

MEMO FROM

Mr Lloyd

June 16

HARRY N. ROSENFELD

Dear Charles:

As per your
request, the attached
memo.

HNR



The Significant Differences Between the Walter and McCarran Bills
as Composed in Conference

A. Harsher Versions Retained

1. False Testimony as a Bar to Naturalization. Sec. 101(f) of the Senate bill declares that certain persons shall not be considered to be of "good moral character", for purposes of naturalization.

Subsection 6 of this section provides that persons who have given false testimony for the purpose of obtaining any benefits under the act shall not be considered persons of good moral character and shall thus be ineligible for naturalization. This provision is particularly harsh on persons who have misstated facts while fleeing from countries in which they were persecuted. -- The House bill had no corresponding provision. The Senate version was adopted.

2. Exclusion for Misrepresentation. Sec. 212 (a)(19) of the Senate bill would bar from the United States persons who willfully misrepresented material facts in procuring visas and other documentation. The House bill would have exempted from this provision persons who made misrepresentations because they feared persecution for reasons of their religion or political opinions, if such misrepresentation was found not to have been material to the issue of the proceedings in question. The conferees retained the Senate version.

In the accompanying report, the conferees furnish an explanation of this provision for the legislative history, purporting to exempt certain bona-fide refugees from the impact of this provision. However, the exemption is so narrowly circumscribed as to be practically meaningless. It would apply only to persons who make misstatements with respect to their place of birth to avoid forcible repatriation to their former homelands. Moreover, these persons would have to show that they had no desire to avoid the quota provisions or an investigation in the place of their former residence.

3. Suspension of Immigration. Sec. 212(e) of the House bill authorized the President to suspend or limit immigration in times of peace or war. As a result of an amendment sponsored by 14 critics of the McCarran bill and accepted by Senator McCarran on the floor before passage of the bill, the Senate bill authorized such suspension only in times of war. -- The House version was retained.

4. Board of Immigration Appeals. As a result of a House floor amendment sponsored by Congressman Celler, Sec. 236(b) of the House bill gave statutory standing to the Board of Immigration Appeals. The Senate bill did not do that. -- The Senate version was retained.

5. No Naturalization during Pendency of Deportation Proceedings. Sec. 318 of the Senate bill prohibited the naturalization of aliens against whom deportation proceedings were pending. The House bill did not contain such a provision. The conferees adopted the Senate version, exempting therefrom certain persons who have served honorably in the armed forces of the United States.



6. Pre-Examination. The conferees adopted the provision of the Senate bill which precludes continuation of the practice of pre-examination, whereby certain aliens in the United States are authorized to proceed to Canada for the purpose of adjusting their immigration status. The House version of the bill assumed that pre-examination was to be continued, as it provides in Sec. 101(a)(6) for the issuance of special border crossing cards to persons availing themselves of the pre-examination regulations. That part of the section which dealt with the special border crossing cards for pre-examination purposes was stricken out by the conferees.

B. More Liberal Versions Retained

1. Suspension of Ten Percent Quota Limitation. As a result of an amendment sponsored by 14 critics of the McCarran bill and accepted by Senator McCarran on the floor before passage of the bill, Sec. 201(c) of the Senate bill provided that the ten percent per month limitation on the issuance of quota visas be suspended during the last two months of any fiscal year. The House bill had no corresponding provision. -- The conferees retained the Senate version.

2. Exemption from Literacy Requirement. As a result of an amendment sponsored by 14 critics of the McCarran bill and accepted by Senator McCarran on the floor before passage of the bill, Sec. 212(b) of the Senate bill retained the exemption from the literacy requirement for alien immigrants who are close relatives of residents of the United States or are religious persecutees. The House bill did not have this exemption. -- The conferees retained the Senate version.

3. No Residence Requirement for Visa Applications. Sec. 222 (a) of the Senate bill provided that applicants for visas must file their applications with the American Consul in the district in which they reside. The House bill allowed the applications to be filed "at such place as shall be by regulations prescribed". -- The conferees retained the House version.

June 12, 1952

