

U. S. Department of Labor
BUREAU OF IMMIGRATION
Washington

55639/731

May 3, 1929.

GENERAL ORDER NO. 132.

SUBJECT: Regulations to apply to Act entitled: "An Act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929.

The Act referred to in the subject of this General Order became effective on the date of its approval, March 4, 1929, except (1) that part of subsection (a) of Section 1 which makes it a felony for an alien who has been arrested and deported to enter or attempt to enter the United States, and (2) subsection (e) of Section 1 amending Section 18 of the Act of February 5, 1917, which became effective on May 4, 1929, except the amended provision of Section 18 of the Act of February 5, 1917, which shall remain in force and effect for the collection of any fine incurred before the effective date of such amendment. The term "attempt to enter the United States" as used in this order shall be construed to mean an attempt to unlawfully enter the United States as distinguished from application for admission in the regular manner.

Any alien who, either before or after March 4, 1929, has been arrested and ordered deported and who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which the alien departed.

Any alien who is subject to exclusion from admission to the United States under this Act will not be entitled to any of the landing privileges allowed by law to seamen, and if such alien has previously been arrested and ordered deported and enters or attempts to enter the United States on or after May 4, 1929, he shall be guilty of a felony and be subject to the penalties prescribed. In the case of any alien who is employed upon a vessel arriving in the United States and who is found subject to exclusion from admission to the United States under Section 1 of this Act, it shall be the duty of the inspector to order such alien detained on board as provided in Sections 19 and 20 of the Immigration Act of 1924. However, in emergent cases, such seamen may be accorded

hospital treatment as provided by the immigration regulations relating to alien seamen, except that they shall not be discharged to reship foreign at the expiration of such hospital treatment, but shall be returned at the expense of the master, agent, owner or consignee of the vessel by which they arrived.

Any alien who has been excluded from admission to the United States for any cause and who again seeks admission within one year from the date of such exclusion shall be excluded, unless prior to reembarkation at a place outside of the United States or his attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to his reapplying for admission. At the time of original exclusion by a board of special inquiry, an applicant shall be advised of the provisions of law relating to the obtaining of permission to reapply within one year, and the fact of such notification shall be entered on the record, together with the applicant's foreign address. In strictly meritorious cases, where the cause of exclusion may readily be overcome, applicants may be advised by the board of special inquiry that an application for permission to reapply may then and there be made. If the applicant desires to make such application, the board record shall thereupon be forwarded to the Department, whether or not an appeal is taken from the excluding decision. In other cases applications for the privilege to reapply should be submitted to the immigration official in charge at the port of last exclusion, and will be forwarded by such official through proper channels to the bureau, accompanied by the record previously formulated, unless the bureau through appeal proceedings has already come into possession of the record. If upon consideration of the record the Secretary of Labor grants permission to reapply within one year of date of exclusion, notification of such permission shall be transmitted to the port where alien was excluded, if he has not already been deported, or to his foreign address, if he has actually been deported. Paragraph 1 of Subdivision P of Rule 3 of the Immigration Rules of March 1, 1927, and General Order No. 118 are hereby cancelled.

Any alien who, after March 4, 1929, enters the United States at any time or place other than as designated by immigration officials or who eludes or has eluded examination or inspection by immigration officials, or who obtains or has obtained entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000, or by both such fine and imprisonment.

55639/731

In presenting cases to the United States Attorneys for prosecution the procedure provided by General Order No. 89 should be followed. Whether a departmental warrant of arrest shall be applied for in advance of reporting the case to the United States attorney will necessarily depend upon the place where the alien is apprehended and the accessibility of the United States attorney and United States commissioner. In other words, the most expeditious means of securing lawful process for holding the alien shall be adopted.

Any alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. Imprisonment shall be considered as terminated upon the release of an alien from confinement whether or not he is subject to rearrest or further confinement in respect of the same offense. Release of an alien from confinement on parole shall be considered as a termination of imprisonment for the purpose of this Act. General Order No. 96 and Bureau Circular Letter of November 22, 1927, are hereby canceled.

As no alien heretofore or hereafter arrested and ordered deported can ever lawfully reenter the United States, and as no alien who has been excluded from admission to the United States can be admitted within one year from the date of his exclusion without first having secured the consent of the Secretary of Labor to reapply, the greatest care shall be exercised in the examination of all alien applicants for admission to determine whether they have ever been arrested and ordered deported, or if previously excluded within one year prior to the date of their application, whether they have secured permission to reapply.

In order that the bureau may be in a position promptly to furnish information to the State Department for the use of the consuls, executed warrants of deportation properly indorsed will be forwarded to the bureau daily at the close of business.

Harry E. Hull

HARRY E. HULL,
Commissioner General.

Approved:

Robe Carl White

ROBE CARL WHITE,
Assistant Secretary.