

GRANTING NONQUOTA STATUS TO AMERICAN-BORN WOMEN
MARRIED TO ALIENS PRIOR TO THE PASSAGE OF THE CABLE
ACT

MARCH 25, 1926.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany H. R. 6238]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 6238) to amend the immigration act of 1924, having had the same under consideration, unanimously reports it back to the House without amendment and recommends that the bill do pass.

This bill places any woman in the nonquota class under the immigration act of 1924, who was a citizen of the United States by birth and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien. This would permit her entry into the United States at any time as a nonquota immigrant.

There are a number of American-born women, whose husbands have died or where the marital status has been otherwise terminated, who are stranded in foreign countries. Their parents and friends are in the United States, and in many instances, under the present immigration act, they have no way of returning to their homes for permanent residence. Being aliens, they are classified under the present immigration law as quota immigrants and they are very often unable to obtain the necessary regular immigration visas as the quotas of many countries at the present time are filled for many years in advance. The bill would also reconcile two acts of Congress, namely, the Cable Act, relative to the naturalization and citizenship of married women, and the immigration act of 1924.

Giving such American-born women nonquota status would indirectly aid them in more easily exercising the privilege and right they now have under the Cable Act of resuming their American citizenship. It will be remembered that prior to the passage of the Cable Act (Sept. 22, 1922), an American-born woman who married an alien was permitted to resume her American citizenship

in the following way, "* * * 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 * * * by continuing to reside therein."

The Cable Act amended the above law by providing that she could resume her American citizenship by naturalization "upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required; (b) in lieu of the five-year period of residence within the United States * * * she shall have resided continuously in the United States * * * for at least one year immediately preceding the filing of the petition."

In other words, an American-born woman married to an alien is given the right under the Cable Act of regaining her American citizenship after one year's residence in the United States. But to be eligible for naturalization she must show legal entry for permanent residence as an immigrant. Upon the passage of the immigration act of 1924 no provision was made making it possible for an American-born woman married to an alien to return to the United States for permanent residence except as a regular quota immigrant. Because of this fact, her right to become naturalized under the Cable Act is in effect often thwarted by the immigration act.

Under this bill such an American-born woman would be given the privilege of returning to the United States at any time as a non-quota immigrant. And, under the Cable Act, after one year's residence in the United States, she could become naturalized and so regain the citizenship she lost through her marriage to an alien. It is pointed out that an American-born woman who married an alien after the passage of the Cable Act, and who is living abroad, does not lose her American citizenship, unless she elects to do so. She is free to come and go without regard to the immigration law. This bill would therefore also aid in removing a hardship, if not a discrimination, suffered by the American-born woman, now living abroad, who married an alien prior to the Cable Act.

The number of persons affected by this bill must, of course, be an ever-decreasing one.

The provisions of the bill are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the immigration act of 1924 is amended by striking out the word "or" at the end of subdivision (d) and by striking out the period at the end of subdivision (e) and inserting in lieu thereof a semicolon and the word "or" and by adding after subdivision (e) a new subdivision to read as follows:

"(f) A woman who was a citizen of the United States by birth and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien."