

# Calendar No. 1483

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SENATE

{ REPORT  
{ No. 1549

## YING CHEE JUNG

MAY 12, 1952.—Ordered to be printed

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

### REPORT

[To accompany H. R. 3572]

The Committee on the Judiciary, to which was referred the bill (H. R. 3572) for the relief of Ying Chee Jung having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor Chinese child of a United States citizen the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

#### STATEMENT OF FACTS

The beneficiary of the bill was born in China on October 16, 1948, and is now residing in Hong Kong with her paternal grandmother. Her father, Phillip Jung, is a native-born citizen of the United States who married in China on January 15, 1947. The mother has been admitted to the United States as a nonquota immigrant, inasmuch as she is the wife of a United States citizen. The beneficiary of the bill did not derive United States citizenship through her father inasmuch as her father did not have the necessary residence required by section 201 (g) of the Nationality Act of 1940.

A letter dated February 4, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

FEBRUARY 4, 1952.

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 relative to the bill (H. R. 3572) for the relief of Ying Chee Jung, an alien. The bill would make the provisions of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, applicable to Ying Chee Jung, the Chinese minor, unmarried child of Phillip Jung, a native-born citizen of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child, also known as Jung Yai Fun, was born in China on October 16, 1948, and now resides in Hong Kong with her paternal grandmother. Her parents, Mr. and Mrs. Phillip Jung (Chung), reside in Los Angeles, Calif., where Mr. Jung is employed as a grocery clerk. Mr. Jung was born in Los Angeles on April 19, 1922. He went to China with his parents in 1928 and returned to the United States on August 19, 1948, in possession of a United States passport. Mr. Jung was married in China on January 15, 1947, to a native and citizen of China. The Jung's have two other children, a son born in China on November 19, 1947, and another son born in Los Angeles on November 7, 1950. The older son resides in Hoy Ping, China, with his maternal grandmother. Mrs. Jung was admitted to the United States at the port of San Francisco on July 1, 1949, as a nonquota immigrant under section 4 (a) of the Immigration Act of 1924. Mr. Jung stated that he contributes about \$50 monthly for the support of his two older children. His father is a naturalized United States citizen and his mother has applied for a nonquota immigration visa as the wife of a United States citizen. Mr. Jung stated that if the beneficiary of the bill is permitted to come to this country his mother will bring her to the United States. It is claimed that if Mr. Jung's mother comes to this country there will be no one in Hong Kong to care for the child.

Since Mr. Jung did not have the residence in the United States required by section 201 (g) of the Nationality Act of 1940, the alien child did not obtain United States citizenship at birth. Alien Chinese wives of United States citizens were made eligible for nonquota status under section 4 (a) of the Immigration Act of 1924 by the act of August 9, 1946 (60 Stat. 975, 8 U. S. C. 212a), but the Congress did not give the same privilege to alien unmarried minor Chinese children of United States citizens. Ying Chee Jung is therefore chargeable to the Chinese racial quota, which is heavily oversubscribed. In the absence of special legislation she will be unable to immigrate to the United States and join her parents in the near future.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If the measure should receive favorable consideration by the committee, however, it would appear that it should be drafted so as to expressly waive the provisions of section 2 of the act of December 17, 1943, as amended, which require that all Chinese persons, with certain exceptions not applicable to this case, entering the United States as immigrants shall be chargeable to the quota for the Chinese. It is, therefore, suggested that the bill be amended by striking out all after the enacting clause and substituting the following:

"That, notwithstanding the provisions of section 2 of the Act of December 17, 1943, as amended (57 Stat. 601; 60 Stat. 975, 8 U. S. C. 212a), Ying Chee Jung, alien minor unmarried daughter of Phillip Jung, a United States citizen, shall be entitled to the status of a nonquota immigrant in accordance with the provisions of section 4 (a) of the Immigration Act of 1924, upon compliance with the provisions of section 9 of said Act, provided said Ying Chee Jung is otherwise admissible under the immigration laws."

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3572) should be enacted.

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