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^{51a} Third proviso in the paragraph commencing "Fees of witnesses" appearing on this page.

⁵² First proviso in the paragraph headed "United States Customs Court" appearing on this page.

⁵³ Only the following words in the sixth full paragraph appearing on this page: "\$5 per day, not exceeding three days for any one term of court".

⁵⁴ The two provisos in the paragraph commencing near the bottom of page 304 and ending on page 305.

⁵⁵ All of the second paragraph appearing on this page.

Approved June 25, 1948, 12:25 p. m., E. D. T.

[CHAPTER 647]

AN ACT

To authorize for a limited period of time the admission into the United States of certain European displaced persons for permanent residence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Displaced Persons Act of 1948.

SEC. 2. When used in this Act the term—

(a) "Commission" means the Displaced Persons Commission created pursuant to this Act;

(b) "Displaced person" means any displaced person or refugee as defined in Annex I of the Constitution of the International Refugee Organization and who is the concern of the International Refugee Organization.

(c) "Eligible displaced person" means a displaced person as defined in subsection (b) above, (1) who on or after September 1, 1939, and on or before December 22, 1945, entered Germany, Austria, or Italy and who on January 1, 1948, was in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone, or the French zone of either Germany or Austria; or a person who, having resided in Germany or Austria, was a victim of persecution by the Nazi government and was detained in, or was obliged to flee from such persecution and was subsequently returned to, one of these countries as a result of enemy action, or of war circumstances, and on January 1, 1948, had not been firmly resettled therein, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the

June 25, 1948

[S. 2242]

[Public Law 774]

Displaced Persons
Act of 1948.

"Commission."

"Displaced person."

"Eligible displaced
person."

Spouse and dependent children.

"Eligible displaced person."

Spouse and dependent children.

"Eligible displaced orphan."

Issuance of visas without regard to quotas.

Limitation.

Supra.

Quota deduction.

43 Stat. 160.

Special nonquota visas.

members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

(d) "Eligible displaced person" shall also mean a native of Czechoslovakia who has fled as a direct result of persecution or fear of persecution from that country since January 1, 1948, and (1) who is on the effective date of this Act in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) for whom assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing. The spouse and unmarried dependent child or children under twenty-one years of age of such an eligible displaced person shall, if otherwise qualified for admission into the United States for permanent residence, also be deemed eligible displaced persons.

(e) "Eligible displaced orphan" means a displaced person (1) who is under the age of sixteen years, and (2) who is qualified under the immigration laws of the United States for admission into the United States for permanent residence, and (3) who is an orphan because of the death or disappearance of both parents, and (4) who, on or before the effective date of this Act, was in Italy or in the American sector, the British sector, or the French sector of either Berlin or Vienna or the American zone, the British zone or the French zone of either Germany or Austria, and (5) for whom satisfactory assurances in accordance with the regulations of the Commission have been given that such person, if admitted into the United States, will be cared for properly.

SEC. 3. (a) During the two fiscal years following the passage of this Act a number of immigration visas not to exceed two hundred and two thousand may be issued without regard to quota limitations for those years to eligible displaced persons as quota immigrants, as provided in subsection (b) of this section: *Provided*, That not less than 40 per centum of the visas issued pursuant to this Act shall be available exclusively to eligible displaced persons whose place of origin or country of nationality has been de facto annexed by a foreign power: *Provided further*, That not more than two thousand visas shall be issued to eligible displaced persons as defined in subsection (d) of section 2 of this Act.

(b) Upon the issuance of an immigration visa to any eligible displaced person as provided for in this Act, the consular officer shall use a quota number from the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current at the time or, if no such quota number is available for said fiscal year, in that event for the first succeeding fiscal year in which a quota number is available: *Provided*, That not more than 50 per centum of any quota shall be so used in any fiscal year: *Provided further*, That eligible displaced orphans may be issued special nonquota immigration visas, except that

the number of such special nonquota immigration visas shall not exceed three thousand.

SEC. 4. (a) Any alien who (1) entered the United States prior to April 1, 1948, and (2) is otherwise admissible under the immigration laws, and (3) is a displaced person residing in the United States as defined in this section may apply to the Attorney General for an adjustment of his immigration status. If the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien is qualified under the provisions of this section, the Attorney General shall report to the Congress all of the pertinent facts in the case. If during the session of the Congress at which a case is reported, or prior to the end of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the granting of the status of permanent residence to such alien the Attorney General is authorized, upon receipt of a fee of \$18.00, which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts, to record the admission of the alien for permanent residence as of the date of the alien's last entry into the United States. If prior to the end of the session of the Congress next following the session at which a case is reported, the Congress does not pass such resolution, the Attorney General shall thereupon deport such alien in the manner provided by law: *Provided*, That the number of displaced persons who shall be granted the status of permanent residence pursuant to this section shall not exceed 15,000. Upon the grant of status of permanent residence to such alien as provided for in this section, the Secretary of State shall, if the alien was a quota immigrant at the time of entry, reduce by one the immigration quota of the country of the alien's nationality as defined in Section 12 of the Immigration Act of May 26, 1924, for the fiscal year then current or the next succeeding fiscal year in which a quota number is available, but not more than 50 per centum of any quota shall be used for this purpose in any given fiscal year: *Provided further*, That quota deductions provided for in this section shall be made within the 50 per centum limitations contained in section 3 (b) of this Act.

(b) When used in this section the term "Displaced Person residing in the United States" means a person who establishes that he lawfully entered the United States as a non-immigrant under section 3 or as a nonquota immigrant student under subdivision (e) of Section 4 of the Immigration Act of May 26, 1924, as amended, and that he is a person displaced from the country of his birth, or nationality, or of his last residence as a result of events subsequent to the out-break of World War II; and that he cannot return to any of such countries because of persecution or fear of persecution on account of race, religion or political opinions.

SEC. 5. Quota nationality for the purposes of this Act shall be determined in accordance with the provisions of Section 12 of the Immigration Act of 1924 (43 Stat. 160-161; 8 U. S. C. 212) and no eligible displaced person shall be issued an immigration visa if he is known or believed by the consular officer to be subject to exclusion from the United States under any provision of the immigration laws, with the exception of the contract labor clause of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875-878; 8 U. S. C. 136), and that part of the said Act which excludes from the United States persons whose ticket or passage is paid by another or by any corporation, association, society, municipality, or foreign government, either directly or indirectly; and all eligible displaced persons and eligible displaced orphans shall be exempt from paying visa fees and head taxes.

Certain aliens in U. S.; adjustment of status.

Report to Congress.

Deportation.

Limitation.

Quota deduction.

43 Stat. 160.
8 U. S. C. § 212.

Ante, p. 1010.

"Displaced Person residing in the United States."

Ante, p. 1010.

43 Stat. 155.
8 U. S. C. § 204 (e).

Quota nationality.

Exemption from visa fees and head taxes.

Preferences.

Ante, p. 241.

Agricultural pursuits.

Wife and dependent children.

Household, garment, etc., workers.

Professional, etc., personnel.

Blood relatives of U. S. residents.

Priority in issuance of visas.

Displaced Persons Commission.

Appropriation authorized.
Post, pp. 1031, 1290.

42 Stat. 1488.
5 U. S. C. §§ 661-674.

Duties.

SEC. 6. The preferences provided within the quotas by Section 6 of the Immigration Act of 1924 (43 Stat. 155-156; 47 Stat. 656; 45 Stat. 1009; 8 U. S. C. 206), shall not be applicable in the case of any eligible displaced person receiving an immigration visa under this Act, but in lieu of such preferences the following preferences, without priority in time of issuance of visas as between such preferences, shall be granted to eligible displaced persons and their family dependents who are the spouse or the unmarried dependent child or children under twenty-one years of age, in the consideration of visa applications:

(a) First. Eligible displaced persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits: *Provided*, That not less than 30 per centum of the visas issued pursuant to this Act shall be made available exclusively to such persons; and *Provided further*, That the wife, and unmarried dependent child or children under twenty-one years of age, of such persons may, in accordance with the regulations of the Commission, be deemed to be of that class of persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits.

(b) Second. Eligible displaced persons who are household, construction, clothing, and garment workers, and other workers needed in the locality in the United States in which such persons propose to reside; or eligible displaced persons possessing special educational, scientific, technological or professional qualifications.

(c) Third. Eligible displaced persons who are the blood relatives of citizens or lawfully admitted alien residents of the United States, such relationship in either case being within the third degree of consanguinity computed according to the rules of the common law.

SEC. 7. Within the preferences provided in section 6, priority in the issuance of visas shall be given first to eligible displaced persons who during World War II bore arms against the enemies of the United States and are unable or unwilling to return to the countries of which they are nationals because of persecution or fear of persecution on account of race, religion or political opinions and second, to eligible displaced persons who, on January 1, 1948, were located in displaced persons camps and centers, but in exceptional cases visas may be issued to those eligible displaced persons located outside of displaced persons camps and centers upon a showing, in accordance with the regulations of the Commission, of special circumstances which would justify such issuance.

SEC. 8. There is hereby created a Commission to be known as the Displaced Persons Commission, consisting of three members to be appointed by the President, by and with the advice and consent of the Senate, for a term ending June 30, 1951, and one member of the Commission shall be designated by him as chairman. Each member of the Commission shall receive a salary at the rate of \$10,000 per annum. There are hereby authorized to be appropriated such sums of money as may be necessary to enable the Commission to discharge its duties. Within the limits of such funds as may be appropriated to the Commission or as may be allocated to it by the President, the Commission may employ necessary personnel without regard to the Civil Service laws or the Classification Act of 1923, as amended, and make provisions for necessary supplies, facilities, and services to carry out the provisions and accomplish the purposes of this Act. It shall be the duty of the Commission to formulate and issue regulations, necessary under the provisions of this Act, and in compliance therewith, for the admission into the United States of eligible displaced orphans and eligible displaced persons. The Commission shall formulate and issue regulations for the purpose of obtaining the most

general distribution and settlement of persons admitted under this Act throughout the United States and their Territories and possessions. It shall also be the duty of the Commission to report on February 1, 1949, and semiannually thereafter to the President and to the Congress on the situation regarding eligible displaced orphans, eligible displaced persons and displaced persons. Such report shall also include information respecting employment conditions and the housing situation in this country, the place and type of employment, and the residence of eligible displaced orphans and eligible displaced persons who have been admitted into the United States pursuant to the provisions of this Act. At the end of its term the Commission shall make a final report to the President and to the Congress.

SEC. 9. Every eligible displaced person, except an eligible displaced person who shall have derived his status because of being the spouse or an unmarried dependent child under twenty-one years of age of an eligible displaced person, who shall be admitted into the United States shall report, on the 1st day of January and on the 1st day of July of each year until he shall have made four reports to the Commission, respecting the employment, place of employment, and residence of such person and the members of such person's family and shall furnish such other information in connection with said employment and residence as the Commission shall by regulation prescribe: *Provided*, That if such person enters the United States within sixty days prior to either the 1st day of January or the 1st day of July, the first report need not be made until the next date on which a report is required to be made. Such report shall be made to the Commission during its term and thereafter to the Attorney General. Any person who willfully violates the provisions of this section shall, upon conviction thereof, be fined not to exceed \$500, or be imprisoned not more than six months.

SEC. 10. No eligible displaced person shall be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such agency of the Government of the United States as the President shall designate, regarding such person's character, history, and eligibility under this Act. The burden of proof shall be upon the person who seeks to establish his eligibility under this Act. Any person who shall willfully make a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person shall thereafter not be admissible into the United States. No eligible displaced orphan or eligible displaced person shall be admitted into the United States under the provisions of this Act except in pursuance of the regulations of the Commission, but, except as otherwise expressly provided in this Act, the administration of this Act, under the provisions of this Act and the regulations of the Commission as herein provided, shall be by the officials who administer the other immigration laws of the United States. Except as otherwise authorized in this Act, all immigration laws, including deportation laws, shall be applicable to eligible displaced orphans and eligible displaced persons who apply to be or who are admitted into the United States pursuant to this Act.

SEC. 11. After June 30, 1948, no preference or priority shall be given to any person because of his status as a displaced person, or his status as an eligible displaced person, in the issuance of visas under the other immigration laws of the United States.

SEC. 12. The Secretary of State is hereby authorized and directed to immediately resume general consular activities in Germany and Austria to the end that the German and Austrian quotas shall be available for applicants for immigration visas pursuant to the immigration laws. From and after June 30, 1948 and until July 1, 1950, notwithstanding the provisions of section 12 of the Immigration Act of May 26, 1924, as

Semiannual reports.

Final report.

Reports by displaced person to Commission.

Penalty.

Investigation and report prior to admission to U. S.

Misrepresentation.

Applicability of other laws.

Preference or priority after June 30, 1948.

Resumption of general consular activities in Germany and Austria.

43 Stat. 160.
8 U. S. C. § 212.

amended, 50 per centum of the German and Austrian quotas shall be available exclusively to persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Rumania or Yugoslavia and who, on the effective date of this Act reside in Germany or Austria.

Restriction on issuance of visas.

SEC. 13. No visas shall be issued under the provisions of this Act to any person who is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

Penalty.

Ante, p. 1013.

SEC. 14. Any person or persons who knowingly violate or conspire to violate any provision of this Act, except section 9, shall be guilty of a felony, and upon conviction thereof shall be fined not less than \$500 nor more than \$10,000, or shall be imprisoned not less than two or more than ten years, or both.

Approved June 25, 1948.

[CHAPTER 648]

AN ACT

June 25, 1948
[S. 2401]
[Public Law 775]

To provide for the administration of military justice within the United States Air Force, and for other purposes.

U. S. Air Force.
Administration of
military justice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the United States Air Force the office of the Judge Advocate General, United States Air Force. The office of the Judge Advocate General, United States Air Force, shall be occupied by the Judge Advocate General, United States Air Force, with the rank of major general, who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified officers of the United States Air Force, for a term of four years. The Judge Advocate General, United States Air Force, shall be charged with supervising the administration of military justice in the United States Air Force and the performance of such other legal duties as may be directed by the Chief of Staff, United States Air Force.

Applicability of laws.

SEC. 2. The Articles of War and all other laws now in effect relating to the Judge Advocate General's Department, the Judge Advocate General of the Army, and the administration of military justice within the United States Army shall be applicable to the Department of the Air Force with respect to the personnel thereof, and all references in such laws to the Department of the Army (War), the Army of the United States and its components, the Secretary of the Army (War), the Judge Advocate General, Assistants Judge Advocate General, and officers of or assigned to the Judge Advocate General's Department shall be construed for the purposes of this Act, as referring to, and vesting like authority, duties, functions, and responsibilities in, the Department of the Air Force, the Air Force of the United States and its components, the Secretary of the Air Force, the Judge Advocate General, United States Air Force, and officers of the United States Air Force designated by the Chief of Staff, United States Air Force, as judge advocates, respectively: *Provided*, That until the expiration of the transfer period prescribed by section 208 (e) of the National Security Act of 1947 (Public Law 253, Eightieth Congress), the jurisdiction conferred hereby may be exercised with respect to personnel of any component of the Department of the Army who may be under the command and authority of the Chief of Staff, United States Air Force.

61 Stat. 504.
5 U. S. C., Supp. I,
§ 626c (e).

Retirement of Judge Advocate General.

SEC. 3. Any officer of the United States Air Force who shall have served not less than four years as the Judge Advocate General, United