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AMENDING THE IMMIGRATION AND NATIONALITY ACT, AND FOR OTHER PURPOSES

SEPTEMBER 15, 1965.—Ordered to be printed

Mr. KENNEDY of Massachusetts, from the Committee on the Judiciary, submitted the following

REPORT

together with

MINORITY ADDITIONAL, AND SEPARATE VIEWS

[To accompany H.R. 2580]

The Committee on the Judiciary, to which was referred the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That section 201 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) be amended to read as follows:

"SEC. 201. (a) Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, or who may, pursuant to section 203(a)(7) enter conditionally, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and (ii) shall not in any fiscal year exceed a total of 170,000.

"(b) The 'immediate relatives' referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: *Provided,* That in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act.

"(c) During the period from July 1, 1965, through June 30, 1968, the annual quota of any quota area shall be the same as that which existed for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

"(d) Quota numbers not issued or otherwise used during the previous fiscal year, as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Allocation of numbers from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of a preference visa due to oversubscription of their quotas, or subquotas as determined by the Secretary of State. Visas and conditional entries shall be allocated from the immigration pool within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

"(e) The immigration pool and the quotas of quota areas shall terminate June 30, 1968. Thereafter immigrants admissible under the provisions of this Act who are subject to the numerical limitations of subsection (a) of the section shall be admitted in accordance with the percentage limitations and in the order of priority specified in section 203."

SEC. 2. Section 202 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1152) is amended to read as follows:

"(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: *Provided*, That the total number of immigrant visas and the number of conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year: *Provided further*, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968.

"(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents, may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitations set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he has his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

"(c) Any immigrant born in a colony or other component or dependent area of a foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen as specified in section 201(b), shall be chargeable, for the purpose of limitation set forth in section 202(a), to the foreign state, except that the number of persons born in any such colony or other

component or dependent area overseas from the foreign state chargeable to the foreign state in any one fiscal year shall not exceed 1 per centum of the maximum number of immigrant visas available to such foreign state.

"(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices."

SEC. 3. Section 203 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1153) is amended to read as follows:

"SEC. 203. (a) Aliens who are subject to the numerical limitations specified in section 201(a) shall be allotted visas or their conditional entry authorized, as the case may be, as follows:

"(1) Visas shall be first made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

"(2) Visas shall next be made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

"(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

"(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

"(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

"(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (A) that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode. For the purpose of the foregoing the term 'general area of the Middle East' means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: *Provided*, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

"(8) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (6) and less the number of conditional entries and visas made available pursuant to paragraph (7), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraph (3) or (6) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(9) A spouse or child as defined in section 101(b)(1) (A), (B), (C), (D), or (E) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa or to conditional entry under paragraphs (1) through (8), be entitled to the same status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

"(b) In considering applications for immigrant visas under subsection (a) consideration shall be given to applicants in the order in which the classes of which they are members are listed in subsection (a).

"(c) Immigrant visas issued pursuant to paragraphs (1) through (6) of subsection (a) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204.

"(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (7) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be an immediate relative of a United States citizen as specified in section 201(b) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. The Secretary of State, in his discretion, may terminate the registration on a waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed.

"(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien who conditionally entered the United States pursuant to subsection (a)(7) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

"(g) Any alien who conditionally entered the United States as a refugee, pursuant to subsection (a)(7) of this section, whose conditional entry has not been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

"(h) Any alien who, pursuant to subsection (g) of this section, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival."

SEC. 4. Section 204 of the Immigration and Nationality Act (66 Stat. 176; 8 U.S.C. 1154) is amended to read as follows:

"SEC. 204. (a) Any citizen of the United States claiming that an alien is entitled to a preference status by reason of the relationships described in paragraphs (1), (4), or (5) of section 203(a), or to an immediate relative status under section 201(b), or any alien lawfully admitted for permanent residence claiming that an alien is entitled to a preference status by reason of the relationship described in section 203(a)(2), or any alien desiring to be classified as a preference immigrant under section 203(a)(3) (or any person on behalf of such an alien), or any person desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6), may file a petition with the Attorney General for such classification. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

"(b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor with respect to petitions to accord a status under

section 203(a) (3) or (6), the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in behalf of whom the petition is made is an immediate relative specified in section 201(b) or is eligible for a preference status under section 203(a), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant the preference status.

"(c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1) (E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

"(d) The Attorney General shall foward to the Congress a report on each approved petition for immigrant status under sections 203(a)(3) or 203(a)(6) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session.

"(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom a petition under this section is approved, to enter the United States as a preference immigrant under section 203(a) or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification."

SEC. 5. Section 205 of the Immigration and Nationality Act (66 Stat. 176; 8 U.S.C. 1155) is amended to read as follows:

"SEC. 205. The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236."

SEC. 6. Section 206 of the Immigration and Nationality Act (66 Stat. 181; U.S.C. 1156) is amended to read as follows:

"SEC. 206. If an immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not be a preference immigrant, an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien."

SEC. 7. Section 207 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1157) is striken.

SEC. 8. Section 101 of the Immigration and Nationality Act (66 Stat. 166; 8 U.S.C. 1101) is amended as follows:

(a) Paragraph (27) of subsection (a) is amended to read as follows:

"(27) The term 'special immigrant' means—

"(A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying, or following to join him: *Provided*, That no immigrant visa shall be issued pursuant to this clause until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14);

"(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

"(C) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III, apply for reacquisition of citizenship;

"(D)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

"(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

(b) Paragraph (32) of subsection (a) is amended to read as follows:

"(32) The term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

(c) Subparagraph (1)(F) of subsection (b) is amended to read as follows:

"(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and his spouse who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence: *Provided*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act."

SEC. 9. Section 211 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1181) is amended to read as follows:

"SEC. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

"(b) Notwithstanding the provisions of section 212(a)(20) of this Act in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 101(a)(27)(B), who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, rentry permit or other documentation."

SEC. 10. Section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182) is amended as follows:

(a) Paragraph (14) is amended to read as follows:

"Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);".

(b) Paragraph (20) is amended by deleting the letter "(e)" and substituting therefor the letter "(a)".

(c) Paragraph (21) is amended by deleting the word "quota".

(d) Paragraph (24) is amended by deleting the language within the parentheses and substituting therefor the following: "other than aliens described in section 101(a)(27) (A) and (B)."

SEC. 11. The Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) is amended as follows:

(a) Section 221(a) is amended by deleting the words "the particular nonquota category in which the immigrant is classified, if a nonquota immigrant," and substituting in lieu thereof the words "the preference, nonpreference, immediate relative, or special immigration classification to which the alien is charged."

(b) The fourth sentence of subsection 221(c) is amended by deleting the word "quota" preceding the word "number;" the word "quota" preceding the word "year"; and the words "a quota" preceding the word "immigrant," and substituting in lieu thereof the word "an".

(c) Section 222(a) is amended by deleting the words "preference quota or a nonqota immigrant" and substituting in lieu thereof the words "an immediate relative within the meaning of section 201(b) or a preference or special immigrant".

(d) Section 224 is amended to read as follows: "A consular officer may, subject to the limitations provided in section 221, issue an immigrant visa to a special immigrant or immediate relative as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to special immigrant or immediate relative status."

(e) Section 241(a)(10) is amended by substituting for the words "Section 101(a)(27)(C)" the words "Section 101(a)(27)(A)".

(f) Section 243(h) is amended by striking out "physical persecution" and inserting in lieu thereof "persecution on account of race, religion, or political opinion".

SEC. 12. Section 244 of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254) is amended as follows:

(a) Subsection (d) is amended to read:

"(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), or is an immediate relative within the meaning of section 201(b) the Secretary of State shall reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current."

(b) Subsection (f) is amended by deleting "entered the United States as a crewman; or (2)" and by changing "(3)" wherever it apears in said subsection to "(2)".

SEC 13. Section 245 of the Immigration and Nationality Act (66 Stat. 217; 8 U.S.C. 1255) is amended as follows:

(a) Subsection (b) is amended to read:

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

(b) Subsection (c) is amended to read:

"(c) The provisions of this section shall not be applicable to any alien who is a native of any country of the Western Hemisphere or of any adjacent island named in section 101(b)(5), other than any such alien born in an independent foreign country of the Western Hemishpere, who, because of persecution or fear of persecution on account of race, religion, or political opinion, is out of his usual place of abode and unable to return thereto."

SEC. 14. Section 281 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as follows:

(a) Immediately after "SEC. 281." insert "(a)";

(b) Paragraph (6) is amended to read as follows:

"(6) For filing with the Attorney General of each petition under section 204 and section 214(c), $10; and";

(c) The following is inserted after paragraph (7), and is designated subsection (b):

"(b) The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, shall be prescribed by the Secretary of State."; and

(d) The paragraph beginning with the words "The fees * * *" is designated subsection (c).

SEC. 15. (a) Paragraph (1) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)(1)) is amended by deleting the language "feebleminded" and inserting the language "mentally retarded" in its place.

(b) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)(4)) is amended by deleting the word "epilepsy" and substituting the words "or sexual deviation".

(c) Sections 212 (f), (g), and (h) of the Immigration and Nationality Act, as added by the Act of September 26, 1961 (75 Stat. 654, 655; 8 U.S.C. 1182), are hereby redesignated sections 212 (g), (h), and (i), respectively, and section 212 (g) as so redesignated is amended by inserting before the words "afflicted with tuberculosis in any form" the following: "who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien" and by adding at the end of such subsection the following sentence: "Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection."

SEC. 16. Sections 1, 2, and 11 of the Act of July 14, 1960 (74 Stat. 504–505), as amended by section 6 of the Act of June 28, 1962 (76 Stat. 124), are repealed.

SEC. 17. Section 221(g) of the Immigration and Nationality Act (66 Stat. 192; 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and adding the following: ": *Provided further*, That a visa may be issued to an alien defined in section 101(a)(15)(B) or an alien defined in section 101(a)(15)(F), in whose behalf evidence has been submitted that he will be admitted and regularly enrolled as a student at an educational institution within the United States approved by the Attorney General, if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States."

SEC. 18. So much of section 272(a) of the Immigration and Nationality Act (66 Stat. 226; 8 U.S.C. 1322(a)) as precedes the words "shall pay to the collector of customs" is amended to read as follows:

"SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) mentally retarded, (2) insane, (3) afflicted with psychopathic personality, or with sexual deviation, (4) a chronic alcoholic, (5) afflicted with any dangerous contagious disease, or (6) a narcotic drug addict,".

SEC. 19. Section 249 of the Immigration and Nationality Act (66 Stat. 219; 8 U.S.C. 1259) is amended by striking out "June 28, 1940" in clause (a) of such section and inserting in lieu thereof "June 28, 1958".

SEC. 20. This Act shall become effective on the first day of the first month after the expiration of thirty days following the date of its enactment except as provided herein.

SEC. 21. (a) There is hereby established a Select Commission on Western Hemisphere Immigration (hereinafter referred to as the "Commission") to be composed of fifteen members. The President shall appoint the Chairman of the Commission and eight other members thereof. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint three members from the membership of the Senate. The Speaker of the House of Representatives, with the approval of the majority and minority leaders of the House, shall appoint three members from the membership of the House. A vacancy in the membership of the Commission shall be filled in the same manner as the original designation and appointment.

(b) The Commission shall study the following matters:

(1) Prevailing and projected demographic, technological, and economic trends, particularly as they pertain to Western Hemisphere nations;

(2) Present and projected unemployment in the United States, by occupations, industries, geographic areas and other factors, in relation to immigration from the Western Hemisphere;

(3) The interrelationships between immigration, present and future, and existing and contemplated national and international programs and projects

of Western Hemisphere nations, including programs and projects for economic and social development;

(4) The operation of the immigration laws of the United States as they pertain to Western Hemisphere nations, with emphasis on the adequacy of such laws from the standpoint of fairness and from the standpoint of the impact of such laws on employment and working conditions within the United States;

(5) The implications of the foregoing with respect to the security and international relations of Western Hemisphere nations; and

(6) Any other matters which the Commission believes to be germane to the purposes for which it was established.

(c) On or before July 1, 1967, the Commission shall make a first report to the President and the Congress, and on or before January 15, 1968, the Commission shall make a final report to the President and the Congress. Such reports shall include the recommendations of the Commission as to what changes, if any, are needed in the immigration laws in the light of its study. The Commission's recommendations shall include, but shall not be limited to, recommendations as to whether, and if so how, numerical limitations should be imposed upon immigration to the United States from the nations of the Western Hemisphere. In formulating its recommendations on the latter subject, the Commission shall give particular attention to the impact of such immigration on employment and working conditions within the United States and to the necessity of preserving the special relationship of the United States with its sister Republics of the Western Hemisphere.

(d) The life of the Commission shall expire upon the filing of its final report, except that the Commission may continue to function for up to sixty days thereafter for the purpose of winding up its affairs.

(e) Unless legislation inconsistent herewith is enacted on or before June 30, 1968, in response to recommendations of the Commission or otherwise, the number of special immigrants within the meaning of section 101(a)(27)(A) of the Immigration and Nationality Act, as amended, exclusive of special immigrants who are immediate relatives of United States citizens as described in section 201(b) of that Act, shall not, in the fiscal year beginning July 1, 1968, or in any fiscal year thereafter, exceed a total of 120,000.

(f) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out it duties.

(g) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $100 for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with section 5 of the Administrative Expen es Act of 1946, as amended. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

(h) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

SEC. 22. (a) The designation of chapter 1, title II, is amended to read as follows: "CHAPTER 1—SELECTION SYSTEM".

(b) The title preceding section 201 is amended to read as follows: "NUMERICAL LIMITATIONS".

(c) The title preceding section 202 is amended to read as follows: "NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE".

(d) The title preceding section 203 is amended to read as follows: "ALLOCATION OF IMMIGRANT VISAS".

(e) The title preceding section 204 is amended to read as follows: "PROCEDURE FOR GRANTING IMMIGRANT STATUS".

(f) The title preceding section 205 is amended to read as follows: "REVOCATION OF APPROVAL OF PETITIONS".

(g) The title preceding section 206 is amended to read as follows: "UNUSED IMMIGRANT VISAS".

(h) The title preceding section 207 is repealed.

(i) The title preceding section 224 of chapter 3, title II, is amended to read as follows: "IMMEDIATE RELATIVE AND SPECIAL IMMIGRANT VISAS".

(j) The title preceding section 249 is amended to read as follows: "RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924, OR JUNE 28, 1958".

SEC. 23. (a) The table of contents (Title II—Immigration, chapter 1) of the Immigration and Nationality Act, is amended to read as follows:

"CHAPTER 1—SELECTION SYSTEM

"Sec. 201. Numerical limitations.
"Sec. 202. Numerical limitation to any single foreign state.
"Sec. 203. Allocation of immigrant visas.
"Sec. 204. Procedure for granting immigrant status.
"Sec. 205. Revocation of approval of petitions.
"Sec. 206. Unused immigrant visas."

(b) The table of contents (Title II—Immigration, chapter 3) of the Immigration and Nationality Act, is amended by changing the designation of section 224 to read as follows:

"Sec. 224. Immediate relative and special immigrant visas."

(c) The table of contents (Title II—Immigration, chapter 5) of the Immigration and Nationality Act is amended by changing the designation of section 249 to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924, or June 28, 1958."

SEC. 24. Paragraph (6) of section 101(b) is repealed.

PURPOSE OF THE BILL

The principal purpose of the bill, as amended, is to repeal the national origin quota provisions of the Immigration and Nationality Act, and to substitute a new system for the selection of immigrants to the United States. In addition to numerous technical and minor changes, the bill would also make other basic changes in the Immigration and Nationality Act, as follows:

1. A new system of preferential admissions based upon the existence of a close family relationship with U.S. citizens or permanent resident aliens, and upon the advantage to the United States of the special talents and skills of the immigrant, is established.
2. Parents of U.S. citizens (if such citizen is over 21 years of age) will not come under a numerical limitation.
3. Two preference categories are established for immigrants to be employed in the United States:
   (*a*) A third preference for aliens who are members of professions or who have exceptional ability in the sciences or the arts; and
   (*b*) A sixth preference for skilled or unskilled workers who can fill specific needs in short supply.
4. A limitation of 170,000 (including 10,200 refugees) is placed on the number of immigrants who may be admitted to the United States in any fiscal year other than the defined "special immigrants" and "immediate relatives"; a limitation of 20,000 is placed on the number of immigrants who may enter in any one fiscal year from a foreign state.
5. The Asia-Pacific triangle provisions of the existing law are removed.
6. An exemption from numerical limitation on immigration is extended to newly independent Western Hemisphere countries (Jamaica, Trinidad-Tobago).
7. Safeguards to protect the American economy from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market are strengthened.

8. Provision is made for the admission of a definite number of refugees annually. In addition provision is made for the adjustment of status of certain refugees from Western Hemisphere countries.

9. Discretionary authority under proper safeguards is granted to the Attorney General to waive the grounds for exclusion in the case of aliens who are mentally retarded or who have a past history of mental illness and who are close relatives of U.S. citizens or lawful resident aliens.

10. Alien crewmen are made eligible to adjust their immigration status through the suspension of deportation procedures.

11. Aliens who entered the United States prior to June 30, 1958, are made eligible to obtain an adjustment of their immigration status through existing registry proceedings.

12. A Select Commission on Western Hemisphere Immigration is established and an annual limitation of 120,000 beginning July 1, 1968, is placed on Western Hemisphere immigration unless Congress provides otherwise on the basis of the Commission's report.

STATEMENT

The bill H.R. 2580, as amended, does not embody a comprehensive revision of the Immigration and Nationality Act, but has as its primary objective the abolishment of the national origins quota system for the allocation of immigrant visas and the substitution of a new system of allocation based on a system of preferences which extends priorities in the issuance of immigrant visas to close relatives of U.S. citizens and aliens lawfully admitted for permanent residence, to aliens who are members of the professions, arts, or sciences, and to skilled or unskilled alien laborers who are needed in the United States, and to certain refugees.

While the bill, as amended, makes other adjustments in the Immigration and Nationality Act as hereinafter more specifically described, there is no substantial relaxation of the qualitative standards which determine the admissibility of immigrants, nor is there any relaxation of those provisions of the act providing for security screening of all immigrants. The bill makes no changes in the nationality and naturalization provisions of the act.

Proposals for changes in the basic quota provisions of the Immigration and Nationality Act have received extensive consideration by the committee. President Johnson submitted an executive communication to the Congress on January 13, 1965 (H. Doc. 52), and his recommendations were embodied in S. 500, which was introduced on January 15, 1965, by Senator Hart for himself and 33 other Senators. The provisions of the bill were substantially the same as the provisions recommended by the late President Kennedy on July 23, 1963, which were incorporated in S. 1932 of the 88th Congress.

There have been extensive public hearings before the Subcommittee on Immigration and Naturalization on the general proposals embodied in the instant bill. On January 13 and 14, June 29, and July 11, 1964, public hearings were held on the bill S. 1932 and other proposals to amend the Immigration and Nationality Act. Public hearings were held by the subcommittee on S. 500 and other proposals to amend the Immigration and Nationality Act on February 10, 24, and 25; March 1, 3, 4, 5, 8, 11, 12, 15, 16, 17, and 22; June 3, 4, 8, 9, 15, 16, 23, 24, and 25; July 15, 21, 22, 28, and 29; and August 3, involving a total of 29 days of hearings at which testimony was received from 56 witnesses.

The witnesses included congressional sponsors of the proposed legislation, Cabinet officers, Government officials, representatives of religious, patriotic, nationality, veterans, labor, and other nongovernmental organizations as well as from individual members of the public. The positions of both the proponents and opponents of change in the existing law were presented to the subcommittee in depth.

The committee, after consideration of all the information before it and after its detailed study of the recommendations of the President and the strong representations made by the concerned executive departments, has concluded that the national origins provisions of the Immigration and Nationality Act should be removed from the law and a highly selective system for the admission of immigrants as contained in the bill H.R. 2580, as amended, be adopted.

The provisions governing the establishment of national origin quotas are contained in existing law in chapter 1 of title II of the Immigration and Nationality Act (secs. 201–207). It is there provided that the annual quota of any quota area shall be one-sixth of 1 percent of the number of inhabitants in the United States in 1920 attributable by national origin to such quota area, with the guarantee of a minimum annual quota of 100 to every quota area. With certain exceptions designed to prevent the separation of families, birth within a quota area is determinative of the quota to which an alien is chargeable. Special provision is made for quota chargeability in the case of aliens born within an area defined by longitudes and latitudes, commonly known as the Asia-Pacific triangle. Aliens who trace at least 50 percent of their ancestry to persons indigenous to the Asia-Pacific area are chargeable to appropriate quotas established in that area regardless of their place of birth.

The national origin quota provisions presently contained in the Immigration and Nationality Act are substantially the same as those formerly in the Immigration Act of 1924. Prior to the proclaiming of the national origin quotas, national quotas had been imposed under the Quota Act of 1921, which established quotas for each country of 3 percent of the alien population in the United States attributable to each country according to the census of 1910. In the interim period between the enactment of the Immigration Act of 1924, and the proclamation of national origin quotas, the quota for each country was fixed at 2 percent of the alien population of the United States according to the census of 1890, attributable to each country. The annual national quotas have, since that date, been computed upon the national origins quota formula, that is, the quota of each country is based upon a share of an overall quota of 150,000 proportionate to the relationship of the number of people of each nationality in the United States in 1920 and the total population of the United States in 1920, with a guarantee of minimum quotas of 100. In the revisions made by the Immigration and Nationality Act of 1952, the formula for establishing the quota of each quota area was reduced to a fixed mathematical ratio of one-sixth of 1 percent of the inhabitants of the United States in 1920 attributable by national origin to each area, with a guarantee of a minimum of 100 to each quota area.

Quota areas embrace each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions and independent countries of the Western Hemisphere. All areas of the world, other than the quota-

free Western Hemisphere countries, have assigned quotas to which natives of those areas have access regardless of race with the exception of the special Asia-Pacific triangle provisions as previously noted.

The overall annual quota at the present time is 158,561, which is an excess of 8,561 over the original annual quota of 150,000 contemplated by the Immigration Act of 1924. The increase can be explained by the fact that minimum quotas have been extended to all countries and in the past decade there has been a proliferation of newly independent nations.

Since the enactment of the Immigration and Nationality Act of 1952, Congress has on several occasions enacted special legislation to permit the reuniting of families by providing for the admission of close relatives of U.S. citizens and lawful alien residents outside the basic quota provisions of the act. Similarly, the Congress has responded to the humanitarian appeal of refugees for a haven, including not only those fleeing from communism, but also those fleeing religious persecution and those uprooted by national calamity and through special legislation permitted the entry of such aliens outside the quota limitations. The performance of the Congress in the field of immigration in the postwar period has been far more generous and sympathetic than adherence to the national origins system alone would allow; and the failure of that system to maintain the flow of immigrants in the pattern contemplated is the result of the special legislation which has been responsive to the demand for relief in those cases where a strict application of the quota provisions would have resulted in undue hardship. The system of fixed quotas, therefore, has been found to lack the required degree of flexibility to cope with the inevitable pressures built up in the decade following the enactment of the Immigration and Nationality Act; and the national origins concept has been significantly modified during that time as a result of the enactment of special legislation. In this regard, it is to be noted that in that period approximately two out of every three immigrants has entered the United States outside of the quota restrictions.

In place of the national origins system, the bill establishes a new system of selection designed to be fair, rational, humane, and in the national interest. Under this system emphasis in the selection from among those eligible to be immigrants within the annual numerical ceiling of 170,000 (inclusive of 10,200 refugees) will be based upon the existence of a close family relationship to U.S. citizens or lawful resident aliens regardless of the birthplace of the alien. Reunification of families is to be the foremost consideration. The closer the family relationship the higher the preference. In order that the family unit may be preserved as much as possible, parents of adult U.S. citizens, as well as spouses and children, may enter the United States without numerical limitation. The unmarried sons and daughters of U.S. citizens are considered to be part of the immediate family unit and thus are given a high priority preference status. As the family relationship becomes more distant, a lower preference status is accorded. It is to be noted that parents of U.S. citizens are presently eligible for second preference status under the quotas, but will hereafter be permitted to enter without numerical limitation.

The bill provides an ample preference for the members of the professions with personal qualifications whose admission will be substantially beneficial to the national economy, cultural interests, or welfare of the United States. Aliens, both skilled and unskilled, who

are capable of filling labor needs in the United States are provided a lesser preference.

The new selection system is based upon a first-come, first-served principle, without regard to place of birth, within the preference categories subject to specified limitations designed to prevent an unreasonable allocation of visa numbers to any one foreign state. The committee, in its consideration of this legislation, is cognizant of the fact that there are far more people who would like to come to the United States than the United States can accept. It is the basic objective of this bill to choose fairly among the applicants for admission to this country without proposing any substantial change in presently authorized immigration. The committee feels that emphasis should be placed on the quality of the immigrants to be admitted, rather than on the number. Therefore, it is the considered opinion of the committee that it is appropriate to fix a limit of 170,000 (inclusive of 10,200 refugees) immigrant admissions annually from the former quota countries. This limit will permit immigration within what is believed to be the present absorptive capacity of this country.

Under the existing law, the total of the quotas from all quota areas, exclusive of the Western Hemisphere, is 158,561. This figure does not reflect the number of refugees who, in the past, have been paroled into the United States without being charged to any particular quota. The limit of 170,000 admissions from former quota countries includes an allocation of up to 10,200 visas which can be made available for conditional entries of refugees. Thus, the increase in the authorized annual total, based upon the best estimates available to the committee, will not exceed 2,000. However, it should be stated that the existing qualitative controls on immigration will be implemented by new labor controls which are expected to maintain immigration at the present level that probably would maintain immigration at the present level.

The national origin quotas will be abolished on July 1, 1968. In the interim, immigration numbers authorized under the existing quota system which are unused at the end of each fiscal year will be reallocated from a pool of the unused quota numbers for the issuance of visas to preference immigrants from countries which have oversubscribed quotas and long preference waiting lists. During the interim, this procedure will not affect the flow of immigration from large quota countries and, at the same time, will expedite the removal of close relatives from quota waiting lists. This procedure is intended to provide a smooth and orderly transition from the present quota system to the new system for the allocation of immigrant visas.

Asia-Pacific triangle provisions

In 1952, the Immigration and Nationality Act eliminated race as a bar to naturalization and thereby to immigration. Thereafter, all Asians had access to quotas for immigration purposes. Asian spouses and children of U.S. citizens were extended the same privilege of nonquota status as enjoyed by any person of non-Asian ancestry. Special provisions affecting Asian persons, however, were established, which provided a limitation of 2,000 for the aggregate of minimum quota areas in the Asian-Pacific triangle and that the quota chargeability of any Asian persons born outside the triangle should be determined in most cases by ancestry rather than the place of birth. In 1961, Congress removed the 2,000 limitation from the aggregate of minimum

quota areas within the triangle. The remaining provision requiring that an Asian person be charged to the quota of his ancestry rather than his place of birth is repealed immediately by this legislation and henceforth there will be no differentiation in the treatment of the Asian under the Immigration and Nationality Act.

Labor controls

Simultaneous with the abolition of national quotas, controls to protect the American labor market from an influx of both skilled and unskilled foreign labor are strengthened. Under the provision of existing law contained in section 212(a)(14) of the Immigration and Nationality Act, foreign labor is subject to exclusion only when the Secretary of Labor certifies that either (1) there are sufficient workers in the United States who are able, willing, available, and qualified at the alien's destination to perform the skilled or unskilled labor, or (2) that the employment of the alien will adversely affect the wages and working conditions of the workers in the United States. This has the effect of excluding any intending immigrant within the scope of the certification who would likely displace a qualified American worker or whose employment in the United States would adversely affect the wages and working conditions of workers similarly employed in the United States. Under the instant bill, this procedure is substantially changed. The primary responsibility is placed upon the intending immigrant to obtain the Secretary of Labor's clearance prior to the issuance of a visa establishing (1) that there are not sufficient workers in the United States at the alien's destination who are able, willing, and qualified to perform the skilled or unskilled labor and (2) that the employment of the alien will not adversely affect wages and working conditions of U.S. citizens similarly employed. The provision is applicable to immigrants from the Western Hemisphere, other than immediate relatives, nonpreference immigrants, and those preference immigrants who seek entrance into the United States for the primary purpose of gainful employment, whether in a semiskilled or skilled category or as a member of the professions, arts, or sciences. The certification must be obtained in individual cases before a visa may be issued to the intending immigrant.

The Department of Labor should have no difficulty in adapting to this new procedure inasmuch as the Department, through its Bureau of Employment Security and affiliated State Employment Service agencies, presently determines availability of domestic workers and the standards of working conditions. There is no apparent need to increase facilities.

These provisions are not applicable in the case of immediate relatives or in the case of certain other close relatives of U.S. citizens or lawful resident aliens where petitions for the preference or immediate relative status have been filed by the citizens or lawful resident aliens. In those cases there is a clear responsibility assumed by citizens and lawful alien residents who have filed petitions for their relatives to come to the United States and as a consequence such certification by the Secretary of Labor is deemed unnecessary. The committee also feels that the assurances which are required to be presented to the consular officers before visa issuance establishing to the consular officer's satisfaction that the intending immigrants will not likely become public charges after entry afford adequate safeguards in these relative cases.

The bill requires the Attorney General to submit reports to the Congress on each preference immigrant admitted to the United States for the purpose of undertaking gainful employment under section 203(a) (3) or (6) of the Immigration and Nationality Act, as amended. Congress therefore will be in a position to observe the operation of these provisions as they affect the domestic labor supply.

The bill specifically provides that skilled or unskilled labor of a temporary or seasonal nature is not to be entitled to any preference under the selection system for the allocation of immigrant visas.

Refugees

Legislation to enable the United States to participate in the resettlement of refugees has been part of our immigration policy continuously since the close of World War II. Permanent provision is made for the conditional entry of up to 10,200 refugees annually to continue the traditional policy of the United States to offer refuge to persons oppressed or persecuted because of their race, religion, or opposition to totalitarian beliefs. This new section of the law will permit the President to act immediately, if the situation so requires, to come to the aid of refugees as defined in this bill. The Congress, charged with the constitutional responsibility for the regulation of immigration, reserves the power to review the case history of every refugee conditionally entered into the United States to determine whether the interests of this country are subject to outside pressures.

As passed by the House, the bill in section 203(a)(7) provides that not to exceed 10,200 refugees from communism and an area of the Middle East may be granted conditional entries each year. As amended by the committee, this category of refugees is enlarged to include aliens who have been uprooted from their place of usual abode by a catastrophic natural calamity. It is the purpose of the committee in adding this group of persons to the refugee category to provide relief in those cases where aliens have been forced to flee their homes as a result of serious natural disasters, such as earthquakes, volcanic eruptions, tidal waves, and in any similar natural catastrophes. The Congress, in a prior case, granted relief to such persons through the enactment of the Refugee Relief Act of 1953, where the term "refugee" was defined as follows:

> SEC. 2. (a) "Refugee" means any person in a country or area which is neither Communist nor Communist-dominated, who because of persecution, fear of persecution, natural calamity, or military operations is out of his usual place of abode and unable to return thereto, who has not been firmly resettled, and who is in urgent need of assistance for the essentials of life or for transportation.

Refugees have been admitted to the United States through the sponsorship of voluntary agencies and private citizens. The committee anticipates that such practice will continue so that each refugee will have an opportunity to adjust and develop in this country without fear of abandonment and without the possibility of becoming a public charge.

The conditional entry of refugees as proposed in this bill is not unlike the parole procedure utilized during the existence of the so-called Fair Share Act (sec. 212(d)(5)) and it is intended that the procedure remain the same. Since the use of the term "parole"

conveys a connotation unfavorable to the alien, the substitute term "conditional entry" has been used to avoid any such implication.

The so-called Fair Share Refugee Act (the act of July 14, 1960), with the exception of the sections which permit adjustment of status of refugees already admitted so the United States under its provisions, is repealed. Inasmuch as definite provision has now been made for refugees, it is the express intent of the committee that the parole provisions of the Immigration and Nationality Act, which remain unchanged by this bill, be administered in accordance with the original intention of the drafters of that legislation. The parole provisions were designed to authorize the Attorney General to act only in emergent, individual, and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law.

Western Hemisphere immigration

When the national quotas were established by the Immigration Act of 1924 to control immigration from the various countries of the world, theadmission of aliens from independent countries of the Western Hemisphere was left open and unrestricted by any numerical limitation. The Immigration and Nationality Act continued this policy of unrestricted immigration from the Western Hemisphere countries when the general immigration laws were revised in 1952. That act in section 101(a)(27)(C) defines a nonquota immigrant as including:

> (C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;

Under the language of H.R. 2580, as passed by the House, the immigration from Western Hemisphere countries would continue to be unrestricted but the natives of such countries are to be classified as "special immigrants" who would be admitted without numerical limitation. The term "special immigrant" is defined as follows:

> (A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him * * *.

While the bounds of the Western Hemisphere are not defined, it is the understanding of the committee that it would embrace generally all independent countries of North and South America. Natives of the newly independent countries, such as Jamaica and Trinidad-Tobago and countries which attain their independence in the future, will be eligible for the special immigrant status.

The committee has become increasingly concerned with the unrestricted flow of immigration from the nonquota countries which has averaged approximately 110,000 admissions over the past 10 years. Last year the nonquota admissions from Western Hemisphere countries totaled 139,284, and the evidence is present that the increase will continue. Not only is the committee concerned with the volume of the immigration, but it has difficulty with reconciling its decision to eliminate the concept of an alien's place of birth determining the

quota to which he is charged with the exemption from the numerical limitation extended to persons born in the Western Hemisphere. To continue unrestricted immigration for persons born in Western Hemisphere countries is to place such aliens in a preferred status compared to aliens born in other parts of the world which the committee feels requires further study.

The bill as passed by the House has been amended by adding a new section 21 to provide that immigration from the Western Hemisphere after June 30, 1968, shall be subject to a numerical limitation of 120,000 annually unless prior to that date Congress affirmatively provides otherwise. In this regard, the bill provides for the establishment of a Select Commission on Western Hemisphere Immigration to be composed of 15 members. The Chairman and eight members are to be appointed by the President; three members are to be appointed by the President of the Senate; and three members are to be appointed by the Speaker of the House. The Commission shall study all aspects of Western Hemisphere immigration and make a first report to the Congress by July 1, 1967, and a final report by January 15, 1968. The recommendations of the Commission in its reports are to include, but will not be limited to, recommendations as to whether numerical limitations should be applied, and if so, the method.

Changes in exclusion provisions

Under the bill all forms of epilepsy are removed as grounds for exclusion. This change in law is considered reasonable and desirable because medical advances have brought this condition under control with medication and it is now possible to achieve complete control of symptoms in half of the cases and a very marked reduction in another 30 percent.

In order to conform the provisions of section 212(a)(1) of the Immigration and Nationality Act with modern medical terminology, the term "feebleminded" has been deleted and the words "mentally retarded" inserted in lieu thereof. The bill grants the Attorney General authority to admit any alien who is the spouse, unmarried son or daughter, minor adopted child, or parent of a citizen or a lawful resident alien and who is mentally retarded under the same standards as are presently authorized to admit close relatives afflicted with tuberculosis. Under the House language, the authority would have extended only to a child under 14 with the further condition that the child would not be eligible if both his parents, if living, were in the United States. This same authority is granted the Attorney General in the case of any alien who is subject to exclusion beccause of past history of mental illness and whom the Surgeon General has found to be free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery.

In view of the representations made by the U.S. Public Health Service that the term "psychopathic personality" would encompass homosexuals and sex perverts, the Congress in enacting the Immigration and Nationality Act omitted from the law any specific provision relating to the ineligibility of such persons.

Senate Report 1137, 82d Congress, contained the following:

> Existing law does not specifically provide for the exclusion of homosexuals and sex perverts. The provisions of S. 716 which specifically excluded homosexuals and sex perverts as a

> separate excludable class does not appear in the instant bill. The Public Health Service has advised that the provision for the exclusion of aliens afflicted with psychopathic personality or a mental defect which appears in the instant bill is sufficiently broad to provide for the exclusion of homosexuals and sex perverts. This change of nomenclature is not to be construed in any way as modifying the intent to exclude all aliens who are sexual deviates.

However, the U.S. Court of Appeals for the Ninth Circuit on April 17, 1962, set aside a deportation order and enjoined its enforcement holding that section 212(a)(4) was unconstitutionally vague in that homosexuality was not sufficiently encompassed within the term "psychopathic personality" (*Fleuti* v. *Rosenberg*, 302 F. 2d 652).

To resolve any doubt the committee has specifically included the term "sexual deviation" as a ground of exclusion in this bill.

Control of allocation of immigrant visas

The control function of the Department of State with respect to the allocation of immigrant visas under H.R. 2580, as amended, will operate substantially as its quota control function has in the past with one important exception. The percentage limitations on the number of visas available for issuance (or the number of conditional entries which may be made) as specified in the bill for each of the preference categories (sec. 203(a) (1)–(7)), will be applied during the transition period and thereafter on a worldwide basis (exclusive of the Western Hemisphere) instead of the present preferences within individual quotas. The allocation of quota numbers during the transition period from either the established quotas or from the immigration pool, for the issuance of visas, for conditional entries, or for adjustments of status in the United States will be governed by the following three general limitations:

(*a*) The overall numerical limit of 170,000 (inclusive of 10,200 refugees);

(*b*) The individual foreign state limit of 20,000; and

(*c*) The percentage limit fixed for each preference category on a worldwide basis.

Within the foregoing limitations, quota numbers will be made available on a first-come, first-qualified basis. All consular offices abroad will be required to submit monthly reports to the Department showing the number of intending immigrants within each preference and nonpreference category who have been examined and found qualified to receive visas, and their priority date on the waiting list. These monthly reports will form the basis for estimating the qualified demand for immigrant visas in each category (preference and nonpreference). Based upon this estimated qualified demand, the Department of State will allocate the requested numbers to the extent of their availability for the particular month and subject to the percent limitation specified in the law for each preference class. When the qualified demand exceeds the available numbers, the later registrants in each category must await a number in the next monthly allotment

In allotting quota numbers under H.R. 2580, as amended, during the 3-year interim period, the State Department will first use the numbers available under the established quotas to the full extent of the quota and, thereafter, to the extent that they are available for

allotment from the immigration pool. The general rule of quota chargeability (country of birth) will govern the allotment of numbers from the established quotas but not from the immigration pool. Numbers from the pool will be available to natives of oversubscribed quota areas within the preference percentages and without regard to country of birth.

Upon the expiration of the 3-year interim period, visa numbers will be issued from the 170,000 authorized to qualified immigrants and refugees, without regard to place of birth, within the preference or nonpreference categories, up to the limit of 20,000 per foreign state, and in accordance with the order of priority.

With regard to the conditional entries of refugees under section 203(a)(7), it will be necessary for the Department of State to know currently the exact number of such entries not only for statistical purposes (determining when numerical limitations are reached) but also to enable the Department of State to make a reasonable estimate, at least quarterly, of numbers available for allotment to intending immigrants within the nonpreference category.

Adjustment of status of aliens

The committee has further amended H.R. 2580 to provide that alien crewmen shall be eligible to obtain an adjustment of their illegal immigration status to that of an alien lawfully admitted for permanent residence under the administrative procedure for adjustment contained in section 244 of the Immigration and Nationality Act. The committee feels that no distinction should be made in the treatment of aliens because of their manner of entry where they meet the other conditions which would qualify them for that form of discretionary relief.

The committee also has added a provision to H.R. 2580 to permit certain natives of Western Hemisphere countries who are in the United States in a refugee status to obtain an adjustment of their immigration status through the procedures contained in section 245 of the Immigration and Nationality Act. Under the language as passed by the House, all natives of Western Hemisphere countries and adjacent islands are denied this form of administrative relief.

Under existing law, aliens who entered the United States prior to June 28, 1940, and have since resided in the United States continuously may adjust their immigration status through the procedures set forth in section 249 of the Immigration and Nationality Act, under which the Attorney General has discretionary authority to create a record of lawful admission in behalf of aliens satisfying the conditions contained therein. The committee has amended H.R. 2580 to extend the benefits of section 249 to aliens who entered the United States prior to June 28, 1958.

SECTION-BY-SECTION ANALYSIS OF H.R. 2580, AS AMENDED

Section 1

Section 1 of the bill amends section 201 of the Immigration and Nationality Act and establishes a limit of 170,000 for the number of aliens who may enter the United States as immigrants or who may have their status adjusted in the United States to that of a permanent resident, or who may conditionally enter as refugees exclusive of special immigrants and immediate relatives. Natives of independent countries

of the Western Hemisphere continue in an unrestricted category until June 30, 1968, after which date they become subject to an annual limitation of 120,000 unless Congress provides otherwise as provided in section 21. Spouses, unmarried minor children, and parents of U.S. citizens are also in this numerically unrestricted category. To facilitate administration, not more than 45,000 aliens, subject to the numerical ceiling, may be admitted in each of the first three quarters of any fiscal year.

The system of national quotas will end on June 30, 1968, but for the intervening 3-year period (July 1, 1965, to June 30, 1968) the existing quotas for quota areas remain in effect. During each fiscal year in this period, quota numbers not used in the course of the preceding fiscal year are to be transferred to an immigration pool. Quota numbers in the pool will be made available to immigrants who cannot obtain visas due to oversubscription of their quotas. Such numbers will be allocated fron the immigration pool in accordance with the preference percentages in section 3 of the bill without regard to quota chargeability. Otherwise, the existing quota system will continue to operate during this 3-year period.

Allocation of numbers from the pool and from the existing quotas shall not exceed the 170,000 limitation. The immigration pool and the national origins system will be terminated on June 30, 1968. Thereafter all aliens subject to the 170,000 limitation, whether they are issued immigrant visas, acquire the status of those admitted for permanent residence, or are granted conditional entry, shall be treated in accordance with the percentage limitations laid down in section 3 of the bill. The "immediate relatives" as that term is defined in section 201(b) and "special immigrants" as defined in section 101(a)(27) will be documented as such and not issued visas which are subject to the numerical limitations of the act.

Section 2

Section 2 of the bill amends section 202 of the Immigration and Nationality Act and establishes a new system for issuance of immigrant visas without regard to national origin. This system will apply to the immigration pool during the 3-year period of its existence and thereafter to all immigration subject to the 170,000 ceiling. Of this total of 170,000, not more than 20,000 immigrant visas and conditional entries are to be made available to the natives of any single foreign country in any fiscal year. However, during the 3-year period of the continuation of quotas, the 20,000 ceiling will not operate to reduce the number of immigrants who may be admitted from a quota area with a quota larger than 20,000.

Section 202 of the Immigration and Nationality Act is further revised to provide that an immigrant is to be charged to the country of his birth for the purposes of the 20,000 limitation, except in a case where such chargeability would cause the family unit to be divided. An accompanying spouse or child may be charged to the same foreign state as his spouse or parent if the limitation for that foreign state has not been utilized. The Asia-Pacific triangle provision contained in section 202(b) of the Immigration and Nationality Act, requiring quota chargeability on the basis of racial ancestry, is immediately repealed. A colony or other dependent area of a foreign state shall not in any one fiscal year receive more than 1 percent of the maximum number of immigrant visas available to that state, thus preventing

such colony or dependent area from preempting the governing country's visa limitation disproprotionately.

The Secretary of State is authorized to take appropriate action in the event there is any change in the territorial limits of foreign states.

Section 3

Section 3 amends section 203 of the Immigration and Nationality Act, and provides the order of preference priorities and percentage allocations for the admission of qualified immigrants under the numerical limitation of 170,000 (sec. 201(a)) as follows:

(1) Unmarried sons or daughters of U.S. citizens—the first 20 percent of the total of 170,000.

(2) Husbands, wives, and unmarried sons or daughters of alien residents—20 percent plus any unused portion of class (1).

(3) Members of professions, scientists, and artists—the next 10 percent.

(4) Married sons or daughters of U.S. citizens—10 percent plus any unused portions of classes (1) through (3).

(5) Brothers or sisters of U.S. citizens—24 percent plus any unused portions of classes (1) through (4).

(6) Skilled or unskilled persons capable of filling labor shortages in the United States—the next 10 percent.

(7) Refugees from communism, an area of the Middle East, or who have been uprooted by a natural calamity—the next 6 percent. As distinguished from the aliens in the other classes, who are given immigrant visas, refugees will be granted conditional entries by the Attorney General provide they qualify as refugees within the definition prescribed in the bill. However, one half of this 6 percent figure, or 5,100 of these numbers authorized for refugees, may be used in lieu of conditional entries to adjust the status of refugees who have been physically present in the United States for 2 years. It is contemplated that such adjustments will be made under section 245 of the Immigration and Nationality Act.

(8) Otherwise qualified immigrants, in the order of their qualification (i.e., nonpreference immigrants)—any portion of the 170,000 not used by classes (1) through (7).

The requirement that visas shall be issued to nonpreference applicants in the order in which they qualify rather than in the order in which they apply for registration on a waiting list will have the effect of preventing the buildup of unrealistic waiting lists of aliens who register without serious intent to immigrate to the United States.

The Secretary of State is authorized to terminate the waiting list registration of any alien who does not continue an interest to immigrate to the United States.

Section 203(c) of the Immigration and Nationality Act, as revised, requires that visas issued to qualified immigrants pursuant to paragraphs (1) through (6) of section 203(a) shall be issued in the order in which the approved petition is filed with the Attorney General. This requirement is intended to apply to preference petitions approved prior to enactment of the bill.

Section 203(f), as revised, requires the Attorney General to submit reports to Congress concerning refugees who have entered the United States conditionally. New subsections (g) and (h) provide for the inspection of refugees after they have been in the United States for

at least 2 years and retroactive adjustment of status to that of an alien lawfully admitted for permanent residence as of the date of their arrival in the United States.

The other new subsections of section 203 set forth a number of technical amendments and establish procedures for authorizations in connection with the administration of the preference provisions.

Section 4

Section 4 of the bill amends sections 204 and 205 of the Immigration and Nationality Act and provides for the establishment of a single procedure for the filing of petitions with the Attorney General to accord immediate relative status, or preference status, as the case may be. The limitation on the number of orphan petitions which may be approved for one petitioner is continued as well as the prohibition against approval of a petition for an alien whose prior marriage was determined by the Attorney General to have been entered into for the purpose of evading the immigration law.

The Attorney General is required to submit a report to Congress on each petition approved for the professional or occupational preferences.

Section 5

Section 5 restates and incorporates the provisions formerly contained in section 206 of the Immigration and Nationality Act in section 205 which, in general, authorizes the Attorney General to revoke for sufficient cause a preference petition previously approved.

Section 6

This section restates the present section 207 of the Immigration and Nationality Act and places the new language in section 206. The language is amended to authorize the reissuance of an immigrant visa, if not used by the initial holder, to another qualified alien.

Section 7

This section of the bill repeals section 207 of the Immigration and Nationality Act.

Section 8

Section 8 of the bill amends section 101 of the Immigration and Nationality Act. Section 101(a)(27) of that act, which defines "nonquota immigrant," is amended to eliminate the term "nonquota immigrant" and insert in lieu thereof "special immigrant." Therefore, natives of independent countries of the Western Hemisphere, returning resident aliens, certain former citizens of the United States, ministers of religion, and certain retired employees of the U.S. Government abroad previously referred to as "nonquota immigrants" will hereforth be referred to as "special immigrants." The term "profession" is defined, and the definition of an "eligible orphan" is consolidated from different sections and restated.

Section 9

Section 9 of the bill amends section 211 of the Immigration and Nationality Act, which relates to the documentary requirements of aliens arriving at ports of entry. The requirement of an unexpired visa and passport for every immigrant arriving in the United States is restated to conform to the changes made by the bill with respect to the classifications of immigrant visas.

The present discretionary authority of the Attorney General contained in section 211 (c) and (d) to admit aliens who arrive in the United States with defective visas under specified conditions is removed.

Section 10

Section 10 of the bill amends section 212 (a) of the Immigration and Nationality Act and paragraph (14), which relates to the ground for the exclusion of aliens coming to the United States to engage in skilled or unskilled employment, is amended to require an affirmative finding by the Secretary of Labor that any alien seeking to enter the United States as a worker, skilled or otherwise, will not replace a worker in the United States nor will the employment of such alien adversely affect the wages and working conditions of individuals in the United States similarly employed. This required certification will be applicable to special immigrants (other than the parents, spouses, and minor children of U.S. citizens or permanent resident aliens), preference immigrants described in section 203(a) (3) and (6), and the nonpreference immigrants.

Section 11

This section makes certain conforming and technical changes in the sections of the Immigration and Nationality Act relating to the application for and issuance of visas.

Section 243(h) of the Immigration and Nationality Act is amended to authorize the Attorney General to withhold deportation of an alien who, in his opinion, would be subject to persecution on account of race, religion, or political opinion if deported. Existing law requires evidence that the alien would be subjected to "physical" persecution.

Section 12

Section 244(d) of the Immigration and Nationality Act is amended to conform to changes in the act due to the termination of the quota system. In each case where an alien, other than a special immigrant or an immediate relative, has his deportation suspended, a number is deducted from the nonpreference immigrant visas authorized for the current fiscal year. Alien crewmen are made eligible for this form of administrative relief by an amendment of section 244(f).

Section 13

Section 13 of the bill amends section 245 of the Immigration and Nationality Act relating to adjustment of status of aliens in the United States to prohibit the adjustment of status of natives of the Western Hemisphere now referred to as "special immigrants." The Immigration and Naturalization Service has been faced with a recurring problem in cases of natives of Central and South America who come to the United States as nonimmigrant visitors and promptly seek permanent residence status under section 245. The exclusion, however, does not apply to refugees from Western Hemisphere countries.

Section 14

Section 281 of the Immigration and Nationality Act is amended to grant the Secretary of State discretion to specify the time and manner of payment of fees for visa application and issuance. This amendment is designed to discourage registration by persons not sincerely intending to immigrate to the United States.

Section 15

Section 212(a)(1) of the Immigration and Nationality Act is amended by deleting the term "feebleminded" and inserting in lieu thereof "mentally retarded." This change is made to conform with modern medical terminology. Also, "epilepsy" is deleted as a ground for exclusion and "sexual deviation" is included as a ground for exclusion.

Section 212(f) is redesignated 212(g) and is amended to grant the Attorney General authority to admit any alien who is the spouse, unmarried son or daughter, minor adopted child, or parent of a citizen or lawful permanent resident and who is mentally retarded under the same conditions as presently authorized in the case of such close relatives afflicted with tuberculosis. Similar authority is granted in the case of such aliens who are excludable because of a past history of mental illness.

Section 16

The Fair Share Refugee Act is repealed with the exception of the sections that permit adjustment of status for those refugees who have already been admitted and will soon be eligible to apply for adjustment. (A new provision is made for refugees in sec. 3 of the bill.)

Section 17

Consular officers are authorized in their discretion to require the giving of a bond in cases where aliens apply for student or visitor visas to come to the United States to insure that such alien will maintain his status. This provision is designed to make it possible to resolve doubts in borderline cases in which the consular officer is uncertain as to the bona fides of the nonimmigrant's intention to remain in the United States temporarily. It is not intended to permit the issuance of nonimmigrant visas to aliens who are clearly immigrants.

Section 18

Section 272 of the Immigration and Nationality Act, which imposes a penalty for bringing certain excludable aliens to the United States, is amended to conform with the amended section 212.

Section 19

The cutoff date for eligibility for adjustment of status through registry proceedings under section 249 is moved from June 28, 1940, to June 28, 1958.

Section 20

The effective date of this legislation is established, which is on the first day of the first month after the expiration of 30 days following the date of enactment, except as otherwise provided.

Section 21

This section provides a numerical limitation of 120,000 annually on immigrants from independent countries of the Western Hemisphere beginning July 1, 1968, unless the Congress enacts legislation providing otherwise prior to that date. A Select Commission on Western Hemisphere Immigration is established to be composed of 15 members—the Chairman and 8 members to be appointed by the President; 3 members to be appointed by the President of the Senate; and 3

members to be appointed by the Speaker of the House. The Commission shall study all aspects of Western Hemishpere immigration and make a first report to Congress by July 1, 1967, and a final report by January 15, 1968.

Section 22

This section amends the titles of chapters 1 and 3 of title II of the Immigration and Nationality Act to conform with the changes made by this legislation.

Section 23

The table of contents of the Immigration and Nationality Act is amended to conform with changes proposed by this legislation.

Section 24

This section repeals paragraph (6) of section 101(b) of the Immigration and Nationality Act.

OTHER MATTERS

As previously indicated, the instant bill does not embody a comprehensive revision of the Immigration and Nationality Act. However, the Subcommittee on Immigration and Naturalization did give consideration to many proposals contained in other bills pending before the subcommittee which would have amended the Immigration and Nationality Act in other respects. Included in the suggested changes were proposals to establish a Board of Visa Appeals and to establish a statute of limitations in deportation cases. In the course of the subcommittee's consideration of those two proposals, it was indicated by the Attorney General that while he did not think it appropriate at this time to institute such changes without further study, he expressed his willingness to undertake a complete study of the proposals, to discuss the desirability of the establishment of a Board of Visa Appeals with the Secretary of State and to report seasonably on the above matters.

In addition the committee in its consideration of the bill as reported by the subcommittee had before it several amendatory proposals relating to specific problems which have arisen in the administration of the provisions of the Immigration and Nationality Act.

The attention of the committee was directed to the situation which exists with reference to the practices and procedures controlling the importation of aliens to perform temporary services under section 214(c) of the Immigration and Nationality Act, both as it relates to the importation of actors and other performers and as it relates to other types of employment. The committee feels that the provisions of section 214(c) requiring the Attorney General to consult with the appropriate agencies of the Government in specific cases involving the importation of aliens as nonimmigrants under section 101(a)(15)(H) (i) and (ii) affirms this committee's intention that all such cases which involve the determination of an individual alien's merit and ability, the requirements of the job for which he is being imported or appraisal of the available domestic labor force shall be referred to the Secretary of Labor for his opinion. The committee will continue to observe the effect of the importation of nonimmigrant temporary workers upon the employment opportunities of Americans and aliens resident in the United States. The Attorney General will be requested to study this matter of consulta-

tion with the Secretary of Labor in those cases involving the importation of nonimmigrant aliens under section 101(a)(15)(H) (i) and (ii) and report seasonably to the committee the results of his study.

The committee discussed a proposed amendment to section 301(a)(7) of the Immigration and Nationality Act which at present provides that a child born abroad of one citizen parent and one alien parent does not acquire U.S. citizenship at birth unless the citizen parent, prior to the birth of the child, was physically present in the United States or its outlying possessions for a period totaling not less than 10 years, at least 5 of which were after attaining the age of 14. At present, only members of the Armed Forces may count the periods of honorable service abroad in order to meet the physical presence requirements of section 301(a)(7). It was proposed that the provision be changed so as to treat the time spent abroad as a child of a foreign service officer of the United States as constructive physical presence in the same manner for the purpose of transmitting U.S. citizenship. The committee deferred action on the proposal with the understanding that the Attorney General will be requested to study this matter and to make a timely report to the committee of the results of his study.

The attention of the committee was also directed to an immigration problem of the natives of the Ryukyu Islands resulting from the fact that those islands are presently included within the areas assigned to the Asia-Pacific triangle quota. It is the committee's understanding that in the event H.R. 2580 becomes law, it is contemplated that the Secretary of State will attribute the Ryukyu Islands to the quota area of the Pacific Islands and that during the 3-year interim period natives of the Ryukyu Islands will have access to the Pacific Islands quota.

The committee discussed the status of refugees from the Dominican Republic and is of the opinion the refugees who fled the country as a result of the recent rebellion may be considered within the provisions of section 203(a)(7) of the Immigration and Nationality Act, as added by H.R. 2580, as well as under section 245 of the Immigration and Nationality Act, as amended.

There was also discussed a proposal to amend section 21 of the bill relating to the establishment of a numerical limitation on Western Hemisphere immigration on July 1, 1968. Additional language was suggested to be added to section 21(e) to provide that immigrant visas be allocated to any immigrant who becomes subject to the numerical limitation under the same system of preferences applicable to other immigrants as specified in section 203 of the Immigration and Nationality Act. It was the consensus of the committee that this is a matter that will be considered by the Select Commission on Western Hemisphere Immigration in the course of its study.

RECOMMENDATION

The committee, after consideration of all the facts, is of the opinion that the bill (H.R. 2580), as amended, should be enacted.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, while existing law in which no change is proposed is shown in roman):

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TITLE II—IMMIGRATION

CHAPTER 1—[QUOTA] *SELECTION* SYSTEM

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CHAPTER 3—ISSUANCE OF ENTRY DOCUMENTS

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CHAPTER 5—DEPORTATION; ADJUSTMENT OF STATUS

Section 101(a)(27) of the Immigration and Nationality Act

(27) The term [''nonquota immigrant''] *''special immigrant''* means—

(A) [an immigrant who is the child or the spouse of a citizen of the United States] *an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him: Provided, That no immigrant visa shall be issued pursuant to this clause until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14);*

(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

[(C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of

Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;]

[(D)] (*C*) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III, apply for reacquisition of citizenship;

[(E) an immigrant included within the second proviso to section 249(a)(1) of title III;]

[(F)] (*D*)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

[(G)] (*E*) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided,* That the principal officer of a foreign service establishment, in his discretion, shall have recommended the granting of [nonquota] *special immigrant* status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

Section 101(a)(32) of the Immigration and Nationality Act

(32) The term ["quota immigrant" means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this Act as a nonquota immigrant or a nonimmigrant shall not be admitted or considered in any manner to be either a nonquota immigrant or a nonimmigrant notwithstanding his relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.] *"profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.*

Section 101(b)(1) of the Immigration and Nationality Act

(b) As used in titles I and II—

(1) The term "child" means an unmarried person under twenty-one years of age who is—

(A) a legitimate child; or

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred; or

(C) a child legimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.

(D) an illegitimate child, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother;

(E) a child adopted while under the age of fourteen years if the child has thereafter been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: *Provided,* That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

(F) a child [who is an eligible orphan, adopted abroad by a United States citizen and spouse or coming to the United States for adoption by a United States citizen and spouse] *under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and his spouse who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence: Provided,* That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage be accorded any right, privilege, or status under this Act.

* * * * *

[(6) The term "eligible orphan" means any alien child under the age of fourteen at the time at which the visa petition is filed pursuant to section 205(b) who is an orphan because of the death or disappearance of both parents, or because of abandonment, or desertion by, or separation or loss from, both parents, or who has only one parent due to the death or disappearance of, abandonment, or desertion by, or separation or loss from the other parent, and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released him for emigration and adoption.]

Title II, Chapter I, Immigration and Nationality Act

CHAPTER 1—[QUOTA] *SELECTION* SYSTEM

NUMERICAL LIMITATIONS[; ANNUAL QUOTA BASED UPON NATIONAL ORIGIN MINIMUM QUOTAS]

SEC. 201. (a) [The annual quota of any quota area shall be one sixth of 1 per centum of the number of inhabitants in the continental United States in 1920, which number, except for the purpose of computing quotas for quota areas within the Asia-Pacific triangle, shall be the same number heretofore determined under the provisions of section 11 of the Immigration Act of 1924, attributable by national origin to such quota area: *Provided,* That the quota existing for

Chinese persons prior to the date of enactment of this Act shall be continued, and, except as otherwise provided in section 202(e), the minimum quota for any quota area shall be one hundred.

[(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the President shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration Act of 1924 shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202(e).

[(c) There shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

[(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

[(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

[(1) section 19(c) of the Immigration Act of 1917, as amended;

[(2) the Displaced Persons Act of 1948, as amended; and

[(3) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act.]

Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence or who may, pursuant to section 203(a)(7) enter conditionally, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and (ii) shall not in any fiscal year exceed a total of 170,000.

(b) The "immediate relative" referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: Provided, that in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission as immigrants shall

be admitted as such, without regard to the numerical limitations in this Act.

(c) During the period from July 1, 1965, through June 30, 1968, the annual quota of any quota area shall be the same as that which existed for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

(d) Quota numbers not issued or otherwise used during the previous fiscal year, as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Allocation of numbers from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of a preference visa due to oversubscription of their quotas, or subquotas as determined by the Secretary of State. Visas and conditional entries shall be allocated from the immigration pool within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

(e) The immigration pool and the quotas of quota areas shall terminate June 30, 1968. Thereafter immigrants admissible under the provisions of this Act who are subject to the numerical limitations of subsection (a) of this section shall be admitted in accordance with the percentage limitations and in the order of priority specified in section 203.

[DETERMINATION OF QUOTA TO WHICH AN IMMIGRANT IS CHARGEABLE]

NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE

SEC. 202. (a) [Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions and the countries specified in section 101(a)(27)(C), shall be treated as a separate quota area when approved by the Secretary of State. All other inhabited lands shall be attributed to a quota area specified by the Secretary of State. For the purposes of this Act, the annual quota to which an immigrant is chargeable shall be determined by birth within a quota area, except that—

[(1) an alien child, when accompanied by his alien parent or parents may be charged to the quota of the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the quota to which such parent has been or would be chargeable is not exhausted for that fiscal year;

[(2) if an alien is chargeable to a different quota from that of his accompanying spouse, the quota to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the quota of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the quota to which such spouse has been or would be chargeable is not exhausted for that fiscal year;

[(3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer;

[(4) an alien born within any quota area in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the quota area of either parent;

[(5) notwithstanding the provisions of paragraphs (2), (3), and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a non-quota immigrant status under paragraph (27)(A), (27)(B), (27)(D), (27)(E), (27)(F), or (26)(G) of section 101(a) shall be chargeable to a quota as specified in subsection (b) of this section: *Provided,* That the child of an alien defined in section 101(a)(27)(C), if accompanying or following to join him, shall be classified under section 101(a)(27)(C), notwithstanding the provisions of subsection (b) of this section.

[(b) With reference to determination of the quota to which shall be chargeable an immigrant who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle comprising all quota areas and all colonies and other dependent areas situate wholly east of the meridian sixty degrees east of Greenwich, wholly west of the meridian one hundred and sixty-five degrees west, and wholly north of the parallel twenty-five degrees south latitude—

[(1) there is hereby established, in addition to quotas for separate quota areas comprising independent countries, self-governing dominions, and territories under the international trusteeship system of the United Nations situate wholly within said Asia-Pacific triangle, an Asia-Pacific quota of one hundred annually, which quota shall not be subject to the provisions of subsection (e);

[(2) such immigrant born within a separate quota area situate wholly within such Asia-Pacific triangle shall not be chargeable to the Asia-Pacific quota, but shall be chargeable to the quota for the separate quota area in which he was born;

[(3) such immigrant born within a colony or other dependent area situate wholly within said Asia-Pacific triangle shall be chargeable to the Asia-Pacific quota;

[(4) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to not more than one separate quota area, situate wholly within the Asia-Pacific triangle, shall be chargeable to the quota of that quota area;

[(5) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to one or more colonies or other dependent areas situate wholly within the Asia-Pacific triangle, shall be chargeable to the Asia-Pacific quota;

[(6) such immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to two or more separate quota areas situate wholly

within the Asia-Pacific triangle, or to a quota area or areas and one or more colonies and other dependent areas situate wholly therein, shall be chargeable to the Asia-Pacific quota.

[(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than one hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section.

[(d) The provision of an immigration quota for a quota area shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

[(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provisions of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change.] *No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: Provided, That the total number of immigrant visas and the number of conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year: Provided further, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968.*

(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when

approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

(c) Any immigrant born in a colony or other component or dependent area of a foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen as specified in section 201(b), shall be chargeable, for the purpose of limitation set forth in section 202(a), to the foreign state, except that the number of persons born in any such colony or other component or dependent area overseas from the foreign state chargeable to the foreign state in any one fiscal year shall not exceed 1 per centum of the maximum number of immigrant visas available to such foreign state.

(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices.

ALLOCATION OF IMMIGRANT VISAS [WITHIN QUOTAS]

SEC. 203. (a) [Immigrant visas to quota immigrants shall be allotted in each fiscal year as follows:

[(1) The first 50 per centum of the quota of each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (2) and (3), shall be made available for the issuance of immigrant visas (A) to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States, and (B) to qualified quota immigrants who are the spouse or children of any immigrant described in clause (A) if accompanying or following to join him.

[(2) The next 30 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (3), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the parents of citizens of the United States, such citizens being at least twenty-one years of age or who are the unmarried sons or daughters of citizens of the United States.

[(3) The remaining 20 per centum of the quota for each quota area for such year, plus any portion of such quota not required for the issuance of immigrant visas to the classes specified in paragraphs (1) and (2), shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the spouses or the unmarried sons or daughters of aliens lawfully admitted for permanent residence.

[(4) Any portion of the quota for each quota area for such year not required for the issuance of immigrant visas to the classes specified in paragraphs (1), (2), and (3) shall be made available for the issuance of immigrant visas to other qualified quota immigrants chargeable to such quota. Qualified quota immigrants of each quota area who are the brothers, sisters, married sons or married daughters of citizens of the United States shall be entitled to a preference of not exceeding 50 per centum of the immigrant visas available for issuance for each quota area under this paragraph, and such preference shall be available to the spouses and children of such qualified quota immigrants if accompanying them.

[(b) Quota immigrant visas issued pursuant to paragraph (1) of subsection (a) shall, in the case of each quota area, be issued to eligible quota immigrants in the order in which a petition on behalf of each such immigrant is filed with the Attorney General as provided in section 204; and shall be issued in the first calendar month after receipt of notice of approval of such petition in which a quota number is available for an immigrant chargeable to such quota area.

[(c) Quota immigrant visas issued to aliens in the classes designated in paragraphs (2), (3), and (4) of subsection (a) shall, in the case of each quota, be issued to qualified quota immigrants strictly in the chronological order in which such immigrants are registered in each class on quota waiting lists which shall be maintained for each quota in accordance with regulations prescribed by the Secretary of State.

[(d) In determining the order for consideration of applications for quota immigrant visas under subsection (a), consideration shall be given first to applications under paragraph (1), second to applications under paragraph (2), third to applications under paragraph (3), and fourth to applications under paragraph (4).

[(e) Every immigrant shall be presumed to be a quota immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and to the immigration officers, at the time of application for admission, that he is a nonquota immigrant. Every quota immigrant shall be presumed to be a nonpreference quota immigrant until he establishes to the satisfaction of the consular officer and the immigration officers that he is entitled to a preference quota status under paragraph (1), (2), or (3) of subsection (a) or to a preference under paragraph (4) of such subsection.] *Aliens who are subject to the numerical limitations specified in section 201(a) shall be allotted visas or their conditional entry authorized, as the case may be, as follows:*

(1) Visas shall be first made available, in a numbsr not to exceed 20 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

(2) Visas shall next be made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are members of the professions, or who because of their exceptionall ability in the sciences or the arts, will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the brothers or sisters of citizens of the United States.

(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (A) that (i) because of persecution or fear of persecution on account of race, religion or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode. For the purpose of the foregoing the term "general area of the Middle East" means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: Provided, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

(8) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (6) and less the number

of conditional entries and visas made available pursuant to paragraph (7), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraph (3) or (6) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212 (a)(14).

(9) A spouse or child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa or to conditional entry under paragraphs (1) through (8), be entitled to the same status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

(b) In considering applications for immigrant visas under subsection (a) consideration shall be given to applicants in the order in which the classes of which they are members are listed in subsection (a).

(c) Immigrant visas issued pursuant to paragraphs (1) through (6) of subsection (a) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204.

(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (6) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be an immediate relative of a United States citizen as specified in section 201(b) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. The Secretary of State, in his discretion, may terminate the registration on a waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed.

(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien who conditionally entered the United States pursuant to subsection (a)(7) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

(g) Any alien who conditionally entered the United States as a refugee, pursuant to subsection (a)(7) of this section, whose conditional entry has not been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

(h) Any alien who, pursuant to subsection (g) of this section, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

PROCEDURE FOR GRANTING IMMIGRANT STATUS [UNDER SECTION 101(a)(27)(F)(i) OR SECTION 203(a)(1)(A)]

SEC. 204. (a) [In the case of any alien claiming in his application for an immigrant visa to be entitled to an immigrant status under section 101(a)(27)(F)(i) or section 203(a)(1)(A), the consular officer shall not grant such status until he has been authorized to do so as provided in this section.

[(b) Any person, institution, firm, organization, or governmental agency desiring to have an alien classified as an immigrant under section 101(a)(27)(F)(i) or section 203(a)(1)(A) shall file a petition with the Attorney General for such classification of the alien. The petition shall be in such form as the Attorney General may by regulations prescribe and shall state the basis for the need of the services of such alien and contain such additional information and be supported by such documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

[(c) After an investigation of the facts in each case, and after consultation with appropriate agencies of the Government, the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for an immigrant status under section 101(a)(27)(F)(i) or section 203(a)(1)(A), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant such immigrant status. The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under section 203(a)(1) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status and for the petitioner's urgent need for his services. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session.

[(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as an immigrant under section 101(a)(27)(F)(i) or section 203(a)(1)(A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.] *Any citizen of the United States claiming that an alien is entitled to a preference status by reason of the relationships described in paragraphs (1), (4), or (5) of section 203(a), or to an immediate relative status under section 201(b), or any alien lawfully admitted for permanent residence claiming that an alien is entitled to a preference status by reason of the relationship described in section 203(a)(2), or*

any alien desiring to be classified as a preference immigrant under section 203(a)(3) (or any person on behalf of such an alien), or any person desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6), may file a petition with the Attorney General for such classification. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer.

(b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor with respect to petitions to accord a status under section 230(a)(3) or (6), the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in behalf of whom the petition is made is an immediate relative specified in section 201(b) or is eligible for a preference status under section 230(a), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant the preference status.

(c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1) (E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

(d) The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under sections 203(a)(3) or 203(a)(6) stating the basis for his approved and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session.

(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom, a petition under this section is approved, to enter the United States as a preference immigrant under section 203(a) or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.

[PROCEDURE FOR GRANTING NONQUOTA STATUS OR PREFERENCE BY REASON OF RELATIONSHIP]

[SEC. 205. (a) In the case of any alien claiming in his application for an immigrant visa to be entitled to a nonquota immigrant status under section 101(a)(27) (A), or to a quota immigrant status under section 203(a)(2) or 203 (a)(3), or to a preference under section 203(a)(4), the consular officer shall not grant such status or preference until he has been authorized to do so as provided in this section.

[(b) Any citizen of the United States claiming that any immigrant is his spouse or child and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A), or any citizen

of the United States claiming that any immigrant is his parent or unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(2), or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or his unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3), or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) may file a petition with the Attorney General. No petition for quota immigrant status or a preference in behalf of a son or daughter under paragraph (2), (3), or (4) of section 203(a) of the Immigration and Nationality Act shall be approved by the Attorney General unless the petitioner establishes that he is a parent as defined in section 101(b)(2) of the Immigration and Nationality Act of the alien in respect to whom the petition is made, except that no such petition shall be approved if the beneficiary thereof is an alien defined in section 101(b)(1)(F). No petition for nonquota immigrant status in behalf of a child as defined in section 101(b)(1)(F) shall be approved by the Attorney General unless the petitioner establishes to the satisfaction of the Attorney General that the petitioner and spouse will care for such child properly if he is admitted to the United States, and (i) in the case of a child adopted abroad, that the petitioner and spouse personally saw and observed the child prior to or during the adoption proceedings, and (ii) in the case of a child coming to the United States for adoption, that the petitioner and spouse have complied with the preadoption requirements, if any, of the State of such child's proposed residence. The petition shall be in such form and shall contain such information and be supported by such documentary evidence as the Attorney General may by regulations prescribe. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside, the United States, administered by an immigration officer or a consular officer.

[(c) After an investigation of the facts in each case the Attorney General shall, if he determines the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for a nonquota immigrant status under section 101(a)(27)(A), or for a quota immigrant status under section 203(a)(2) or 203(a)(3), or for a preference under section 203(a)(4), approve the petition and forward one copy thereof to the Department of State. Not more than two such petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1) (E) or (F), unless necessary to prevent the separation of brothers and sisters. The Secretary of State shall then authorize the consular officer concerned to grant the nonquota immigrant status, quota immigrant status, or preference, as the case may be. Notwithstanding the provisions of this subsection, no petition shall be approved if the alien previously has been accorded, by reason of marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws—

[(1) a nonquota status under section 101(a)(27)(A) as the spouse of a citizen of the United States, or

[(2) a preference quota status under section 203(a)(3) as the spouse of an alien lawfully admitted for permanent residence.

[(d) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is approved, to enter the United States as a nonquota immigrant under section 101(a)(27)(A) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a quota immigrant under section 203(a)(2) or 203(a)(3) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification, or to enter the United States as a preference quota immigrant under section 203(a)(4) if upon his arrival at a port of entry in the United States he is found not to be entitled to such preference.]

REVOCATION OF APPROVAL OF PETITIONS

[SEC. 206.] *SEC. 205.* The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204 [, section 205, or section 214(c) of this title]. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236.

UNUSED [QUOTA] IMMIGRANT VISAS

[SEC. 207.] *SEC. 206.* If [a quota] *an* immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission [to the United States] before the expiration of the validity of [the immigrant] *his* visa, or if an alien having an immigrant visa issued to him as a [quota] *preference* immigrant is found not to be a [quota] *preference* immigrant, [no immigrant visa shall be issued in lieu thereof to any other immigrant] *an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien.*

Section 211 of the Immigration and Nationality Act

SEC. 211. (a) *Except as provided in subsection (b)* [No] *no* immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such [immigrant] visa to the accompanying parent, *and* (2) [is properly chargeable to the quota specified in the immigrant visa, (3) is a nonquota immigrant if specified as such in the immigrant visa, (4) is of the proper status under the quota specified in the immigrant visa, and (5) is otherwise admissible under this Act.] *presents a valid unexpired passport or other suitable travel document, or document of identify and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.*

(b) Notwithstanding the provisions of section 212(a)(20) of this act [,] in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, [otherwise admissible aliens, lawfully admitted for permanent residence who depart from the United States temporarily] *returning resident immigrants, defined in section 101(a)(27)(B), who are otherwise admissible* may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

[(c) The Attorney General may in his discretion, subject to subsection (d), admit to the United States any otherwise admissible immigrant not admissible under clause (2), (3), or (4) of subsection (a), if satisfied that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel or aircraft from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

[(d) No quota immigrant within clause (2) or (3) of subsection (a) shall be admitted under subsection (c) if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year, or the next fiscal year, has already been issued. If such entire number of immigrant visas has not been issued, the Secretary of State, upon notification by the Attorney General of the admission under subsection (c) of a quota immigrant within clause (2) or (3) of subsection (a), shall reduce by one the number of immigrant visas which may be issued to quota immigrants under the same quota during the fiscal year in which such immigrant is admitted, or, if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year has been issued, then during the next following fiscal year.

[(e) Every alien making application for admission as an immigrant shall present a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General.]

Paragraphs (1), (4), (14), (20), (21), and (24) of Section 212(a) of the Immigration and Nationality Act

SEC. 212. (a) Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

(1) Aliens who are [feeble-minded] *mentally retarded*:

* * * * * * *

(4) Aliens afflicted with psychopathic personality, [epilepsy] *or sexual deviation*, or a mental defect;

* * * * * * *

(14) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, [if] *unless* the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) *there are not* sufficient workers in the United States who are able, willing, [and] qualified, [are] *and* available at the time [(] of application for a visa and [for] admission

to the United States [,] and *at the* place [(] to which the alien is destined [)] to perform such skilled or unskilled labor, [or] *and* (B) the employment of such aliens will *not* adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply [only to the following classes: (i) those aliens described in the non-preference category of section 203(a)(4), (ii) those aliens described in section 101(a) (27)(C), (27)(D), or (27)(E) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), unless their services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interest or welfare of the United States;] *to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);*

* * * * * * *

(20) Except as otherwise specifically provided in this Act, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General pursuant to section 211 [(e)] *(a)*;

* * * * * * *

(21) Except as otherwise specifically provided in this Act, any [quota] immigrant at the time of application for admission whose visa has been issued without compliance with the provisions of section 203;

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(24) Aliens [(other than those aliens who are native-born citizens of countries enumerated in section 101(a)(27)(C) and aliens described in section 101(a)(27)(B))] *other than aliens described in section 101(a)(27)(A) and (B)* who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 238(a) and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

Section 212 (f), (g), and (h) of the Immigration and Nationality Act, as added by the Act of September 26, 1961

[(f)] (g) Any alien *who is excludable from the United States under Paragraph (1) of subsection (a) of this section, or any alien* afflicted with tuberculosis in any form who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son

or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, if any, including the giving of a bond, as the Attorney General, in his discretion after consultation with the Surgeon General of the United States Public Health Service, may by regulations prescribe. *Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection.*

[(g)] (h) * * *
[(h)] (i) * * *

Section 221(a) of the Immigration and Nationality Act

SEC. 221. (a) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (1) to an immigrant who has made proper application therefor, an immigrant visa which shall consist of one copy of the application provided for in section 222, visaed by such consular officer, and shall specify the quota, if any, to which the immigrant is charged, the immigrant's particular status under such quota, [the particular non-quota category in which the immigrant is classified, if a non-quota immigrant,] *the preference, non-preference, immediate relative, or special immigration classification to which the alien is charged* the date on which the validity of the visa shall expire, and such additional information as may be required; and (2) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.

Section 221(c) of the Immigration and Nationality Act

(c) An immigrant visa shall be valid for such period, not exceeding four months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business. A nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed. In prescribing the period of validity of a nonimmigrant visa in the case of nationals of any foreign country who are eligible for such visas, the Secretary of State shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to nationals of the United States who are within a similar class. An immigrant visa may be replaced under the original [quota] number during the

an immigrant who establishes to the satisfaction of the consular officer that he was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible: *Provided,* the consular officer is in possession of the duplicate signed copy of the original visa, the immigrant is found by the consular officer to be eligible for an immigrant visa and the immigrant pays again the statutory fees for an application and an immigrant visa.

Section 221(g) of the Immigration and Nationality Act

(g) No visa or other documentation shall be issued to an alien if (1) it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law, (2) the application fails to comply with the provisions of this Act, or the regulations issued thereunder, or (3) the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law: *Provided,* That a visa or other documentation may be issued to an alien who is within the purview of section 212(a)(7), or section 212(a)(15), if such alien is otherwise entitled to receive a visa or other documentation, upon receipt of notice by the consular officer from the Attorney General of the giving of a bond or undertaking providing indemnity as in the case of aliens admitted under section 213 [.]: *Provided further, That a visa may be issued to an alien defined in section 101(a)(15) (B) or an alien defined in section 101(a)(15)(F), in whose behalf evidence has been submitted that he will be admitted and regularly enrolled as a student at an educational institution within the United States approved by the Attorney General, if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General or to giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States.*

Section 222(a) of the Immigration and Nationality Act

SEC. 222. (a) Every alien applying for an immigrant visa and for alien registration shall make application therefor in such form and manner and at such place as shall be by regulations prescribed. In the application the immigrant shall state his full and true name, and any other name which he has used or by which he has been known; age and sex; the date and place of his birth; present address and places of previous residence; whether married or single, and the names and places of residence of spouse and children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); languages he can speak, read, or write; names and addresses of parents, and if neither parent living, then the name and address of his next of kin in the country from which he

comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, the name and complete address of such relative or friend; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to remain in the United States permanently; whether he was ever arrested, convicted or was ever in prison or almshouse; whether he has ever been the beneficiary of a pardon or an amnesty; whether he has ever been treated in an institution or hospital or other place of insanity or other mental disease; if he claims to be [a preference quota or a nonquota immigrant] *an immediate relative within the meaning of section 201(b) or a preference or special immigrant*, the facts on which he bases such claim; whether or not he is a member of any class of individuals excluded from admission into the United States, or whether he claims to be exempt from exclusion under the immigration laws; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

Section 224 of the Immigration and Nationality Act

[NONQUOTA] *IMMEDIATE RELATIVE AND SPECIAL* IMMIGRANT VISAS

SEC. 224. A consular officer, may, subject to the limitations provided in [sections 204, 205, and 221] *section 221*, issue an immigrant visa to a [nonquota] *special* immigrant *or immediate relatives* as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to [a nonquota] *special* immigrant *or immediate relative* status.

Section 241(a)(10) of the Immigration and Nationality Act

SEC. 241. (a) Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

* * * * * * *

(10) entered the United States from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory transportation company under section 238(a) and was without the required period of stay in such foreign contiguous territory or adjacent islands following such arrival (other than an alien who is a native born citizen of any of the countries enumerated in section 101(a)(27) [(C)] (*A*) and an alien described in section 101(a)(27)(B));

Section 243(h) of the Immigration and Nationality Act

(h) The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to [physical] persecution *on account of race, religion, or political opinion* and for such period of time as he deems to be necessary for such reason.

Section 244(d) of the Immigration and Nationality Act

(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and *unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), or is an immediate relative within the meaning of section 201(b),* the Secretary of State shall [, if the alien was classifiable as a quota immigrant at the time of entry and was not charged to the appropriate quota,] reduce by one the [quota of the quota to which the alien is chargeable under section 202 for the fiscal year then current at the time of cancellation or the next following year in which a quota is available. No quota shall be so reduced by more than 50 per centum in any fiscal year.] *number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current.*

Section 244(f) of the Immigration and Nationality Act

(f) No provision of this section shall be applicable to an alien who (1) [entered the United States as a crewman; or (2)] was admitted to the United States pursuant to section 101(a)(15)(J) or has acquired such status after admission to the United States; or [(3)] *(2)* is a native of any country contiguous to the United States or of any adjacent island named in section 101(b)(5): *Provided,* That the Attorney General may in his discretion agree to the granting of suspension of deportation to an alien specified in clause [(3)] *(2)* of this subsection if such alien establishes to the satisfaction of the Attorney General that he is ineligible to obtain a nonquota immigrant visa.

Section 245 (b) and (c) of the Immigration and Nationality Act

(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the [quota of the quota area to which the alien is chargeable under section 202 for the fiscal year current at the time such adjustment is made.] *number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current.*

(c) The provisions of this section shall not be applicable to any alien who is a native of any country [contiguous to the United States] *of the Western Hemisphere* or of any adjacent island named in section 101(b)(5), *other than any such alien born in an independent foreign country of the Western Hemisphere, who, because of persecution or fear of persecution on account of race, religion, or political opinion, is out of his usual place of abode and unable to return thereto.*

Section 272(a) of the Immigration and Nationality Act

SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) [feeble-minded] *mentally retarded,* (2) insane, [(3) an epileptic, (4)] *(3)* afflicted with psychopathic personality, *or with sexual deviation,* [(5)] *(4)* a chronic

alcoholic, [(6)] *(5)* afflicted with [tuberculosis in any form, (7) afflicted with leprosy or] and dangerous contagious disease, or [(8)] *(6)* a narcotic drug addict, shall pay to the collector of customs of the customs district in which the place of arrival is located for each and every alien so afflicted, the sum of $1,000 unless (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) the alien was allowed to land in the United States, or (3) the alien was in possession of a valid unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission if such person establishes to the satisfaction of the Attorney General that the existence of such disease or disability could not have been detected by the exercise of due diligence prior to the alien's embarkation.

Section 281 of the Immigration and Nationality Act

SEC. 281. *(a)* The following fees shall be charged:

(1) For the furnishing and verification of each application for an immigrant visa (which shall include the furnishing and verification of the duplicate), $5;

(2) For the issuance of each immigrant visa, $20;

(3) For the issuance or each extension of a reentry permit, $10;

(4) For the filing of each application for adjustment of status under sections 245 and 248, for the creation of a record of admission for permanent residence under section 249, or for suspension of deportation, $25;

(5) For the issuance of each extension of stay to nonimmigrants, other than nonimmigrants described in section 101(a)(15)(F) and, upon a basis of reciprocity, the nonimmigrants described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v), $10;

(6) For filing with the Attorney General of each petition under [sections 204(b), 205(b), and 214(c)] *section 204 and section 214(c)*, $10; and;

(7) For approval of each application for, including issuance of each certificate of, admission to practice as attorney or representative before the Service, pursuant to such regulations as may be prescribed by the Attorney General, $25.

(b) The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, shall be prescribed by the Secretary of State,"; and

(c) The fees for the furnishing and verification of applications for visas by nonimmigrants of each foreign country and for the issuance of visas to nonimmigrants of each foreign country shall be prescribed by the Secretary of State in amounts corresponding, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes, or charges assessed or levied against nationals

of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents: *Provided*, That nonimmigrant visas issued to aliens coming to the United States in transit to and from the headquarters district of the United Nations in accordance with the provisions of the Headquarters Agreement shall be gratis.

Sections 1, 2, and 11 of the Act of July 14, 1960, as Amended by the Act of June 28, 1962

[That under the terms of section 212(d)(5) of the Immigration and Nationality Act the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien refugee-escapee defined in section 15(c)(1) of the Act of September 11, 1957 (71 Stat. 643) if such alien (1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist occupied, (2) is not a national of the area in which the application is made, and (3) is within the mandate of the United Nations High Commissioner for Refugees.

[SEC. 2. (a) The Secretary of State is hereby directed to submit to the Attorney General, as soon as practicable following the date of the enactment of this Act, an advisory report indicating the number of refugee-escapees, as specified in section 1 of this Act, who within the period beginning July 1, 1959, and ending June 30, 1960, have availed themselves of resettlement opportunities offered by nations other than the United States; and, thereafter, prior to January 1, and July 1 of each year to submit such an advisory report to the Attorney General indicating the number of such refugee-escapees who within the preceding six months period have availed themselves of such resettlement opportunities. The Attorney General shall not parole into the United States pursuant to section 1 of this Act, in any six months period immediately following the submission of the Secretary of State's advisory report, a number of refugee-escapees exceeding twenty-five per centum of the number of such refugee-escapees indicated in such advisory report as having been resettled outside of the United States. The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien paroled into the United States pursuant to section 1 of this Act. Such reports shall be submitted on or before January 15 and June 15 of each year. If within ninety days immediately following the submission of such report, either the Senate or the House of Representatives passes a resolution stating substance that it does not favor the continuation of the authority vested in the Attorney General under section 1 of this Act, the Attorney General shall, not later than at the expiration of sixty days immediately following the adoption of such resolution by either the Senate or the House of Representatives, discontinue the paroling into the United States of such refugee-escapees.

[(b) The Attorney General may, within the numerical limitation prescribed by subsection (a) of this section, parole in to the United States pursuant to section 1 of this Act not to exceed five hundred refugee-escapees listed by the United Nations High Commissioner for Refugees as "difficult to resettle": *Provided*, That no refugee-escapee may be paroled into the United States pursuant to this subsection

if he suffers from conditions requiring institutionalization: *Provided further,* That in the case of each such refugee-escapee, the Attorney General receives and approves a finding by a voluntary relief or welfare organization recognized for this purpose by the Attorney General, that such refugee-escapee can, with some assistance, become self-supporting, or is a member of a family unit capable of becoming self-supporting.]

* * * * * * *

[SEC. 11. Nothing contained in this Act shall be held to repeal, amend, alter, codify, affect, or restrict the powers, duties functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.]

MINORITY VIEWS

We are in disagreement with the majority report of the Committee on the Judiciary and submit these views with a fervent hope that the Senate will not accept the bill, H.R. 2580.

Preliminarily, it should be stated that no one should be so naive as to believe that the adoption of this bill will end the cries to change our immigration laws. It would be only the opening wedge in a continuing effort to chip and chip and chip until our immigration laws would be a shambles.

Why is it that of all the nations of the world the United States is the only one that must answer to the rest of the world and be apologetic about its immigration policy? Certainly no other country that we are aware of seems to be concerned about its "image" in other countries. All other countries consider their self-interest first. They are realists, who are far too astute to compromise their own national interests in quest of an illusionary and vague "symbol" in the eyes of the rest of the world.

The fundamental principle under which most foreign nations control immigration into their national territory is that all aliens are prima facie excludable merely upon the ground of their alienage. No aliens are admitted into such countries unless there is a law or other authority which permits it. No alien is inadmissible into the United States merely on the ground of his alienage, but this does not mean that aliens have an inherent moral or legal right to enter the United States, as in the abstract sense the admission of an alien into any country involves a privilege to be granted as an act of sovereign grace. Other countries exercise this right daily and their motives are not questioned. *But not the United States.* Oh! No! We must get down on bended knee and apologize and please don't be offended because we are exercising this very same sovereign right to say who shall and who shall not enter the United States. The arguments are given time and time again that we are a nation of immigrants and that our country was made great by the influx to our shores. The argument then goes on to state that unless we continue to welcome all who wish to immigrate here, we are guilty of racism, discrimination, and many other opprobrious terms and this Nation will then deteriorate.

Why, if these potential immigrants can do all that is claimed for them, can't these very immigrants do the exact same things in their own countries or any of the underdeveloped nations? God help America if we have reached a point where no more progress can be made unless we siphon off the brains and talents of other lands. It is a direct admission that we are unable to develop our own talents but must look elsewhere so that we can survive as a nation.

Of course, these issues and myths are nothing new. The same issues were raised in 1952, when our present law, the McCarran-Walter Act, was enacted. In fact, they were also raised in 1924, when the basic quota act which preceded the present law was enacted.

Notwithstanding the fact that the present law was passed over a Presidential veto, which required a two-thirds vote of the membership of each House to override such veto, the opponents of the law claim that they, and not the proponents, express the sentiments of the American people.

It is not believed that the American people, by and large, wish to close the door completely on the continued entry into the United States of well-qualified immigrants or those who are closely related to U.S. citizens or lawful resident aliens. But neither is it believed that by any stretch of the imagination that the American people want to see jobs filled by persons from foreign lands while they themselves are unemployed or live in a state of poverty. Although the proponents of this bill try constantly to gloss over the sentiments of the American people with generalities about our altruistic nature, if they would but take the time to read honestly with open minds the number of editorials written by Americans equally devoted to upholding our ideals, they would see the situation in a little different light.

Let them read about the very real numbers of Americans who would be most affected by this bill, but who have the least means to express their true sentiments about the admission of greater numbers of skilled and unskilled aliens to fill jobs which they, with adequate training or retraining, might fill.

Let them read about the very real numbers of Americans more and more concerned about the admission of greater numbers of persons of different cultures and with different values who may come to add to our own very real and growing social upheavals.

Let them read about the very real numbers of Americans concerned lest subversion be made easier for those skillfully trained in the "cold war" arts.

Let them read about our millions of students hopefully entering our labor market each year, staking their future on a good job, a good house, and financial security for themselves and their families.

No, indeed. The American people are not ashamed at efforts to protect the United States by continuing in effect the immigration law that has proven its worth over the years.

That immigrations law was considered and revised, and finally perfected over a long period of time. The enactment of good legislation, and after all, that is what the Members of the Congress are here for, cannot be effected by a pell-mell rush to please a few groups in this country. Legislation must be considered for the good of *all* our people—North, South, East, and West. The old saying that "haste makes waste" will never more clearly be shown than right here in this Congress of elected representatives if we make haste to please small groups of individuals, and enact this bill representing views that do not reflect the true wishes or needs of all the people in our diverse culture.

This bill will affect not only the present, but many future generations of Americans as well. Their interests cannot be protected by enacting a bill that has been hastily drafted, hastily considered, and now to be hastily debated at a time when the ramifications are conveniently ignored by the proponents. They apparently feel that the bill would not stand the careful and close analysis that it demands. And, in this, they are right. But even if the tide cannot be stemmed, the record must still be written, lest these forces of haste, with their

sharpened scythes, cut away forever a veneer aged and polished over the course of our entire past history. What they believe is today's perfect solution may be tomorrow's nightmare.

Good legislation cannot be enacted unless a strong need for such legislation is shown. When need is not clearly outlined, practicalities are ignored and the appeal must be made only on emotional issues aimed at the few for partisan or political purposes. There has not been presented one single statement in the course of the lengthy hearings conducted by the Immigration and Naturalization Subcommittee that pointed out specific need for a complete revision of the quota system. The best that could be said was that because not more than a half-dozen quotas are oversubscribed, the quotas of all the other 108 quota areas of the world must also be changed. The Congress today and the Congress in the past has always been responsive to the basic need for retaining the *immediate* family unit intact. This unit consists of the husband, wife, and unmarried minor children. Because at the present time in only 24 countries is there any waiting time whatsoever, the only legislation that could be justified as being necessary would be to provide for the immediate rejoining of these family units. We believe that the majority of Americans would support such legislation. But why must this immediate need in only a handful of the world's nations be subverted to attempt to justify the admission to this country of massive numbers of aliens from a very few countries who do not even have immediate families here?

The proponents of this bill say that it will eliminate all discrimination and improve our image in the eyes of the world. It appears that, in fact, it will improve our image in only that handful of lands who will send the bulk of the new immigrants authorized under this bill. Could it be imagined that countries that do not now even use their minimum quotas of 100 per year will now use their allotted maximum of 20,000 numbers? No, indeed. They will continue to send only a few immigrants each year. Their remaining 19,900 numbers will be used by the handful of countries who will be the only ones to benefit under this measure.

If not need to the majority of our neighbors of the world, then what need? Economic? The ever-increasing growth of our population; the increasing land shortages; the increasing shortage of water and other natural resources, the increasing shortage of educational institutions on the primary, secondary, and college levels, combined with the decreasing availability of unskilled and semiskilled jobs which employ the majority of Americans, do not tend to paint a particularly good picture to justify the need for such sweeping changes as the present bill proposes. Certainly, there are many people right here in the United States today deserving by their very birthright of first consideration on use of our facilities for reeducation, health programs, housing programs, retirement programs for their old age, which are paid for by all Americans for the good of all—the fortunate and the many less fortunate—from all corners of our land.

America today is attempting to assist other nations in many ways that will have far more impact on the nations of the world by her efforts through our national programs such as the Peace Corps; through many private religious and social programs; and through technical and monetary assistance to international organizations

working in underdeveloped areas. These programs, by their very nature, will accomplish and give more to persons in need, than any immigration program that could possibly be enacted. If anything, vast immigration from underdeveloped areas can only deny to those persons living in conditions of poverty the very help of those persons who can contribute most to relieving their plight—their own highly educated citizens.

What purpose then would the bill, if enacted, serve? If it cannot meet the test of need, it can serve only the self-interests of a limited number of individuals and groups who, however well motivated they may think they are, can gain only a temporary measure of self-satisfaction, leaving the present generation of Americans and world citizens, as well as future generations to suffer the consequences of their hasty action.

But let it be known that we have not participated.

JAMES O. EASTLAND.
JOHN L. MCCLELLAN.

ADDITIONAL VIEWS OF MR. ERVIN

While I support H.R. 2580, as it is reported by this committee, and while I subscribe to much of the majority report, I must take exception to parts of the purpose of the legislation, as stated by the majority, and amplify the reasons immigration reform is necessary.

As long as I have served in the Senate, there have been constant and consistent harangues—from lobbyists and well-meaning humanitarian organizations, from politicians and Presidents—to the effect that the national origins quota system, as embodied in the McCarran-Walter Act, constitutes a most invidious and evil discrimination against all the people of the world living outside of Northern and Western Europe. It has been declared in political pamphlets and in congressional hearings that the Congress in 1924 and that two-thirds of the House and two-thirds of the Senate in 1952, declared through legislation that the people of Northern and Western Europe are superior to those of the rest of the world.

To me, this is mischievous nonsense and sanctimonious propaganda.

The national origins system, just as the system which is encompassed in the present bill, recognizes the necessity for placing restrictions on immigration to the United States. Present law undertakes to assign to each nation in the Eastern Hemisphere a specific quota of immigrants in proportion to the number of Americans whoe national origin is traceable to such country.

However philosphers or anthropologists may differ over the correctness of the thesis, the national origins system is based on the proposition that all men are created equal, and that the peoples of various nationalities have made contributions to the development of the United States in proportion to their numbers here. The McCarran-Walter Act is, therefore, based on conditions existing in the United States, and is like a mirror reflecting the United States, allowing the admission of immigrants according to a rational and uniform mathematical formula.

Those who oppose the system do so because relatively larger quotas than they feel are fair are assigned to the United Kingdom, Ireland, France, Germany, Holland, and the Scandinavian countries. This is true, however, only because these countries constitute the most numerous groups in our population and, therefore, have made the greatest contributions to America. In support of this I cite the British Isles, which, in addition to supplying us with a substantial part of our inhabitants, has given us our language, our law, and much of our literature.

When it adopted this definite and uniform rule of law with the view to maintaining the historic population pattern of the United States, Congress did not act upon the theory that the people of one nation are superior or inferior to those of another. Rather, it recognized the obvious and natural fact that those immigrants can best be assimilated into our society who have relatives, friends, or others of similar back-

grounds already here. Again, to use the British Isles as an example, it is abundantly clear that their citizens are quickly and easily assimilable into our life and culture.

As the Christian Science Monitor has editorialized—

> It is no reflection on the many fine American citizens of all races, creeds, and national origins to recognize realistically that some nations are far closer to the United States in culture, customs, standards of living, respect for law, and experience in government.

In spite of the endless protestations against the much maligned national origins system, there is absolutely nothing unjust in it. On the contrary, it admits immigrants from all areas of the earth on an exact mathematical basis having no relation to political pressures.

On the other hand, the bill which was originally presented to this committee, S. 500, was manifestly unjust, both to the American people and to those from other lands who would like to join us. Badly conceived and badly drafted, every provision was sufficiently complex to induce an acute case of mental indigestion. Almost all of the witnesses defending it differed among themselves over the meaning of several sections.

Other than poor draftsmanship, there were two fatal defects in the bill. First, the mathematical formula by which immigration is theoretically determined under the McCarran-Walter Act would be destroyed, and in its place immigration would be managed in the virtually uncontrolled discretion of officials of the executive department, subject to political pressures. Second, S. 500 would have done nothing to control Western Hemisphere immigration. To me, the lack of hemispheric restrictions is the one major defect of the McCarran-Walter Act.

In a speech before the Senate on March 4, 1965, I recognized that the present law is not perfect. But I stated then that—

> I shall not vote to abandon the national origins quota formula until someone devises a better rule sufficiently strong and certain to insure that immigration to the United States is controlled by the rule of law and not by the caprice of men.

For the reasons outlined in the majority report, I now think such a law has been devised and reported by this committee. As the report states, the McCarran-Walter Act has been largely nullified by amendments and special legislation and no longer effectively restricts immigration. New legislation is now in order for both the Eastern and Western Hemispheres—legislation which will restrict immigration within predictable limits.

This has been accomplished by the committee through adoption of a clear and intelligible bill utilizing a mathematical formula with a numerical ceiling applying to the Eastern Hemisphere, with preferences given to the members of families now in the United States and to members of the professions and arts who can make the greatest contributions to our society. We owe a great debt to the House Immigration Subcommittee and its staff for the creation of this system.

The amendment which I offered and was adopted by the Senate subcommittee, and which would place a ceiling on total Western Hem-

isphere immigration, must be retained if we are to have a fair, restrictive immigration law. This should be the heart of any reform of our immigration laws. The present rate of immigration from the independent North American countries is already alarmingly high, and, coupled with the population explosion in South America, our duty is clear. It is inconceivable to me that we could enact a law with the alleged purpose of eliminating discrimination and, at the same time, continue the most apparent discrimination of all—that is, the nonquota status of the Western Hemisphere.

Retention of my amendment in the bill will finally bring us to the point at which we no longer discriminate in favor of the people of Chile over the people of England, or the people of the Dominican Republic over the people of France, our traditional allies since our fight for independence.

There are, of course, other efficacious amendments to present law, some added by the House and others by the Senate subcommittee; and there are other important reasons for reporting H.R. 2580 than those I have mentioned. However, these are adequately covered in the majority report.

In closing these separate views, I would like to acknowledge my personal gratification, which I am sure is shared by all members of the subcommittee, to the staff of the Senate Subcommittee on Immigration and Naturalization, for the devotion and tireless efforts which they gave to us over these months of hearings and executive sessions. Without their dedication, we could not have accomplished our task of processing an intelligent and effective bill.

SAM J. ERVIN, Jr.

SEPARATE VIEWS OF MR. KENNEDY OF MASSACHUSETTS, MR. HART, AND MR. JAVITS

The 1965 amendments to the Immigration and Nationality Act, as reported by the Senate Judiciary Committee, contain a numerical ceiling of 120,000 quota numbers for the Western Hemisphere, effective July 1, 1968. This restriction was placed in the bill, over our opposition, during the Senate Immigration Subcommittee's consideration of H.R. 2580. The amendment to the bill also calls for the establishment of a Select Commission on Western Hemisphere Immigration to study and report to the Congress on the demographic, economic, and social trends in this hemisphere and their implications for U.S. immigration policy.

At no other time in the history of our immigration policy have we disturbed or altered the unique relationship that exists among the nations of the New World. The direction of the many treaties and formal agreements between the nations of this hemisphere has been one of bringing greater unity among friends—not the imposition of restrictions. Even with enactment of our most restrictive general immigration law in 1924, special recognition was given to Western Hemisphere countries, at a time when total immigration from the hemisphere to the United States was almost double our present average experience. Yet today, in an unprecedented period of U.S. power and affluence, we are faced with the possibility of placing a quota for the first time on immigration from this hemisphere.

The existence of a nonquota status for nationals of the Western Hemisphere has never been considered a form of discrimination against the other nations of the world, for the distinction was not based on race, religion, or ethnic origin. It was a firm indication of our esteem for our good neighbors and our pride in the special solidarity that exists among the people of this hemisphere. Now, despite the absence of any real immigration problem, and the presence of more stringent qualitative controls on entry to this country, it is proposed that we take this historic step backward in our otherwise progressive Western Hemisphere policies.

We consider this decision by the Senate Immigration Subcommittee to be most regrettable. The majority of the hemisphere immigrants come to us from our closest neighbors—Canada and Mexico. We have long welcomed especially the contributions of these nations to our culture and society.

It is our hope, should this provision remain in the bill, that the Select Commission on Western Hemisphere Immigration, having time to give proper consideration to this issue, will see the benefits that would result from a continuation of our present immigration policy within the Americas and recommend the elimination of the quota limitation in this bill prior to its effective date.

EDWARD M. KENNEDY.
PHILIP A. HART.
JACOB K. JAVITS.