82D CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPORT No. 601

# ANTONIOS CHARALAMBOU

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 970]

The Committee on the Judiciary, to whom was referred the bill (H. R. 970) to adjust the status of an alien who is in the United States and who is a quota immigrant, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Amend the title so as to read:

A bill for the relief of Antonios Charalambou.

### PURPOSE OF THE BILL

The purpose of this bill is to grant the status of permanent residence in the United States to a native and citizen of Greece. The bill also provides for the payment of the required visa fee and head tax and for the appropriate quota deduction.

### GENERAL INFORMATION

The pertinent facts in this case are contained in a letter from the Deputy Attorney General to the chairman of the Committee on the Judiciary. The said letter reads as follows:

APRIL 25, 1951.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,*
*House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice with respect to the bill (H. R. 970) for the relief of Antonios Charalambou, an alien.

The bill would provide that, in the administration of the immigration and naturalization laws, Antonios Charalambou shall be considered to have been

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lawfully admitted to the United States for permanent residence as of the date of its enactment, upon payment of the required visa fee and head tax. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Antonios Charalambou is a native and citizen of Greece, having been born on the island of Samos, on May 15, 1902. He last entered the United States on August 25, 1950, as a seaman, and was granted the usual 29-day period within which to reship, but he has failed to depart subsequent to his last entry. Warrants of arrest in deportation proceedings were issued in May and November 1948, but the proceedings were terminated because of his departing from the United States on each of those occasions. The alien is married and his wife and three children live in Piraeus, Greece. He has stated that within the last 2 years he has spent about $5,000 on his family and that, should he succeed in adjusting his status to one of legal residence, he hopes to bring his entire family to the United States.

According to information supplied by the alien, he served in the Greek Army from 1921 until 1924 and had 8 months of active service in Turkey during the war between Greece and Turkey, the balance of his service being in Macedonia, and ending in an honorable discharge in 1924. It is claimed by the alien that in June 1947, he applied to the American consul in Marseilles, France, for an immigration visa; that a quota immigration visa was allocated to him but that he was unable to return to Marseilles to get it during its validity; that his parents starved to death in Greece in 1941; and that he has a brother still living in Greece. Further he claims that he was last in Greece for a brief time in 1945; that he first came to the United States in March 1941, as a member of the crew of a Greek vessel, was left ashore because of illness, and had remained in this country for about 4 months when he obtained employment as a member of the crew of an American vessel and that he has since been sailing on American vessels in and out of the United States. He registered under the Alien Registration Act of 1940 and under the Selective Service Act of 1940 at the proper draft board in New York City on January 5, 1943. Inasmuch as he was then serving in the merchant marine, he claims that he was deferred from active military duty. His assets in this country, other than personal belongings, are reported to be limited to a substantial sum on deposit in a Brooklyn, N. Y., bank. He has stated that he owns a home in Greece and that he now lives in Baltimore, Md.

The quota of Greece, to which the alien is chargeable, is oversubscribed and an immigration visa is not readily obtainable. The record, however, fails to present facts which would justify enactment of special legislation granting him a preference over other persons chargeable to the same quota.

Accordingly, this Department is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
*Deputy Attorney General.*

The committee files also contain the following communication:

WASHINGTON D. C., *June 6, 1951.*

In re H. R. 970, Charalambou, Antonios.

Hon. FRANCIS E. WALTER,
*Chairman, Immigration Subcommittee,*
*House Committee on the Judiciary, Washington, D. C.*

DEAR MR. CHAIRMAN: I respectfully request that this letter be considered a summary of my statement on behalf of the subject bill at the hearing before the Subcommittee on Immigration on June 4, 1951.

Briefly, by reason of the enactment on September 23, 1950, of the Internal Security Act of 1950, the subject alien, a Greek national and a seaman, lost his eligibility to American naturalization under section 325 of the Nationality Act of 1940, although at that date he had served more than 5 years aboard American vessels and had, in fact, filed in 1949 with the Immigration and Naturalization Service his form N–400, the preliminary form for petition for naturalization, and was apparently qualified prior to the amendment to section 325 contained in the aforesaid Internal Security Act.

Section 325, as amended, now requires that an alien seaman applying for naturalization must have been "previously lawfully admitted for permanent residence" (sec. 26 of the act of September 23, 1950), and provides an exception in favor of those who had prior to September 23, 1950, formally filed petition for naturalization. The subject alien, being chargeable to the nonpreference

portion of the Greek quota, which is heavily oversubscribed, has not been able to obtain immigrant visa, and it is not likely that he will be able to obtain such visa as a nonpreference Greek quota immigrant in the next 5 years. The alien did file his Form N–400, an affirmative step toward the citizenship he greatly desires, and was prevented from completing his naturalization prior to September 23, 1950, because of absence from the country aboard an American ship in far-eastern waters from December 3, 1949, to October 13, 1950.

The alien asks recognition of his situation as one sounding in equity, and desires the relief of a grant of permanent residence upon which he can continue his application to petition for naturalization.

The noteworthy facts of his American ship service, are briefly as follows. He began shipping American on August 30, 1941, aboard the S. S. *Silver Sword*, and remained continuously aboard her until torpedoed September 20, 1942, on the Archangel run, whereupon he was rescued, successively, by each of two sister ships in the convey which, in turn, were torpedoed. Finally rescued by a destroyer, he was returned to the United States aboard the *Queen Mary* as a surviving seaman. He shipped out again promptly in January 1942 aboard an American ship, and continued shipping so throughout the war, only remaining ashore when hospitalized and under medical care for stomach disorders. He continued shipping American after the war and in 1948, when it became difficult for aliens to obtain American shipping berths he was twice under threat of warrants of arrest in deportation, although at all times he was waiting daily for a ship in the maritime hiring halls. The record does not reveal that these warrants of arrest were ever served on the subject alien, but does show that he did ship out in January, July, and December 1948. It should be noted here that the alien had never taken shore employment between the period August 20, 1941, to October 13, 1950, and at all times attempted faithfully to abide by American immigration laws and regulations.

In 1949, the alien was advised by immigration officials that he was eligible to naturalization as an American citizen upon basis of more than 5 years' honorable service aboard American ships. Alien was very anxious to avail himself of this privilege and filed promptly the Form N–400, the preliminary form for petition for naturalization. Thereafter, having in mind the threats of arrest in deportation in 1948, he thought it proper to continue shipping while awaiting action on his application. This he did, and on December 3, 1949, he shipped aboard the S. S. *Cygnet III*, an American ship, which thereafter sailed in the far eastern waters, returning to American ports in the Gulf of Mexico for reloading and immediate turn-around to far eastern ports. This ship only returned to the east coast in October 1950, whereupon the alien learned that the Immigration and Naturalization Service had many months before sent him notice to appear for further steps in naturalization. The alien had upon every possible occasion kept in touch with his New York address by long-distance telephone in an effort to ascertain whether the Immigration and Naturalization Service had sent him notice to appear, but unfortunately he received no word of the notice to appear until after his eligibility to naturalization had been cut off by the enactment of the Internal Security Act.

The alien is an experienced seaman of approximately 30 years aboard ships, and although he is anxious to continue shipping American, and there is a demand for experienced seamen, he is unable to resume his calling because he cannot complete his naturalization or even take out first papers. He is presently ashore, being unable to ship foreign flag while awaiting determination of his status. He is not, however, and never has been a public charge, being now gainfully employed as a painter upon a Government project at Bainbridge, Md.

The alien is married, having a wife and children in Greece, to whom he has regularly for many years sent money and has provided full support. The record indicates that his conduct is good, and he has never been arrested for, or convicted of, any criminal offense.

Respectfully submitted.

ROBERT T. REYNOLDS.

Upon consideration of all the facts in this case the committee is of the opinion that H. R. 970, as amended, should be enacted and it accordingly recommends that the bill do pass.

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