso of section 18 is accompanied by one or more aliens whose protection or guardianship in the event of alien's rejection will be required, one of such accompanying aliens (preferably a relative or natural guardian) shall be detained and the determination of his case may be postponed pending decision of the case of the alien whom he accompanies.

SUBD. 3. *Status after deportation.*—If an alien is rejected and deported solely because his protection or guardianship is required by an accompanied alien, he shall not be regarded as belonging to the class excluded by section 3 on the ground that he had been deported previously.¹

Rule 6. CHILDREN UNDER 16, UNACCOMPANIED.

SUBDIVISION 1. *Special methods of handling cases of.*—(a) All children under 16 unaccompanied by either parent shall be held for special inquiry unless a parent already within the United States appears in person with satisfactory evidence of relationship and responsibility. If the board finds (1) that they are strong and healthy, (2) that while abroad they have not been the objects of public charity, (3) that they are going to close relatives who are able and willing to support and properly care for them, (4) that it is the intention of such relatives to send them to day school until they are 16, and (5) that they will not be put at work unsuited to their years, the board may admit. The board shall admit when it is satisfactorily shown that an otherwise admissible child is going to one or both of its parents. Where the board finds the five above-mentioned facts do not

¹ See subd. 13, Rule 17.

exist but that the case is otherwise especially meritorious, it shall so report orally or in writing to the officer in charge and defer final action until such officer personally has inspected the child. If in his judgment the child should be admitted, he shall so state to the board (this fact being entered of record), which thereupon may admit. When in the opinion of such officer the child is not clearly admissible, the board shall exclude and give notice of the right of appeal. If thereafter an appeal be filed, the case shall be forwarded with the recommendation either for (1) admission outright, (2) admission on bond or cash deposit, or (3) exclusion.¹

(b) At ports where there is no permanent board of special inquiry the immigration official in charge, upon a personal inspection of such children and those accompanying them, may admit, without examination by a board, otherwise admissible unaccompanied children who he is satisfied will not be put at work unsuited to their years, if he is also satisfied beyond a reasonable doubt (1) that the five facts enumerated in the above paragraph exist, or (2) that the child is to attend a designated reputable institution of learning, for which suitable provision has been made in advance, or (3) that the child is merely in transit, and the person by whom accompanied will convey him through and out of the United States, or (4) that the child is to make a temporary visit to close relatives.

SUBD. 2. *Status after deportation.*—If an alien deported solely on the ground of being “under 16 unaccompanied” reapplies for admission within one year thereafter and is then over 16 or accompanied, he shall not be regarded as belonging to the class excluded by section 3 on the ground of previous deportation.²

Rule 7. STOWAWAYS.

Aliens arriving at seaports of the United States as “stowaways” or alien “stowaways” who arrive as “workaways” shall be held for examination by a board of special inquiry. Unless the board reaches the unanimous conclusion that beyond a doubt the alien, except for being or having been a stowaway, is entitled to land, it shall exclude. Appeal shall be allowed in such a case unless some mandatory reason for exclusion is found to exist.

Rule 8. GEOGRAPHICALLY EXCLUDED ORIENTAL ALIENS.

SUBDIVISION 1. *Who are excluded.*—Aliens who are natives of the islands or of the territory of the continent of Asia lying between the meridians and parallels specified in section 3 and shown by heavy black lines on the map appended to these rules are excluded from the United States.

SUBD. 2. *Exemptions.*—These fall into the two following classes: (a) Those “otherwise provided for by existing treaties,” which includes natives of so much of any country with which the United

¹When a child under 16 is destined to a parent but nevertheless is found inadmissible, rejection should not be upon the ground that the alien is unaccompanied, but upon some statutory ground that substantially exists.

²See subd. 13, Rule 17.

States has a treaty affecting immigration as lies between the specified meridians and parallels, and no others;¹

(b) Those of the status or occupations specifically enumerated in the exception to the geographical exclusion clause of section 3.

SUBD. 3. Proof of exemptions.—Natives of the geographically defined territory who claim exemption on the ground that they are of a status or occupation mentioned in the exceptions to the geographical excluding clause shall present in support of such a claim evidence procured in the place of their domicile showing what their status or occupation has been during at least the two preceeding years. Such evidence must be of a convincing nature, and its authenticity shall be attested by the consular officer of the United States located nearest such place of domicile. Proof that an applicant is the wife, or the child under 16 years of age, of a person belonging to the classes exempted by reason of status or occupation may be in any form preferred or convenient, but must be of a convincing character.

Rule 9. ALIENS IN TRANSIT.²

SUBDIVISION 1. Examination under law.—Every alien seeking a landing for the purpose of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes (except illiterates), shall be refused permission to land, in the same manner as though he intended to remain in the United States.³ Cases where a refusal of the privilege would entail exceptional hardship may be reported to the bureau for a special ruling.

SUBD. 2. Illiterates.—(a) Aliens in transit across the United States are exempted "from the operation of the illiteracy test" (sec. 3)—not necessarily from examination under the test. If such aliens arrive at a seaport of the United States traveling in groups, or are grouped by the transportation companies after arrival at such a port, their examination under the law shall not include subjecting them to the illiteracy test, provided an arrangement of the kind hereinafter specified is made between the transportation company by which brought and the connecting transportation line or lines, under which such transit aliens will be accompanied through and out of the United States by an immigration official. Unless transit aliens other than those just described are obviously literate,⁴ they shall be subjected to the illiteracy test; and if it is thereby found that they are illiterate within the meaning of such test, they shall not be granted the transit privilege unless they are attached to groups of transits passing through the country in the manner specified or an arrangement of substantially similar character is made in individual cases.

(b) Groups of transit aliens, made up in the manner above indicated, shall be permitted, if otherwise admissible, to travel through the United States, whether literate or illiterate, provided the trans-

¹ The treaty, laws, and rules governing the admission of Chinese are published in a separate departmental pamphlet.

² The transit of Chinese is regulated by Rule 17 of the Chinese Rules of May 1, 1917.

³ Often somewhat different considerations enter into the decision of transit cases than exist in cases of applicants for admission. For instance, aliens who might be deemed inadmissible to the United States as likely to become public charges or physically defective might nevertheless be acceptable to the immigration officials of Canada, and therefore with propriety might be allowed to proceed in transit to that country.

⁴ On account of aliens found to be literate, who are granted the transit privilege without being grouped in the manner described in this rule, deposit of head tax is required. (See subd. 1 (b) and subd. 2, Rule 1.)

portation company by which they are brought to a port of the United States arranges with the transportation company or companies by which they are to be transported through and out of the United States that the aliens shall be under sufficient surveillance during the entire time that they are within the limits of the United States to insure that they will not leave the train, vessel, or other vehicle of conveyance during such time, such surveillance to include the conveying with the transit aliens of one immigration official for each group of 60 or less aliens. The transportation companies shall furnish transportation to the immigration official who accompanies each group, and shall pay all expenses incident to the travel, both ways, to which the inspector shall be put. In no instance shall the inspector personally collect money from the aliens themselves, but he shall look to the interested transportation companies or to the parties interested in the movement of the aliens for the payment of all of these expenses. The immigration officials in charge and steamship and railway lines shall cooperate to the fullest extent practicable in the grouping of the transit aliens, and each group accompanied shall contain a reasonable number of persons, all attendant circumstances considered.¹

Rule 10. SEAMEN.

SUBDIVISION 1. *Who are seamen.*—(a) “The term ‘seaman’ as used in this act shall include every person signed on the ship’s articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place” (sec. 1). In the seamen sections (secs. 31–36) the terms “member of the crew,” “alien employed on board,” “alien seaman,” and “alien employee” are used as synonymous with the word “seaman” as defined in the act. Wherever such words or terms are used in this rule or in the immigration act they shall have the meaning above given. Only aliens who come within such definition shall be treated in the special manner herein specified. The cases of all others shall be handled in accordance with the general requirements of the immigration act and of other immigration rules herewith promulgated or in accordance with the treaty, laws, and rules governing the admission of Chinese.

(b) “Arriving in the United States from any foreign port or place” means arriving in the “United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone,” from any port or place in a foreign country, in the Canal Zone, or in any insular possession of the United States (secs. 1, 19, and 31–36 of the immigration act; sec. 1 of the Chinese-exclusion act of April 29, 1902, as amended by sec. 5 of the deficiency act of April 27, 1904) or, in cases of Chinese persons or persons of Chinese descent, in the Territory of Hawaii (last mentioned act and joint resolution of July 7, 1898). In the expression “reship foreign” and similar expressions used in this rule, the word “foreign” includes the insular possessions and the Canal Zone in all cases and also Hawaii in Chinese cases.

(c) The expression “arriving at ports in the United States” (act Dec. 26, 1920) shall be taken to mean arriving at ports in continental United States from a foreign port or place. If a vessel arrives for-

¹ On account of aliens in transit through the United States under this arrangement the deposit of head tax is not required. (See subd. 3 (g), Rule 1.)

eign at a port of the United States and later, on the same voyage, touches at other ports of the United States, she will for the purpose of this definition be regarded as arriving foreign at such other ports.

(d) The expression "afflicted seamen" (act Dec. 26, 1920) shall mean alien seamen afflicted with any of the diseases or disabilities enumerated in section 35 of the Immigration Act.

(e) The expression "a reasonable time" (act Dec. 26, 1920) shall be regarded in no instance as a period exceeding thirty days. What shall constitute a "reasonable time" within a period of thirty days will be left to the determination of the immigration officer in charge of the port, which determination shall be based upon a consideration of the views of the appropriate medical officer in charge of the hospital (evidenced by a certificate), as well as all the facts presented in and the circumstances attendant upon each individual case.

SUBD. 2. *Collection of head tax.*—(a) The head tax shall be collected on "alien seamen regularly admitted as provided in this act." (Sec. 2.) If the seaman shall be discharged in a United States port by the master or any other officer of the vessel "bringing such alien to the United States," and thereupon shall be regularly admitted, the tax shall be paid by the "master, agent, owner, or consignee of the vessel" or "transportation line" responsible under section 2.

(b) If the seaman lands without being discharged and voluntarily applies to the immigration officials for examination, or is apprehended after entering without inspection and examined, and as a consequence of either examination is admitted, the seaman shall be required to pay the tax himself as a condition precedent to his regular admission. But the same exception that applies to alien passengers from the insular possessions shall apply to cases arising hereunder.¹

(c) "Regularly admitted" means admitted with intention not to reshhip foreign and in accordance with the terms of this rule.

(d) Seamen who have been "regularly admitted," and have paid the head tax, are exempt from again paying such tax when returning from a continuous round-trip voyage made without change of vessel: *Provided*, That subsequent to the payment of head tax they have not abandoned their domicile in the United States. When seamen claim to have been "regularly admitted" at some port other than the one of present arrival, and have no evidence of such admission, head tax shall be assessed and held on special deposit for a period not exceeding sixty days and communication had with such port, refund to be made if such admission is verified; otherwise the money to be covered into the Treasury in the usual manner.

SUBD. 3. *Listing and identifying.*—(a) Arriving and departing seamen shall be listed on the blank forms provided for that purpose by the department,² in accordance with the terms of section 36. When an arriving seaman is a "workaway" a notation to that effect should be made upon the list.

(b) Clearance shall not be granted any vessel until the lists required by section 36 have been furnished, and not then unless notice of liability to the administrative fine prescribed by said section or to that prescribed by section 35 having been served, the deposit specified in Rule 28 (subd. 2) has been made.

¹ See subd. 3 (i) and subd. 4, Rule 1.

² Form 680 for arriving; Form 689 for departing.

(c) The notice required by section 36 to be furnished regarding any alien who may have "illegally landed" while the vessel has been in port should consist of a letter reporting the fact¹ and giving the name, nationality, and description of the alien and "any information" within the knowledge of the master or officers of the ship or transportation line "likely to lead to his apprehension." "Illegally landed" means landed in any manner other than that prescribed in this rule.

(d) When a vessel calls at several United States ports the list of arriving seamen required by section 36 shall be delivered to the immigration official in charge at the port of arrival, who will give his receipt therefor to the master; the report of the illegal landings required by said section shall be made to the immigration official in charge at the port of arrival or call where the illegal landing occurs; and the list of departing, deserted, and landed seamen required by said section shall be delivered to the immigration official in charge at the final port of call, i. e., the port from which the vessel departs sailing foreign. The immigration official in charge at any port of call or final clearance foreign shall promptly notify the immigration official in charge at the port of initial entry (where the incoming crew list is filed) of any and all changes occurring in the crew of any vessel subsequent to departure from such initial port of arrival; and such report shall be filed with the crew list to which it refers.

(e) Seamen's identification cards² will be issued only to alien seamen who are lawfully admitted to the United States and who intend to follow their calling as seamen in the coastwise trade, the cards being evidence of their right to engage in domestic commerce. In order that these cards may not be transferred from one person to another, photographs of the aliens must be attached and the impress of the departmental seal must be made partly on the photograph and partly on the card. In addition, the signature of the issuing officer must be written on the opposite side of the photograph from the seal, partly on the card and partly on the photograph.

(f) Immigration boarding officers, in addition to placing a master or other responsible ship's officer under oath as to the correctness of an alien crew list, shall request such officer to make notation of the fact in column 13 of said list opposite the name of any alien member of the crew who has been treated or furnished with medicine during the voyage for any of the diseases or disabilities specified in section 35 of the Immigration Act that such treatment or medicine has been furnished.

SUBD. 4. *Medical examination.*—(a) All alien seamen arriving in ports of the United States shall be medically examined, as far as practicable, aboard ship each time they arrive. Such examination shall be similar to that made in the cases of alien passengers.

(b) Physical and mental examinations of alien seamen shall be conducted by physicians of the Public Health Service, and when practicable, immediately upon arrival from a foreign port or place of a vessel at a port of the United States: *Provided*, That if a vessel so arriving should later, on the same voyage, proceed coastwise, any "afflicted seaman" or alien suspected of being an "afflicted seaman" then aboard, whose disability was not detected upon arrival foreign,

¹ Form 689.

² Form 685.

may be removed for treatment or observation thereafter upon touching at another port of the United States, in the manner provided for and under the conditions applicable to such cases generally.

(c) If any such seaman shall be found, as the result of examination on board or elsewhere, to be afflicted with any mental defect or physical disease or affection which by operation of the certificate alone places him within any class of aliens mandatorily excluded by section 3, he shall be so certified, and shall be allowed to appeal to a board of surgeons, and, in mental cases, to introduce an expert witness of his own choice before such board, if he so desires,¹ the time and place of the convening of the board to be fixed by the medical officer in charge.

(d) A separate certificate shall be issued by the medical examiner conducting the examination, as to each and every "afflicted seaman" or alien seaman suspected of being an "afflicted seaman," which certificate shall conform generally to medical certificates customarily rendered in respect of mentally or physically defective alien applicants for admission or alien applicants suspected of being so defective. These certificates shall in every case of disability, the nature of which is definitely ascertained, state whether the same can likely be cured within thirty days. Certificates rendered in suspected cases will state, when the circumstances permit, the nature of the disability suspected, and approximately the period of observation believed necessary to final determination of the nature of the disability. When practicable, medical certificates shall be rendered immediately examination of the crew is completed, and at once delivered to the immigration boarding officer, or, in his absence, to the immigration officer in charge of the port.

SUBD. 5. *Exclusion and hospital treatment of mentally or physically afflicted.*—(a) No seaman afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome contagious or dangerous contagious disease shall be permitted to land permanently in a port of the United States, and a seaman so afflicted shall be permitted to land temporarily only in the event that he is entitled to receive, or the circumstances are such as to require for humane or sanitary reasons that he shall be afforded, treatment in either a public-health or other hospital. (Secs. 32 and 35.) If a certificate requiring the vessel to be fined is issued in accordance with section 35, the seaman shall be detained and treated in hospital designated by the immigration official in charge "at the expense of the vessel."

(b) An "afflicted seaman" or alien seaman suspected of being an "afflicted seaman" arriving foreign and duly certified shall be ordered by the examining immigration officer immediately removed for hospital treatment or observation, as the case may be, which order shall, in the case of an "afflicted seaman," designate the hospital, and, in the case of an alien suspected of being an "afflicted seaman," the immigration station, or other appropriate place to which removal shall be effected: *Provided*, That in the event appropriate facilities for treatment or observation, as the case may be, are not available, removal from vessel will not be ordered except in emergency cases so certified by a public health surgeon; instead the examining immigration officer will serve notice on the master, agent, owner, or

¹ See sec. 16, notice to detain on board.

consignee of the vessel to detain such "afflicted seaman" or alien suspected of being an "afflicted seaman" on board the vessel, and the immigration officer in charge will notify the immigration officer in charge at the first port of call possessing such facilities (if the vessel is proceeding coastwise) of the presence on said vessel of said alien. The latter official will proceed in the manner hereinbefore provided upon the arrival of the vessel at such port of call to have the alien removed for hospital treatment or observation, as the case may require. If the vessel bringing an "afflicted seaman" or alien suspected of being an "afflicted seaman" arrives at a port at which there are no proper facilities for hospitalization or observation, as the case may be, and no arrangement for hospitalization or observation elsewhere is practicable, and such vessel is not proceeding coastwise to a port possessing such proper facilities or is proceeding directly foreign, then the master, agent, owner, or consignee shall be served with notice to detain such "afflicted seaman" or alien suspected of being an "afflicted seaman" safely on board under proper treatment and conditions of segregation or observation until such vessel sails foreign.

(c) Vessels liable for expenses of hospitalization or observation, and for expenses incident thereto, will not be permitted to clear until all such expenses, including those of burial in the event of death, are paid or satisfactorily guaranteed. Guaranties of payment may be accepted by the immigration officer in charge of the port when submitted in form and by guarantors satisfactory to him. In the event of the failure of the master, agent, owner, consignee, or other responsible person to pay such expenses, or to furnish such satisfactory guaranty, the immigration officer in charge of the port shall immediately request the collector of customs to withhold clearance. Such requests, if made informally, must be promptly confirmed in writing.

(d) If prior to the expiration of thirty days (or at any time thereafter, if longer detained at the request of the master, agent, owner, consignee, or proper guarantor) the appropriate surgeon of the Public Health Service certifies that an alien removed for hospitalization or observation is cured, or that his mental and physical condition is such that he can resume his calling without danger to himself or others, the immigration officer in charge shall discharge the alien from the hospital. If the discharged seaman then wishes to remain in the United States, the procedure customary in such cases will be observed.

(e) If the mental or physical condition of an interned alien seaman is such at the expiration of thirty days that he can not be certified, as provided in subdivision 6, then the immigration officer in charge shall return the alien seaman to the vessel on which he arrived, provided said vessel is promptly sailing foreign and a certificate is issued by the Public Health surgeon that the alien can be placed aboard of and removed by said vessel without danger to his life. If for any reason it is impossible or impracticable to have such an interned seaman promptly returned foreign on board the vessel by which he was brought to the United States, then and in that event he shall be returned foreign on board of another vessel of the same line promptly sailing foreign, carrying a ship's surgeon, or if that is impracticable, then such alien shall be returned foreign

as a passenger on any passenger vessel carrying a ship's surgeon: *Provided*, That in every case where such a seaman is returned foreign the master, agent, owner, or consignee of the vessel by which he is returned or other responsible party, shall furnish a guaranty satisfactory to the appropriate immigration officer that the seaman will receive proper medical treatment and be segregated from members of the crew and passengers, if there be any of the latter, and that every precaution will be employed to prevent the spread of contagion during the ocean voyage, and (if removal is effected by the vessel which brought the alien, or by one of the same line) that the alien will not be returned to the United States by said vessel, or another one of the same line, unless and until cured: *Provided*, That if the vessel by which an "afflicted seaman" arrived is not sailing foreign at the expiration of thirty days said "afflicted seaman" may be permitted (upon written request of the master, agent, owner, consignee, or other acceptable guarantor promising to assume all expenses involved) to remain in hospital until such ship sails foreign.

(f) All immigration officers in charge will see to it that a careful, systematic, and periodical check is maintained of all hospitalized or observation cases to the end that they shall be promptly and properly disposed of pursuant to law and the terms of these regulations.

(g) All violations of the act entitled "An act to provide for the treatment in hospital of diseased alien seamen," approved December 26, 1920, coming to the attention of immigration officers shall be promptly reported to the bureau.

SUBD. 6. *Primary immigration inspection.*—(a) In addition to the medical examination which, together with its results, is described in the two preceding subdivisions, all seamen arriving in ports of the United States, except those rejected or placed in hospitals in consequence of such medical examination, shall be regularly inspected by immigrant inspectors.

(b) Whenever it is ascertained that a seaman applying for either permanent or temporary admission belongs to the excluded class (sec. 3), "Persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be readmitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission," the case shall promptly be brought to the attention of the department with request for instructions.

SUBD. 7. *Arrest of violators.*—(a) Any alien who shall come to a United States port as a seaman and land or remain in the United States otherwise than in pursuance of and in accordance with the provisions of this rule shall be arrested, as provided in section 34, whenever and wherever found in this country within three years from the date of landing or from the date when his status changed from that of a seaman to that of an alien here resident. Such alien then shall be brought before a board of special inquiry and subjected to a thorough examination under all provisions of the immigration law applicable to the case of an alien seeking admission; such investigation, if any, as may be necessary to develop evidence concerning him shall be conducted and he shall be subjected also to the medical examination required in the cases of alien applicants

for admission. If rejected by the board he shall be allowed an appeal to the department unless the rejection is upon a ground with respect to which the law prohibits an appeal; and in any event the record of the board of special inquiry shall be transmitted to the bureau for submission to the department, in order that a final decision may be rendered if upon appeal and that a warrant of deportation may be issued whether upon appeal or not. Upon the issuance of the warrant the alien shall be deported at the expense of the immigration appropriation.

(b) If the alien is charged in the warrant of arrest merely with entering contrary to the provisions of section 34 and Rule 10, the conduct of the hearing shall be governed by subdivision 2 of Rule 15. But if the warrant is based on some other charge, the conduct of the hearing shall be governed by subdivision 5 of Rule 22.¹

(c) In the case of a Chinese, if apprehension shall occur more than five years after his status has changed from that of a seaman to that of an alien here resident, such Chinese shall be arrested in accordance with the Chinese treaty, laws, and rules, and brought to trial before a United States commissioner, or judge.

SUBD. 8. *Administrative fines*.—The fine prescribed by section 35 for bringing to United States ports seamen afflicted with certain mental and physical disabilities shall be assessed in accordance with subdivisions 1, 2, (a), and 5 of Rule 28, and that prescribed by section 36 for failure to furnish specific information regarding seamen shall be assessed in accordance with subdivision 2 (h) of Rule 28.

SUBD. 9. *Seamen returned to United States under consular regulations*.—(a) Aliens employed as seamen on vessels of American registry are entitled under the navigation laws² to certain privileges, including that of being returned to the United States when discharged in a foreign port on account of injury or illness or when they become destitute under certain circumstances in foreign countries. Even though such seamen arrive as passengers or as workaways, their cases shall be disposed of in accordance with the provisions of this rule. If necessary the cost of photographs in such cases shall be borne from the appropriation for the enforcement of the immigration act.

(b) In every instance of a vessel arriving from a foreign port having on board American seamen (aliens) who are returned by United States consular officials as passengers, workaways, or as members of the crew, the master, purser, or other responsible officer of the vessel, or such seaman, shall present to the immigration officials documentary or other satisfactory evidence indicating that they are bona fide American seamen (aliens) returned under consular regulations.

(c) When it is ascertained that such seamen are not afflicted with any of the diseases or disabilities enumerated in section 35, their cases shall be disposed of in accordance with the preceding instructions. If it shall be found, however, that any such seaman is afflicted with any of the disabilities enumerated in section 35, immigration officials shall inform the master, or other responsible officer, that the seaman is entitled to be regarded as a beneficiary of the marine hospital fund,

¹ Where arrest is on some ground other than entry contrary to the provisions of sec. 34 and Rule 10 the procedure and the time limitation appropriate to such a charge shall apply.

² Secs. 4577, 4578, 4581, 4804, 4805, and Executive order of Oct. 21, 1915.

and that he must be delivered into the custody of the United States Public Health Service authorities for care and treatment in a hospital.

(d) Under the navigation laws all masters of vessels of American registry bound to a port of the United States are required to take destitute American seamen (aliens) on board their vessels when so requested by consular officials and to transport them to the United States port to which the vessel is bound, and every such master who refuses to receive and transport such seamen on the request or order of the consular official is liable to the United States in a penalty of \$100 for each such seaman so refused. Moreover, masters of vessels of foreign registry accept such seamen as an act of courtesy extended to American consuls. Vessels transporting such seamen shall be exempted from the payment of head tax, hospital expenses, and liability for the penalties prescribed by the immigration act, provided the transportation lines shall furnish satisfactory proof that the seamen were accepted at the request of American consuls. Under no circumstances shall hospital bills incurred on account of American seamen (aliens) returned under consular regulations be paid from the immigration appropriations.

SUBD. 10. *Disabled seamen.*—A disabled alien seaman, who nevertheless does not intend to relinquish his calling but whom the master of the vessel is obliged under the navigation laws of the country to which the vessel belongs to return to the country where he embarked, may, under such regulations as the officer in charge deems proper to carry out the purposes of this subdivision, pass through the United States in transit to such country by the most expeditious and direct route. Where he is suffering from a loathsome contagious or dangerous contagious disease, or with tuberculosis in any form, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only with the master but with the consular representative of the country to which the vessel belongs.

SUBD. 11. *Aliens excluded by laws, conventions, or treaties.*—No alien who, by reason of any provision of the Chinese-exclusion laws or of the latitudinal and longitudinal clause of section 3 of the immigration act, is inadmissible to the United States for purposes of residence shall, after having arrived at a mainland port of the United States from any foreign port or place as a seaman, be permitted to land at such port except upon executing and filing with the immigration officer in charge thereat a bond, with approved security, in the penal sum of \$500, conditioned that such alien seaman will depart from and out of the United States within 60 days from the date of his conditional landing. A complete personal description of the alien on whose behalf bond is furnished shall be set forth in the instrument, to which shall also be attached a photograph of the alien. If any master of a vessel entering a United States port with alien

seamen of the classes referred to employed thereon lands, or attempts to land, or permits to be landed otherwise than in conformity with this rule any such alien, the matter shall be reported to the nearest United States attorney for prosecution. *Provided*, That any such alien who shall establish to the satisfaction of the immigration authorities at the port that he previously possessed a lawful domicile in the United States and is returning thereto, after having shipped out, as an articulated seaman, for a round-trip voyage shall be permitted to land in the ordinary pursuit of his calling without being required to furnish such bond.

SUBD. 12. All telegrams sent in behalf of masters, agents, owners, consignees, or guarantors, in respect of "afflicted seamen" or aliens suspected of being "afflicted seamen," shall, whenever practicable, be at the expense of the responsible master, agent, owner, consignee, or guarantor.

Rule 11. LABORERS FROM COUNTRIES WHICH GRANT LIMITED PASSPORTS.

SUBDIVISION 1. *President's proclamation.*—The President's proclamation on this subject, issued February 24, 1913, reads as follows:

Whereas by the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone;

And whereas, upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by certain foreign Governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein:

I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect.

SUBD. 2. *Effect of proclamation.*—The proclamation requires that laborers, skilled or unskilled, who are citizens of a country which grants to its laborers proceeding abroad limited labor passports only, and who present at a continental port a passport entitling them only to admission to countries or places other than continental United States, shall be rejected. It does not in any particular relieve such aliens from examination under the general provisions of the law.

SUBD. 3. *Rejection or admission as affected by passport.*—If such a laborer applies for admission and presents no passport, it shall be presumed (1) that when he departed from his own country he did not possess a passport entitling him to come to the continental territory of the United States, and (2) that at that time he did possess a passport limited to some country or place other than continental United States. If he presents a passport entitling him to enter con-

tinental United States or not limited to some country or place other than continental United States, he shall be admitted, unless he belongs to one of the classes excluded by the general provisions of the law. If he presents such a limited passport, but claims that he is not a laborer, skilled or unskilled, proof of such claim shall be required.

SUBD. 4. *Right of appeal, etc.*—All laborers excluded under this rule shall be advised not only of their right of appeal where one lies, but also that they may communicate by telegraph or otherwise with any diplomatic or consular officer of their Government, and they shall be afforded opportunity for doing so.

SUBD. 5. *Definition of term laborer.*—For practical administrative purposes the term "laborer, skilled and unskilled," within the meaning of the Executive order of February 24, 1913, shall be taken to refer primarily to persons whose work is essentially physical, or, at least, manual, as farm laborers, street laborers, factory hands, contractors' men, stablemen, freight handlers, stevedores, miners, and the like; and to persons whose work is less physical, but still manual, and who may be highly skilled, as carpenters, stonemasons, tile setters, painters, blacksmiths, mechanics, tailors, printers, and the like; but shall not be taken to refer to persons whose work is neither distinctively manual nor mechanical, but rather professional, artistic, mercantile, or clerical, as pharmacists, draftsmen, photographers, designers, salesmen, bookkeepers, stenographers, copyists, and the like.

SUBD. 6. *Passports to be indorsed.*—Passports presented by aliens covered by this rule shall be plainly indorsed, in indelible ink, by the officer admitting or rejecting the applicant, in such a manner as to show the fact and date of admission or rejection. The officer shall sign such indorsement, and the passport shall be returned to the presenter.

Rule 12. INSPECTION OF ALIENS ENTERING FROM OR THROUGH CANADA.¹

SUBDIVISION 1. *Border ports of entry.*—The following are designated as Canadian border ports of entry for aliens: Eastport, Calais, Vanceboro, Fort Kent, Fort Fairfield, Van Buren, Houlton, Madawaska, and Jackman, Me.; Beecher Falls, Island Pond, Newport, Richford, St. Albans, and Swanton, Vt.; Rouses Point, Malone, Fort Covington, Nyando, Ogdensburg, Louisville Landing, Morristown, Waddington, Alexandria Bay, Clayton, Cape Vincent, Rochester, Olcott, Lewiston, Niagara Falls, and Buffalo, N. Y.; Erie, Pa.; Cleveland and Toledo, Ohio; Detroit, St. Clair, Port Huron, and Sault Ste. Marie, Mich.; Chicago, Ill.; Duluth, Ranier, International Falls, Warroad, Beaudette, and Noyes, Minn.; Hannah, Pembina, Northgate, Neche, Antler, Walhalla, Portal, and St. John, N. Dak.;

¹ This rule is based generally upon the immigration act, and specifically upon sec. 19 thereof, authorizing the Commissioner General to designate land-border ports of entry, and agreements between the various steamship and railroad companies in Canada and the Commissioner General, negotiated in accordance with sec. 23. The various provisions of the law and regulations, in so far as applicable, should be enforced at the Canadian seaports and along the Canadian border. Any alien who enters the United States across the Canadian border at any other place than those named in subd. 1 of this rule as a port of entry is subject to deportation under secs. 19 and 20. (For deportation procedure, see Rule 22.)

Sweetgrass and Gateway, Mont.; Porthill and Eastport, Idaho; and Curlew, Marcus, Oroville, Sumas, and Blaine, Wash.

SUBD. 2. Seaports of entry and locations of boards of special inquiry.—(a) The following are designated as Canadian seaports of entry for aliens bound for the United States: Halifax, Nova Scotia; Quebec, Montreal, and Point Levi, Quebec; St. John, New Brunswick; and Vancouver and Victoria, British Columbia.

(b) Boards of special inquiry shall be located at said seaports and also at the following places: Yarmouth, Nova Scotia; Calais, Van Buren, Jackman, and Houlton, Me.; St. Albans and Newport, Vt.; Ogdensburg, Buffalo, Niagara Falls, and Lewiston, N. Y.; Cleveland and Toledo, Ohio; Detroit, Port Huron, and Sault Ste. Marie, Mich.; Chicago, Ill.; Duluth and International Falls, Minn.; Winnipeg, Manitoba; Portal, N. Dak.; Sweetgrass, Mont.; Eastport, Idaho; and Marcus, Oroville, Sumas, and Blaine, Wash.

SUBD. 3. Head tax.—(a) The masters, owners, or agents of vessels plying to eastern Canadian ports shall pay to the United States commissioner of immigration at Montreal, and those of vessels plying to western Canadian ports shall pay to the collector of customs at Seattle, Wash., the sum of \$8 on account of each alien bound for the United States, with the exception of such as are exempted by the law.¹

(b) Any alien of the taxable class seeking to enter the United States from Canada or Newfoundland shall be denied examination under the United States immigration laws (except to a sufficient extent to determine liability for head tax) until he presents to the examining officers a certificate from a duly appointed agent of the transportation company over whose line the alien may be traveling or intending to travel, guaranteeing that responsibility for the payment of head tax on account of such alien will be assumed by said transportation company, the certificate guaranteeing payment of head tax being returnable to the applicant for admission in the event of his exclusion, such certificate before its return to such applicant to have the words "rejected—returned for refund" stamped or written in red ink across its face and to bear the signature of a member of the board of special inquiry by which the alien was examined.

(c) All moneys collected under the provisions of this rule shall be transmitted by the commissioner of immigration at Montreal or the collector of customs at Seattle to an assistant treasurer of the United States for deposit in appropriate manner. Reports of such receipts shall be made monthly on the appropriate forms. The commissioner at Montreal shall give bond in the sum of \$10,000, conditioned for the faithful discharge of his duties and the remittance of the collections herein described.

SUBD. 4. Manifests.—(a) The masters, owners, or agents of vessels bringing to Canadian ports aliens bound for the United States shall furnish to the United States immigration officials in charge at such ports complete manifests and alphabetical books of all arriving alien passengers, and also complete manifests of all arriving alien passengers en route to the United States, such as are now required by law of vessels bringing aliens to United States ports. Manifests furnished at eastern Canadian ports shall be filed in the office of the com-

¹ See Rule 1 for list of exemptions from head tax.

missioner at Montreal; those furnished at western Canadian ports in the office of the commissioner at Seattle.

(b) Such masters, owners, or agents shall furnish, also, to the United States commissioner of immigration at Montreal or to the commissioner of immigration at Seattle manifests of all passengers—not citizens of the United States—leaving the United States and proceeding by their vessels to foreign ports, as required by law of vessels departing from United States ports.

SUBD. 5. *Medical examination.*—Aliens coming to the United States from or through Canada shall be examined for mental and physical disabilities or afflictions in the manner prescribed in section 16.

SUBD. 6. *Inspection, certification, and admission.*—(a) All necessary facilities in the way of accommodations, access to the aliens, and the keeping of aliens apart from the public until after inspection shall be afforded to the immigration officials of the United States stationed at Canadian ports to enable them to make the inspection required by law. The inspection conducted at the seaports, the land border ports, or the interior board of special inquiry stations herein mentioned shall be similar to that conducted at United States ports. Such aliens as in the opinion of the examining inspector are not clearly entitled to admission shall be taken before a board of special inquiry. The decision of such a board shall be final unless reversed upon appeal, as provided by section 17.

(b) Any alien found admissible by an inspector or board stationed at a seaport or by a board stationed at an interior port named in subdivision 2 hereof shall be furnished with a certificate of identity prepared on the form provided by the bureau,¹ signed by appropriate United States immigration officials, and shall be admitted at any one of the ports of entry named in subdivision 1 hereof without further examination upon presenting and surrendering said certificate and being identified as the proper holder thereof. The certificates shall be taken up and returned to the issuing officer.

(c) Any alien not provided with the certificate prescribed in the preceding paragraph who shall apply for admission at a point on the Canadian border where no board of special inquiry is located, if adjudged by the examining immigration officer to be a class requiring board of special inquiry examination, shall be returned by the transportation company concerned to the nearest point where a board of special inquiry is located for examination, manifesting, and (where proper) assessment of head tax; and, in the discretion of the appropriate United States immigration official, any alien not provided with the said certificate who shall apply for admission at a point on the border within one year after arriving at a Canadian seaport shall be returned by the responsible transportation company to the seaport of arrival for examination, manifesting, and (where proper) assessment of head tax, in the manner required in the cases of aliens arriving at Canadian seaports and giving destinations in the United States, unless it shall appear that such alien was originally destined in good faith to Canada and has been actually residing in said country, or unless, upon examination, Canadian officials shall declare such alien eligible for residence in Canada and the transpor-

¹ Form 524.

tation company involved shall arrange for his removal a reasonable distance from the boundary.

SUBD. 7. Deportation.—(a) All aliens bound for the United States finally rejected at Canadian seaports shall be returned to the country whence they came by the steamship line bringing them.

(b) The steamship lines shall return at their own expense, from seaports of Canada or the United States as they may elect, to the trans-oceanic country of embarkation all aliens covered by the provisions of paragraph (c) of subdivision 6 hereof who are shown to belong to a class excluded by the immigration act whenever in the judgment of the Secretary the deportation of such aliens in the manner described is deemed necessary to safeguard the interests of the United States.

(c) All persons seeking entry to the United States from Canada who proceed to the Canadian border without first having been examined and granted the certificate of identity herein prescribed, and who may not appear to the examining immigrant inspector clearly and beyond a doubt entitled to enter the United States; and those in whose cases certificates are canceled prior to or upon arrival of the person at the boundary; and aliens brought to the border who have arrived in Canada by steamship lines or vessels which have not conformed to the requirements of section 23, and who have not had a two years' residence in Canada, shall, at the direction of the examining immigrant inspector, be removed from the railway train or other vehicle of travel by the owner, agent, or person in charge of the transportation line concerned, and delivered to the immigration office or such other place of detention as may be designated by the said examining immigrant inspector, and as to such of the first class of persons herein mentioned as may be excluded by boards of special inquiry, and as to both of the other two classes, returned a reasonable distance into Canada, by the said transportation line; or when the mental, physical, financial, or moral status of any such person renders such a course advisable in the opinion of the immigration officer or officers, the transportation company or other interests concerned, upon being directed, shall return such person to the initial point of departure in Canada.

(d) Within the deportation periods prescribed in the immigration act, the steamship lines which are parties to the Canadian agreement shall return, at their own expense, from some Canadian port, or when that is not practicable from some port of the United States, such aliens as, having been brought into Canada upon their respective lines and having subsequently proceeded to the United States, are shown to belong to any one of the classes subject to exclusion or deportation whenever deportation of such an alien is ordered by the Secretary of Labor.

(e) All aliens who enter the United States with the avowed intention of remaining for a temporary period only and who, on the basis of such claim, are not required to undergo the detailed inspection enforced in the cases of aliens who declare an intention to remain permanently, shall be required, should they subsequently decide to remain permanently, to communicate such intention to the Commissioner of Immigration at Montreal, Canada, if they cross the boundary at any point west of the eastern boundary line of Montana, or to the Commissioner of Immigration at Seattle, Washington, if

they cross such boundary at any point west of the eastern boundary line of Montana, furnishing information concerning time and place of entry, and shall, if so directed, present themselves to the nearest immigration inspector for examination. If any such alien fails to notify the immigration officials mentioned, or to present himself for examination upon demand, he shall be deemed to be unlawfully within the United States and may be deported as provided by section 19 and Rule 22.

SUBD. 8. *Transits*.—(a) An alien of the taxable class applying to pass in transit through the United States from Canada shall furnish to immigration officers guaranty of payment of head tax prescribed in subdivision 3 hereof. If found admissible he shall be given a certificate¹ providing for refund of head tax upon such certificate being properly indorsed by the alien and the purser of the outgoing trans-Atlantic or trans-Pacific steamship, the conductor of the train upon which the holder leaves the United States, or by a United States immigrant inspector.

(b) Upon proof satisfactory to the United States commissioner of immigration at Montreal in cases arising at eastern Canadian ports, or to the commissioner of immigration at Seattle in cases arising at western Canadian ports, that such aliens have passed by direct and continuous journey through and out of the United States within the time limit specified in subdivision 2 of Rule 1 hereof, refund of head tax on aliens of the taxable class arriving at seaports of Canada and desiring to proceed immediately in transit through the United States will be made to the transportation line responsible for its payment.

(c) The special deposit and refund system herein provided for transit passengers shall apply also to passengers claiming American citizenship who are unable at the time to establish such claim; except, however, that transit refund certificates shall not be issued to such persons.

SUBD. 9. *Identification of aliens habitually crossing boundary*.—With a view to avoid delays and embarrassment in cases of aliens who, residing upon either side of the line, habitually cross and recross the boundary upon legitimate pursuits, an identification card² will be furnished such persons upon application to the immigration official in charge at the place of ingress and egress. The applicant for such a card shall be required to furnish two unmounted photographs of himself, of appropriate size, for attachment to the card, and shall supply the data necessary to fill out the card in complete form. To guard against the use of the card by any other person than the one to whom furnished (through its being lost or stolen or otherwise improperly acquired) the official issuing the card shall require the applicant to sign his name partly on the margin of the photograph and partly on the body of the card itself. The card may be issued also to United States citizens desirous of availing themselves of this means of ready identification. It shall constitute a pass which shall be promptly honored by immigration officials simply upon satisfying themselves that the person presenting it is the person represented by the photograph thereto attached and therefore the rightful holder of the card.

¹ Form 523, except in cases of transient visitors, for whom Form 569 should be used.

² Form 687 for aliens; Form 688 for United States citizens.

Rule 13. INSPECTION ON MEXICAN BORDER.

SUBDIVISION 1. Ports of entry.—Under section 19 the following are named as Mexican border ports of entry for aliens: Brownsville, Hidalgo, Rio Grande City, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Tex.; Douglas, Naco, Nogales, San Fernando, and Ajo, Ariz.; and Andrade, Calexico, Campo, and Tia Juana, Cal.¹

SUBD. 2. Procedure.—(a) Aliens applying for admission at the Mexican border ports of entry are subject to examination in the same manner and to the same extent as though arriving at seaports, report of inspection to be made on the appropriate form;² if they cross the border by bridge or railway company, such company shall be responsible for the head tax.

(b) Except as provided in paragraph (a), aliens crossing the border by any vehicle (including stage lines) regularly engaged in transporting passengers, said vehicles by which they come shall be responsible for the head tax. If they cross the border at a port of entry otherwise than as provided in paragraph (a) or this paragraph, such aliens, if the head tax is assessable, shall be questioned, as a preliminary to inspection, only sufficiently to determine with precision whether, in the event full inspection would show them to be admissible, they are able and willing to pay the \$8 head tax. If this question is determined affirmatively, inspection shall be completed; and if the aliens are found admissible, they shall be required to pay the tax to the collector of customs before being permitted to enter.³

(c) Refusal or inability upon the part of an alien to pay the head tax, when assessable, either to the carrier responsible or direct to the collector of customs when proper, shall be cause for refusal to entertain the alien's application for admission. Proper records in each such case shall be made. Negligent failure of a legally and financially responsible carrier regularly engaged in transporting aliens to collect the tax shall not absolve such carrier from liability therefor nor operate to prevent the inspection of the applicant.

(d) Head tax shall be paid by the alien himself to the appropriate collector of customs in all cases in which it is impracticable to proceed otherwise under this rule for its collection.

(e) All aliens who enter the United States with the avowed intention of remaining for a temporary period only and who, on the basis of such claim, are not required to undergo the detailed inspection enforced in the cases of aliens who declare an intention of remaining permanently, shall be required, should they subsequently decide to remain permanently, to communicate such intention to the Supervising Inspector at El Paso, Texas, furnishing information concerning time and place of entry, and if so directed shall present themselves to the nearest immigration inspector for examination. If any such alien fails so to notify the official mentioned, or to present himself for examination upon demand, he shall be deemed to be unlawfully within the United States and may be deported as provided by section 19 and rule 22.

SUBD. 3. Identification of aliens habitually crossing boundary.—The card of identification prescribed by subdivision 9 of rule 12 shall be used also upon the Mexican border.

¹ Any alien who enters the United States across the Mexican border at any other point enters the country unlawfully and should be arrested and deported under secs. 19 and 20, as provided by Rule 22.

² Form 548.

³ Head tax to be certified to the collector of customs on Form 549. (See Rule 1.)

Rule 14. ALIENS REACHING CONTINENTAL PORTS VIA HAWAII.

SUBDIVISION 1. Examination at Hawaiian port.—Aliens arriving in Hawaii bound for the continent shall be inspected and given a certificate,¹ signed by the immigration officer in charge at Honolulu, showing fact and date of landing.

SUBD. 2. Certificate for alien residents of Hawaii.—Aliens who, having been manifested bona fide to Hawaii and having resided there for a time, signify to the immigration officer in charge at Honolulu an intention to go to the continent shall be furnished such certificate as evidence of their regular entry at an insular port.²

SUBD. 3. Admission at continental ports of aliens presenting certificates.—Aliens applying at continental ports and surrendering the certificate described in subdivision 2 shall be permitted to land, upon identification (and payment of \$4 head tax if they entered Hawaii between July 1, 1907, and May 1, 1917), provided it appears that at the time such aliens were admitted to Hawaii they were not members of the excluded classes or likely to become public charges if they proceeded thence to the mainland.

SUBD. 4. Arrest and deportation.—If aliens applying at continental ports fail to present the certificate described in subdivision 2, it shall be presumed that they were not examined when entering Hawaii, and they shall be arrested in accordance with Rule 22 on the ground of entry without inspection and on such other grounds as may be found to exist. If it is found in accordance with subdivision 3 hereof that such aliens at the time of entry to Hawaii were members of the excluded classes or likely to become public charges if they proceeded thence to the mainland, they shall be reported for arrest in accordance with Rule 22 on either or both of those grounds.

SUBD. 5. Hawaiian citizens.—In order to save possible delay and inconvenience at the port of entry, residents of the Hawaiian Islands claiming to be citizens of the United States who desire to proceed to the mainland may have their status investigated by the inspector in charge at Honolulu. A favorable decision by said official will entitle the applicant to be landed at a mainland port of entry upon identification. An adverse decision will not preclude the party from applying at a port of entry on the mainland, relying upon his ability to establish his claimed citizenship to the satisfaction of the officer in charge.

Rule 15. SPECIAL INQUIRY.

SUBDIVISION 1. Oath.—Every person appointed to serve on a board of special inquiry shall first subscribe to an oath of office.³

SUBD. 2. Hearings.—Boards of special inquiry shall determine all cases as promptly as in the estimation of the immigration officer in charge the circumstances permit, due regard being had to the necessity of giving the alien a fair hearing. Hearings before the boards "shall be separate and apart from the public"; but the alien may have one friend or relative present after the preliminary part of the

¹ Form 546. Special material facts should be noted on back of certificate, with appropriate reference thereto on face.

² Rule 11 acts as a limitation upon this subdivision.

³ Form 566.

hearing has been completed:¹ *Provided*, First, that such friend or relative is not and will not be employed by him as counsel or attorney; second, that, if a witness, he has already completed the giving of his testimony; third, that he is not an agent or a representative at an immigration station of an immigrant aid or other similar society or organization; and, fourth, that he is either actually related to or an acquaintance of the alien.

SUBD. 3. *Adding facts concerning liability to fines.*—In all cases in which there is any reason, other than the issuance of a surgeon's certificate, for believing that any one of the administrative fines prescribed by the law, and specified in Rule 28 hereof, may have been incurred, boards shall be careful to develop in the course of their hearings all facts and circumstances material to a determination of the transportation company's liability to such fine.

SUBD. 4. *Expense of return voyage.*—An excluded alien shall be informed that the return voyage is at the expense of the steamship company which brought him; that the transportation company must return him in the same class in which he came; and, in cases covered by section 9, that a refund of his transportation from the initial point of departure to port of rejection is due him. The fact that he has been so informed shall be entered in the minutes.

Rule 16. READMISSION AND TEMPORARY ADMISSION.

SUBDIVISION 1. (a) *Readmission of aliens returning to an unrelinquished United States domicile of seven consecutive years.*—Under the seventh proviso to section 3, aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor and under such conditions as he may prescribe. In each such case convincing proof of domicile in the United States for seven consecutive years, and of departure therefrom with the *intention of returning thereto, will be exacted*. Every case of exclusion for any cause, in which the alien has given *such proof*, shall be promptly brought by the immigration official in charge to the attention of the Secretary of Labor, through the usual official channels, with a complete report of the reasons for the alien's exclusion and of the proof which has been offered of continuous and unrelinquished domicile together with a statement of the duration of absence.

(b) Domicile, for purposes of this subdivision means that place where a person has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning.

SUBD. 2. *Temporary admission of otherwise inadmissible aliens.*—The ninth proviso to section 3 authorizes the bureau and the department to issue rules and prescribe conditions to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission. In cases in which aliens who are mandatorily excluded from permanent entry apply for the privilege of

¹ Sec. 17.

entering the United States temporarily, they shall be required to show that their temporary entry is an urgent necessity or that unusual and grave hardship would result from a denial of their request. A bond, a cash deposit, or other equally satisfactory assurance that such alien will depart in due course from the United States will be exacted by the department in every instance. The submission of an unmounted photograph, in duplicate, may be required when needed as a means of identifying the temporarily admitted alien in connection with his departure at the port of entry or some other port. Ordinarily such cases should be reported as they arise to the department for special ruling. In instances, however, in which the cases fall into regular channels and can be handled under general instructions (for instance, the admission of physically or mentally afflicted aliens from Canada to receive urgent and special treatment or to undergo operations in medical institutions on this side of the boundary) they may be handled under general instructions, which will be issued by the bureau and the department upon request.

Rule 17. APPEALS.

SUBDIVISION 1. *Informing alien as to right of appeal.*—Where an appeal lies the alien shall be informed of his right thereto, and the fact that he has been so informed shall be entered in the minutes.

SUBD. 2. *Appeals, how filed.*—An alien desiring to appeal may do so individually or through any society admitted to an immigration station or through any relative or friend or through any person, including attorneys, permitted to practice before the immigration authorities. Where such an appeal has been taken any further appeal shall be disregarded. Appeals purporting to be filed on behalf of an alien, but without his knowledge or consent previously obtained, may be ignored. A board member who dissents from a majority vote to admit also may take an appeal. In such a case the alien shall be allowed the same opportunity for representation as though the appeal were his, but his brief or argument must be submitted at the same time that the board member's appeal is forwarded to the bureau.

SUBD. 3. *Time for filing appeals.*—Appeals must be filed promptly. The immigration officer in charge may refuse to accept an appeal filed after the alien has been removed from an immigration station for deportation, provided the alien had a reasonable opportunity to appeal before such removal. Any appeal filed more than 48 hours after the time of an excluding decision may be rejected by the immigration officer in charge in his discretion.

SUBD. 4. *Where no appeal lies.*—No appeal lies where the decision of a board of special inquiry, based upon the certificate of the examining medical officer, as required by section 17, rejects an alien because (a) he is afflicted with tuberculosis in any form or a loathsome contagious or dangerous contagious disease, or (b) he is an idiot or an imbecile or an epileptic or is insane or feeble-minded, or (c) he is afflicted with constitutional psychopathic inferiority or has any mental defect or is a chronic alcoholic.

SUBD. 5. *Where appeal lies despite certificate.*—When an alien is certified for a physical defect other than tuberculosis in any form or a loathsome contagious or dangerous contagious disease, the board

of special inquiry must decide, on the basis of all the evidence (including the certificate) whether or not such certified defect may affect his ability to earn a living. An alien rejected on said ground is entitled to appeal.

SUBD. 6. *Forwarding appeal record.*—The complete appeal record shall be forwarded promptly to the bureau with the views in writing of the immigration officer in charge.

SUBD. 7. *Bonds under section 21*¹.—Where the landing of an alien under bond is authorized, unless different instructions are given, the bond² shall be in the sum of \$500, and the alien shall not be released until it has been furnished and the immigration official in charge has satisfied himself of the responsibility of the sureties. If within a reasonable time after landing under bond is authorized a satisfactory bond is not furnished, instructions shall be requested of the bureau.

SUBD. 8. *Cash deposits under section 21.*—If the acceptance of a cash deposit is authorized, the deposit, unless different instructions are given, shall be in the form of a postal money order and in the sum of \$500. A receipt for the deposit shall be issued by the officer in charge, showing the object for which the money has been accepted and the disposition to be made thereof. The money order shall be then transmitted to the department, by which it will be deposited in the postal savings bank at Washington, in such manner as to permit the interest accruing thereon to be paid semiannually and transmitted to the person making the cash deposit.

SUBD. 9. *Reopening of cases.*—Whenever a case is referred back to a board *by the bureau or the department* in order that additional evidence may be taken, such case is thereby reopened; and after the new evidence has been taken the board shall render a new decision, in which it may in its discretion reaffirm, alter, or reverse its previous decision. The mere action of referring back a case under such circumstances is not to be taken as an indication of any disapproval by the bureau or the department of the board's decision or of what the new decision should be.

SUBD. 10. *Requests for reopening.*—Whenever, either before or after receipt of a decision from the bureau or the department affirming an excluding decision, the local immigration officials learn of new evidence of such relevancy and materiality as in their opinion to require that, in justice to the alien or the United States, it be considered by the board, they may stay deportation and request the bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence. This usually should be done by letter. Whenever it is necessary to resort to a telegram, such telegram shall be in substantially the following form:

For the purpose of receiving new material evidence, recommend reopening case of ----- (Very briefly indicate character of new evidence.)

The words "For the purpose of receiving new material evidence, recommend reopening case of" shall be represented by the code word "Renvoy." Thus it will be possible to phrase the telegram in a few words. Upon receipt of the bureau's permission to reopen, the board again acquires full control of the case as under subdivision 9 hereof.

¹ For release of arrested aliens under bond, see Rule 22.

² Execute in duplicate, using Form 554 or 579.

SUBD. 11. Procedure in reopened cases.—The hearing in a case reopened before a board of special inquiry shall be of the same nature and be subject to the same conditions, limitations, and privileges as an original hearing before such body.

SUBD. 12. Detention expenses during extended time.—The immigration officer in charge may decline, in his discretion, to extend an alien's time to appeal or to delay deportation except on condition that there be deposited a sum of money sufficient to defray the cost of maintenance during the extension or delay granted.

SUBD. 13. Applications for privilege of reapplying for admission.—Aliens rejected or arrested and deported under any provision of the act who apply for admission within one year after such deportation are mandatorily excluded, unless prior to so applying, at either a seaport or a land border port, they shall have obtained the consent of the Secretary to their again presenting themselves for examination (secs. 3 and 18). Application for this privilege always shall be submitted to the immigration official in charge at the port where the alien was previously rejected or the immigration official in charge of the district in which the alien was arrested for deportation, and shall be forwarded by such official to the bureau, accompanied by the record previously formulated, unless the bureau already, through warrant or appeal proceedings, has come into possession of such record. The telegraphing of such applications shall be avoided as far as possible and, when granted, always shall be at the expense of the alien or those interested in him both as to the application (which should be prepaid) and telegraphic response from the department (which will be transmitted "collect"). Aliens rejected solely as "accompanying aliens," or deported solely on the ground of being "under 16 unaccompanied" may reapply for admission without securing permission in advance.¹

Rule 17-A. TEMPORARY RELEASE, UNDER ARRANGEMENTS FOR SELF-SUPPORTING EMPLOYMENT, OF ALIENS EXCLUDED OR ORDERED DEPORTED.

SUBDIVISION 1. General conditions.—(a) Aliens whose prompt deportation can not be accomplished because of war or other conditions may, upon permission secured from the department, be released and permitted to accept self-supporting employment under the conditions hereinafter stated.

(b) Such release shall be temporary only, and any alien who violates the conditions exacted shall immediately be taken into custody and detained as an alien deportee under the outstanding excluding decision or departmental warrant, the facts in such cases to be promptly reported to the department.

(c) A photograph and complete personal description of the alien shall be taken for purposes of identification. The cost of the photograph will be borne by the immigration appropriation.

(d) No alien shall be released under the conditions herein prescribed unless he has assurances of self-supporting employment, secured through the United States Employment Service or otherwise, as may be found most practicable in individual cases. Immigration officials will in proper cases facilitate the execution of application forms and otherwise assist in arranging matters incident to the employment of the alien.

¹ See subd. 3, Rule 5, and subd. 2, Rule 6.

SUBD. 2. Conditions to be observed by employer.—(a) A prospective employer shall be required, as a condition precedent to the temporary admission or employment hereunder of any alien, fully to disclose to the immigration official having the alien in custody his plans with reference to the employment of such alien, including the wages, how often paid (giving dates), housing conditions, and duration of employment.

(b) A prospective employer shall also be required to give his written stipulation to the following effect, viz:

(1) That he will abide by and comply with the terms of this rule.

(2) That he will pay the current rate of wages for similar labor in the community in which the released alien is to be employed.

(3) That with respect to housing and sanitation the laws and rules of the State in which the alien is employed will be observed. If employed in a State that has no law on said subject, such conditions must be satisfactory to the Secretary of Labor.

(4) That he will keep the immigration officer in charge of the case advised promptly of any change made in his plans as originally disclosed, with respect to the place, duration, or character of the employment of the alien by him, and wages and times of payment thereof.

(5) That he will notify such officer immediately upon learning that the alien released to him has left his employ (without his previous knowledge of the alien's intent to do so) and will furnish all possible information to assist immigration officers in ascertaining whether or not the conditions of this rule are being observed.

(6) That he will retain from the released alien's wages the sums named in subdivision 3 hereof and transmit same for deposit in the Postal Savings Bank in the manner therein specified.

SUBD. 3. Withholding portion of wages and making reports.—As additional means of insuring that an alien released under the provisions of this rule will be produced for deportation when called for, the following conditions shall be observed:

(a) Each such alien shall, prior to release for the purpose of accepting employment, apply for permission to open an account in the Postal Savings Bank at the place indicated by the immigration officer in charge of the case; deposits to such alien's credit will later be made in this account after the manner herein provided.

(b) The employer shall withhold from the alien's wages twenty-five (25) per centum of the amount earned, avoiding odd amounts by withholding the nearest sum to 25 per centum in multiples of 25 cents; for example, if the wages are \$2.75 per day, the amount withheld will be 75 cents per day. If the alien changes his employer in accordance with the provisions of this rule, each subsequent employer shall continue withholding 25 per centum of the wages earned.

(c) On each pay day the employer shall transmit to the immigration officer in charge of the case the money withheld from the alien's wages in pursuance of the preceding paragraph. Postal money orders payable to such officer, purchased at the cost of the alien, shall be used in making these remittances. Such officer shall indorse said money order to the local postmaster and deposit the money with the local Postal Savings Bank to the credit of the alien from whose wages the sum represented has been withheld, retaining in his pos-

session the receipt for such deposit. The funds so deposited will remain in the Postal Savings Bank until the alien leaves the United States, whereupon such officer shall arrange for delivery to the alien of the money so saved, plus the interest, if any, accrued thereon; but partial withdrawals may be permitted under the terms of the next succeeding paragraph.

(d) If an alien released under the terms of this rule becomes ill, out of employment, or otherwise needy through force of circumstances (such as illness of his accompanying family), he may apply to the immigration officer in charge of the case for permission to withdraw and use a part of the accumulated fund which may be on deposit in the Postal Savings Bank to his credit; and such application may, after due investigation, be granted by allowing withdrawal in installments up to not exceeding one-half of the sum on deposit, or more upon special permission of the department; the accumulation to be recommenced as before as soon as the alien resumes employment.

(e) If the work for which the alien is employed has been completed and no other employment is open to him, the officer in charge of the case shall be notified by the alien and the latter shall be returned to custody, the cost of his own travel in so doing to be paid from the funds on deposit to his credit under the terms of this rule. If other employment is open to him, the alien shall so notify the immigration officer, giving full particulars as to the prospective employment proposed.

SUBD. 4. *Change of employers.*—An alien released under the terms of this rule who changes employers shall be subject to be taken into custody on the outstanding decision or departmental warrant, in the event that he fails to report any change of employment or that any subsequent employer fails or neglects to comply with the requirements of this rule as to withholding and depositing 25 per cent of the wages earned by the alien. Any default shall be promptly reported to the department by the officer in charge of the case, details to be furnished for the completion of the records.

SUBD. 5. *Release contingent upon good behavior.*—Any release granted under the terms of this rule may be terminated if the alien so released has misbehaved or has failed to obey the laws of the United States and of the State or community in which such alien may be employed.

SUBD. 6. *Application of rule to existing cases.*—Upon permission of the department, the provisions hereof may be applied to cases of aliens who have heretofore been released upon personal recognizance or parole, and to other cases in the discretion of the department. Such permission may be granted where it is shown that the ends of good administration will be served or other desirable results obtained by making a change in the conditions of release, but the department may, in its discretion, impose other conditions in addition to those provided in this rule, should the circumstances of a particular case so require.

Rule 18. MEDICAL OFFICERS.

Medical officers detailed for any duty under the immigration law shall, in matters of administration, be under the direction of the immigration officer in charge at the port to which they may be detailed.¹

¹ See sec. 16.

In considering and determining medical questions such officers are to be guided by the instructions issued by the Surgeon General of the Public Health Service.

Rule 19. HOSPITAL TREATMENT.

SUBDIVISION 1. *Staying deportation of wives and children of naturalized citizens and permanently resident aliens.*—When an alien certified upon arrival to be afflicted with tuberculosis in any form or a loathsome contagious or dangerous contagious disease is found to be (a) the wife or minor child of an alien who is shown to have taken up his permanent residence in the United States; (b) the wife of a naturalized citizen, married to him abroad prior to his naturalization; or (c) the minor child of a naturalized citizen, born abroad to him prior to his naturalization, such alien shall be held until it is ascertained whether the disorder will be easily curable or whether landing can be permitted without danger to others. The law does not direct that any other aliens so afflicted (except seamen)¹ shall be held. Deportation shall occur promptly with respect to such wives and minor children if and when it is ascertained that the disorder is not easily curable or that the alien can not be landed without danger to others; and with respect to all others if and when it is ascertained that the alien is diseased; unless, in behalf of either, application for treatment is made promptly in accordance with the terms of subdivisions 2 and 3 hereof. To expedite the handling of cases under this rule, examining surgeons should include, so far as possible, in their certificates for tuberculosis in any form or loathsome contagious or dangerous contagious diseases a statement as to whether or not the disorder will be easily curable and whether or not the person certified can be permitted to land without danger to other persons.

SUBD. 2. *Applications for hospital treatment.*—Applications for hospital treatment, whenever submitted in accordance with this rule, shall be forwarded promptly to the bureau for presentation to the department. Such applications may arise with respect to the cases described in the preceding subdivision, under section 22, or in connection with cases arising under section 18. The requirements with respect to each differ, and those arising under section 22 are of two descriptions; therefore such applications are classified as follows:

(a) Arising under section 22, those affecting the wives and minor children of naturalized citizens; with respect to which, unless upon investigation of the application submitted the husband or father is satisfactorily shown to be unable to bear the expense involved in hospital treatment, the conditions specified in subdivision 3 hereof must be met, and in which proof of naturalization specified in subdivision 4 hereof must be furnished.

(b) Arising under section 22, those affecting the wives and minor children of aliens permanently resident in the United States; with respect to which the conditions specified in subdivisions 3 and 4 hereof always must be met.

(c) Arising under section 18, those affecting aliens, irrespective of any question of relationship, afflicted with tuberculosis in any form or a loathsome contagious or dangerous contagious disease, in which cases it must be shown affirmatively and satisfactorily that "to refuse treatment would be inhumane or cause unusual hardship or suffer-

¹ See sec. 35 and Rule 10.

ing"; with respect to which the conditions specified in subdivision 3 hereof need not be met.

SUBD. 3. *Requirements to be met in certain applications for hospital treatment.*—Except as specified in paragraph (a) of subdivision 2 above, no application for hospital treatment of aliens afflicted with tuberculosis or a loathsome contagious or dangerous contagious disease, arising under section 22, will be considered unless submitted promptly to the immigration official in charge at the port of arrival (by him to be forwarded to the bureau), and unless in addition such application shows that the applicant or some one on his behalf is willing and able to deposit at once a sum sufficient to pay for treatment for 60 days, or less if a shorter time is estimated as that within which a cure possibly may be effected, and to furnish bond in a penalty of not less than \$300 providing that at least 15 days prior to the expiration of said period a further deposit will be made sufficient to cover cost of treatment for 30 days additional and a remittance of a similar amount 15 days prior to the expiration of the period covered by this deposit, and so on until the alien is cured and permanently landed or the case otherwise disposed of, the bond also to provide that a sum sufficient to defray the cost of forwarding the alien to final destination will be furnished, when and if needed, and, in the event the alien is a person who, from infancy or other cause, will require an attendant to accompany him to final destination if landed, or to the country of origin if eventually deported, that such an attendant or funds sufficient to defray cost of employing one will be furnished. The same time shall be allowed for filing applications for hospital treatment as is allowed for the filing of appeals.¹ If on arrival the condition of an alien is such that, in the estimation of the immigration official in charge, the dictates of humanity require that he shall be given immediate hospital treatment, such treatment shall be accorded.

SUBD. 4. *Proof of naturalization or permanent residence.*—Naturalization shall be proved by the presentation of a naturalization certificate and identification of the presenter as the rightful holder thereof. "Permanent residence" shall be understood to mean that the alien sending for wife or child has relinquished his former foreign domicile and actually settled in the United States—established his permanent home here, such fact to be proved in the ordinary manner.

SUBD. 5. *Report and certificate to accompany application.*—The immigration official in charge who forwards the application shall furnish a transcript of the board hearing and a certificate of a Public Health Service surgeon showing the character and extent of the alien's affliction and estimating the duration of treatment required to effect a cure; and shall state whether or not the preliminary deposit has been made, and whether or not he thinks the bond required will be forthcoming in the event the application is granted; and shall express his views of the case.

SUBD. 6. *Action if requirements not observed.*—If the application is granted and there is a failure to observe the terms of the bond exacted, report thereof shall be made to the bureau, to the end that the conditions of the bond may be enforced and the alien deported. Any balance of a deposit remaining unexpended when the alien is cured or released shall be returned to the depositor. The cost of hospital

¹ See subd. 3, Rule 17.

treatment may be charged against the deposit from the time the petition was filed.

SUBD. 7. Admission to hospital not a "landing."—The treatment of an alien under this rule shall not be construed to alter in any manner the status of the alien with reference to his right to enter or remain in the United States, nor to affect in any manner the liability of transportation companies under section 9 or Rules 3 and 26. "Landing" occurs only when the alien is admitted after a cure has been effected.

SUBD. 8. Expenses in cases of passengers apparently aliens but really citizens.—If any arriving passenger apparently an alien is placed in hospital under any provision of this rule that does not require expenses of hospital treatment to be paid by others than transportation companies, and it is subsequently shown that such passenger is in fact a United States citizen, the expense of treatment up to the time satisfactory proof of citizenship is furnished shall be borne by the transportation company or by the vessel on which such passenger arrived.

Rule 20. ASSISTANCE TO ADMITTED ALIENS.

Notwithstanding admission and for reasons satisfactory to the immigration officer in charge, any alien may remain a few days at an immigration station upon payment of actual expenses. If in such a case the delay in leaving the immigration station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expenses incident thereto, the immigration officer in charge, in his discretion, may authorize the same, reporting the case promptly to the bureau with full reasons for his action and requesting that the authorization be ratified.

Rule 21. DEPORTATION OF EXCLUDED ALIENS.

SUBDIVISION 1. Notice to alien.—In case an appeal from an excluding decision is dismissed and the decision affirmed, the alien shall be notified as promptly as circumstances permit.

SUBD. 2. Notice to master, etc.—The master, agent, consignee, or owner of a vessel by which an excluded alien is to be deported shall be notified of this fact as promptly as circumstances permit; also of the cause of rejection¹ and the class in which such alien arrived and is to be deported.

SUBD. 3. Placing on board.—The immigration officer in charge may place excluded aliens on board for deportation immediately upon exclusion, whenever in his judgment such action is necessary.²

SUBD. 4. Notice of sailings.—At least 24 hours' advance notice of the time of sailing of every vessel which has brought aliens to the United States shall be given the immigration officer in charge, in order that he may have the opportunity to place on board aliens to be deported by such vessel.

Rule 22. ARREST AND DEPORTATION ON WARRANT.

SUBDIVISION 1. Classes of warrant cases.—All cases in which aliens may be arrested and deported are either stated in detail or mentioned in section 19. They fall into the following divisions. With respect to each of these divisions the law is retrospective or not and the time within which deportation proceedings may be instituted is limited or not, as indicated below.

¹ See Rule 23 for aliens requiring special care and attention.

² For instance, to prevent congestion or to remove danger of contagion.

(a) Any alien who has entered the United States prior to May 1, 1917, and who at the time of entry was a member of any one of the classes excluded under any provision of the immigration act of February 20, 1907; limitation five years; retrospective.

(b) Any alien who has entered the United States subsequent to April 30, 1917, and who at the time of entry was a member of any one of the classes excluded by section 3, or the last proviso to section 18, or the last proviso to section 23, of the act of February 5, 1917; limitation five years; not retrospective.

(c) Any alien who shall have entered or who shall be found in the United States in violation of the act of February 5, 1917; limitation five years; not retrospective.

(d) Any alien who shall have entered or who shall be found in the United States in violation of any other law, to wit, the Chinese-exclusion law; limitation five years; retrospective.

(e) Any alien who becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; limitation five years; retrospective.

(f) Any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials; limitation three years; retrospective.

(g) Any alien who shall have entered the United States by land at any place other than one designated by the Commissioner General as a port of entry for aliens, or at any time not designated by immigration officials; limitation three years; retrospective.

(h) Any alien who shall have entered without inspection; limitation three years; retrospective.

(i) Any alien who may be sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, unless such alien has been pardoned or the court or judge sentencing him has recommended to the department, at the time of imposing sentence or within 30 days thereafter, that he be not deported; limitation—that the crime shall have been committed within five years after entry; retrospective with respect to time of entry, but not retrospective with respect to conviction; deportation shall not occur until termination of imprisonment.

(j) Any alien who may be sentenced more than once to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, unless such alien has been pardoned or the court or judge sentencing him has recommended to the department, at the time of imposing sentence or within 30 days thereafter, that he be not deported; no limitation; retrospective with respect to time of entry, but not retrospective with respect to conviction; deportation shall not be effected until termination of imprisonment.

(k) Any alien who shall be found an inmate of or connected with the management of a house of prostitution; no limitation; retrospective.

(l) Any alien who shall be found practicing prostitution; no limitation; retrospective.

(m) Any alien who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; no limitation; retrospective.

(n) Any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather; no limitation; retrospective.

(o) Any alien who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; no limitation; retrospective.

(p) Any alien who shall import or attempt to import any person for the purpose of prostitution or any other immoral purpose; no limitation; retrospective.

(q) Any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways specified in section 19, shall return to and enter the United States; no limitation; retrospective.

(r) Any alien convicted and imprisoned for a violation of any of the provisions of section 4; no limitation; retrospective.

(s) Any alien who was convicted or who admits the commission prior to entry of a felony or other crime or misdemeanor involving moral turpitude; no limitation; retrospective.

(t) Any alien of the classes described in the act approved October 16, 1918, concerning members of the anarchistic and similar classes; no limitation; retrospective.

(u) Any alien who shall be found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; no limitation; retrospective.

(v) Any alien who, after having been admitted as one exempt from the geographical zone clause of section 3, fails to maintain his status as such; no limitation; not retrospective.

(w) Any alien who has been convicted under subdivision (c) of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved May 26, 1922, and sentenced to serve a term of imprisonment; no limitation.

SUBD. 2. Investigation and report of cases.—Officers shall make thorough investigation of all cases when they are credibly informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation on warrant. All such cases, by whomsoever discovered, shall be reported to the immigration officer stationed nearest the place where the alien is found to be.

SUBD. 3. Application for warrant of arrest.—The application¹ must state facts showing prima facie that the alien comes within one or more of the classes subject to deportation after entry, and, except in cases in which the burden of proof is upon the alien (Chinese) involved, should be accompanied by some substantial supporting evidence. If the facts stated are within the personal knowledge of the inspector reporting the case, they need not be in affidavit form. But if based upon statements of persons not sworn officers of the Government (except in cases of public charges covered by subdivision 4 hereof), the application should be accompanied by the affidavit of the person giving the information or by a transcript of a sworn statement taken from that person by an inspector. In all cases shown in subdivision 1 to be subject to a time limitation the application must be accompanied by a certificate of landing² (to be obtained from the immigration officer in charge at the port where landing occurred, unless entry without inspection within such limitation is confessed, or a reason given for its absence. In the ab-

¹ Form 565.

² Form 505.

sence of such certificate, effort should be made to supply the principal items of information mentioned in the blank form provided for such certificate. Telegraphic application may be resorted to only in case of necessity, or when some substantial interest of the Government would be subserved thereby, and must state (a) that the usual written application is being forwarded by mail, and (b) the substance of the facts and proof therein contained. The code supplied by the department should be used whenever practicable.

SUBD. 4. Proof in cases of aliens who have become public charges.—The application in such cases must be accompanied by a certificate of the official in charge of the institution in which the alien is confined, or other responsible public official if the alien is not confined, showing that the alien is being maintained at public expense. There should be submitted also, whenever readily available, evidence (such as certificates from attending physicians, etc.) tending to show that the causes for the alien's being a public charge existed prior to entry.¹

SUBD. 5. Execution of warrant of arrest and hearing thereon.—(a) Upon receipt of a telegraphic or written warrant of arrest the alien shall be taken before the person or persons therein named or described and granted a hearing to enable him to show cause, if any there be, why he should not be deported.² Pending determination of the case, in the discretion of the immigration officer in charge, he may be taken into custody or allowed to remain in some place deemed by such officer secure and proper, except that in the absence of special instructions an alien confined in an institution shall not be removed therefrom until a warrant of deportation has been issued and is about to be served.

(b) At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing, and to offer evidence to meet any evidence presented or adduced by the Government. Objections and exceptions of counsel shall not be entered on the record, but may be presented by him in accompanying brief. If during the hearing it shall appear to the examining inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is in the country in violation of law, the alien's attention shall be directed to the facts which constitute such reason, and he shall be given an opportunity to show cause why he should not be deported therefor.

(c) At the close of the hearing the full record shall be forwarded to the bureau, together with any written argument submitted by counsel and the recommendations of the examining officer and the officer in charge, for determination as to whether or not a deportation warrant shall issue.

(d) The record of the hearing accorded an alien who is suffering from any physical or mental disability shall be supplemented by a medical certificate showing (1) whether such alien is in condition

¹ The form of medical certificate (Form 534) used in enforcing the act of 1907 may be adapted for use in this connection.

² If the alien is unable to speak or understand English, an interpreter should be employed where practicable. If the alien is physically or mentally incapable of testifying, some relative or friend, if any, should be questioned.

to be deported without danger to life; (2) whether he will require special care and attention on the ocean voyage.

SUBD. 6. Release under bond.—The amount of any bond under which an arrested alien may be released¹ shall be \$500, unless different instructions are given by the department, which, prior to release, shall approve the bond, except that the approval of the local United States attorney, or the Commissioner of Immigration or the inspector in charge of the district as to form and execution shall be sufficient to warrant the release of such alien pending approval of the bail bond by the Secretary of Labor. United States bonds may be accepted in lieu of sureties on bail bond, or sureties may deposit United States bonds instead of justifying in real estate. Aliens who are unable to give bail shall be held in jail only in case no other secure place of detention can be found.

SUBD. 7. Warrant for deportation and deportation thereon.—Upon receipt of the department's decision, or as soon thereafter as the circumstances of the case may require, the alien shall be taken into the custody of the immigration officials (if this has not occurred already) for deportation.² Thereafter he shall be deported, previous notice of deportation having been given the steamship company concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination.³

SUBD. 8. Cost of maintenance pending deportation on warrant.—(a) The cost of maintaining aliens during these proceedings may be borne by the Government, but as to aliens who have become public charges from causes existing prior to landing, such cost will not be allowed unless or until an appropriation becomes available for that purpose.

(b) If proceedings against a procurer or contractor are instituted within 5 years after the entry of the alien (secs. 4, 5, and 20), immigration officers shall report to the United States district attorney the amount of the cost of deporting the alien, including one-half of the entire cost of removal to the port of deportation, so that a proper effort may be made to recover such expense from the procurer or importer and the reimbursement of the Government and the transportation company for their respective parts thereof.

(c) If, after the Government has completed its investigation, request is made by or on behalf of an arrested alien for an extension of time that seems unusual or unreasonable and any expenses will arise from granting such request, the deposit in advance of a sum sufficient to cover such expenses shall be required as a condition precedent to the granting of such request.

SUBD. 9. Place of deportation.—The deportation warrant shall specify the place to which the alien covered thereby will be deported in accordance with section 20. "Foreign port" as used in said section includes ports of the insular possessions of the United States.

SUBD. 10. Women and girls, special procedure concerning treatment and care of.—(a) When it is necessary to detain or hold arrested women and girls they shall not be incarcerated by immigration officials in jails or other similar places unless such incarceration is

¹ Use Form 553. (See sec. 20.)

² If an attendant (or matron) is required to assist in conveying alien from an inland point to the seaport of deportation, special request for authorization therefor should accompany the record of hearing. Such attendants are allowed a nominal compensation of \$1 and traveling expenses both ways. This rate must not be exceeded unless extraordinary conditions, fully reported, result in authorization of a different compensation.

³ For special provisions in the cases of insane and diseased aliens requiring special care and attention, see Rule 23.

absolutely unavoidable; but if there is not attached to the immigration station or quarters a room suitable for such purpose, and if such aliens are not already being held in some proper institution, arrangements shall be made for their detention by some philanthropic or other similar society, preferably under the control of organizations or persons of the same nationality and religion as the detained aliens.

(b) To the fullest extent practicable there shall be designated at each immigration station or substation a female employee whose particular duty shall be to care for arrested women and girls if such aliens are detained in the immigration station or quarters, and to see that they are properly cared for if detained elsewhere. For convenience, such employees shall be called "special officers." In furtherance of this provision the said special officer shall keep in touch and cooperate with such philanthropic and similar societies as assist the immigration officials in the handling of these cases.

(c) In every such case in which it is found absolutely necessary to incarcerate the alien in a jail or other similar place a report of the action and of the reasons therefor shall be submitted promptly to the bureau.

(d) In every instance in which it is necessary to commit a woman or girl to the custody of a society for more than a brief period of time the society shall be requested to submit weekly reports regarding the condition and behavior of the detained alien; and whenever facts or circumstances to justify so doing are developed a report thereof shall be forwarded to the bureau.

(e) If in any case the ends of proper and humane administration seem so to require, the special officer shall conduct an investigation or submit a report, or both, independently of the investigation and report of the inspector conducting the hearing under the warrant of arrest; all under and through the officer in charge of the station or district.

(f) It being the purpose of this special procedure to humanize the administration of the law, it is important that the cases of women and girls shall be handled in a particularly considerate and careful manner, not only while the aliens are being detained in this country but, in the event of deportation, after they arrive in the country of their nativity or at the port where they originally embarked for the United States. In furtherance of their proper treatment abroad arrangements have been made (in addition to those for some time existing by virtue of and in pursuance of the White-Slave Traffic International Agreement and of section 6 of the act of June 25, 1910, for correspondence by the Commissioner General of Immigration with representatives of the respective foreign Governments, parties to said agreement) for advising certain women's organizations in Europe and elsewhere with respect to the facts and circumstances of all cases in which it is deemed that advices should be sent abroad to insure that upon disembarkation at the foreign port women and girls will be at least in a position where responsible and charitably disposed persons will have knowledge of them and be able, wherever possible, to extend assistance. Thus, to the fullest extent practicable, in cases in which deportation is effected on grounds of immorality, it will be insured that deportation will not result in affording means for the further degradation of the alien, but rather in placing her in the way of opportunities for reformation. All correspondence with representatives of foreign countries and representatives of foreign

women's societies shall be conducted by the bureau at Washington. Special officers assigned to duty under paragraph (b) hereof shall advise the bureau fully in each case in which they believe correspondence of the nature herein designated should be conducted. Such reports shall be in triplicate so that the bureau, whenever it deems that course proper, may forward copies thereof to the Government and society representatives abroad prior to or simultaneously with the deportation of the alien. At stations where it is impracticable to designate a special officer for this duty such reports shall be furnished by the officer in charge.

SUBD. 11. *Deportation by consent.*¹—Any alien who is a lawful resident of the United States and who has become a public charge from physical disability arising subsequent to landing may be deported, with his consent and the approval of the bureau, within three years from date of landing, at Government expense, provided he is delivered to the immigration officers at a designated port free of charge. If the alien's deportation is directed, the charges incurred for his care and treatment in any public or charitable institution from the date of notification to an immigration official until the expiration of one year after landing may be paid by the bureau at such rates as it shall accept as reasonable.

Rule 23. DEPORTATION OF INSANE AND DISEASED ALIENS REQUIRING SPECIAL CARE AND ATTENTION.

SUBDIVISION 1. *When to be provided.*—When the immigration authorities find that an alien about to be deported (whether after rejection by a board or on department warrant) requires special care and attention, the steamship company concerned must provide such care and attention as his condition calls for, not only during the ocean voyage but also as hereinafter provided during the foreign inland journey.

SUBD. 2. *Special papers.*—The alien shall be delivered to the master or first or second officer of the vessel by which deportation is to occur, who shall be given the appropriate form,² and a duplicate carbon of sheet "A" thereof. The receipt and sheet "A" shall be filled out (except as to signature) by an immigration officer. The receipt attached to sheet "A" shall be signed by the ship's officer to whom the alien has been delivered and returned forthwith to the immigration officer making delivery. Sheets "B" and "C" shall be retained by the ship's officer and in due course filled out by the agents or persons therein designated and by them returned by mail as therein provided.

SUBD. 3. *Forwarding alien from foreign port to destination.*—From the foreign port of debarkation the steamship company must forward the alien to destination in charge of a proper custodian (all expenses to be borne by such company), except only in cases where foreign public officials decline to allow such custodian to proceed and themselves take charge of the alien, which fact must be shown by signing the form provided in the lower half of sheet "C." If the foreign public officials do not take charge at the port of debarkation, but at an interior frontier, both forms on sheet "C" must be filled

¹ See sec. 23.

² Form 597, composed of sheets "A," "B," and "C." At the blank space following "No." at the top of each sheet, department warrant number must be placed if deportation occurs pursuant to warrant, and local correspondence file number if it occurs pursuant to rejection by a board.

out, the former in relation to the inland journey as far as such frontier.¹

SUBD. 4. *When Secretary will employ attendants.*—Whenever, without excuse satisfactory to the immigration officer in charge at the port of embarkation, a steamship company has failed for a period of 90 days after departure of an alien requiring special care and attention under this rule to comply with any of the terms thereof, including cases in which it has failed to return sheets "B" and "C" properly filled out, such immigration officer shall report this fact forthwith to the bureau, and thereafter the Secretary of Labor, without further notice and during such period as he shall determine, will exercise his right (sec. 20) to employ suitable persons to accompany to their final destination aliens deported on a vessel of such steamship company requiring special care and attention. Instructions as to compensation of such attendants, their mode of travel, their right of access to the alien during the ocean voyage, and other necessary matters will be given in each case as it arises.

Rule 24. SUBPENAING WITNESSES.

SUBDIVISION 1. *When power shall be exercised.*—The provision of section 16 authorizing commissioners of immigration and inspectors in charge to subpoena witnesses and require the production of books, papers, and documents is intended to aid, not to impede, the immigration officers in the performance of their duties. The power to issue subpoenas will be exercised, therefore, only when absolutely necessary. Whenever an inspector conducting an investigation or a board of special inquiry holding a hearing is of opinion that a certain witness whose testimony is deemed essential to a proper decision of the case will not appear and testify or produce books, papers, and documents unless commanded to do so, such inspector or the chairman of such board shall request the commissioner or inspector in charge to issue a subpoena and have it served upon such witness. If an alien or his authorized representative requests that a witness be subpoenaed, he shall be required, as conditions precedent to the granting of the request, to state in writing what he expects to prove by such witness or the books, papers, and documents indicated by him and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. The examination of the witness or of the books, papers, and documents produced by him shall be limited to the purpose specified in the written assignment of the alien or his authorized representative. But when a witness has been examined by the investigating officer and counsel has not had an opportunity to cross-examine such witness and it is apparent or is shown that such witness will not appear for cross-examination unless commanded to do so, a subpoena shall issue.

SUBD. 2 *How power exercised.*—Upon determining that a witness whose evidence is desired either by the Government or the alien will not be likely to appear and testify, or produce written evidence unless commanded to do so, the commissioner or inspector in charge shall issue a subpoena and have it served upon the witness by an

¹ When foreign public officials have taken charge at the port of debarkation it will be unnecessary to fill out any portion of the form on the upper half of sheet "C."

immigration officer or employee, in conformity with this rule, due record of such service to be made. If the witness neglects or refuses to respond to the subpoena, the United States attorney of the proper district shall be requested so to report to the appropriate district court, with a motion that an order be issued requiring the witness to appear or to produce written evidence, as contemplated by section 16, or for action as therein specified in the event of continued neglect or refusal.

SUBD. 3. Expenses of witnesses.—The law does not provide for the payment of fees by the Government in these cases. If a witness subpoenaed at the request of the alien or his representative demands that he be recompensed for time lost from his employment, arrangements therefor must be made by the alien or his representative as a condition precedent to the issuance of the subpoena. If the witness is subpoenaed at the request of an inspector or the chairman of a board, recompense can not be allowed.

SUBD. 4. Reports.—Commissioners or inspectors in charge shall submit promptly to the bureau a report of each subpoena issued under the terms of this rule.

Rule 25. HOLDING AS WITNESSES ALIENS ORDERED DEPORTED.

SUBDIVISION 1. When cause for deportation existed prior to entry.—It is provided by section 18 that the department may stay the deportation "of any aliens found to have come in violation of any provision" of the immigration act when the testimony of such aliens is necessary on behalf of the United States in the prosecution of offenders against the immigration act or any other law of the United States, and that the cost of maintenance and a witness fee in the sum of \$1 per day may be paid by the department in each such case, or the alien witness may be released under bond of not less than \$500 conditioned for his production when required as a witness or for deportation. Therefore the alien to be detained must have come to the United States in violation of the immigration act, and his deportation must have been stayed by the department, before detention charges and witness fees, or release under bond, can be authorized; and such authorization can be given only in cases in which at least one cause for the proposed deportation of the alien arose prior to entry. Such cases should be reported promptly to the bureau, with a statement of all facts and circumstances material to decision of the question whether the authorization desired shall be granted. Vouchers for witness fees should be stated in favor of each witness¹ and submitted at the close of each month or, if detention is for less than one month, at the conclusion of such detention. Maintenance charges will be vouchered in the regular way applicable to such bills.

SUBD. 2. When cause for deportation has arisen subsequent to entry.—Cases in which there exists no cause for deportation arising prior to entry (for example, cases in which aliens have become members of the immoral or criminal classes after landing) are not within the purview of the provision of section 18. In such cases, therefore, when it becomes necessary to hold an alien as a witness, arrangements therefor must be made with the appropriate United States attorney. The issuance of warrants of deportation in these classes of cases will

be withheld pending the termination of judicial proceedings, so that the witnesses may be bound over and detention expenses and witness fees paid by the Department of Justice.

Rule 26. DETENTION EXPENSES.

SUBDIVISION 1. *Responsibility of transportation companies.*—The owners, masters, agents, and consignees of vessels bringing aliens shall pay all expenses incident to or involved in their removal from the vessel or their detention as mentioned in rule 3 hereof (excepting only in cases in which it is otherwise provided by section 18, or in which detention occurs under the terms of section 22), irrespective of whether the aliens removed or detained are subsequently admitted or deported; such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation; also all expenses of hospital treatment where granted under section 18 and subdivision 2 (c) of Rule 19. When aliens are fed under an exclusive privilege (sec. 26), the expenses of maintenance generally shall be deemed the charges at which the privilege holder agrees to furnish them food. At ports where the Immigration Service maintains hospitals the hospital expenses shall be such as are fixed by the department, and at other hospitals they shall be such as are fixed by the authorities thereof.

SUBD. 2. *Accompanying aliens.*—If in the judgment of the officer in charge, based upon the expressed opinion of a surgeon, it is necessary for the proper care of an alien removed to hospital or as a measure of humanity to place with him there an attendant or accompanying alien, the cost of the latter's detention in hospital must be borne in the same manner as is the cost of treating the disabled alien.

SUBD. 3. *Securing payment.*—Immigration officers are under no obligation to order the removal of aliens from a vessel for inspection or hospital treatment until the steamship companies have obligated themselves in a manner satisfactory to such officers for the payment of the expenses hereinbefore referred to, and at their option they may require payment in advance, or security, for each and every one thereof; and for failure on the part of a steamship company at any time during the course of detention to pay such expenses, the aliens may be returned to the vessel.¹

SUBD. 4. *Expenses for which transportation companies not responsible.*—Detention expenses shall be borne by the Government in cases of (a) aliens held as witnesses under section 18, (b) insane aliens whose health or safety would be unduly imperiled by immediate deportation (sec. 18), and (c) in cases in which the wives and minor children of naturalized citizens are accorded treatment under section 22 and subdivisions 1 and 2 of Rule 19, when it is satisfactorily shown that the husband or father is unable to pay such expenses. They shall be borne by the husband or father of the alien, when he is able to pay them, in cases in which treatment of a wife or minor child is authorized under said section and rule; and always by the husband or father when he is merely a permanent resident, not a naturalized citizen, of the United States, whose wife or child is allowed treatment under section 22 and subdivision 2 of Rule 19. Preferably they shall

¹ See secs. 11 and 15.

be paid by the alien, but may be paid from the immigration appropriation under special authority, (a) where it is necessary to hold the alien *after admission* in accordance with Rule 20, and (b) in the cases of wives and minor children of naturalized citizens accorded treatment under section 22 and subdivisions 1 and 2 of Rule 19.

SUBD. 5. *Expense of returning aliens to vessels.*—The expense of returning rejected aliens to vessels for deportation is a part of the expense of the return of such aliens to the country whence they came.

SUBD. 6. *Presentation of bills.*—Bills pertaining to any of the expenses in this rule mentioned shall be presented to the steamship companies responsible, monthly or oftener at the option of the officer in charge, and, if not promptly paid, action shall be taken immediately, as prescribed by Rule 28.

Rule 27. ALIEN CONTRACT LABORERS.

SUBDIVISION 1. *Who are.*—Contract laborers are aliens “who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled,” or “persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country” (sec. 3).

SUBD. 2. *Exemptions.*—Aliens falling within the foregoing definition may be admitted to the United States, however, upon presenting satisfactory evidence that they are:

- (a) Professional actors;
- (b) Professional artists;
- (c) Professional lecturers;
- (d) Professional singers;
- (e) Professional nurses (i. e., trained nurses holding diplomas from recognized nurses' training schools or hospitals);
- (f) Ministers of any religious denomination;
- (g) Professors for colleges or seminaries;
- (h) Persons belonging to any recognized learned profession;
- (i) Persons employed as domestic servants (i. e., employed in household affairs, as distinguished from work not immediately connected with the conducting of a family establishment, and as distinguished from personal service such as that rendered by valets and ladies' maids);
- (j) Otherwise admissible skilled labor, if labor of like kind unemployed can not be found in this country and the Secretary has granted permission in advance of the migration of such skilled laborers for their importation (secs. 3 and 5).

(k) Exhibitors and employees of fairs and expositions authorized by Congress.

SUBD. 3. *Advance applications for privilege of importing skilled labor.*—Applications for permission to import otherwise admissible skilled labor in accordance with sections 3 and 5 and paragraph (j) of subdivision 2 hereof shall be submitted by the person, company, or corporation seeking such privilege to the immigration official in charge of the district within which it is proposed to employ such skilled labor. The application shall be in the form of an affidavit,

drawn in triplicate, and shall state clearly all facts and circumstances material to the case, including (a) the number and sex of the persons whom the applicant desires to import, (b) a nontechnical description of the work which it is intended they shall perform, (c) whether the industry is already established or is new in the United States, (d) the approximate length of time required for one to become skilled in the trade, (e) the wages paid and hours of labor required, (f) whether or not a strike exists or is threatened among applicant's employees or there is a lockout against such employees, (g) what city or cities if any constitute the center of the trade in this country, (h) whether or not there are any journals specially devoted to the industry, and (i) the nature of the efforts if any made to secure the desired labor in the United States and the results of such efforts. The application shall be supported by such affidavits (also in triplicate) as the applicant can furnish. The applicant shall also furnish, or agree to furnish at a later date, the names, ages, nationality and last permanent foreign residence of the aliens whom he desires to import, and the name of the port at which and of the vessel by which they will arrive, and the date of the proposed arrival.

SUBD. 4. Investigation of application.—Thereupon the immigration official in charge shall conduct a thorough investigation (using contract-labor inspectors employed in pursuance of section 24 whenever practicable) and shall forward two copies each of the application, of the accompanying affidavits, and of the report of the investigation, respectively, together with his recommendation, to the bureau. The entire record will then be summarized by the bureau and submitted to the department with appropriate recommendation. Counsel may be employed in connection with such cases before the office of the immigration official in charge or the bureau, or both, but all evidence shall be submitted to and investigated by the immigration official in charge.

SUBD. 5. Decision upon application.—When a decision is rendered by the Secretary upon the application the immigration official in charge shall be notified immediately, and he in turn shall notify the applicant of the purport of such decision. If it is favorable, a copy of the record will be transmitted to the port at which it is proposed the alien contract laborers shall enter, with instructions to the immigration official there in charge to admit such laborers if upon arrival and examination they are found to be admissible under all other provisions of the law.

SUBD. 6. Admission of "student laborers."—In pursuance of the provision of section 3 authorizing the bureau and the department to prescribe conditions "to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission," employers of skilled labor desirous of training aliens in their establishments may be granted such privilege by the department, provided the prospective "student laborers" are admissible in every other respect except that they migrate under contract, and provided a bond is furnished for each such alien in the penalty of not less than \$500, guaranteeing that the alien will be employed in no other than a student capacity while within the United States and will leave this country immediately upon the conclusion of his course of training. Applications for this privilege and proof in support thereof should

be submitted in substantial accordance with the provisions of subdivision 3 hereof.

SUBD. 7. Exhibitors and their employees.—Exhibitors and holders of concessions or privileges for any fair or exposition authorized by act of Congress may bring into the United States under contract alien mechanics, artisans, agents, and employees. Special regulations concerning the admission and return of such aliens will be issued if and whenever a fair or exposition is authorized by Congress (sec. 3). Such aliens, unlike others exempted from the contract-labor provisions, are also exempted from the illiteracy test.

Rule 28. COLLECTING ADMINISTRATIVE FINES UNDER SECTIONS 7, 9, 14, 15, 18, 20, 35, 36, AND SECTION 6, ACT OF MAY 19, 1921, AS AMENDED BY PUBLIC RESOLUTION APPROVED MAY 11, 1922.

SUBDIVISION 1. Medical certificate under sections 9 and 35.—Whenever an arriving alien or seaman is found to be afflicted with any of the diseases or disabilities mentioned in section 9 or section 35, and in the judgment of the medical examiner such disease or disability existed at the time of foreign embarkation and might have been detected by means of a competent medical examination at such time, he shall so certify.

SUBD. 2. Notice of intention to fine.—(a) Upon the receipt of a certificate of the kind described in subdivision 1 hereof in cases of aliens suffering with any of the physical or mental afflictions or defects mentioned in section 9 or section 35;¹ or

(b) Upon becoming satisfied that any alien has been brought to this country after having been solicited, invited, or encouraged to come in violation of section 7;² or

(c) Upon becoming satisfied that any alien excluded by the terms of section 3 as illiterate or as a native of that portion of the continent of Asia and the islands adjacent thereto described in said section has been brought in violation of section 9;³ or

(d) Upon becoming satisfied that there has been a refusal or failure to deliver accurate and full manifests or statements or information regarding aliens brought into or carried out of the United States in violation of section 14;⁴ or

(e) Whenever there has been any refusal or failure by the master, owner, agent, or consignee of a vessel to defray any of the expenses specified in section 15;⁵ or

(f) Whenever there has been any refusal or failure by any master, purser, person in charge, agent, owner, or consignee of the kind specified in section 18, or any such party has made any charge or taken any security covering return expenses of an alien, or taken any consideration to be returned in case the alien is landed, or knowingly brought to the United States any alien rejected or arrested and deported within a year previously in violation of said section;⁶ or

(g) Whenever any master, agent, owner, or consignee of any vessel has failed or refused to take on board, guard safely, and transport to specified destination any deported alien, in violation of section 20;⁷ or

(h) Upon becoming satisfied that there has been a failure of the owner, agent, consignee, or master of any vessel to furnish the lists

¹ Use Form 670.

² Use Form 671.

³ Use Form 672.

⁴ Use Form 673.

⁵ Use Form 674.

⁶ Use Form 675.

⁷ Use Form 676.

of arriving, illegally landing, departing, discharged, deserted, or landed seamen required by section 36;¹ or

(i) Upon becoming satisfied that an alien not admissible under the terms of the act of May 19, 1921, as amended by the act approved May 11, 1922, or under the regulations made thereunder, has been brought to the United States from a foreign country or any insular possession of the United States;²—

The officer in charge shall serve promptly upon the master, agent, owner, or consignee of the vessel, or other responsible person, a notice to the effect that the ascertained facts indicate that a fine should be imposed under the section of the law involved in the particular case; that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter; and that in the meantime the vessel on which the alien arrived will be granted clearance papers upon condition that he deposit with the collector of customs, prior to the time of sailing, a sum equal to the fine specified in the said notice, such sum to be held as security for the payment of the fine in the event it should be imposed, and, in cases arising under section 9, a sum equal to that paid by the alien involved for his transportation to this country from the initial point of departure, such latter sum to be held by the collector of customs in a special deposit and to be delivered to the alien when deported through the immigration official in charge at the port.

SUBD. 3. *Service of notice.*—Such notice shall be prepared in triplicate. The original shall be served on the master, agent, owner, or consignee of the vessel either by (a) delivering it to him in person, or (b) leaving it at his office, or, whenever the immigration officer in charge finds either of these methods of service inconvenient, (c) mailing it to him. When service is made by delivery it shall be admitted in writing upon the duplicate and triplicate and the admission witnessed by the server. If admission be refused, or in case of service by either of the other methods, the server shall note the method and date of service on the duplicate and triplicate. The duplicate shall be retained by the immigration officer in charge. The triplicate shall be delivered to the collector of customs for the district wherein the port of arrival is located, who shall withhold clearance papers until the deposit is made.

SUBD. 4. *Submission of evidence and report.*—If said deposit be made, further proceedings shall be suspended during said period of 60 days or until earlier submission of evidence to show why said fine should not be imposed. Such evidence, if submitted, shall be forwarded to the bureau, together with the medical certificate, the duplicate notice, and the data or evidence on which the notice was based; and the officer in charge shall present at the same time his written views as to whether the fine should be imposed. If within 60 days no evidence has been submitted, or as soon as it is known that the fine will not be contested, the officer in charge shall report the facts to the bureau.

SUBD. 5. *Remission or mitigation of fine prescribed by section 35.*—The fine prescribed by section 35 for bringing to United States ports as employees of vessels aliens afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome contagious or dangerous contagious disease will be mitigated or remitted by the

¹ Use Form 677.

² Use Form 679.

department only upon a clear and convincing showing to the effect that the imposition of the full penalty or of any part thereof would be unjust or inequitable under the shown circumstances of the particular case, including the submission of satisfactory evidence that the seamen were subjected to a competent medical examination before being signed on as members of the crew.

SUBD. 6. *Action on decision.*—Upon receipt of departmental decision the collector of customs shall be notified of its terms. If the fine is imposed, the amount retained as security shall be deposited and accounted for by the collector. If the fine is not imposed, he shall return such amount.

Rule 28-A. PROSECUTIONS IN PURSUANCE OF SECTION 10.

In order that the department may intelligently and fairly exercise the discretion vested in it by section 10 to determine whether proceedings brought thereunder shall be in personam or in rem, Commissioners of Immigration or inspectors in charge shall whenever they ascertain or have reason to believe that the provisions of said section have been violated by any person or by any owner, officer, or agent of a vessel or transportation line, promptly serve notice upon such person, owner, officer, or agent that it is his intention to recommend to the Secretary of Labor that a prosecution be brought; and such person, owner, officer, or agent shall be allowed 60 days within which to submit to the department, through the Commissioner of Immigration or inspector in charge and the Commissioner General of Immigration, a statement of reasons why the proposed proceedings should not be brought or why they should be in personam rather than in rem.

Rule 29. REPORTING CONDITION OF VESSELS.

In pursuance of section 11, immigration officers who board vessels arriving at United States ports for the purpose of inspecting passengers or crew shall observe the conditions prevailing upon the vessel with respect to sanitation and the comfort of passengers and crew; and such officers in every instance shall submit a report (in triplicate) to the immigration official in charge at the port. Two copies of such report shall be forwarded to the bureau, in order that such further action as may be deemed necessary may be taken.

Rule 30. ACCOUNTING FOR MONEYS RECEIVED.

All moneys collected on account of head tax, for rentals of exclusive privileges at immigration stations, and as fines for violations of the immigration laws (whether imposed by the department or the courts) shall be deposited to the credit of the Treasurer of the United States on account of miscellaneous receipts, with an assistant treasurer of the United States, or with a national bank designated as a depository, in the same manner as other miscellaneous collections are deposited. Separate accounts of the receipts and expenditures of money under the act shall be rendered monthly to the Secretary of the Treasury through the bureau on the appropriate forms.

Moneys collected on account of hospital expenses of detained aliens shall be deposited to the credit of the appropriation "Expenses of regulating immigration" for the fiscal year in which such expenses were incurred.

Rule 31. ATTORNEYS AND OTHER REPRESENTATIVES.

SUBDIVISION 1. Admission to practice.—It shall be requisite to the admission of attorneys or counsellors to practice before the Department or any Immigration Station that they shall be attorneys in good standing in the courts of the State to which they respectively belong, and any person who desires to appear in behalf of any alien shall be a person of good character and reputation.

SUBD. 2. Appearances.—All appearances must be entered in writing and only one person or firm of record representing the interests of the alien will be recognized. Any attorney or person claiming to represent an alien may be required to show that he is entitled to appear for the alien.

SUBD. 3. Fees.—No attorney or agent or other person shall in any case demand or receive compensation of any character exceeding \$25 for appearing in behalf of an alien or aliens constituting one family applying for admission, unless authorized so to do by the Department or officer in charge of Immigration Station.

SUBD. 4. Disbarment.—The Secretary of Labor may suspend or exclude from further practice before the Department or any Immigration Station any person, firm, corporation, or association who shall charge or receive either directly or indirectly, any fee or compensation for his services in excess of the above rate except in the manner herein provided, or who, with intent to defraud, deceives, misleads or threatens any alien or who refuses to comply with the immigration laws and rules.

Rule 32. POSTING OF IMMIGRATION LAWS.¹

Upon application by any transportation company the bureau will furnish a summary of the act of February 5, 1917, in English, a posting of which, in appropriate foreign languages, will be regarded as an observance of the spirit of section 8 of the act of March 3, 1893. Certificates in relation to posting of the immigration laws and other matters, which, under said law, transportation company must file, shall be filed with the bureau on January 1 and July 1 each year.

Rule 33. SERVICE UNIFORMS.

Officers and employees of the Immigration Service, whether stationed at ports of entry or elsewhere, shall wear, while on duty, the uniform prescribed by the bureau, unless otherwise specially directed in writing.

Rule 34. OFFICIAL CORRESPONDENCE.

Correspondence and reports shall be sent *through official channels* addressed to the Commissioner General of Immigration, Washington, D. C. Telegrams shall be addressed "Immigration Bureau, Washington, D. C.;" and in telegraphing, the code provided by the bureau shall be used to the fullest extent possible.

Rule 35. ADMINISTRATIVE DISTRICTS.

For convenience in enforcing both the immigration laws and the Chinese-exclusion laws, the territory within which immigration officials are located is divided into districts, under the jurisdiction of commissioners of immigration or inspectors in charge, numbered, defined, and with headquarters fixed, as follows:

¹ See act of Mar. 3, 1893, p. 101.

Dist. No.	Title of officer.	Location of headquarters.	Extent of district.
1	Commissioner of immigration.	Montreal, Province of Quebec, Canada.	Eastern Canadian seaports and Canadian border east of the easterly line of Montana.
2	do.	Boston, Mass.	New England States, including port of Boston and subports of New Bedford and Providence.
3	do.	Ellis Island, New York Harbor.	New York and New Jersey; immigration matters <i>only</i> .
	Chinese inspector in charge.	United States Barge Office, New York, N. Y.	New York and New Jersey; Chinese matters <i>only</i> .
4	Commissioner of immigration.	Philadelphia Immigration Station, Gloucester City, N. J.	Eastern Pennsylvania and Delaware; port of Philadelphia.
5	do.	Baltimore, Md.	Maryland and District of Columbia; port of Baltimore and subport of Washington.
6	Inspector in charge.	Norfolk, Va.	Virginia and North Carolina; port of Norfolk and subport of Newport News.
7	do.	Jacksonville, Fla.	Georgia, Florida, Alabama, and South Carolina; port of Jacksonville and subports of Savannah, Brunswick, Tampa, Miami, Key West, Pensacola, Mobile, and Charleston.
8	Commissioner of immigration.	New Orleans, La.	Louisiana, Mississippi, Arkansas, and Tennessee; port of New Orleans and subports of Gulfport and Pascagoula.
9	Inspector in charge.	Galveston, Tex.	The port of Galveston and subports of Port Arthur and Corpus Christi, Tex. The territory bounded on the north and east by the Louisiana-Texas border and the Gulf of Mexico; on the west by the westerly boundaries of the following counties in Texas: Shelby, Nacogdoches, Angelina, Polk, San Jacinto, Montgomery, Harris, Walker, Trinity, Fort Bend, Wharton, Jackson, Victoria, Refugio, San Patricio, and Nueces; and on the south by the southerly boundary of Nueces County, Tex.
10	do.	Cleveland, Ohio.	Ohio, Indiana south of the fortieth parallel, and Kentucky; substations at Toledo and Cincinnati.
11	do.	Chicago, Ill.	Illinois, Indiana north of the fortieth parallel, southern Michigan, and Wisconsin.
12	do.	Minneapolis, Minn.	Minnesota, North Dakota, and South Dakota.
13	do.	St. Louis, Mo.	Missouri, Iowa, eastern Nebraska, eastern Kansas, and eastern Oklahoma; substations at Kansas City and Omaha.
14	do.	Denver, Colo.	Colorado, Wyoming, Utah, western Nebraska, western Kansas, and western Oklahoma; substation at Salt Lake City.
15	do.	Helena, Mont.	Southern Montana; substation, Havre.
16	Commissioner of immigration.	Seattle, Wash.	States of Washington and Idaho, and Canadian border west of the easterly line of Montana; port of Seattle and subports of Vancouver, Victoria, Tacoma, Port Townsend, Hoquiam, Everett, and Bellingham; substations, Spokane, Walla Walla, Custer, and Nooksack.
17	Inspector in charge.	Portland, Oreg.	Oregon; port of Portland and subport of Astoria.
18	Commissioner of immigration.	San Francisco, Calif.	Northern California and Nevada; port of San Francisco; substations, Sacramento and Eureka.
19	Inspector in charge.	Pittsburgh, Pa.	Western Pennsylvania and West Virginia.
20	do.	Ketchikan, Alaska.	Alaska; port of Ketchikan, and substations of Skagway and Nome.
21	Commissioner of immigration.	San Juan, P. R.	Porto Rico; port of San Juan and subports of Ponce and Mayaguez.
22	Inspector in charge.	Honolulu, Hawaii.	Territory of Hawaii, including all ports.
23	Supervising inspector.	El Paso, Tex.	Texas, except portion comprising district No. 9; New Mexico, Arizona, and southern California, including seaports and border stations.
24	Inspector in charge.	Portland, Me.	Maine, except Canadian border ports, and Portsmouth, N. H.

W. W. HUSBAND,
Commissioner General.

Approved:
JAMES J. DAVIS, *Secretary.*

REGULATIONS TO GOVERN THE ENFORCEMENT OF THE ACT APPROVED MAY 19, 1921, AS AMENDED BY THE ACT APPROVED MAY 11, 1922.

The provisions of the act approved May 19, 1921, as amended by the act approved May 11, 1922, are in addition to and not in substitution for the provisions of laws, conventions, or treaties of the United States relating to the immigration, exclusion, or expulsion of aliens in force and effect upon the passage of said act.

Until the prescribed quota, monthly or otherwise, in respect of the nationals of a given country has been reached, this act will not apply to such nationals, except for classification purposes in reckoning percentage limits.

For the purposes of said act, place of birth shall govern, notwithstanding change in nationalities since 1910 due to transfer of territory where birth occurred in some other country, or the creation of a new country, unless such transfer or new country has not been recognized by the Government of the United States, in which latter event such transfer, or creation of new country, shall be disregarded. To illustrate: (1) A native of Alsace-Lorraine, regardless of claimed nationality, shall be charged to France; and (2) an alien born in what is now recognized as Poland shall be charged to the quota of that country, regardless of present citizenship.

(1) Subdivision (a) of section 2 enumerates eight classes of aliens which shall be regarded as excepted from the quota count. For the purpose, among others, of making clearer the legislative intent with respect to several of these classes, the following comment is offered:

(a) *Aliens in continuous transit through the United States.*—Immigration officials will exercise care to prevent an abuse of this exemption, to which end they shall, among other things, satisfy themselves that a bona fide transit is intended and that it is the purpose of the alien to pass by continuous journey through and out of the United States. Aliens of this and the class referred to hereinafter in paragraph (c) who are later found residing in the United States under circumstances indicating abandonment of their declared purpose in entering shall be charged to the unfilled quotas of their respective countries, to which end such cases shall be promptly reported to the immigration official in charge at the port where entry occurred.

(b) *Aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory.*—The transit journey herein referred to must be completed within sixty days. Departure and return may occur through the same port. If return is sought after the expiration of sixty days, the applicant may be treated as falling with subdivision (a) of section 2 hereunder.

(c) *Aliens coming to the United States as tourists or temporarily for business or pleasure.*—Aliens of these classes coming for a period not to exceed six months shall be considered exempted, within the meaning of section 2; but any such found residing in the United States under circumstances indicating abandonment of visit shall be reported as provided in paragraph (a) hereof.

(d) *Aliens applying for admission from certain foreign countries following a continuous residence of five years or more therein.*—Exemption hereunder shall not be lost merely by reason of temporary absences of short duration from the countries and islands referred

to in the act. The Bermudas and all other islands lying off the coasts of North and South America not more distant therefrom than the Bermudas shall be regarded as "adjacent islands" within the meaning of this exemption.

(2) Under the provisions of paragraph (d) of section 2 of the act, aliens of certain enumerated classes may be admitted, in so far as the act is concerned, notwithstanding the quota of the particular country to which they are chargeable has been exhausted. Aliens of said classes are, however, *charged* against the proper quotas until the maximum number thereunder shall have been admitted.

(a) *Aliens returning from a temporary visit abroad.*—A "temporary visit abroad," as contemplated by the second proviso to subdivision (d) of section 2 of the act, shall be construed to mean an absence in any foreign country (without relinquishment of domicile) not exceeding six months in duration. An alien who remains abroad in excess of six months shall be presumed to have abandoned his domicile in the United States. However, such presumption may be overcome by the production of evidence to the contrary, satisfactory to the appropriate immigration officers.

(b) *Aliens employed as domestic servants.*—Domestic servants, for the purposes of the act, are those only who have actually been employed, either in the United States or any foreign country, in the household of the person or persons accompanying them or to whom destined in the United States, coming for the purpose of continuing such employment.

When the maximum number of aliens of any nationality who may be admitted in any period under this act shall have been admitted, all other aliens of such nationality, except as otherwise expressly provided by said act, who may apply for admission during that period shall be referred to a board of special inquiry for appropriate action.

These regulations are effective on and after June 3, 1921.

W. W. HUSBAND,
Commissioner General.

Approved:

THEODORE G. RISLEY,
Acting Secretary.

APPENDIX

LAWS NOT REPEALED OR REENACTED BY THE IMMIGRATION ACT OF FEBRUARY 5, 1917.

ESTABLISHING THE IMMIGRANT FUND.

[Act of August 3, 1882 (22 Stat. L., 214).]

SECTION 1. That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of Labor, to defray the expense of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.¹

PROHIBITING IMPORTATION OF LABORERS UNDER CONTRACT.

[Act of February 26, 1885 (23 Stat. L., 332).]

* * * * *

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor

¹ See sec. 2, act Feb. 5, 1917.

or service is contracted for into the United States, shall be utterly void and of no effect.¹

AUTHORIZING PAYMENT TO INFORMER IN CASES OF VIOLATION OF CONTRACT-LABOR LAW.

[Act of October 19, 1888 (25 Stat. L., 566).]

SECTION 1. * * * That the act approved February twenty-sixth, eighteen hundred and eighty-five, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, amended so as to authorize the Secretary of Labor to pay to an informer who furnishes original information that the law has been violated, such a share of the penalties recovered as he may deem reasonable and just, not exceeding fifty per centum, where it appears that the recovery was had in consequence of the information thus furnished.

ESTABLISHING THE OFFICE OF SUPERINTENDENT OF IMMIGRATION.

[Act of March 3, 1891 (26 Stat. L., 1084).]

* * * * *

SEC. 7. That the office of Superintendent of Immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The Superintendent of Immigration shall be an officer in the Department of Labor, under the control and supervision of the Secretary of Labor, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of Labor shall require. The Secretary shall provide the superintendent with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk at a salary of two thousand dollars per annum, and two first-class clerks.²

AUTHORIZING THE PRESIDENT TO SUSPEND IMMIGRATION FROM COUNTRIES IN WHICH CHOLERA OR OTHER INFECTIOUS OR CONTAGIOUS DISEASES EXIST.

[Act of February 15, 1893 (27 Stat. L., 449).]

* * * * *

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera, or other infectious or contagious diseases, in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded, in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and prop-

¹ See secs. 3, 5, 6, and 7, act of Feb. 5, 1917.

² See sec. 1, act Mar. 2, 1895, and sec. 23, act Feb. 5, 1917.

erty from such countries or places as he shall designate and for such period of time as he may deem necessary.

REQUIRING STEAMSHIP OR TRANSPORTATION COMPANIES TO POST COPIES OF IMMIGRATION LAW IN FOREIGN COUNTRIES.

[Act of March 3, 1893 (27 Stat. L., 569).]

* * * * *

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of Labor that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell immigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.¹

AUTHORIZING APPOINTMENT OF COMMISSIONERS OF IMMIGRATION.

[Act of August 18, 1894 (28 Stat. L., 372).]

SECTION 1. The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act.

CHANGING TITLE OF SUPERINTENDENT OF IMMIGRATION TO COMMISSIONER GENERAL OF IMMIGRATION.

[Act of March 2, 1895 (28 Stat. L., 764).]

* * * * *

BUREAU OF IMMIGRATION.

That the Superintendent of Immigration shall hereafter be designated as Commissioner General of Immigration, and in addition to his other duties shall have charge, under the Secretary of Labor, of the administration of the alien contract-labor laws, etc.²

¹ See Rule 32 for time of filing.

² See sec. 7, act Mar. 3, 1891, and sec. 23, act Feb. 5, 1917.

PLACING THE ADMINISTRATION OF THE CHINESE-EXCLUSION LAWS IN CHARGE OF THE COMMISSIONER GENERAL OF IMMIGRATION.

[Act of June 6, 1900 (31 Stat. L., 611).]

* * * * *

And hereafter the Commissioner General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Labor.

REGULATING ADMISSION OF CHINESE AND OTHER ALIENS UNDER CONTRACT IF ENGAGED IN INSTALLING OR CONDUCTING EXHIBITS, ETC.

[Act of April 29, 1902 (32 Stat. L., 176).]

* * * * *

SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Labor may prescribe, both as to the admission and return of such person or persons.

AUTHORIZING REFUND OF HEAD TAX.

[Act of February 3, 1905 (33 Stat. L., 684).]

BUREAU OF IMMIGRATION.

* * * * *

Provided, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall have power to refund head tax heretofore and hereafter collected under section one of the immigration act approved March third, nineteen hundred and three, upon presentation of evidence showing conclusively that such collection was erroneously made.¹

¹ See Rule 1. In the act of Mar. 4, 1911, making appropriation for the conduct of the Immigration Service (36 Stat. L., 1363, 1442) these refunds are authorized to be made only "upon presentation of evidence showing conclusively that collection was made *through error of Government officers.*"

CHARGING THE OFFICERS OF THE GENERAL GOVERNMENT OF THE PHILIPPINE ISLANDS WITH THE ADMINISTRATION OF THE IMMIGRATION LAWS OF THE UNITED STATES THEREIN.

[Act of February 6, 1905 (33 Stat. L., 689).]

* * * * *

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

AUTHORIZING PAYMENT IN ADVANCE FOR SUBSCRIPTIONS FOR PUBLICATIONS.

[Act of March 3, 1905 (33 Stat. L., 1156).]

* * * * *

Provided, That the annual subscriptions for publications for use in the Immigration Service at large may be paid in advance.

CONCERNING PASSPORTS, EXPATRIATION, REPATRIATION, AND CITIZENSHIP OF MARRIED WOMEN AND OF CHILDREN.¹

[Act of March 2, 1907 (34 Stat. L., 1228).]

SECTION 1. That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

When any naturalized citizen shall have resided for two years in the foreign State from which he came, or for five years in any other foreign State it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband.² At the termination of the

¹ See act of May 9, 1918.

² This provision is constitutional and means exactly what it says (*McKenzie v. Hare*, 239 U. S., 299).

marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States¹ and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record.

REPEALING LAW ESTABLISHING THE IMMIGRANT FUND.

[Extract from the sundry civil appropriation act approved March 4, 1909 (under caption "Public Health Service," 35 Stat. L., 969).]

* * * * *

"In all, one million two hundred and sixty-six thousand seven hundred and fifty dollars, *which shall include the amount necessary for the medical inspection of aliens, as required by section seventeen of the act of Congress approved February twentieth, nineteen hundred and seven, and the provision of said section of said act requiring the reimbursement by the immigration fund for said expenses is hereby repealed.*"

RELATING TO OUTWARD ALIEN MANIFESTS ON VESSELS BOUND TO CANADA OR MEXICO.

[Act approved March 4, 1909 (35 Stat. L., 1060).]

SECTION 1. That until the provisions of section twelve of the immigration act of February twentieth, nineteen hundred and seven,

¹ Sec. 1993, R. S., reads as follows: "All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

THE WHITE-SLAVE TRAFFIC ACT.

[Act of June 25, 1910 (36 Stat. L., 825).]

SECTION 1. That the term "interstate commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause, to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Terri-

tory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. That any violation of any of the above sections two, three, and four shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

SEC. 6. That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July twenty-fifth, nineteen hundred and two, for submission to their respective governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May eighteenth, nineteen hundred and four, and adhered to by the United States on June sixth, nineteen hundred and eight, as shown by the proclamation of the President of the United States, dated June fifteenth, nineteen hundred and eight, the Commissioner General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procurement of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after

she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

SEC. 7. That the term "Territory," as used in this act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

SEC. 8. That this act shall be known and referred to as the "White-slave traffic act."

REQUIRING REIMBURSEMENT TO THE UNITED STATES OF EXPENDITURES FOR
MAINTENANCE OF CERTAIN CHINESE PERSONS.

[Act of August 24, 1912 (37 Stat. L., 475).]

* * * * *

Provided, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

CREATING THE DEPARTMENT OF LABOR.

[Act of March 4, 1913 (37 Stat. L., 736).]

SECTION 1. That there is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of twelve thousand dollars per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department; and the Department of Commerce and Labor shall hereafter be called the Department of Commerce, and the Secretary thereof shall be called the Secretary of Commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve and judicial notice shall be taken of the said seal.

SEC. 2. That there shall be in said department an Assistant Secretary of Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Labor and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Labor, and certify the balances arising thereon to the division of bookkeeping and warrants and send forthwith a copy of each certificate to the Secretary of Labor.

SEC. 3. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and

Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at Large, the Bureau of Labor, the Children's Bureau, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

SEC. 4. That the Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

SEC. 5. That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Labor.

SEC. 6. That the Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; he shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the

Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however*, That where any office, bureau, or branch of the public service transferred to the Department of Labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further*, That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Labor are each and all hereby transferred to said department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect, to be executed under the direction of the Secretary of Labor.

SEC. 7. That there shall be a solicitor of the Department of Justice for the Department of Labor, whose salary shall be five thousand dollars per annum.

SEC. 8. That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor.

SEC. 9. That the Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department and describing the work done by the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President or by Congress, or which he himself may deem necessary.

SEC. 10. That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

SEC. 11. That this act shall take effect March fourth, nineteen hundred and thirteen, and all acts or parts of acts inconsistent with this act are hereby repealed.

DEFINING THE STATUS OF CITIZENS OF THE UNITED STATES WHO HAVE ENTERED THE MILITARY OR NAVAL SERVICES OF CERTAIN COUNTRIES DURING THE EXISTING WAR IN EUROPE.

[Act of May 9, 1918.]

That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the act (Public Fifty-five, Sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen) is hereby repealed.

Any such person who desires so to reacquire and reassume the character and privileges of a citizen of the United States, shall, if abroad, present himself before a consular officer of the United States, or, if in the United States, before any court authorized by law to confer American citizenship upon aliens, shall offer satisfactory evidence that he comes within the terms of this act, and shall take an oath declaring his allegiance to the United States and agreeing to support the Constitution thereof and abjuring and disclaiming allegiance to such foreign State and to every foreign prince, potentate, State, or sovereignty. The consular officer or court officer having jurisdiction shall thereupon issue in triplicate a certificate of American citizenship, giving one copy to the applicant, retaining one copy for his files, and forwarding one copy to the Secretary of Labor. Thereafter such person shall in all respects be deemed to have acquired the character and privileges of a citizen of the United States. The Secretary of State and the Secretary of Labor shall jointly issue regulations for the proper administration of this act.

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