

READMISSION OF SPANISH SUBJECTS TO PORTO RICO

APRIL 17, 1926.—Referred to the House Calendar and ordered to be printed

Mr. TAYLOR of Tennessee, from the Committee on Immigration and Naturalization, submitted the following

REPORT

[To accompany H. R. 11204]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 11204) exempting from the provisions of the immigration act of 1924 certain Spanish subjects, residents of Porto Rico on April 11, 1899, having considered the same, report thereon with the recommendation that the bill do pass.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all Spanish subjects who on April 11, 1899 (whether adults or minors), were bona fide residents of Porto Rico or adjacent islands which comprised the Province of Puerto Rico and who, in conformity with Article IX of the treaty between the United States and Spain of April 11, 1899, have preserved their allegiance to the Crown of Spain, may be admitted into Porto Rico without regard to the provisions of the immigration act of 1924, except section 23.

Necessity for the enactment of this legislation arises by reason of the fact that the quota limitation, or numerical restriction, of the immigration act of 1924, sets up a barrier against the readmission to Porto Rico of certain persons who would appear to be entitled to readmission without question.

The immigration act of 1924 puts a numerical limitation on immigration not only to the continent of the United States but to the territories, of which Porto Rico is one. This is proper in the view of the committee, but it is thought that exception should be made in favor of those persons referred to in the bill (H. R. 11204) who were bona fide residents of Porto Rico or adjacent islands when the territory was transferred from the jurisdiction of Spain to the jurisdiction of the United States by the treaty of April 11, 1899, and who at that time elected to retain their Spanish nationality.

The pertinent portion of the treaty of peace between the United States and Spain of April 11, 1899 (Article IX) reads as follows:

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within the year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitant of the territories hereby ceded to the United States shall be determined by the Congress.

The committee is informed that the number of Spaniards exercising their right under the treaty and preserving their allegiance to the Crown of Spain was 4,889. There are approximately 1,500 Spaniards living in Porto Rico now who were residents of the islands when the treaty was made. The instant bill would give these people the right to leave Porto Rico, remain away for an indefinite time, and return without being affected by the numerical restriction of the immigration act of 1924.

The committee is informed that approximately 25 or 30 respectable persons of Spanish birth, owning property or maintaining families in Porto Rico, are now abroad and desire to return to Porto Rico but are hindered by the quota limitation. The Labor Department has been powerless to facilitate their readmission to the territory because of the great pressure in Spain for quota immigration visas under the act of 1924. Some have been permitted to return as temporary visitors, and their temporary permits have been extended from time to time, but the Labor Department can not continue to grant such extensions indefinitely.

The committee is informed that among the residents in Porto Rico are several attorneys of Spanish birth, admitted to the bar of the territory during the sovereignty of the Crown of Spain. If one of these should be called abroad for a period of time longer than may be properly termed temporary under existing law, he would be permitted to return to Porto Rico only as a quota immigrant chargeable to the small Spanish quota, and therefore certainly unduly delayed.

The bill (H. R. 11204) would afford relief only to these classes of persons. In the committee's opinion such relief would be a beneficial exception to the general rule set up by the immigration act of 1924.

The committee has been assured that the persons to be advantaged by the enactment of this legislation make up a law-abiding colony, the individual members of which have kept their allegiance to the Crown of Spain as a matter of respect to their native land, and that such persons are in no way opposed to American institutions.

Section 23 of the immigration act of 1924, referred to in the bill H. R. 11204, fixes the burden of proof in an immigration case upon the alien applicant for admission.