

PRESERVING THE NATIONALITY OF A PERSON BORN IN  
PUERTO RICO WHO RESIDES FOR 5 YEARS IN A FOREIGN  
STATE

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FEBRUARY 24, 1943.—Referred to the House Calendar and ordered to be printed

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Mr. LESINSKI, from the Committee on Immigration and Naturaliza-  
tion, submitted the following

R E P O R T

[To accompany H. R. 1037]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 1037) to preserve the nationality of a person born in Puerto Rico, who resides for 5 years in a foreign state, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The bill would permit citizens of the United States born in Puerto Rico, but who, though citizens from the time of birth unfortunately do not have the status of native-born citizens, to reside for 5 years or more in a foreign state without losing their United States citizenship.

GENERAL INFORMATION

When the bill was first brought up for hearings the committee concluded that the matter was of sufficient importance to have a subcommittee make a careful study of the bill. Accordingly, a subcommittee was appointed. Contents of the bill were given a great amount of study. Commissioner Pagán from Puerto Rico appeared before the subcommittee and explained the need for legislation of this kind. A representative of the Department of Justice likewise appeared, both at the subcommittee meeting and at the committee meeting when the subcommittee's report was considered.

The subcommittee made a number of amendments and submitted to the full committee the bill as it now appears and as it was previously reported; also, as it passed the House on October 19, 1942. Time did not permit of its passage in the Senate.

The purpose of the bill is completely set forth in a letter of the Attorney general to the chairman of the House Committee on Immigration and Naturalization, under date of January 24, 1942, which reads as follows:

JANUARY 24, 1942.

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

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department relative to a bill (H. R. 6165) to provide that a person born in Puerto Rico shall not lose his nationality by residing continuously for a period of 5 years in a foreign state in the Western Hemisphere.

Under existing law, a naturalized citizen becomes expatriated if he resides in a foreign country for a period of 5 years (U. S. Code, title 8, sec. 804 (c)). While under sections 101 (d), 201 (a), and 601 of the Nationality Act of 1940 (U. S. Code, title 8, secs. 501 (d), 601 (a), and 906) persons born in Puerto Rico after January 12, 1941, are native-born citizens of the United States, persons born in Puerto Rico prior to that date are not deemed native-born citizens of the United States but are considered naturalized citizens pursuant to the provisions of section 5 of the act of March 2, 1917 (39 Stat. 953) as amended by the act of June 27, 1934 (48 Stat. 1245, U. S. Code, title 48, sec. 733b) which declared all persons born in Puerto Rico on or after April 11, 1899, and who were not citizens, subjects or nationals of any foreign power, to be citizens of the United States.

Consequently, if a Puerto Rican born prior to January 12, 1941, resides continuously for a period of 5 years in some foreign country he becomes expatriated. It is said that many natives of Puerto Rico have migrated to the neighboring Dominican Republic to engage in commercial pursuits but intend ultimately to return to Puerto Rico.

The purpose of the bill under consideration is to provide an exception to the expatriation laws in behalf of native-born Puerto Ricans who reside in a foreign state in the Western Hemisphere if they annually make a sworn statement before an American consul to the effect that they intend to return to the United States.

Whether or not the bill should be enacted involves a question of legislative policy concerning which I prefer not to make any suggestions.

Sincerely yours,

—————, *Attorney General*

The committee unanimously recommends that the bill do pass.

