

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

JULY 22, 1942.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany H. R. 6165]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 6165) 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 with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

1. Amend the title to read:

A bill preserving the nationality of a person born in Puerto Rico who resides for five years in a foreign state.

2. Strike out all after the enacting clause and substitute the following:

That the Act approved October 14, 1940 (54 Stat. 1137-1174), is hereby amended by adding a new section to be known as section 406 A, and to read as follows:

"Subsection (c) of section 404 shall have no application to a person born in Puerto Rico, except a person who has been a citizen of some foreign country and who thereafter acquired citizenship in the United States by naturalization."

PURPOSE OF THE BILL

The bill, as amended, 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 sub-

committee was appointed. Contents of the bill were given a great amount of study. Commissioner Pagan from Puerto Rico, appeared before the subcommittee and explained the need for legislation of this kind. A representative of the Department likewise appeared, both at the subcommittee meeting and at the committee meeting when the subcommittee's report was considered.

The purpose of the bill is completely set forth in a letter of the Attorney General, to the chairman of the Committee on Immigration and Naturalization, under date of January 24, 1942, and a letter of Congressman Lesinski, chairman of the subcommittee, to the chairman of the full committee, under date of June 22, 1942. These two letters read 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.

JUNE 22, 1942.

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

MY DEAR MR. CHAIRMAN: Recently you appointed a subcommittee to hold hearings on H. R. 6165, a bill designed to preserve the nationality of a person born in Puerto Rico who resides continuously for 5 years in a foreign state in the Western Hemisphere.

The subcommittee was composed of myself, as chairman, and Messrs. Allen, Ramsay, Rees, and Pfeiffer. Press of other business kept Mr. Allen from attending. The other four members attended and discussed the bill in considerable detail. Mr. Bolívar Pagan, the Resident Commissioner from Puerto Rico, and author of the bill, was present and explained the purpose of the bill. He also suggested an amendment so that the Puerto Ricans should be considered as native-born American citizens.

It was pointed out that although for many years, persons born in Puerto Rico were citizens of the United States, they do not have the technical classification of native-born citizens unless they were born there on or after January 12, 1941, which date is the effective date of the Nationality Act approved October 14, 1940. Not having the technical status of native-born citizens, they necessarily have to come under the general category of naturalized citizens, which results in bringing them within the provisions of section 404 of the act of October 14, 1940. This section provides, subsection (c) thereof, that a naturalized citizen shall lose his citizenship by residing continuously for 5 years in any foreign state, except as provided in section 406 of that act. The subcommittee were of the opinion that for all practical purposes, as distinguished from legal conclusions, they should be in the same status as United States citizens born in continental United States and that no disabilities should run against these citizens which do not also pertain to native-born citizens. Accordingly, the following amendments were adopted by the subcommittee.

Amend the title to read, "A bill preserving the nationality of a person born in Puerto Rico who resides for five years in a foreign state."

Strike out all after the enacting clause and substitute the following:

"That the Act approved October 14, 1940 (54 Stat. 1137-1174), is hereby amended by adding a new section to be known as section 406A, and to read as follows:

"Subsection (c) of section 404 shall have no application to a person born in Puerto Rico, except a person who has been a citizen of some foreign country and who thereafter acquired citizenship in the United States by naturalization."

Mr. Pagán explained that about 98 percent of the persons involved are those who, because of overpopulated conditions in Puerto Rico, are forced to seek employment in the Dominican Republic but, nevertheless, desire to retain their United States citizenship.

The subcommittee at first decided to take care of the situation by putting a proviso on subsection (c) of section 404. However, section 406 contains a number of exemptions insofar as subsections (b) and (c) of section 404 are concerned and it is felt that this is more properly placed by adding a new section to be known as section 406A.

Sincerely yours,

JOHN LESINSKI.

After hearing all the evidence produced the committee is of the opinion that the persons to be affected by the proposed legislation are fully entitled to the benefits contained in the bill, and it therefore recommends that the bill, as amended, do pass.

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