

U. S. DEPARTMENT OF LABOR  
IMMIGRATION SERVICE

DISTRICT HEADQUARTERS  
913-922 MILLS BLDG.

IN ANSWERING REFER TO

No. 5002/767

OFFICE OF SUPERVISING INSPECTOR  
MEXICAN BORDER DISTRICT  
(TEX., N. MEX., ARIZ., AND SO. CAL.)  
EL PASO, TEXAS

August 13, 1919.



Commissioner-General of Immigration,  
Washington, D.C.

Adverting to circular letter of this office of February 15, 1919, number 5002/767, addressed to all officers in charge in this District, copy of which was furnished the Bureau, and approved by it (as per advices contained in its communication of February 25, 1919, number 54261/202) and in which there were discussed at considerable length two questions, one as to the permissibility of aliens admitted to the United States under the Department's exceptions for temporary employment to remain permanently, and the other as to the appropriate charges to be urged against such aliens in deportation proceedings, it is desired to advise the Bureau that there seems to be a growing tendency upon the part of administrative officers in other districts to regard it as wholly proper and permissible to accord examinations to aliens of this class, with a view to legalize their residence in the United States. Several instances of this kind have come to the attention of this office.

The writer does not need, of course, to remind the Bureau that such practices are wholly irregular, unauthorized and in direct violation of the plain and unmistakable intent and purposes of the Department's orders permitting the importation of alien labor. Such aliens are ab initio contract laborers and are only saved from exclusion at

the time of their application for admission to the United States by the Department's indulgence. As this office views the situation, they are not, by that indulgence, however, divested of the disqualification for permanent residence.

There is no doubt in the mind of the writer that this is the fundamental principle upon which the Department bases the requirement that all such aliens shall finally be returned to Mexico, and upon which the importer is required to obligate himself by formal contract with the government to effect such return.

Obviously it is wholly inconsistent, therefore, for administrative officers to presume to take any steps purporting to legalize the permanent residence of such aliens in this country, to say nothing of their lack of authority to excuse the importer from fulfilling his contractual obligations, to the government.

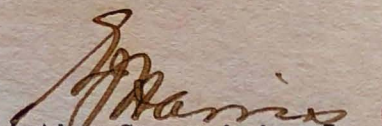
It would seem that some administrative officers outside of this District entertain the notion that, if an alien, admitted under the Department's exceptions, deserts from his employment, or without deserting, wishes to remain here permanently, presents no other disqualification than mere illiteracy, inability to pay head tax, or that which arises from his having been imported, it is perfectly proper, under the general instructions of the Department concerning the legalization of the residence of aliens in general, to accord him that privilege, and particularly, if the case under consideration presents so-called meritorious features; that is to say, for instance, if the alien has a wife and children with him, and is engaged in some respectable self-supporting employment, or his services are badly

August 13, 1919.

needed in the community . Any such ideas, it is needless to state, are wholly untenable, and if the practices complained of are persisted in, embarrassments will certainly result.

It is believed that, if the Bureau will issue a word of warning, generally, in the premises it will prove salutary. At the same time authority is requested for this office to refuse to receive head tax money in such cases and to advise any officers who, in the future, offend, that aliens of this class, in respect of whom nunc pro tunc proceedings have been had with a view to legalize residence, will not be carried in the statistics of this District as admitted.

MWD

  
Acting Supervising Inspector.