

Exclusion grounds—Continued

visa charge—Continued

immigration visa, no; when border-crossing card accepted as lieu document; 3—519
nationality specified, not of; 1—93; 3—838
nonquota as specified in visa, not:
alien removed from U.S. pursuant sec. 23, 1917 Act; 11—740
child born out of wedlock; 5—120
married between visa issuance and entry into U.S.; 10—236
sec. 101(a)(27)(E); arrival after Dec. 24, 1953; 6—172
showing of fraud not essential to support charge; 8—500
original adm. for perm. resid. based on marriage to U.S. citizen which was not viable marriage at time visa issuance and admission; 15—572
preference quota status under sec. 203(a)(1)(B), 1952 Act, arrival subsequent to spouse (principal alien); 5—722
quota status specified in visa, not:
child of pref. immigrant who married between visa issuance and entry into U.S.; 8—665; 12—156
child of pref. immigrant who preceded principal alien to U.S.; 14—122
return of nonimmigrant from overnight visit to Mexico seeking entry for perm. resid.; *Fleuti* in applicable; 13—324
special immigrant as specified in visa, not; *see also* certification of Sec. of Labor; exemption from; under this mainline title
student, seeks entry as; in possession only of visitor visa; 13—251
visa petition approved and visa issued by Am. Consul on basis adoption in Yemen prior to adm. dec. holding no system of legal adoption in Yemen; effect; 15—
waiver of documents to overcome; *see* waiver of documents

Executive Agreement:

Canada, with; as to service in armed forces; 2—783
Mexico, with; as to service in armed forces; 2—243; 5—479; 6—641, 648

Exemption from military service, neutral alien's ineligible to citizenship; *see* Ineligibility to citizenship

Expatriation; *see* Citizenship-loss

Expulsion; *see* Deportation

Expungement; *see* Pardon

Extension of stay; *see* Nonimmigrant

Extortion; *see* Crimes involving moral turpitude

Extradition from abroad; entry; 3—632

Extradition proceedings; effect on concurrent deportation proceedings; 10—309

Extreme hardship; sec. 244(a), 1952 Act, as amended; *see* Suspension of deportation: extreme hardship

F

Failure:

provide for minor child, to; *see* Crimes involving moral turpitude
return to U.S., to; expatriation; *see* Citizenship-loss;
Dual national
supply necessities for minor child, to; *see* Crimes involving moral turpitude

Fair hearing:

a commingling of adjudicative and investigative functions, question of; 14—93
advance notice of names of witnesses not furnished to alien; 5—312
adverse publicity; 5—261; 11—565
advice to alien re free counsel, desirability of; 13—798
affidavits showing subversive nature of organization, use of; 5—451
alien awaiting trial on criminal indictment at time of hearing; 8—535
alien called, over attorney's objection, as Govt. witness in dep. proc. against her; 13—232
alien's waiver of counsel due to alleged lack of understanding; 14—403
alleged atmosphere of tension and antagonism; 9—646
Attorney General's listing of alien; 6—540, 553—4
BIA's remand for further investigation & reopened hearing not a deviation from impartial adjudicator role; 14—93
brief, right to file before hearing officer's decision; 5—651
change of venue; determination of; 15—590
charges lodged, failure to furnish factual allegations; 7—443
cross-examination, limitation by hearing officer; 5—60
cross-examination of Govt. witness, curtailment of by SIO; 9—646; 13—790
cross-examination of Govt. witnesses; Service refused to assure alien's reentry to go abroad for; 13—95
cross-examination of Govt. witnesses; refusal to use interrogatories by mail; 13—95
cross-examination precluded by failure to produce available witnesses after acceptance of their recorded testimony; 6—300
delay, unreasonable, in disposing of alien's appeal; 2—172
discretionary relief; consideration of eligibility for vol./dep. prior to ruling on issue of deportability; 14—168
discretionary relief, denial where alien not apprised fully of basis therefor; 3—714
ex post facto provisions; 5—261
failure of SIO to advise indigent alien re free counsel; 13—798
failure to warn of possible self-incrimination; 4—720; 5—306
hearing, by Special Inquiry Officer; 5—392, 589
change of venue; 15—590
hearing, deportation; *in absentia*; 7—529; 13—775
hearing; immigration officer assigned to perform duties of trial attorney not required to be a member of Bar; 14—268
hearing, open to public; 5—261
hearing, original, cure of defects in; 9—225
hearing, place of; 5—347; 15—590
hearing, "reasonable cause", *see* 242(b); 7—529
hearing, record of; refusal to transcribe in connection with appeal from denial of motion to reopen; 14—381
hearing officer.
authority to issue subpoena to compel production of Service records; 5—60
qualifications; 5—175, 347
refused to subpoena Service records; 6—415
substitution, propriety; 4—596; 5—743
hearing under regulations pursuant to Internal Security Act of 1950 in proceedings commenced prior thereto; 4—556

Fair hearing—Continued

impartial adjudicator role, deviation from; question of; 14—93, 168
interrogation, preliminary, of alien; no prior notice to alien's counsel; 15—480
lay person, denial of request to be represented by; 15—251
mentally incompetent alien, exclusion proceedings; 11—329
Order to Show Cause must state proper charge; 15—769
original record of exclusion; introduction of to establish present excludability based on same conduct, question of; 12—462
prejudgment, claim of; 11—351, 565; 15—9
refusal of hearing officer to subpoena Service records; 6—415
refusal of SIO to allow a full hearing on sec. 243(h) application; 14—429
refusal of SIO to defer dep. proc. pending obtainment of Labor certification; 11—592
refusal of SIO to grant adjournment; 14—412, 429
refusal of SIO to permit alien to testify re alleged unlawful arrest and search; 7—271
refusal of SIO to provide for taking of depositions in Greece; 13—82'
refusal of SIO to receive evidence re alienage where sec. 503 suit dismissed without entry final order; 8—244
refusal of SIO to subpoena certain witnesses; 13—827; 15—388
refusal of SIO to subpoena Govt. officials; 11—565
refusal to direct transcription of record of original deportation hearing; 14—381
refusal to permit alien's counsel to cross-examine Service officer who prepared official record of alien's arrival; 15—372
refusal to permit alien's counsel to review Service character investigation report; 11—565
refusal to permit inspection of Service records to discover basis of alien's arrest; 15—278
"reputable individual" (8 CFR 292.1(b), representation by; question of; 15—251
SIO's calling attention of trial attorney to undeveloped areas of inquiry; 14—168
special inquiry officer: (*see also* Special inquiry officer);
right to question alien's witnesses; 5—312
substituted; 13—399; 14—237
substitution of; objection to, lies only when made at hearing; 14—283
stenographer also acted as interpreter; 5—242
testimonial statements not used at hearing; inspection of by alien; 5—312
trial attorney; immigration officer assigned to perform duties of, not required to be attorney at law; 14—258
unsound mind, alien of (represented by attorney with aid of physician); 6—358
warrant of arrest, deficiency in; 4—415
warrant issued before Dec. 24, 1952; charges lodged under 1952 Act; 6—540

False pretenses, representation, statements or swearing; *see* Crimes involving moral turpitude
False testimony; *see* Good moral character: false testimony

Fascist Party, Italy:
discretionary relief to member; 2—582

Fascist Party, Italy—Continued

voluntary joining as acceptance of Italian nationality; 3—674

Fiance(e) of U.S. citizen; sec. 101(a)(15)(K), 1952 Act, as amended:
citizen petitioner, age 14, unable enter into valid marriage; 13—705
citizen petitioner did not marry fiancé; alien married another U.S. citizen; sec. 245 adjustment not precluded; 14—125
citizen petitioner dies subsequent to marriage and prior to filing of application for creation record of adm. for perm. resid.; effect; 14—153
citizen petitioner has not personally met and seen beneficiary; 14—620
marriage must remain viable at time application for creation of record of adm. for perm. resid. is ruled upon; 15—152
petition to accord status as, filed before beneficiary fiancée's divorce decree nisi became final; 14—1
separated shortly after marriage; chances reconciliation doubtful; no fraud; 14—188
separated subsequent to filing of application for creation record of adm. for perm. resid.; effect; 15—152

Filipino (*see also* Deportation: Filipino; Philippine Islands); for immigration purposes; 2—340; 3—155, 184, 396; 4—569; 7—201

Fine:
afflicted alien, etc., bringing:
admission of alien temporarily under 9th proviso as defense; 1917 Act; 4—49
exercise of discretion under sec. 212(d)(3), 1952 Act; as defense; 7—209
in-transit agreement pursuant sec. 238 of 1952 Act, under; effect on liability; 7—209
sec. 272(a), 1952 Act; due diligence; 7—209
sec. 272(b), 1952 Act; requirement of due diligence, psychiatric examination; 6—467
waiver of documentary requirements; effect on liability; 7—209

Air Commerce Act violation:
applicability of fine under sec. 16, 1924 Act; 3—476
applicability of fine under sec. 273(a), 1952 Act; 6—570
authority reinspect and revoke landing privileges at 2d US port of call; vessel sailing coastwise; 13—418
crew lists, manifests:
clerical errors; liability after repeated violations and warnings; 7—403
departure, on; original sailing of vessel; 1—493
departure on; sec. 36, 1917 Act; 3—54, 338, 341, 546
departure, on; sec. 36, 1917 Act; sold after arrival; 3—546
departure, on; timeliness of delivery; 3—341
deportation expenses, failure or refusal to comply with order to pay, sec. 243(e):
alien crewman, of; owner of vessel solely liable; 9—350
contemporaneous association with vessel, as factor; 9—350

detention or deportation of crewman:
absoluteness of duty; 1—370, 419; 2—1, 507, 571; 3—165; 9—564
agent for charterer, liability; sec. 254, 1952 Act; 7—453
agents of vessel, timeliness of notice; 5—336
apprehension of escaped seaman and deportation through efforts of responsible party; 1—105
arrival from foreign; 14—51

Fine—Continued

detention or deportation of crewman—Continued
 arrival from foreign, what constitutes; sec. 20, 1924 Act; 3—876
 arrival in continental U.S. from Puerto Rico; sec. 254, 1952 Act; 7—235
 ashore, with permission of responsible party, but departure with vessel; 1—578
 bunkers, vessel arriving for; 5—296
 burden of proof, question of; sec. 254(a)(1) 1952 Act; 11—475
 burden of proof, question of; sec. 254(b); 11—597
 crewman admitted TRWOV to join vessel; absconded after being ordered detained; 14—18
 crewman admitted TRWOV to join vessel; absconded after ordered detained; vessel not in U.S.; 15—718
 crewman denied landing privileges; apprehended while swimming ashore; 13—345
 crewman denied landing privileges; eluded guard when later allowed ashore for medical treatment; liability; 10—360
 crewman denied landing privileges; escaped from U.S. Govt. hospital to which removed for medical treatment; 11—245
 crewman denied landing privileges; notice to detain not served; sec. 254(a)(2), 1952 Act; 7—453; 8—639
 crewman denied landing privileges; on board when vessel left; reported missing shortly thereafter; liability; 13—92
 crewman denied landing privileges, reported missing on departure manifest; no showing illegal entry not made; 11—596
 crewman drowned in attempt to land; 9—62
 crewman not presented for inspection; no affirmative evidence he left ship; 11—475; 14—51
 crewman not presented for inspection; reported by carrier (I-418) as deserter; 14—51
 crewman, without inspection, proceeded to foot or gangway on pier to assist passengers in landing; 10—607
 deportation, what constitutes; 3—699
 detention, order, served after cancellation of shore leave; 1—214, 448
 foreign naval auxiliary; 5—336
 hospitalization, removal by responsible parties for; 1—418, 555
 imposition fine under sec. 254(a)(2) rather than sec. 254(a)(3); effect; 13—418; 15—180
 intention of seaman to depart with vessel as factor, 2—1
 lifting of detention order after seaman had been ashore; 3—174
 mitigation, sec. 20, 1924 Act; 2—1, 507; 4—228; 15—180
 mitigation; sec. 254, 1952 Act; 10—165; 11—700; 13—345
 multiple violations by same crewman, single trip; 9—6
 notice of revocation of landing privileges not in accordance 8 CFR 252; effect; 13—418
 notice to detain, timeliness; 5—336
 notice to detain, validity; 1—365
 notice to detain and deport and notice of liability to be served on same party; 1—426; 10—360, 787
 notice to detain and deport not in accordance 8 CFR 252; effect; 13—418; 15—180

Fine—Continued

detention or deportation of crewman—Continued
 subsequent return to vessel before sailing; 1—523, 578; 2—1, 672; 4—228
 vessel owned by U.S. Govt. agency; 2—571
 vessel, return of, with seaman whose deportation had been ordered; 3—699
 war conditions, as defense; 1—470
 guard alien safely, failure to; sec. 18, 1917 Act; 1—334
 immigrant visa, bringing immigrant who lacked, 1924 Act (*see also* Fine: visa, bringing alien without, 1952 Act):
 admission of alien through exercise of discretion; 3—113
 aircraft, subject to same liability as vessel; 3—476
 Canadian brought to Canada, destined to U.S.; 4—689
 contiguous territory, from foreign, via; destination, ability to determine as factor; 4—51
 passage money, refund of; paroled alien adjusted status by departing to contiguous territory; 4—657
 reasonable diligence; false claim of U.S. citizenship; 1—261; 3—111, 234
 reasonable diligence; possession of improper visa; 1—87
 returning resident, admission of, as defense; 3—476
 seaman, arrival as; 2—623; 3—753, 887
 passenger list, manifest:
 aircraft, sec. 14, 1917 Act; 3—259
 aircraft; omission of departure data not clerical error; 6—628
 clerical errors; opportunity for correction not required where history of errors and warnings; 8—694
 failure to file timely manifest allegedly occasioned by loss in mails; 11—831
 failure to present separate I-94 for each alien passenger; flight originated in Mexico; 15—392
 mitigation; sec. 231, 1952 Act; 11—831
 seaman, signed on ship's articles but not actually employed as, applying for admission as visitor; 2—425
 paying off or discharging crewman; sec. 250, 1952 Act.
 agent's liability; 5—567; 6—518
 crewman concomitantly re-signed ship's articles with new owner; 8—366
 crewman injured after ship sailed foreign, removed and admitted USPHS hospital; 14—688
 crewman, without termination of services and with intent to return to vessel, departed U.S. temporarily; 9—272
 Military Sea Transportation Service (U.S. Navy vessel); 5—572
 mitigation, not warranted merely because crewman departed; 5—663
 proof of discharge; 5—663
 separate penalty per crewman under statute, not per vessel; 10—391
 stricken at sea; 7—215
 transfer to another vessel without permission; 6—311
 vessel touring U.S. in motion picture promotional scheme; 10—391
 while Service has constructive control over crewman; 7—350
 prevent unauthorized landing, failure to:
 sec. 10, 1917 Act; due diligence immaterial; 1—250

Fine—Continued

prevent unauthorized landing, failure to—Continued
sec. 271, 1952 Act:
alien crewman *employed* on vessel arriving in U.S., not encompassed by; 7—235
alien routed thru Federal inspection area but not inspected by immigration officer; 8—1
alien withdrew application for admission; escaped from carrier's custody after service of notice of removal; 13—432
disappearance after initial inspection; 5—482; 13—390
due diligence immaterial; 6—594
mitigation; 13—390, 840
stowaway concealed on vessel; "landing" not effected; 8—323
reinspection and revocation landing privileges at 2d U.S. port of call, authority for; vessel sailing coastwise; 13—418
sec. 239, 1952 Act:
maximum penalty, multiple violations; 7—584 mitigation; 11—73; 13—409; 15—185
owner not pilot of plane; no defense; 13—409
penalty imposed per arrival of aircraft, not per passengers; 15—185
remission in full of penalty; question of; 11—73
stowaways:
essential element constituting; 12—253
failure to deliver manifest; 5—601; 8—19
failure to detain and deport, sec. 273(d), 1952 Act:
generally; 5—563; 8—299, 675
lack of knowledge of stowaway's presence aboard; 5—601; 8—299
mitigation; 5—563, 601
notice to detain and notice of liability to be served on same party; 7—280
longshoremen, fell asleep aboard vessel; presented for inspection as; 12—253
United States, aircraft under contract to; 6—819
United States, vessels owned and operated by; 2—571; 5—572
vessel sailing coastwise; reinspection & revocation landing privileges at 2d U.S. port of call, authority for; 13—418
visa, bringing alien without (1952 Act):
admitted on parole, not defense to liability; 9—595
admitted on parole followed by visa waiver; not liable; 10—157
aircraft under contract to U.S. Army; 6—819
alien crewman not within sec. 273(a); 6—112
alien stowaway not within sec. 273(a); 7—500
Canadian common carrier; bringing Canadian citizen destined to U.S.; 7—329
contract under sec. 238(d), violation of; 6—570
criminal liability for same transportation of aliens; not defense to liability; 15—172
double penalty, contention of; 15—172
due diligence, question of; alien presented wax-sealed envelope from consulate asserting it contained visa; 13—67
evidence; admissibility, even though may tend impeach exclusion order; 10—240
evidence; admissibility of Service records prepared by immigrant inspector at time of alien's arrival 15—111, 372
necessity of inclusion of alien's passport in record, question of; 14—372
liability fixed by regulation in effect at time of bringing; 7—704

Fine—Continued

visa, bringing alien without (1952 Act)—Continued
mitigation not authorized; 5—226
signatory carrier (sec. 238) alleges alien "in transit" whereas presented as visitor for business; 12—267
signatory carrier (sec. 238); bringing to Canada, natives of contiguous territory or returning residents destined to U.S.; 8—8
transit through U.S., alien in; 6—362
TRWOV alien lacking valid passport; 8—498
TRWOV; suspension of TRWOV regs. without rule making no defense; 15—291
waiver of visa:
foreign govt. official; 6—204
nonimmigrant visitor; 6—85; 7—704; 10—197
returning resident; 6—262, 810, 819; 7—701
Finland; date when Finland became cobelligerent during World War II; 2—548
Following to join child or spouse; *see* Accompanying or following to join
Foreign Agents Registration Act, deportation for conviction under; 3—310; 4—269
Foreign crimes; *see* Crimes involving moral turpitude; Moral turpitude
Foreign naval personnel; inspection on arrival; 2—293
Foreign pardon; *see* Pardon
Foreign residence requirement, exchange alien:
liability to, question of; *see* Exchange alien visitor: foreign residence requirement
waiver of; *see* Waiver of foreign residence requirement; sec. 212(e), 1952 Act
Foreign state chargeability; *see* Quota nationality
Forgery; *see* Crimes involving moral turpitude
Fornication; discretionary relief; 2—844
Fraud:
distinguished from deceit; 2—651
distinguished from willful misrepresentation; 7—161
marriage, annulment of; effect on entry as spouse of citizen; *see* Deportation grounds: fraudulent marriage ("Gigolo" Act of May 14, 1937)
moral turpitude; *see* Crimes involving moral turpitude; Moral turpitude
naturalization, cancellation; "relation back" doctrine; *see* Citizenship-loss: revocation of naturalization
visa procured by; deportation ground; *see* Deportation grounds: visa charge
Free Rumanian movement; 3—312
Fivolous appeal; *see* Appeal; Board of Immigration Appeals

G

Gain, smuggling aliens for; *see* Deportation grounds: smuggling aliens for gain
Gambling; *see* Crimes involving moral turpitude;
Good moral character: gambling offenses, sec. 101(f)(5), 1952 Act
German ethnic classification; D.P. Act of 1948; 3—838
Ghent Treaty, discussed; 1—310, 3—191
"Gigolo" Act of May 14, 1937; *see* Deportation grounds: fraudulent marriage
Good moral character (*see also* Discretionary relief; Preexamination; Seventh proviso, sec. 3, 1917 Act; Suspension of deportation; Voluntary departure):

Good moral character—Continued

adulterous relationship; 2—840, 876, 892; 4—480; 5—522; 6—801; 7—156, 365

adultery:
admission of commission, without conviction, not basis for exclusion or deportation; 3—168
determination of; applicability of criminal test; 6—660, 801; 13—785
ignorance of marital status; 6—463; 801; 7—96, 380
Illinois; 6—675
Iowa; 13—785
marital status, adjustment; 6—675, 801; 7—365
Minnesota; 6—660
New Jersey; 7—376
New York; 6—801; 7—156
Oregon; 10—35
Texas; 7—175

conduct not within enumerated categories of sec. 101 (f) may nevertheless be considered under last sentence thereof in determining; 12—206

confinement to penal institution; sec. 101(f)(7), 1952 Act:
alien on probation during requisite statutory period; effect; 13—777
effect of pardon for conviction resulting in; 7—249
United States citizen, while a; 7—405
defined; 1—158, 611; 2—145, 831; 3—571
distinguished from moral excellence; 1—611
examination of facts (in adm. proc.), to determine; not estopped by dismissal of pertinent courts in criminal proc.; 11—805

false testimony; sec. 101(f)(6), 1952 Act:
burden of proof (within *Woodby* test); 12—277
evasive, equivocal, discrepant & contradictory statements at dep. hearing; 11—351
false claim to U.S. citizenship in visa petition; 7—706
false information given orally in application for certificate of citizenship; 8—403
false statement in application for extension of stay; 5—514; 6—208
false statement in application for U.S. passport; 8—399
false statements, oral, sworn, in connection with processing of VP; 10—725
false statements, sworn, to border patrol agent, in routine Q and A interview; 14—412
false testimony in obtaining citizen's identification card; 7—486
recantation of false testimony, effect; 9—118; 14—412; *see also* Perjury: correction of misstatement "testimony" construed; 8—399

fraudulent understatement of income to evade income taxes; 11—805

gambling activities, income derived from; sec. 101 (f)(4), 1952 Act; 8—185

gambling offenses, sec. 101(f)(5), 1952 Act; 6—242

illicit relationship; 7—247

marital status, irregularities; 2—842; 3—478, 833

murder, attempted, conviction of; not within sec. 101 (f)(8), 1952 Act; 14—117

naturalization cases, standards applicable to; 2—161; 334, 848

nonsupport; 2—161; 3—393

period required to qualify for preexamination; 7—726

perjury within 5-year period, suspension of deportation; 2—492, 830

perjury within 5-year period; voluntary departure and 7th Proviso relief; 2—606

Good moral character—Continued

probation, alien on, during requisite statutory period; effect on eligibility for vol. dep.; 13—777

prostitution; 5—559

record of conviction, expungement of, effect (Calif.); 6—619

sec. 101(f)(3), 1952 Act:
convicted (as a minor) in Superior Court of Calif. of kidnapping; 9—487
convicted of "petty offense" within statutory period; 7—147; 13—641
convicted of violation of 8 USC 1324(a)(2); 11—478
convicted within, but offense committed outside, statutory period; 14—117
single lapse, effect of; 1—611; 2—614; 5—708
voluntary departure, standards same as for suspension; 2—731; *see also* Voluntary departure

Government official, member of family of; failure to maintain status; deportation; 4—36

Government official, servant of; admission in 1919, not for permanent residence; 3—638

Grand theft; *see* Crimes involving moral turpitude

Gross indecency; *see* Crimes involving moral turpitude

Gross miscarriage of justice; *see* Miscarriage of justice

Guam:
nationality status, inhabitants of; 3—589, 729
"phasing-out" program; individual extensions of stay required; 9—85
presumption of lawful admission for permanent residence; 8—313, 371, 421; 9—82, 85
readmission to; of perm. resid. crewman after temp. employment in Saipan between sailings; 7—314
status of natives' children born abroad; 5—380

H

Harrison Narcotic Act, violation; deportation ground (*see also* Deportation grounds: narcotics); 2—602; 3—460

Hawaii:
entry to mainland, from under 1917 Act, as distinguished from 1924 Act; 7—201
Japanese or Koreans who entered with laborers' limited passports; admissibility to mainland; 3—565
residents, before acquisition by U.S.; citizenship status; 3—206

Head Tax:
child accompanying mother on her first return to U.S.; 3—215, 264
debt in favor of U.S.; 2—251

Hearing:
deportation proceedings; *see* Deportation; Fair Hearing
exclusion proceeding; *see* Exclusion; Fair hearing

Housebreaking; *see* Crimes involving moral turpitude

I

Illegitimate child; acquisition of citizenship at birth abroad; *see* Citizenship-acquisition at birth by child born abroad; *see also* Citizenship-derivation (after birth) by child born abroad

Illegitimate child, legitimation of; *see* Legitimation

Illiteracy; *see* Exclusion grounds: illiterate

Immediate relative (*see also* Nonquota immigrant):
accorded nonquota status previously, question of; sec.

Immediate relative--Continued

204(c), 1952 Act, as amended; *see* Visa: petition for: sec. 204(c), 1952 Act, as amended

child, adopted in conformity sec. 101(b)(1)(E); ineligible thru U.S. cit. natural parent; 13-173

child-step; marriage creating status a sham; 15-516

death of U.S. citizen petitioner spouse during pendency of VP; effect; 13-453

evidence of U.S.C. petitioner's birth in U.S.; question of; 13-755

marriage in Korea to U.S. citizen whose prior marriage terminated by Mexican "mail order" divorce; 11-482

marriage to U.S. citizen not consummated; parties have never lived together; 11-613

marriage to U.S. citizen:
 citizen petitioner has never lived with nor supported beneficiary/wife; 15-385

marriage to U.S. citizen; prior common-law relationship in Mexico; 1-584

marriage to U.S. citizen; prior Hong Kong ceremonial marriage terminated by Chinese mutual consent divorce; 11-853; 1-29

marriage to U.S. citizen (N.Y.); prior marriage terminated by Ecuadorian divorce, neither party physically present; 14-472

natural parent of adult citizen adopted while under 14 but who did not enter U.S. as adopted child; 12-421

marriage to U.S. citizen:
 prior marriage terminated in India by Buddhist agreement after date of marriage which supports visa petition; 15-706
 where prior Dominican divorce had not been "declared" or pronounced in accordance with Dominican law was invalid for immigration purposes and visa petition was denied; 15-659

Immigrant (see also Nonquota immigrant):
 adjustment to nonimmigrant status; sec. 247, 1952 Act; *see* Adjustment of status

classification, immigrant or nonimmigrant:
 agricultural laborer; 6-491

annual crosser, bringing Christmas trees to sell; 6-533

beneficiary approved 1st pref. VP; ineligible (H)(i) nonimmigrant status to fill same position; 10-715

crime, alien coming to commit; 2-43; 3-407

daily crosser, to collect scrap to be sold in Mexico; 4-217

daily crosser, to work in automobile plant; 6-255

entering to demolish house (his) and take salvageable lumber back to Mexico; 12-547

farmers, coming to sell produce in U.S. markets; 6-327

frequent crosser, to purchase firewood to be sold in Mexico; 10-544

intern; 8-460

order taker for Hong Kong clothing manufacturer; does not solicit; 1-824

salesman, to solicit orders; 8-206

seaman, inadmissible because previously deported; 8-83

truck driver, coming to deliver meat; 6-711

truck driver, daily crosser, coming to deliver fish to U.S. employer; 6-832

TRWOV; following arrival as, applied for admission as political refugee; 11-501

Immigrant--Continued

classification, immigrant or nonimmigrant--Continued

visitor (*see also* Visitor):
 bona fide, but inadmissible under 1917 Act; 2-12

doubtful (intent to take up residence); 3-379

effect of previously expressed desire to enter as immigrant; 7-651

work of permanent nature, coming to perform; 2-240; 3-857; 8-460; 10-654, 715

commuter; *see* Commuter

head tax, nonpayment; effect on status; 2-250

status as, derived thru parent under sec. 203(a)(9); death of parent; effect on; 14-122

Immigration judge; see Special inquiry officer

Immigration officer:
 authority to apprehend alien within reasonable distance of U.S. border; 13-838

authority to detain and interrogate alien without warrant; 13-838

Immoral purpose, entry for; see Exclusion grounds

Imprisonment; see Sentenced to confinement

Indians, American, born in Canada; see American Indians born in Canada

Industrial trainee:
 actual training deviates from authorized program; effect; 10-456

agricultural (orcharding), in; 10-647; 11-363

agricultural (vegetable growing), in; 11-424

availability of training elsewhere, as factor; 14-190

international freight traffic clerk; 12-389

medical resident; 12-768

"on record" statements re unavailability training outside U.S. & nondisplacement of U.S. workers; sufficiency, alone, of; question of; 14-190

possible ultimate employment in U.S., as factor; 11-764

prior experience in same field; effect; 10-644; 11-363

productive employment; question of; 11-63, 363; 12-389, 768; 14-190

requisite training program, as factor; 10-647; 11-63, 363, 424; 14-190

retail floristry, in; alien is a skilled ornamental horticulturist; 11-157

travel agent, as; 10-644

Ineligibility to citizenship:
 alien claiming exemption from military service:
 Act of 1924, as amended, secs. 13(c) and 28(c); 2-545, 858, 899, 914; 3-249

alien enemy's "objection" service; 6-342

Argentinian, perm. resident, classified 1-A, induction indefinitely postponed; 13-715

called for service after his country became cobelligerent but found physically unfit; 2-545; 3-249

effectively relieved from military service; question of; 13-715

later willingness to serve but found physically unfit; 4-130

medical student; 5-106

Mexican, filed DSS 301 after his country became cobelligerent; sec. 315, 1952 Act; 6-766

Mexican national, upon advice of Mexican consulate, filed DSS 301 without reading it or being made aware of consequences; 9-720

nonliability because of age; 5-693

nonliability because of nonresidence; 6-176

Ineligibility to citizenship—Continued
 alien claiming exemption from military service—
 —Continued
 Palestinian, filed DSS 301, June 16, 1943; 5—301
 permanent resident, U.M.T.S.A. of 1951; 6—140
 13—715
 residing in U.S. illegally; 4—130
 returning resident, admissibility as; 4—180;
 13—715
 seaman in U.S., before expiration of 3-mo. grace
 period; 4—348
 subsequent service in armed forces; effect; 9—106
 Swiss citizen, filed application after having it ex-
 plained to him and being made aware of conse-
 quences; 7—561
 Swiss national, filing application because of misap-
 prehension induced by Swiss legation; 4—500;
 5—206, 625
 visitor; 4—5
 alien convicted of murder, not within sec. 101(a) 19);
 13—166
 armed forces deserter in wartime, within sec. 101
 (a)(19); 6—698, 756
 racial:
 Afghans; 2—253
 Arabs; 1—174; 2—253
 Armenians; 2—258; 4—106, 278
 Hindus; 2—253
 Kalmuks; 4—275
 Parsees; 2—253
 Siamese, mixed blood; 3—304
 Tartars; 4—104
 returning resident, admissibility as; 7—229
Information from Service records:
 racial discrimination, to prove; 6—573
**Information furnished returning resident by Am.
 Consul presumed correct absent evidence to con-
 trary; 12—443**
Insanity, prior attack; see Exclusion grounds
**Inspected and admitted, question of; see Adjustment
 of status: sec. 1, Act of Nov. 2, 1966; Adjustment of
 status: sec. 245, 1952 Act**
**Inspection; aliens in transit without transshipment
 from vessel; 6—362**
**Inspection; all persons on vessels arriving from
 foreign; 1—370**
**Inspection; crew of vessels arriving for bunkers;
 5—296**
Inspection, within meaning of immigration; 15—734
**Inspection, within meaning of immigration laws;
 question of; 11—712**
**Institutionalized at public expense (sec. 241(a)(3));
 see Deportation grounds: public expense, institu-
 tionalized at**
**Inular possession; entry into continental U.S.
 from; 3—632; 7—201**
Intent:
 crime, common law; essential element; 2—203
 crime, statutory requirement; 3—105
 defraud U.S., to, moral turpitude; 1—395 3—236
 evade tax payment, to; Canada; 1—436
 evade tax payment, to; U.S.; 1—437
 extort, to; Canada; moral turpitude; 3—361
**International Workers Order; subversive character
 (see also Subversive); 1—450; 3—411; 4—578**
**Intervention in deportation proceedings of alien
 parent by citizen child; question of; 15—582**

Intra-company transferee:
 affiliate or subsidiary firm; question of; 13—647, 816;
 15—5
 alien eligible (L) classification notwithstanding al-
 ready beneficiary of approvd. 6th pref. VP; 13—601
 alien's salary will be paid by foreign affiliate of peti-
 tioning co., eligible notwithstanding; 14—569
 employment, continuous (1-year):
 intervening stay in U.S. as H-3 trainee; effect;
 14—140
 must have been in executive, managerial or special-
 ized knowledge capacity; 13—654
 executive; 13—601
 existing office of employer, benef. coming to; not re-
 quired by statute; 13—816
 "specialized knowledge", alien of; 13—618
 "specialized knowledge" qualifies alien for (L) classifi-
 cation as manager; 13—654
Investor:
 in commercial or agricultural enterprise; see Alien
 coming to engage in commercial or agricultural en-
 terprise; Exclusion grounds: certification of Sec. of
 Labor: exemption from, as investor
Investor, treaty; see Treaty investor
Investor Status:
 proof of; failure to establish absent best evidence of
 qualifying investment; 15—794
**Involuntary return of excluded seaman as arrival in
 U.S.; 7—1**
Italy; nationality; 3—558, 671, 761

J

**Jamaica, B.W.I.; adjacent island; preexamination; 8
 CFR 142; 3—704**
**Japanese or Koreans who entered Hawaii with
 laborers' limited passports; admissibility to main-
 land; 3—565**
**Jay Treaty of 1794 affecting American Indians; see
 American Indians born in Canada**
**Judgment of denaturalization void on its face be-
 cause of indication that summons never served;
 6—366**
**Judicial review of BIA order, remand for further
 proceedings; procedure, question of; 14—262**
**Judicial review, petition for; sec. 106(a), 1952 Act;
 see Deportation: order of, final; see also Deporta-
 tion: reopening of proceedings**
Jus Sanguinis; 3—589
Jus soli; 2—183; 3—589
Juvenile delinquency:
 Australia; 3—368; 4—548
 California; 2—92, 120
 Canada; 2—319, 518; 3—56, 368, 723; 5—639
 deportation or exclusion ground, not; 3—725
 England; 3—772
 Michigan; 4—252
 Northern Ireland; 3—772
 Norway; 2—320
 sec. 212(a)(9), 1952 Act, applicability; 5—327
 Washington; 2—117
Juvenile Delinquency Act:
 application of statute; 4—726
 offenses committed before effective date, June 16,
 1938; 1—614; 3—69

K

Koreans or Japanese who entered Hawaii with

laborers' limited passports; admissibility to mainland; 3—565
Kwajalein, as foreign place within meaning of immigration laws; 7—128

L

- Labor certification; sec. 212(a)(14), 1952 Act, as amended; *see* Exclusion grounds: certification of Sec. of Labor, sec. 212(a)(14)
- Labor, contract; *see* Exclusion grounds: contract labor
- Labor Progressive Party of Canada; *see* Subversive
- Landing alien without permission; *see* Fine: prevent unauthorized landing, failure to
- Lawful admission to U.S. for permanent residence: admitted as member armed forces; failed meet requirements Act of June 30, 1950, as amended; 8—21
admitted as member armed forces; honorably discharged after less than 5 years service; 10—17
admitted as natz. citz. 1952, naturalization later revoked for actual fraud; 5—759
admitted in possession of visa to which not entitled; never acquired lawful status; 14—12
amendment or creation of entry record to show; *see* Entry record, amendment or creation, to show admission for permanent residence
"Barred Zone" native, admitted for study in 1920; subsequent continuous maintenance of exempt status; 3—304
child; born abroad, erroneously admitted as ret. resident Feb. 1924; sec. 14, 1924 Act; 3—815
child, born abroad while citizen mother on visit; accompanied mother on first return; no visa; 7—311
citizen at birth under R.S. 1993, admitted to U.S. in 1948, parent's naturalization previously cancelled for presumptive fraud, 1906 Act; 5—218, 517
conditional entrant under sec. 203(a)(7); 12—609
excludable at time of entry, 1927, on criminal ground although in possession of immigration visa; 2—178
foreign government official, servant of; admitted 1919; 3—638
legality of original admission (*Fleuti*-type departure); 15—789
legality of original adm. can be questioned in exc. proc. upon return from brief absence notwithstanding *Fleuti*-type departure; 14—475
natz'd. citizen expatriated during temp. visit abroad; effect on; 11—414
noncitizen national; rights of; 15—315
presumption of, pursuant to 8 CFR 4.2(j) [now 101.1(i)]; 8—371; 12—127; 13—557; 15—95
presumption of, pursuant to 8 CFR 101.1(i); 9—82, 85
presumption of, pursuant to 8 CFR 101.1(j); 8—313, 421; 9—610; 12—704
residence, permanent; *see* Residence
sec. 13(b), 1924 Act; 2—252; 3—160
"such status not having changed"; question of; 6—396; 9—749; 11—414; 12—127
Virgin Islands, entry to, prior to July 1, 1938; 1—414
- Lawful permanent resident:
adjustment of status to that of nonimmigrant; *see* Adjustment of status; sec. 247, 1952 Act
alien born in U.S. of parents in diplomatic status; 11—190
alien recipient of benefits of sec. 241(f) of 1952 Act, as amended; 15—458
noncitizen national; rights of, notwithstanding never resided in U.S.; 15—315
- Lawful permanent resident.—Continued
returning as; *see* Returning lawful permanent resident alien
noncitizen national, status of, equated with that of law. perm. resid. for VP purposes; 6—555
status as, not affected by natz'd. citz's. expatriatory act during temp. visit abroad; 11—414
status as, terminated by removal pursuant sec. 23, 1917 Act; 11—740
under 8 CFR 176.101(n); 3—519
- Legal separation, definition and application, sec. 314(c), 1940 Act; 3—742, 850
- Legislative pardon; *see* Pardon
- Legitimate child (*see* Child: legitimate)
- Legitimation (*see also* Child):
applicability of sec. 205, 1940 Act; 1—301; 3—226, 794; 4—440
Austria:
adoption distinguished from; 6—161
mere acknowledgment does not constitute; 12—199
British Guiana; 9—246
British Honduras; 13—177
California; sec. 230, Civil Code; 6—325; 10—288, 466; 11—183; 12—503, 628; 13—644; 15—370
California; sec. 330, Civil Code; by natural father, effect on citizenship acquisition:
Revised Statutes, sec. 1993; 4—354; 15—341 sec. 314(c), 1940 Act; 3—742
China; 6—305; 10—288
decree of State court (Tenn.) as to relationship, collateral attack by Service upon; 3—657
Dominica, British West Indies; 15—544
Dominican Republic; 13—367
France; 7—338
Germany; 12—210
Greece; 12—99
Guadeloupe, French West Indies; 14—435
Guyana; 13—604
Haiti; 14—183
Hungary; 9—518
Indonesia; acknowledgment does not constitute; 10—744
Italy; acknowledgment or recognition, as; 7—438; 9—268
Italy; child begotten of one married and one unmarried parent; 7—441
Italy; proxy marriage of parents, by; 5—698
Japan; 12—265
Korea; 13—46; 14—561
Liberia; 15—272
loss of citizenship acquired through mother, upon mother's subsequent marriage to alien father; 3—485
Louisiana; 13—666
Massachusetts; 9—244
Mexico; State of Michoacan; 15—248
Michigan; 9—268
Montserrat, West Indies; 14—16
Netherlands; acknowledgment alone does not constitute; 12—11
New York; 10—92
Nigeria; 14—521
Ohio; 7—373
Panama; 13—613
Pennsylvania; child of foreign incestuous marriage; 6—337
Philippine Islands; 11—885; 14—427
Poland; 8—73; 11—287; 14—303
Portugal; 7—448; 9—242

Lawful permanent resident—Continued

- Puerto Rico; 13—367
- Rhode Island; 5—689
- rights of legitimated child retroactive to date of birth; 3—225
- Spain; 9—597
- Surinam; 9—223
- Trinidad, B.W.I.; 10—92
- Virgin Islands; adoption by natural father, as constituting; 11—691
- Yugoslavia; 11—365
- Lewdness, offenses involving; *see* Crimes involving moral turpitude
- Likely to become a public charge; *see* Exclusion grounds: public charge, likely to become
- Literacy, unable to read; *see* Exclusion grounds: illiterate
- Lithuania:
 - acquisition of nationality; 3—701
 - nationality treaty with U.S., 1938; 4—321
- Loss of citizenship; *see* Citizenship-loss

M

- Maintenance of status & departure bond; *see* Bond: maintenance of status & departure
- Manifests; crew and passengers, fines in connection with; *see* Fine
- Marihuana; *see* Deportation grounds: narcotics;
- Exclusion grounds: narcotics; Narcotics
- Marriage:
 - annulment; *see* Annulment
 - between first cousins:
 - contracted in Colorado; validity in Illinois, State of residence; 10—722
 - contracted in South Carolina to avoid statutory prohibition of Wisconsin, State of residence; 12—439
 - between uncle and niece:
 - Calif., intended cohabitation in; 4—239
 - Illinois, intended cohabitation in; 3—465
 - Italy; dispensation by King; 2—619
 - Minnesota, intended cohabitation in; 3—466
 - Nevada; 11—200
 - New York, intended cohabitation in; 15—778;
 - Pennsylvania; foreign marriage; 6—337 8—529
 - Pennsylvania; intended cohabitation in; 4—632
 - Poland (as to Hebrews); 2—618
 - Portugal; 4—239
 - Rhode Island; 2—619; 4—632
 - Rumania; 2—619
 - Russia (as to Hebrews); 2—618
 - Washington; 2—618
 - Wisconsin; intended cohabitation in; 3—466
 - bona fides of; BIA & SIO not precluded from finding a lack of for disc. relief purposes notwithstanding prior unrevoked immediate relative VP; 14—237
 - California, in; following divorce obtained in Mexico at time when both parties thereto residents of & domiciled in Mexico; 13—244
 - California, in; prior marriage not legally terminated; separated from prior spouse over five years and no knowledge if living; sec. 4401(2), Cal. Civil Code; 15—256
 - China, in, 1944, to concubine; prior 1925 marriage not terminated legally until 1967; 12—404
 - Colombia, by religious ceremony without civil registration; 10—767
 - common law:
 - Canada; 5—185

Marriage—Continued

- common law—Continued
 - conflict of laws, Texas and Mexico; 1—301
 - Czechoslovakia; 5—757
 - England; 5—185
 - Hungary; 10—555
 - Mexico; 1—301; 13—177; 14—255
 - Mexico, State of Tamaulipas; 14—608
 - New York; 1—608; 5—163; 8—562
 - Ohio; 11—914
 - Pennsylvania; 10—609
 - Philippine Islands; 14—427
 - Texas; 4—405; 14—255
- contracted [in Belgium] prior to German annulment of preexisting marriage; validity of; 9—275
- contracted to obtain housekeeper; no cohabitation; no fraud; 12—663
- court decree, State (Mich.), affirming validity of 2d marriage despite purported undissolved prior marriage; effect; 11—205
- dissolution of:
 - Buddist; 15—706
- dissolution of, Czechoslovakia (Sudetenland); 3—851
- dissolution of:
 - Hong Kong; unregistered Chinese customary marriage; 15—464
- divorce; *see* Divorce
- Egypt; no wedding ceremony, effect; 15—546
- England; following Moslem divorce obtained *in absentia* in Pakistan; 10—561
- England; requirement of court decree to establish death of former spouse; 6—440
- expatriative effect (marriage to alien), 1907 Act; 2—780
 - Georgia, contracted in; between uncle and niece, 15—778
- Ghana; customary marriage; 14—502
- Hong Kong, in; pursuant Marriage Ordinance; under assumed names; no marriage fraud involved; 12—90
- Hong Kong, in; pursuant Marriage Reform Act (1971); no marriage license; marriage not registered; housekeeper, to obtain; no cohabitation; no fraud 12—663
- Illinois, contracted in, shortly after Mexican divorce prohibiting remarriage within 1 year; 12—237
- Japan:
 - Japanese ceremony in U.S., subsequent registration when both parties in Japan followed by cohabitation; 7—354
 - Japanese or Christian ceremony, registered in accordance with Japanese law, citizen spouse not in Japan at time of registration; 4—622
 - registration, necessity; 6—522
 - registration at time citizen husband was in U.S. and wife in Japan, but preceded by Japanese ceremony and cohabitation in Japan; 6—278
 - registration at time citizen husband was in U.S. and wife in Japan, not preceded by Japanese or Christian ceremony; 4—650, 699
- Jerusalem (Israel) in, contracted between Muslim citizens of Jordan, following Dominican Republic divorce decree not pronounced by Office of Civil Registry; 14—307
- Korea, in; contracted between Korean and U.S. citizen whose prior marriage dissolved by Mexican "mail order" divorce; 11—482
- Macao, Portuguese China, by Chinese custom; validity; 7—587

Marriage—Continued

Mexico, by proxy; following Mexican "mail order" divorce; 10—370

Mexico; State of Morelos; a civil contract; 15—248

Mexico; validity; 1—301; 3—485; 4—405; 13—584; 14—255, 674

Michigan, in; between U.S. citizen and citizen of P.I. whose prior marriage in P.I. to Filipino dissolved by Mexican "mail order" divorce; 12—490

Michigan:

- in; court decree (St. of Mich.) affirming validity of 2d marriage despite purported undissolved prior marriage; effect; 11—205

Michigan:

- in; following Mexican "mail order" divorce dissolving prior marriage; Mich. St. court decree affirming validity of 2d marriage; Mich. A.G. advises validity 2d marriage should not be recognized; effect; 15—31

minors, of:

- Illinois; voidable, not valid; 9—89
- Indiana; voidable not void; 10—444
- Michigan; 13—705, 824
- Wisconsin; voidable, not void; 10—444

miscegenation, as ground of invalidity; 3—480; 7—108

Missouri; contracted before (Okla.) became final; validity; 1—627

Nevada, in; following Mexican "mail order" divorce; 13—26, 152

New Hampshire, in contracted before divorce decree nisi (Mass.) became final; validity; 9—296

New York, in; contracted while spouse by a prior undissolved marriage still living; 11—526

New York, in; following Ecuadorian divorce obtained when neither party physically present; 14—472; 15—218

New York, in; following *in absentia* divorce obtained in Dominican Republic; 15—227

New York, matrimonial domicile in, of parties married in Nevada following Mexican "mail order" divorce; 13—152

New York, in; following mutual consent divorce obtained in Dominican Republic; 15—595, 606

New York, matrimonial domicile in, of uncle and niece, marriage valid where performed; 15—778

New York; presumption of death of spouse; 7—156

Philippine Islands, contracted in:

- between citizens of; husband's prior marriage in P.I. to Filipino dissolved by divorce obtained by first wife in Hawaii; 12—743
- between first cousins; prohibited; 14—686
- between U.S. cit. of P.I. and U.S. Cit. whose prior marriage dissolved by Mexican "mail order" divorce; 11—109; 12—835
- between U.S. cit. and Filipino whose prior marriage dissolved by divorce obtained in U.S. by first U.S. cit. spouse; 12—299
- during life of wife by previous undissolved marriage; 10—43
- in spouse by prior undissolved marriage deceased; 12—160
- tribal marriage, by; valid; 13—393

polygamous, valid where performed; recognition for immigration purposes; effect of subsequent divorce from first spouse; 9—640

presumption of validity:

- California; 7—469 14—93
- England; 6—440
- New York; 1—606; 5—163; 9—513; 15—778

Marriage—Continued

proxy; validity; 4—209; 5—698

Puerto Rico; following Jordanian-Moslem divorce obtained *in absentia*; 10—580

Puerto Rico, in; between U.S. citizen and citizen of Jordan whose prior marriage dissolved by proxy divorce obtained under Jordanian-Moslem law; 11—179

religious, foreign; validity, generally; 3—485, 487; 7—492

religious ceremony, by; Colombia; without civil registration; 10—767

religious ceremony, by; Italy; without civil registration; 11—551

religious marriage ceremony, Mexico; 4—405

remarriage, after Mexican divorce; 3—33, 277; 4—610, 10—370, 11—482

Rhode Island, in; contracted (by libelee) within 2 years after Mass. divorce; validity; 9—667

termination, proof of; reliance on presumption of validity of subsequent ceremonial marriage to establish; 11—483

termination, proof of; Texas, in; contracted before prior marriage dissolved; 15—174

Married minor child of citizen veteran; admissibility under Act of Dec. 28, 1945; 3—40

Medical certificate in exclusion proceedings; 3—47; 12—528

Member (membership) proscribed organization, exclusion or deportation grounds; *see* Subversive

Mentally retarded; *see* Exclusion grounds: mentally retarded, sec. 212(a)(1), 1952 Act

Mexico:

- agreement with U.S., in World War II, as to service of their nationals in the armed forces of either country; 2—244
- bigamy; 1—525; 3—14, 136
- divorce; *see* Divorce; Marriage

Michigan:

- justice court, jurisdiction of; 9—460

Minister of religious denomination; *see* Nonquota immigrant

Minor:

- abandonment; *see* Crimes involving moral turpitude
- capacity to commit crime; 1—613
- competency to expatriate; 1—330; 2—397; 3—470
- dual nationals, election to retain U.S. nationality; *see* Dual national
- expatriation; *see* Citizenship—loss
- juvenile delinquency; *see* Juvenile delinquency
- oath of foreign allegiance; confirmation upon reaching majority; 2—789; 4—22

Miscarriage of justice, gross; question of; 11—730; 12—443, 467; 15—445

Misrepresentation; *see* Exclusion grounds:

- fraud or misrepresentation; *see also* Deportation grounds: visa charge: fraud or misrepresentation

Missionary; eligibility for benefits of sec. 308, Nat. Act of 1940; 3—649

Month; construed by Supreme Court; 2—578

Moral turpitude (*see also* Crimes involving moral turpitude):

- attempt to commit crime; rule for determining turpitude; 2—141; 3—56
- charges of prosecuting authorities to proceed to conviction, as factor; 7—342
- convicted of lesser crime (burglary, New York); 4—241
- criteria adopted by the courts; 1—55, 76, 190, 447,

Moral turpitude—Continued

511; 2—121, 140, 145, 164, 227, 236, 334, 357, 361, 479, 544, 556, 611, 634, 726, 744; 3—274; 7—616
definition, Solicitor of Department of Labor; 2—141
disbarment proceedings, Calif., determination in; 2—739
divisible statute; conviction record refers merely to section of law; 10—136
drunk, offense committed while; 2—737
foreign crime; 2—320, 519, 869; 3—56; 4—17; 5—87; 129
indictment containing allegations not necessary for conviction; 6—98
indictment (one count) charging several acts; 6—444
indictment; use, to determine; 6—795
juvenile, delinquency; *see* Juvenile delinquency
juvenile offense committed in foreign jurisdiction; U.S. standards; 2—319
name of offense as factor; 2—22; 3—3
obliquity of offense as distinguished from obliquity of individual; 2—145
probation officer's report; use, to determine; 1—137
record of conviction; use, to determine; 1—540; 2—213; 3—193; 4—241; 5—463, 642; 7—342
record of conviction; use, to determine; divisible statutes; 2—217, 357; 4—490; 5—65; 6—444; 10—136
State's Attorney's remarks to court at time of sentencing; use, to determine; 10—136
Motion to reopen proceedings; *see* Deportation:
reopening of proceedings; *see also* Exclusion: motion to reopen proceedings
Multiple charges; *see* Deportation grounds:
multiple charges

N

Narcotics (*see also* Crimes involving moral turpitude; Deportation grounds: narcotics; Exclusion grounds: narcotics):

addict:
definition; 2—73, 474; 6—374
distinguished from user; 2—73, 474; 3—620; 8—108
evidence; hospital records; 8—523
evidence, sufficiency of alien's admission which was later repudiated; 8—108
evidence, where alien sentenced to narcotics farm or hospital for treatment; 2—473
dealer in, question of; 2—473
legislative history of Act of Feb. 18, 1931; 1—160
conviction; sealing of the record of (California); 15—661
marijuana conviction record; sealing of; 15—661

National, noncitizen, of United States:

acquisition and loss of nationality; *see also* Citizenship
American Samoa, birth to native of born there in 1941; 15—315
American Samoa, Swains Island; natives born prior to 1952; 3—589, 729; 5—144
birth abroad before Jan. 13, 1941; to noncitizen national parents; 5—990
Guam, natives and inhabitants of; 3—589 loss of status; 15—815
marriage of American woman to racially ineligible alien in 1929, effect upon her nationality status; 2—778
Philippines, citizens of; termination of U.S. nationality on July 4, 1946; 6—182
Philippines, natives of, residing in U.S. since before May 1, 1934; deportability; 3—155, 184, 396

National, noncitizen, of United States—Continued

racial requirements for acquisition of noncitizen nationality; 3—729
sec. 308, 1952 Act, under; question of; 15—102
status of lawful permanent residence; 15—315
VP purposes, for; status equated with that of lawful permanent resident alien; 6—555
Western Samoa, birth in (1952), of native parents; lived in American Samoa since 1 year old and adopted there by U.S. nationals; 15—102
Native-born citizen:
evidence, burden of proof, application for admission to the United States; 3—680
loss of citizenship; *see* Citizenship-loss
wife of, afflicted with disease; exemption under sec. 22, 1917 Act; 2—183
Naturalization (*see also* Citizenship-derivation (after birth) by child born abroad):
absence abroad, sec. 307(b), 1940 Act; timeliness of application; "employed" construed; 4—196
absence abroad; sec. 308, 1940 Act; missionary, clergyman, nun; 3—649
absence abroad; sec. 316(b), 1952 Act:
foreign employment, only part-time; 5—332
one-day visit to Canada; 7—710
study abroad under Public Health Service fellowship; 8—520
absence abroad; sec. 317, 1952 Act:
clergyman sent abroad by private corporation; 8—533
cancellation of; *see* Citizenship-loss:
revocation of naturalization
defined; 3—676
doubt as to loss of citizenship, to remove; 2—274
draft dodgers, ineligibility; 2—300 *see also* Ineligibility to citizenship: alien claiming exemption from military service
foreign, by operation of law; *see* Citizenship-loss:
reacquisition of foreign nationality by operation of law
Lodge Act (as amended), under; honorable discharge after less than 5 yrs. service in Armed Forces; effect; 10—17
petition for; termination of deportation proceedings to permit filing of; 6—713; 9—106; 11—193, 436; 12—782
Puerto Rico, native, born to alien parents; eligibility under sec. 322, 1940 Act; 4—29
repatriation:
Act of June 25, 1936; woman who had lost citizenship through marriage; 1—127, 283; 4—723
sec. 323, 1940 Act, as amended by Act of Aug. 7, 1946; repatriation not deemed "naturalization"; 4—248
sec. 323, 1940 Act, not affected by provisions of sec. 323 (as amended by sec. 23 of Int. Sec. Act of 1950); 5—23
termination of dep. proc. to proceed toward; question of; 6—713; 9—106; 11—193, 436; 12—782; 13—701
Naval personnel, foreign; inspection of; 2—293
New York:
annulment of foreign marriage; effect on persons admitted by virtue of marital status; 3—25, 102
conflict of laws, New York and Nevada; divorce; custody of child; 3—228, 848
Domestic Relations Law:
sec. 7-a, divorce, deserted spouse; 7—156
sec. 81, guardianship of children; 3—710
Mental Hygiene Law; 2—540

Ninth Proviso, sec. 3, 1917 Act:
 criminal offense; railroad employee; border crosser; 2—239
 draft dodger; 2—421
 inadmissible under Act of Oct. 16, 1918; 1—298
 past member British Communist Party; 2—466
Nolo contendere, plea of; 1—619; 5—198, 759
Noncitizen national of United States; see National, noncitizen of United States
Nonimmigrant:
 adjustment of status; *see* Adjustment of status
 alien coming in managerial, executive, or specialized knowledge capacity, sec. 101(a)(15)(L); *see* Intracompany transferee
 alien coming temporarily as trainee [(H)(iii)]; *see* Industrial trainee
 alien coming to perform temporary services [(H)(ii)]; *see* Alien coming to perform temporary services
 alien of distinguished merit and ability [(H)(i)]; *see* Alien of distinguished merit and ability
 application for sec. 245 adjustment; effect on status; 15—191
 bond; DD authority to require as condition precedent to grant status sec. 101(a)(15)(H); 10—710
 change of status, sec. 248, 1952 Act; *see* Status: nonimmigrant, change of
 change to status of, sec. 247, 1952 Act; *see* Adjustment of status
 classification, question of; *see* Immigrant: classification, immigrant or nonimmigrant
 classification as, may not be substituted for pref. classification to overcome quota over-subscription; 10—715
 effect of previously expressed desire to enter as immigrant; 7—651
 exchange visitor; *see* Exchange visitor
 extension of stay:
 application for; authority to adjudicate rests solely with DD; 11—335
 authority to revoke; 9—239; 11—446
 exchange visitor; 11—333
 mere application for; does not preclude deportation as “overstay”; 15—689
 visitor for business; 11—285
 visitor for pleasure; 14—507
 failure to maintain status (*see also* Deportation grounds: status, failure to maintain):
 application for sec. 245 adjustment; effect, *per se*; 15—191
 criminal misconduct; factors in determining whether misconduct constitutes violation of status; 14—451, 465
 failure to maintain status; 15—769
 fiance(e) of U.S. citizen; sec. 101(a)(15)(K), 1952 Act; *see* Fiance(e) of U.S. citizen
 industrial trainee [(E)(iii)]; *see* Industrial trainee
 intracompany transferee; *see* Intracompany transferee
 private bill, introduction of; effect on status; 6—651
 resident of Puerto Rico desiring to visit continental United States; 5—441
 shepherd; took employment outside Association and industry which had petitioned for him; effect; 15—401
 student; *see* Student
 treaty investor; *see* Treaty investor
 treaty trader; *see* Treaty trader
 visitor; *see* Visitor
 waiver of documents; *see* Documentary requirements

Nonimmigrant—Continued

work of permanent nature, coming to perform; *see* Immigrant: classification, immigrant or nonimmigrant
Nonquota immigrant (*see also* Immediate relative; Returning lawful permanent resident alien):
 accorded nonquota status previously, question of; sec. 204(c), 1952 Act, as amended [formerly sec. 205(c)]; *see* Visa: petition for; sec. 204(c), 1952 Act
 child, adopted; sec. 101(b)(1), 1952 Act; 5—289; 8—118, 151, 242; *see also* Child: adopted
 child born abroad to accompanying lawful resident mother; 3—215, 262
 child born out of wedlock, classification as stepchild, 1952 Act; 5—120, 731; 7—623, 685; 11—449, 455; *see also* Child: stepchild
 child born out of wedlock in China, legitimate as to mother; 6—305
 child born out of wedlock in France; acknowledged by citizen husband of mother but not natural father; 7—338; *see also* Child: legitimated
 child born out of wedlock in Italy; acknowledged by mother; 7—438
 child born out of wedlock in Jamaica; legitimation by natural father in Ohio; 7—343
 child born out of wedlock, mother subsequently naturalized; 5—272
 child, Chinese, of citizen veteran, Act of Aug. 19, 1950; 4—388
 child of foreign incestuous marriage; destined to Pennsylvania; 6—337
 child, minor, accompanying mother, a native of Western Hemisphere country, sec. 4(a), 1924 Act; 2—290
 child, minor, entered into marriage after issuance of visa under sec. 4(a), 1924 Act; 3—528, 613
 Chinese spouse of U.S. citizen; sec. 4(a), 1924 Act; 4—552
 classification as; right to petition for lies solely in citizen spouse; 11—446
 eligible orphan; *see* Child: eligible orphan
 former citizen, sec. 101(a)(27)(E); arrival after Dec. 24, 1953; 6—172
 marriage to U.S. citizen, contracted solely to obtain quota exemption; 8—217
 marriage to U.S. citizen; effect of prior sham marriage to obtain nonquota status; 9—544
 marriage to U.S. citizen; no *bona fide* marital relationship; nonquota VP filed under compulsion of court order; 11—315
 marriage to U.S. citizen, parties separated; 5—305; 11—446
 marriage to U.S. citizen; prior marriage terminated by Buddhist divorce obtained in India
 marriage to U.S. citizen; prior marriage terminated by Jordanian-Moslem divorce obtained *in absentia*; 10—580
 marriage to U.S. citizen; prior marriage terminated by Mexican “mail order” divorce; 8—16
 marriage to U.S. citizen; prior marriage terminated by Turkish canonical divorce; 9—430
 marriage to U.S. citizen in England; prior marriage terminated by Moslem divorce obtained *in absentia* in Pakistan; 10—561
 minister of religious denomination:
 bona fide organization:
 Salesian Society of Catholic Church; 5—700
 Salvation Army; 5—173
 Vedic Society of America, Inc.; 10—758
 failure to actively carry on vocation during required

Nonquota immigrant—Continued

minister of religious denomination—Continued
2 yr. period; question of; 1—147 3—162; 10—712
minister; sec. 4(d), 1924 Act; 1—147; 3—162
need for services; question of; 10—712; 14—165
seeking to enter “solely” to carry on vocation of;
5—700; 10—712, 758
sec. 2, Act of Oct. 24 1962:
retention of status; question of; 10—701, 750
sec. 4, Act of Sept. 22, 1959:
eligibility for preference quota status need not be
continuous and uninterrupted; 9—471
fourth pref. applicant adopted after 14th birthday
ineligible; 9—67
retention of parent-child relationship; age or marital
status of child, as factor; 9—92, 471
“status”, as used in proviso, construed; 9—471
sec. 6, Act of Sept. 22, 1959:
beneficiary spouse not related to petitioner at time
of entry to U.S.; 8—626
eligibility for preference quota status need not be
continuous and uninterrupted; 9—472
retention of parent-child relationship; age or mari-
tal status of child, as factor; 9—92, 471
status, as used in proviso, construed; 9—471
sec. 25(a), Act of Sept. 26, 1961:
retention of “relationship”; question of; 11—710
stepchild; adopted by alien parent prior to marriage to
U.S. citizen; 8—242
stepdaughter, adult, not within sec. 101(a)(27)(A),
1952 Act; 5—512

Non vult contendere, plea (N.J.); effect; 3—793
Northern Ireland, juvenile delinquency; 3—772

Norway:

citizenship treaty between U.S. and Norway; 3—98
nationality; 3—98, 597, 668

Notice to detain crewman (see also Fine):

appeal from notice or order to detain; 1—370
delegation of powers by Service office in charge to
immigrant inspector; 1—365, 470
duty to detain, absolute character of; 1—370, 419
form of notice; 1—370
medical treatment, necessary, landing of crewman for;
1—556
validity of notice where crewmen's names not
specified; 1—365

Nunc pro tunc relief:

permission to reapply for admission; 1—6; 6—73
14—593
sec. 3, 7th Proviso, 1917 Act; 1—6; 3—571
sec. 5, Act of Sept. 11, 1957; 7—713; 8—608
sec. 7, Act of Sept. 11, 1957; 8—608
sec. 211(c) and (d), 1952 Act; 8—131
sec. 211(e), 1952 Act; 11—249
sec. 212(c), 1952 Act; 5—598; 6—392, 405
sec. 212(d)(3), 1952 Act; 8—285, 302
sec. 212(d)(4)(A), 1952 Act; 8—485
sec. 245, 1952 Act; 10—187; 13—161

O

**Oath of allegiance, foreign (see also Citizenship-
loss: oath of allegiance to foreign state, by):**
actual taking distinguished from mere written sub-
scription; 1—548
agreement to perform military duties distinguished
from oath of allegiance; 2—306

Oath of allegiance—Continued

Church of England, oath taken by priest upon ordina-
tion; 1—598
employment by foreign government, Canada, in con-
nection with; 2—232
fealty, oath of, distinguished from oath of allegiance;
1—598
minor's:
expatriative effect; confirmation upon reaching
majority; 2—263, 789, 908; 4—22
State Department policy; 2—792
private concern, employment by; 1—317, 673
reservations to retain United States citizenship;
1—598
Royal Canadian Mounted Police and affiliated law en-
forcement agencies; 1—674
taken in U.S., effect; 1—558
voluntariness, foreign military service (Lithuania);
3—701
war, while United States was at (World War I);
2—268, 792

Oaths:

power of immigration officers to administer; 4—415;
5—29
seaman's certificate of American citizenship (Revised
Statutes, sec. 4588), requirement of oath under
Treasury Department regulations; 1—581

**Oral argument; see Appeal; see also Board of Immi-
gration Appeals: appeal, deportation cases**

**Order to show cause; see Deportation: order to show
cause**

**Organizations, subversive; exclusion and deporta-
tion grounds related to; see Subversive**

Orphan, eligible; see Child: eligible orphan

**Other documentation; sec. 212(a)(19), 1952 Act; see
Documentation, other; sec. 21:(a)(19)**

“outlying possession”; construed; 9—558
**outlying possessions of the United States; Philip-
pines; 4—575; 9—558**

P

**Pacifism, determination whether prejudicial to
interest of United States; 5—248**

**Pandering, distinguished from charge “assisting a
prostitute”; 3—290**

Pardon:

absence of pardoning authority; effect on deportability
under sec. 241(a)(4); 12—750
act of grace and mercy; 2—590
character, whether absolute or conditional; 3—551,
810
conditional (“to avoid deportation”):
New York; 6—355
Ohio; 5—630
Vermont; 3—551
deportability; no effect upon, where evidence exclu-
sive of conviction record sustains ground; 3—469
deportability under sec. 241(a)(1), 1952 Act; 6—90
deportability under sec. 241(a)(11); effect on; 15—170
deportability under sec. 241(a)(12); effect on, where
evidence exclusive of conviction record insufficient
to sustain charge; 7—370
dismissal of information (Nev.); effect; 13—56
excludability, effect on; 6—90, 96
expungement; deportability (sec. 241(a)(4)) after;
4—265; 9—159; 13—592, 672
expungement; deportability (sec. 241(a)(11)) after;
8—429; 10—526; 12—476; 14—364

Pardon—Continued

expungement; excludability after; 5—194
expungement of conviction for conspiracy to distribute marijuana under Federal Youth Corrections Act; 15—725
expungement under State law of conviction as youth offender; not tantamount to expungement under Fed. Youth Corrections Act; 14—364
extinction of conviction record (Italy), equivalent of legislative pardon; 5—129
Florida; for municipal offense; 12—750
foreign; effect on deportability; 4—717; 5—129
foreign; effect in exclusion proceedings; 3—723; 7—166
Georgia, State Board of Pardons, by; effect; 15—125
Hawaii, by Governor of; 6—214
legislative; effect of repeal of Pennsylvania pardon statute; 2—588, 8^o2; 3—575
legislative (Pennsylvania); not effective to prevent deportation under 1952 Act; 5—612; 6—444
mayor of first-class city (Neb.), by; 8—59
narcotics conviction, pardon for; effect on deportability and subsequent excludability; 12—325, 335
narcotics conviction, vacated in *coram nobis* action; effect on deportability; 13—592
offenses covered by; ambiguity present (R.I.); 3—808
restoration of civil rights:
 Illinois; 3—211
 Nebraska; 3—209
 Washington; 5—10
 Wisconsin; 4—73; 3—677
savings clause, sec. 405, 1952 Act; 5—630
sealing of conviction record under state law; effect of; 15—661
State board (supreme pardoning authority of State), by; 7—476
U.S. High Commissioner for Germany, by; 9—336
Parent; effect of adoption on relationship to natural parent; 9—46, 116, 567; 11—55
Parent, question of; sec. 101(b)(2); 8—140, 355; 10—363; 12—353; 14—88; 15—370
Parole:
 adjudication of admissibility prior to termination of; 13—798
 administrative device of long standing; extraordinary remedy; 3—45
 alien brought involuntarily to U.S. & paroled for prosecution; question of subsequent exc. proc.; 14—367
 arrest (criminal) & escape from custody during, apprehension 7 yrs. later; effect on parole status; 13—587
 authority to grant; not limited to DD's 14—367
 availability in exc. proc. to asylum claimants; 14—403
 conviction during, of violation of sec. 275, 1952 Act; exclusion proceedings precluded; 15—77
 conviction of alien during; effect on admissibility; 9—143; 14—370
 entry, distinguished from; 2—175; 3—543
 "indefinite"; within statutory contemplation of "temporary"; 14—367
 legislation enacted during parole of alien; effect on admissibility; 9—170
 naturalization, former citizen (sec. 323, 1940 Act); 1—562
 revocation of; Navy enlistee on Temporary Disability Retired List; propriety of exclusion proceedings; 15—508
 revocation of; right to hearing; 1952 Act; 8—406

Parole—Continued

 termination of, sec. 212(d)(5); does not change status as applicant for admission; 9—70
Passage paid by a society, alien's; see Exclusion grounds: assisted alien
Passenger manifest; fines in connection with; see Fine
Passport Act of May 22, 1918:
 application to immigrants under 1924 Act; 1—368 effective period; 6—540
Passport, Irish, not conclusive proof of citizenship; 14—429
Passport, issuance by Governor of Samoa or Guam, not an adjudication of U.S. nationality; 3—589
Passport, laborer's limited; Japanese or Koreans who entered Hawaii with; right to come to mainland; 3—565
Passport, obtained by fraud in Rumania; moral turpitude; 1—73
Passport, U.S., erroneously issued, does not confer citizenship despite lack of fraud; 10—770
Paternity; blood tests as evidence of; 5—149, 232, 351
Pauper, see Exclusion grounds: pauper
Pauperia, in forma; see Appeal
Pennsylvania, legislative pardon; see Pardon: legislative
Perjury (see also Crimes involving moral turpitude; False testimony):
 admission of commission (*see also* Crime, admission of commission):
 assorted cases; 1—14, 101, 205; 2—206, 285, 353, 486, 831; 3—236
 correction of misstatement (recantation); 3—823
 dismissal of criminal proceedings, effect; 3—623
 belief or knowledge of falsity of statement, as factor; 9—218
 board of special inquiry, before; 1—614
 Civil Service Commission, before; 2—210
 common law; 1—670; 2—210, 359
 consul of U.S., before; 1—614; 2—596
 correction of misstatement, timeliness; 1—359; 2—494; 3—823
 discretionary relief, bar to; 1—79; 2—492, 593, 700, 712, 905
 draft board, before; 2—210
 false swearing, distinguished from; 1—123
 general, in; 1—14, 101, 123, 204, 217, 359, 422, 450, 584; 2—206, 285, 360, 498; 3—664
 homestead application, in; 1—583; 2—210
 juvenile, by Federal Juvenile Delinquency Act of June 18, 1938; 1—614; 3—69
 materiality:
 Canada: not essential; 1—327; 2—819
 criminal record; 3—641
 employment, fact of; extension of stay; 4—696
 marital status; 1—217; 2—206
 marital status of accompanying woman; 1—70
 Michigan law, under; 1—669
 name and identity; 2—638; 3—823
 past practice of prostitution; 1—376
 prior residence in U.S.; 1—613; 2—206
 whereabouts of husband; 1—121
 naturalization proceedings, in; 1—79; 2—593, 700, 712, 905
 notarial officer appointed by State, before; 1—666
 reentry permit application; 1—613, 666
Permanent residence; see Lawful admission to the

- U.S. for permanent residence; Lawful permanent resident; Residence
- Permission to change schools; *see* Student: permission to change schools
- Permission to reapply for admission (*see also* Exclusion grounds: permission to reapply, no):
 advance permission; authority to grant in dep. proc., question of; 14—593
 adverse factors, grant notwithstanding; *see* favorable factors outweigh unfavorable ones under this main-line entry
 agricultural laborer; effect on future entries; 10—231, 618
 alien commuter; failure to indicate deportation in immigrant visa application; 15—563
 alien removee absent U.S. 27 years; 11—740
 alien stowaway ordered detained on board and deported without hearing; necessity of perm. reapp.; 13—103
 applicant beneficiary of 6th pref. VP; repeated violations of immigration laws; effect; 14—357
 “arrested and deported”, sec. 212(a)(17); question of; 13—103
 conclusion of proceedings; as factor for retroactive grant; 15—620
 conditional permission; question of; 14—357
 criminal record, as factor; 10—694
 discretionary denial; 11—740; 14—357, 371, 387
 factors considered in passing upon application for; 5—769; 14—371
 favorable factors outweigh unfavorable ones; 14—357, 361, 375; 15—563
 ineligible for waiver of excludability under sec. 212(a)(9); as factor; 10—694
 mandatorily excludable sec. 212(a)(23) because of narcotic conviction; as factor; 10—776
nunc pro tunc; 6—73; 14—593; 15—563, 620
 past immigration record, as factor; 8—476, 566; 10—622, 666; 14—357, 371, 387
 possible future need for medical treatment, as factor; 10—666
 return to U.S. (prior 1929) following arrest and deportation; 2—180; 3—76
- Permit to reenter the United States; *see* Reentry permit
- Petty offenses; *see* Exclusion grounds: crime, admission or conviction: petty offenses
- Philippine Independence Act of 1934:
 effective date; 6—429; 7—242
 legislative history; 2—341; 3—402
- Philippine Islands:
 birth in; no claim to U.S. citizenship by virtue of; 14—447
 birth there in 1896 of Spanish parents, natives of Puerto Rico; citizenship status; 3—286
 citizenship laws; 3—404
 deportation to; wife native; 3—404
 divorce, foreign, dissolving marriage contracted in Philippines by former national; recognition of; 8—177
 marriage, contracted in; question of validity; *see* Marriage
 outlying possession of U.S. sec. 201(e), Nat. Act of 1940; 4—575
 persons from, in U.S.; status under immigration laws:
 entry occurred on May 1, 1934; 7—242
 last entry into U.S. before May 1, 1934; 3—155 184, 396; 4—569
- Philippine Islands—Continued
 last entry into U.S. after May 1, 1934; 2—340; 5—668; 11—321
 termination of U.S. nationality on July 4, 1946; 6—182
- Physical persecution; sec. 243(h), 1952 Act; *see* Withholding of deportation
- Place of deportation:
 area controlled by U.S.S.R. as result of World War II (including Poland); no showing that U.S. has recognized division of Poland; 3—575
 country of citizenship (Philippines) thru marriage; 3—404
 deportation proceedings; authority of administrative officer and local field officer, respectively; sec. 20, 1917 Act, as amended by sec. 23, Int. Sec. Act of 1950; 4—472
 deportation proceedings; authority of hearing officer and Board of Immigration Appeals; 5—29, 261, 589
 designated by alien; unconditional acceptance, as factor; 14—429
 designation by alien; notice under 8 CFR 242.17(c) of right to apply for sec. 243(h) benefits, question of; 13—771
 designation by alien, reopening to withdraw; question of; 12—696
 designation of alternate country by SIO; country designated by alien did not unconditionally accept him; 14—429
 designation of alternate country by SIO; notice required by 8 CFR 242.17(c) of right to apply for sec. 243(h) benefits; 13—771
 designation of alternate country not required by sec. 243(a); 12—815
 designation of alternate country under step 3 of sec. 243(a); question of abuse; 12—573
 designation of country in OSC; question of; 12—516, 573
 designation of country (Br. Honduras) precluded by sec. 243(a); 15—162
 designation under sec. 243(a); necessity of inquiry as to willingness to accept alien prior to; 10—57; 12—815
 designation under step 3 of sec. 243(a); accepting country, possible subsequent action by, as factor; 10—428
 designation under step 3 of sec. 243(a); discretionary nature of; 10—428, 469
 evidence to establish where alien stands mute; admissibility of information from seaman discharge book; 11—489
 exclusion and deportation proceedings; sec. 18 and 20, 1917 Act, distinguished; 4—396
 Federal Republic of Germany (West Germany), sec. 243(a); alien alleged subject, national, or citizen of East Germany; 10—57
 Formosa, as country of nationality, sec. 243(a); birth on mainland of China; 9—575
 physical persecution, claim of; jurisdiction of; 5—212, 214
 place of embarkation in connection with last entry, sec. 20, 1917 Act; 3—270
 stateless alien (became after entry); 13—636
- Plea of guilty; *see* Crime, admission of commission
- Plea of nolo contendere; *see* Crime, admission of commission
- Plebiscite, voting in foreign; *see* Citizenship-loss; voting in foreign election or plebiscite
- Poland, deportation to; 3—575

Polish nationality; 2—598
 Political asylum; *see* Asylum
 Political election, voting in foreign; *see* Citizenship-loss; voting in foreign election or plebiscite
 Political offense:
 exception to criminal ground of exclusion; 2d proviso, sec. 3, 1917 Act; 1—108
 Jewish person in Germany in 1935; attempted fraud; 1—47
 Polygamy (*see also* Crimes involving moral turpitude):
 distinguished from bigamy; 6—9
 Possession of United States; noncitizen national; 3—589, 729
 Possession of U.S., outlying; *see* “outlying possession”
 Preexamination (*see also* Discretionary relief: Voluntary departure):
 adjacent island, defined; 3—704
 exceptional meritorious; 2—709; 3—704
 Fascist Party, Italy former member; 2—587
 good moral character requirement; 7—726
 ineligible to citizenship (alien's claim of exemption from military service); 2—549, 3—249
 internee, alien enemy; 2—587
 marriage to U.S. citizen, divorced prior to Dec. 24, 1952; 5—542
 marriage to U.S. citizen after commencement to deportation proceedings; policy; 5—736
 marriage to U.S. citizen subsequent to deportation order; policy; 4—189
 perjury in naturalization proceedings, as factor; 1—79
 presumption of validity of 2d marriage insufficient to establish eligibility, when evidence of termination of prior marriage unsatisfactory; 7—582
 quota exhaustion as ground for denial; 2—608
 seventh proviso relief (sec. 3, 1917 Act) in connection with; 1—36; 3—724
 Preference under quota; *see* Quota preference
 Prejudicial to U.S. interests; *see* Subversive; Exclusion grounds: prejudicial to interests of U.S.
 Presumption of continuance of original citizenship; 2—382
 Presumption of loss of citizenship (sec. 2, 1907 Act):
 generally; 1—398, 4:39, 464, 563, 587
 loss of citizenship thru foreign residence; *see* Citizenship-loss: residence abroad by naturalized citizen, through
 Prevention of Crime Act (England); 3—776
 Prevention of departure:
 permanent resident; “needed” in U.S. court proceedings; question of; 11—599
 Previous deportation. *see* Exclusion grounds:
 consent to reapply, *ro*
 Private bill:
 introduction of, effect on nonimmigrant status, 6—651
 status acquired thereby preserved under sec. 405(a), 1952 Act; 6—287
 Procurement of documentation; sec. 212(a)(19), 1952 Act; 7—73
 “Profession”; defined; 11—686
 Professional chorus dancer; contract labor; 1—594
 Professional singer; contract labor; 1—682
 Professor, sec. 4(d), 1924 Act; 1—149; 3—162
 Proof; *see* Burden of proof; Evidence
 Prostitution:
 Commissioner General of Immigration, reports; 2—666
 compulsory, New York; 1—217, 505

Prostitution—Continued

deportation or exclusion grounds relating to; *see* Deportation grounds; Exclusion grounds
 house of; distinguished from house of assignment; 3—199
 Psychopathic inferiority; schizophrenic; 2—129
 Public charge; *see* Deportation grounds:
 public charge, became; Exclusion grounds:
 public charge, likely to become
 Public charge bond; *see* Bond, public charge
 Public expense, institutionalized at (sec. 241(a)(3), 1952 Act); *see* Deportation grounds: public expense, institutionalized at
 Puerto Rico:
 birth in, 1908, of Spanish parents; father in 1899 opted Spanish nationality; citizenship status; 9—188
 foreign country, for entry purposes to mainland; 1917 Act; 3—632
 native (born 1895 to alien parents); eligibility for naturalization under sec. 322, Nat. Act of 1940; 4—29
 Spanish parents born in; child born in Philippines in 1896; citizenship status; 3—286

Q

Quota Act of 1921, as amended; exemption 9 (returning residents); 3—813

Quota nationality:

accompanying child or wife; sec. 12, Act of 1924:
 infant's quota nationality assimilated to that of father who arrived one month earlier; 1—93
 wife and child, quota nationality assimilated to that of husband/father who was excluded under 8 CFR 175.57; 3—613
 accompanying spouse, foreign state of; alternate chargeability to; alien within exception of section 202(b)(2), 1952 Act, eligible altho born in Western Hemisphere; 14—106, 271
 adopted child (sec. 101(b)(1)(E), 1952 Act); chargeable to quota adoptive parent; 11—371
 change of sovereignty not effective until issuance of Presidential proclamation authorizing quota revision; 3—712
 nonquota alien child (sec. 101(a)(27)(C), 1952 Act); charged against quota of accompanying parents to obtain benefits under sec. 245; 5—750
 parent, foreign state of; alternate chargeability to; alien within exception of sec. 202(b)(4), 1952 Act, eligible, altho born in Western Hemisphere; 14—82
 special immigrant (sec. 101(a)(27)(A) within exception of sec. 202(b)(1), 1952 Act; chargeable to foreign state of accompanying parent; 15—443
 expatriated United States citizen chargeable to country of citizenship; 15—676
 special immigrant (sec. 101(a)(27)(A) within exception of sec. 202(b)(2), 1952 Act; chargeable to foreign state of accompanying spouse; 14—106, 271
 special immigrant (sec. 101(a)(27)(A)) within exception of sec. 202(b)(4), 1952 Act; chargeable to foreign state of either parent; 14—82
 special immigrant (sec. 101(a)(27)(A)); alternate visa chargeability, sec. 202(b)(4), 1952 Act; question of; 14—726
 Quota preference:
 Act of 1924:
 child of skilled agriculturist arriving in U.S. to join him after he abandoned his vocation; sec. 6 (a)(1)(B), 1924 Act; 3—798

Quota preference—Continued

Act of 1924—Continued

Chinese persons, spouses or parents of U.S. citizens; secs. 4(a) and 6(a)(1)(A), 1924 Act; 4—552
East Indian race, alien of; 4—187

Act of 1952 (*see also* Act of 1952, as amended by P.L. 89—236, under this mainline title):

sec. 203(a)(1):

accordion maker; 11—128
actress, not previously employed as such; 5—454
arc welder; 8—595
artist; 10—753
automotive equipment, maintenance and repair of; 7—290
baker, of hearth-baked breads; 11—255
baker, supervision of speciality bakery; 7—233
beauty operator; 10—626
beneficiary sole owner of petitioning corporation; 8—24
beneficiary will not be in actual employ of petitioning organization; 11—25
broommaker; 7—637
cabinetmaker; 7—93; 10—794
cantor; 10—317
cattle ranch hand (herdsman); 10—663
classification under may not be substituted by (H)(i) classification to overcome oversubscribed quota; 10—715
dentist; 11—25
domestic workers, without special skills; 7—292
electrical draftsman; 7—688
employment, limitation on period; 7—632, 634
employment, permanence not certain; 5—454
entertainer, mbr. of singing & acting comedy troupe; 10—699
export manager; 5—434
farmhand, experienced; 5—341
farm machinery operation and maintenance; 5—321
gardener, shearing and care of ornamental trees; 5—529
hairstylist; 7—640
intern; 8—190
judo instructor; 11—233
librarian (catalogue), assistant; 11—282
masseuse; 11—9
mechanical engineer; 7—632
nurse, licensed in England; 7—430
orchardist, supervisory; 7—721
orthopedic shoemaker; 9—467
sample stitcher; 10—764
spouse; marriage occurred after entry of principal alien; 7—731
spouse; principal alien granted interlocutory divorce decree; 11—148
spouse of principal alien arrived six weeks later; 5—722
State and municipal occupational license or permit requirements, effect; 7—430
statutory standards:
beneficial to welfare & cultural interests of U.S.; 11—293
combination of, as establishing eligibility; 7—236
exceptional ability; 5—454; 10—699
high education; 7—287
other considerations as denial basis, statutory requirements met; 7—632
qualification under any one, adequacy; 7—277

Quota preference—Continued

Act of 1952—Continued

sec. 203(a)(1)—Continued

statutory standards—Continued
services, need in or benefit to U.S., as qualifying; 7—292
skill, degree required; 7—283
specialized experience; 7—93, 277, 283
urgent need; 7—637; 8—595; 9—467; 10—317, 626, 753; 11—67, 123
stewardess, flight; 7—634
tailor; 7—206, 277, 423; 8—509; 9—299; 11—71
teacher, no previous teaching experience; 7—37
teacher of religious subjects; 7—286
weaver (reweaver), woolen mill; 5—527

sec. 203(a)(2):

adopted child; foreign court waiver of residence requirement, effect; 8—633
adopted son or daughter; eligibility; 8—527
mother, marriage by religious ceremony but not civil ceremony (Italy); 7—492
natural parent of adult citizen adopted during infancy but who did not enter U.S. as adopted child; 11—55
natural parents of adult citizen child adopted in conformity sec. 101(b)(1)(E); eligibility; 9—567
natural parents of adult citizen child adopted in U.S. after age 14; eligibility; 9—46
parent of minor U.S. citizen; 11—42
stepmother, through marriage to the natural father of an illegitimate child; 11—449
stepparent; marriage creating relationship occurred when petr./stepdaughter 23 years old; 10—555

sec. 203(a)(3):

adopted child; 5—556
adopted son or daughter; eligibility; 8—527
approved petition lapsed when beneficiary-child attained age 21; revalidation under Act of 9/22/59; 9—92, 471
child adopted in conformity sec. 101(b)(1)(E); eligibility benefits from natural parent; 9—116
child, illegitimate; proxy marriage of parents in Italy; 5—698
child of national (but not citizen) of U.S.; 6—555
spouse, marriage in U.S. by Japanese custom; 7—354
spouse; proxy marriage; 5—698

sec. 203(a)(3):

stepson; marriage creating relationship terminated; 10—363
“unmarried”; question of; 11—551

sec. 203(a)(4):

adopted son; validity of adoption proceeding in office of foreign consul in U.S.; 5—733
adopted son or daughter; eligibility; 5—438
8—527
brother of citizen, both born out of wedlock, legitimated after reaching age 18; 6 617
brother through adoption; 6—180; 10—497
death of resident alien parent before issuance of visa; 6—321
half-brother; 6—325
half-brother born out of wedlock; 5—610
half-brother born to common father and his Chinese concubine; eligibility; 9—396
half-sister of citizen, born out of wedlock, legitimated after reaching age 18; 7—441

Quota preference—Continued

Act of 1952—Continued

sec. 203(a)(4)—Continued

"sister" of citizen, both born out of wedlock;
6—210, 786

son; proxy adoption; 6—634

stepdaughter, a half; 5—512; 8—592

Act of 1952, as amended by P. L. 89—236:

sec. 203(a):

accompanying child (sec. 203(a)(9); effect of death
of principal alien on status of; 14—122

accompanying child (sec. 203(a)(9); preceded prin-
cipal alien to U.S.; effect; 14—122

alien within exception of sec. 202(b)(1), although
born in Western Hemisphere, may within al-
ternate chargeability be accorded any classifi-
cation under sec. 203(a) for which eligible;
15—443

alien within exception of sec. 202(b)(2) or (4),
altho born in Western Hemisphere, may within
alternate chargeability be accorded any classifi-
cation under sec. 203(a) for which eligible;
14—82, 106

alternate visa chargeability; see. 202(b)(4); ques-
tion of; 14—776

brother or sister; petr. and benef. must have once
qualified as "children" of common "parents"
within sees. 101(b)(1) and (2) of Act; 15—216

daughter of national (noncitizen) of U.S., native
and citizen of Western Samoa; 15—315

native of independent country of Western Hemi-
sphere, preferences not available to; 14—342

sec. 203(a)(1):

adopted daughter; over 21 when adoption oc-
curred; 12—47

adopted son; adopted in China, *in absentia*; over
14 when true parental relationship created;
14—71

unmarried son; previously deported under sec.
241(c); ineligible; 14—110

sec. 203(a)(2):

child born in China to native of China and his
concubine; 14—379

child born in Hong Kong to native of China and
his Chinese concubine; 13—302

daughter, born out of wedlock in Nigeria; 14—521

daughter of national (noncitizen) of U.S., native
and citizen of Western Samoa; 15—315

spouse of alien conditional entrant in U.S. less
than 2 years; 12—609

spouse of lawful permanent resident; born in
Western Hemisphere, within exception of sec.
202(b)(2), 1952 Act; eligible; 14—106

unmarried children of lawful perm. resident; born
in Ecuador; 14—342

unmarried daughter, born in Western Hemi-
sphere, within exception of sec. 202(b)(4), 1952
Act; eligible; 14—82

"unmarried"; question of; 12—22

unmarried son, born in Western Hemisphere, in-
eligible; sec. 202(b)(4) exception; 14—726

sec. 203(a)(3):

academically qualified, petition denied not-
withstanding; 13—268

accountant; 12—153, 649; 13—506

advisory opinion; effect in determining profes-
sional qualifications; 12—649

agriculturist/agronomist; 13—668

anthropologist; 13—110

Quota preference—Continued

Act of 1952, as amended by P. L. 89—236—Continued

sec. 203(a)(3)—Continued

artist, commercial; 12—66

auto mechanic technician; 11—654

automatic qualification on basis (H)(i) status;
question of; 12—758

beneficiary currently employed in nonprofessional
occupation; 11—643, 881; 13—16

beneficiary intends to work part-time in another
field while doing graduate study in own field;
12—765

beneficiary presently precluded from engaging in
his profession in U.S.; 11—904; 12—680

beneficiary will remain employed outside U.S.;
12—413

biochemist; 11—777

biological sciences, professional occupations in;
11—777

biologist; 11—643

business administration, occupations in; 11—881;
13—35

chemist, organic; 11—800

chiropractor; 11—698

computer programmer; 12—501

counselor, school; 12—754

counselor, vocational (rehabilitation); 12—459

criminologist; 13—106

dentist; 12—680; 13—675

dietitian; 11—869; 13—340

dress designer and milliner; 11—657

economist; 11—845; 12—17

economist, financial; 11—686

employment; never in professional occupation; ef-
fect; 13—506

engineer, aircraft maintenance; 12—416

engineer, ceramic; 12—789

engineer electronic; 13—75

engineer mechanical; 11—751, 802

entomologist; 11—843

"exceptional ability"; defined; 11—657; 12—758

"exceptional ability" in the arts, person of;
11—909; 13—13, 125

forestry specialist; 12—413

geneticist; 11—694

geophysicist; 12—151

golfer, professional tournament; 13—125

hotel manager; 12—535

industrial designer; 13—118

intent to work in U.S. in qualified field; necessity
of establishing; 11—751; 13—16

intern; 13—122

journalist; 12—701

lawyer; 11—904

lecturer; 11—909

librarian; 11—847; 13—203

librarian, law; 11—779

librarian, medical record; 12—785; 13—733

mathematician; 11—876

minister of religion; 11—697

nurse, professional; 12—418

nursery manager; 13—668

nutritionist; 13—286

pharmacist; 12—15; 13—16

physician; 13—122

physicist; 11—652

"profession"; defined; 11—686

professional status; B.A. degree does not auto-
matically confer; 11—686, 688; 12—537; 13—35

Quota preference—Continued

Act of 1952, as amended by P.L. 89—236—Continued

sec. 203(a)(3)—Continued

professional status; combination education and experience, as constituting; 11—800; 12—17; 13—8, 203

professional status; effect of advisory opinion in determining; 12—649

professional status; must be qualified member of professions at time of filing VP; 14—45

psychologist; 12—537

psychologist, clinical; 12—542

puppeteer; 13—18

silviculturist; 12—413

singer; 12—758

social worker; 12—146; 13—61, 406

soil scientist; 12—20

teacher; 11—672, 860; 13—8

technologist, mechanical; 12—498

technologist, medical; 11—660; 13—581

translator; 12—148

veterinarian; 11—867

zoologist; 11—715

sec. 203(a)(4):

claimed adoptive relationship, based on; factual validity of relationship must be determined; 14—199

daughter, married; issued of tribal marriage in Philippines; 13—393

sec. 203(a)(5):

adoptive brother; 14—460

adoptive sister (blood niece); ineligible; 12—484

brother; born in Western Hemisphere, within exception of sec. 202(b)(1); eligible; 15—443

brother; Canadian citizen born in U.S.; ineligible; 15—676

brother; eligible notwithstanding adopted when 2 years of age; 12—495

brother or sister; petr. and benef. must have once qualified as "children" of common "parent" within secs. 101(b)(1) and (2) of Act; 15—145

brother; Western Hemisphere native within exception of sec. 202(b)(2), 1952 Act; eligible; 14—271

Canadian citizen, expatriated U.S. citizen, ineligible; 15—676

child, accompanying; preceded principal alien to U.S.; effect; 14—122

child accompanying or following to join; death of principal alien prior to admission; effect; 14—122

child, minor, of 5th pref. immigrant; married between visa issuance and entry into U.S.; 12—156

half-brother, born out of wedlock, never legitimated, common father; 12—11

half-brother; issue of common father and latter's concubine in Hong Kong; 15—312

half-brother; issue of common father and latter's concubine in Korea; 14—561

half-brother, issue of common father's polygamous Hindu marriage in Pakistan; 12—409

half-sister; born out of wedlock, legitimated after reaching age 18; 15—215

stepsister; 13—552; 15—145

sec. 203(a)(6):

beneficiary will not be paid by petitioning organization; 12—762

certification by Sec. of Labor, necessity of notwithstanding beneficiary might be exempt from

Quota preference—Continued

Act of 1952, as amended by P.L. 89—236—Continued

sec. 203(a)(6)—Continued

if applying as nonpreference immigrant; 13—290

contractor or construction superintendent; 13—290

designer, clothes, assistant; 12—612

employer, question of; 12—762, 772

employment, temporary or seasonal in nature; question of; 12—772, 800

hair stylist; 12—492

intent to employ; question of; 11—817; 12—54, 612

intent to work in U.S. in qualified field; necessity of establishing; 11—751

maid, general (live-in); 12—54, 731

orthopedic shoemaker; 11—817

painter, house; 12—402

petitioner, order of dep. outstanding against; 12—800

petitioner's financial ability to meet salary specifications of Labor Certification; question of; 12—612

sample stitchers; 12—261

secretary; 12—772

State license or permit requirements; effect on eligibility; 12—492

sec. 203(a)(7):

alien crewman refugee in U.S.; 11—689, 746, 749

alien who entered U.S. upon false claim to citizenship; 11—798

authority, sole, to determine classification under; 11—749; 12—75

Communist or Communist dominated country; "fled"; construction of; 13—626

fled from; question of; 12—40, 124, 201; 13—626; 14—384

conditional entrant applicant not in same legal posture as sec. 243(h) applicant; 12—866

conditional entrant in U.S. less than 2 years; ineligible accord wife 2d pref. status; 12—609

country within general area of Middle East: fled from; question of; 12—392; 14—27 Kenya, not; 13—113

eligibility, determination of; must be made individually, on all the facts; 12—866

"fled"; construed; 13—626; 14—27

physical presence in U.S., period of:

less than 2 years; 11—746

temporary absence; effect generally; 14—681

term "prior to application for adjustment"; construed; 11—785

refugee from Cuba in U.S.; 11—518

resettled in another country, firmly; determination of; 12—81, 117, 121, 178, 411; 14—499

resettled in another country, firmly; effect; 12—36, 117

uprooted by catastrophic natural calamity, etc; question of; 12—526

substitution by nonimmigrant classification to fulfill same job; question of; 10—715

transfer to nonquota status; see Nonquota immigrant: secs. 4 and 6, Act of Sept. 22, 1959

R

Race; child born abroad while mother (a lawful perm. res.) temporarily absent from U.S.; admissible notwithstanding; 3—215, 262

- Racial eligibility to citizenship; *see* Ineligibility to citizenship
- Racial test, not applicable to collective naturalization through annexation of territory; 3—733
- Readmission of returning resident alien; *see* Returning lawful permanent resident alien
- “Reasonable suspicion”:
within ambit of Br. gnoni-Ponce; question of 15—453
- Recommendation against deportation:
alien & court unaware of provisions of sec. 241(b); effect; 13—497
- challenge of propriety of; 9—678
- crime for which alien was not convicted but which was “part and parcel of the same pattern”, effect of recommendation; 3—623
- effect upon excludability; 9—121
- evidence exclusive of conviction record sufficient to sustain ground of deportation; 3—468
- exclusion will not be based on crime as to which court previously made timely recommendation against deportation; 3—236
- limitation of, sec. 241(b), 1952 Act; 6—823; 11—530
- made following retrial & resentencing; effect; 8—389; 9—293, 613
- narcotics offense; recommendation made before 1952 Act; 5—343; 6—505, 579, 709; 8—94
- narcotics offense; recommendation made before 1952 Act; effect on exclusion proceedings; 6—709
- notice to Service, prior; sec. 241(b), 1952 Act; 6—426; 8—689; 14—462
- smuggling aliens for gain (sec. 241(a)(13)); ineffective to defeat; 11—521
- timeliness; sec. 241(b), 1952 Act; 5—531; 7—227; 8—389, 686, 689; 9—293, 613; 13—342; 14—462
- timeliness (sec. 241(b), 1952 Act); challenge of; 9—678
- Record of entry, amendment or correction; *see* Entry record, amendment or creation, to show admission for permanent residence
- Reentry permit:
admission as servan. of foreign government official in 1919; not entitled to; 3—638
- application for; sec. 223, 1952 Act:
abandonment of residence; question of; 11—261; 14—290, 393
- alien upon departure will execute an outstanding deportation order; 14—55
- discretionary denial; 14—55
- illegal entrant; 10—661
- intent of departure, as factor; 14—393
- intent of departure; factors to be considered in determining; 15—166
- recent admission for permanent residence; 14—390
- submitted after departure from U.S.; 10—649
- temporary departure; question of; 10—669; 14—290, 390, 393; 15—466
- equivalent to nonquota immigrant visa under sec. 405(a), 1952 Act; 5—183
- evidentiary value in establishing that alien's absence was temporary; 4—143
- forgery in application for; sec. 22(a), 1924 Act; 3—126
- inadvertently issued to alien not qualified to receive; right to enter on basis of; 4—189
- issuance to alien not domiciled in U.S.; 3—519
- oath to application; authority of State notarial officer to administer; 1—666
- Refugee, classification as; sec. 203(a)(7), 1952 Act, as amended, under proviso to; *see* Quota preference:
- Act of 1952, as amended by P.L. 89-236: sec. 203(a)(7)
- Refugee of German ethnic origin; sec. 12, D.P. Act of 1948; 3—838
- Refugee status under 1967 Protocol Relating to Status of Refugees:
claim of; BIA has no jurisdiction to consider in exc. proc.; 14—504
- effect of Arts. 32 & 33, UN Convention of 1951, on deportability; 14—310
- Refugee status: United Nations Convention of 1951:
claim to; BIA has no jurisdiction to consider in exc. proc.; 14—504
- deportability, effect of Arts. 32 and 33 of Convention of; 14—310
- determination of: Biafra, Nigeria; stateless native of; 15—520
- finding of, by contracting nation; effect on other contracting nations; 15—520
- finding of, circumstances leading to have ceased to exist; effect; 15—520
- presence in U.S., unlawful; eligibility factor, as; 15—534
- Regulations of Service, have force of law; 1—636; 3—716, 828
- Regulations of Service; validity notwithstanding inadvertent omission of amendment in annual rev. ed. of Title 8 CFR; 14—405
- Relation back doctrine; applications:
annulment of marriage, New York; 3—25, 102
- revocation of naturalization; 3—275; 4—373, 702; 5—678, 759
- Religious denomination (sec. 101(a)(27)(F), 1952 Act); *see* Nonquota immigrant: minister of religious denomination: bona fide organization
- Remained longer; *see* Deportation grounds: remained longer
- Remained outside United States to evade military service; *see* Citizenship—loss: evading service in armed forces, departing U.S. or remaining out
- Removal, application for; sec. 250, 1952 Act; need of public aid, in; 11—136
- Renunciation of United States citizenship; *see* Citizenship—loss
- Reopening of proceedings, motion for; *see* Deportation: reopening of proceedings; *see also* Exclusion: motion to reopen proceedings
- Repatriation by person who lost United States citizenship; *see* Naturalization: repatriation
- Representation before Service and BIA:
reputable individual, by; *ad hoc* basis only; 15—
- Reputable individual, Representation by:
8 CFR 292.1(b) contemplates *ad hoc* basis; 15—251
- Rescission of adjustment of status; sec. 246, 1952 Act:
applicability of sec. 241(f) in rescission proceedings, question of; 12—456; 13—399; 14—235
- as sole procedure for rescinding sec. 245 adjustment; question of; 12—616
- authority of BIA or SIO in dep. proc. to consider validity of DD's order rescinding sec. 245 adj. of status; 12—44
- burden of proof; 8—96; 10—536; 11—606; 12—830; 13—399
- delay of 3-1/2 years in initiating proceedings; not denial due process; 13—827
- evidence; 11—585; 12—830; 13—374, 399, 827
- examination facts to determine good moral character

- Rescission of adjustment of status; sec. 246, 1952 Act—Continued**
 at time of grant not estopped by dismissal pertinent counts in criminal proceedings; 11—805
 ineligibility for other numerical classification; essential allegation in notice, when basis is ineligibility for numerical classification accorded; 15—784
 institution of proceedings matter of discretion; 12—487
 marriage on which adjustment based annulled (Calif.) for fraud unrelated to immigration laws; effect; 14—625
 refusal of alien to testify on matters within personal knowledge & failure to rebut Govt. evidence of fraud; 13—827
 retroactive application of provisions; 14—710
 time limitation; 13—439
 time limitation, sec. 246; does not bar subsequent exclusion or deportation proceedings; 9—548
 timeliness; question of; 8—96; 13—439; 14—710
- Residence:**
 abandonment of; effect on liability to induction into Armed Forces; 14—160
 abandonment of; factors in determining; 14—399
 abandonment of, question of; 11—740; 14—399
 abroad, by naturalized citizen, as act of expatriation; *see* Citizenship-loss; residence abroad by naturalized citizen, through
 abroad by dual national; *see* Dual national (election of nationality)
 abroad by foreign born child of U.S. citizen; loss of U.S. citizenship through foreign residence; *see* Citizenship-loss: retention requirements, sec. 201 (g), (h), and (i), 1940 Act
 commuter, as permanent resident of U.S., 1952 Act; 5—716
 distinguished from domicile, as used in 7th proviso to sec. 3, 1917 Act; 1—631, 646; 2—170
 effect of statute of limitations barring deportation; 6—540
 foreign, requirement of, exchange alien; waiver of; *see* Waiver of foreign residence requirement, sec. 212 (e), 1952 Act
 permanent; abandonment of by parents, imputed to accompanying child subject to their custody and control; 15—451
 permanent; termination and/or abandonment of; 11—740
 permanent; amendment or creation of entry record to show; *see* Entry record, amendment or creation, to show admission for permanent residence
 within contemplation of sec. 202(b)(4), 1952 Act; question of; 14—726
- Resident alien's border-crossing card: constructive possession; 3—136**
- Resident alien returning as seaman-workaway; visa exemption; 3—887**
- Res judicata:**
 doctrine applicable to issue which could have been raised on judicial review; 13—161; 15—48
 doctrine inapplicable to administrative decisions; 3—575, 866
 drug addict, conviction under state law; 6—374
 expatriation, declaratory judgment suit, sec. 503, 1940 Act; 7—407
- Restoration of civil rights: *see* Pardon: restoration of civil rights**
- Returning lawful permanent resident alien (*see also* Seventh proviso, sec. 3, 1917 Act);**
- Returning lawful permanent resident alien—Continued**
 advice furnished by American Consul re reentry documentation presumed correct absent evidence to contrary; 12—443
 alien minor, following 1954 adm. for perm. resid. ret'd by father to Mexico where she resided until 1964; 11—171
 alien minor, following adm. for perm. resid. taken by parents (upon abandonment of their U.S. perm. resid. in 1968) back to Germany where he resided until 1972; 15—451
 alien who departed U.S. intending to let future events determine his course; classification as; 9—216
 burden of proof; 15—258
 commuter; *see* Commuter
 crewman; temporary employment ashore in Saipan; waiver of documents; 7—314
 determination of admissibility; 5—312; 12—358
 documents, waiver; sec. 211(b); *see* Documentary requirements: waiver of; sec. 211(b), 1952 Act
 marriage on which entry for perm. resid. based annulled *ab initio*; 7—565; 15—274
 marriage to U.S. citizen on which original admission based was not a viable marriage at time of visa issuance and admission; 15—572
 naturalized citizen who expatriated during temp. visit abroad; 11—414
 nonquota immigrant; *see* Nonquota immigrant
 reentry permit; *see* Reentry permit
 return from temporary absence abroad; question of; 8—249; 13—557; 14—492;
 seaman-workaway; 3—887
 sec. 212(c), 1952 Act, relief under:
 absence of few hours to Canada; effect of *Fleuti* decision on eligibility; 10—506
 absolute and unlimited waiver of excludability; question of; 12—736
 alien excluded and deported; eligibility; 10—460
 alien, native of Mexico, has not departed U.S. since becoming deportable; relief not available; 13—696
 alien outside U.S. since 1933; 5—658
 alien remains deportable, where; 7—274
 alien repatriated to native country (50 USC 21) 6—778
 application for, not coupled with sec. 245 application; necessary meet stat. requirement returning to resume lawful domicile; 13—696
 availability to sec. 245 applicant (in dep. proc.) not returning to U.S. after a voluntary departure; 11—325; 15—720
 availability to sec. 249 applicant lacking lawful U.S. domicile; 9—103
 deportable for entering without inspection; 5—389, 642
 deportable prior to departure; 6—392; 7—140 fee; 7—327
 deportable prior to departure for conviction of marijuana violation; statutory eligibility; case remanded for consideration *nunc pro tunc* waiver; 15—566
 good moral character, requirement of; 7—368
 granted to cover readmission over a 3-year period; 12—736
 inadmissibility, ground of; considered by Congress in granting sus./dep.; effect 10—491
 lawful domicile of seven years, requirement of; 5—116; 6—136

Returning lawful permanent resident alien—Continued

- sec. 212(c), 1952 Act, relief under—Continued
 - lawful unrelinquished domicile of seven years; question of; 15—244
 - nunc pro tunc* grant; 5—598; 6—392, 405
 - Regional Commissioner, by; 7—327
 - seven-year domicile must follow lawful admission for permanent resident; 15—720
 - special inquiry officer, by; 6—537
 - statutory eligibility; deportable prior to departure; remand for consideration *nunc pro tunc* waiver; 15—566
 - stowaway, right to hearing; 5—712
- Revocation of approval of visa petition; *see* Visa: petition for: revocation of approval, sec. 206
- Revocation of naturalization; *see* Citizenship-loss; Revocation of naturalization
- “Right” of alien to indefinitely remain illegally in U.S. on basis of citizen child; question of; 14—488

S

- Salvation Army, as religious denomination; *see* Nonquota immigrant; minister of religious denomination: bona fide organization
- Samoa, American; *see* American Samoa
- Savings clause (sec. 3, Act of Nov. 2, 1966):
 - sec. 246 application of Western Hemisphere native denied prior 12/1/65 on criminal grounds; 12—399
- Savings Clauses (sec. 405, 1952 Act):
 - deportability under:
 - Act of 1917; 6—410
 - Act of Oct. 16, 1918, of former member of Nazi Party; 5—255
 - sec. 241(a)(1), 1952 Act:
 - arrival in 1922; 6—540
 - entry in 1921; 6—242
 - sec. 241(a)(2), 1952 Act:
 - entry in 1921; 6—242
 - last entry 1922; 6—540
 - last entry in 1931; 5—642
 - sec. 241(a)(2) and (9), 1952 Act, of student admitted before 1952; 6—458
 - sec. 241(a)(11), 1952 Act:
 - conviction in 1937; 5—261
 - recommendation against deportation before 1952; 5—343; 6—519
 - loss of nationality under sec. 201(g), 1940 Act; effect of sec. 301, 1952 Act; 5—291; 7—646; 8—221, 226
 - pardon, conditional, issued prior to Dec. 24, 1952; 5—630
 - pardon legislative, issued prior to Dec. 24, 1952; 5—612
 - private bill, intended to bestow status, enacted prior to 1952 Act; 6—247
 - reentry permit issued prior to Dec. 24, 1952, as equivalent of immigrant visa; 5—183
 - sec. 13(c)(1), 1924 Act, prior “right” or status under; reentry permit issued after Dec. 24, 1952; 7—229
 - seventh proviso, sec. 3, 1917 Act; application filed after Dec. 24, 1952; 10—778
 - seventh proviso, sec. 3, 1917 Act, pending application under; 5—101
 - statute of limitations, prior status under; 6—540
 - suspension of deportation, application filed after June 27, 1952; 5—467
 - voluntary departure, application filed before Dec. 24, 1952; 5—522

School, approval for nonimmigrant attendance; *see* Approval of school

Seaman:

- bona fide*, not; lack of consent to reapply after arrest and deportation; 2—12; 3—83
- crew list or manifest, offenses in connection with; *see* Fine: crew lists, manifests
- deportation procedure, 1917 Act; 1—290, 689; 2—404
- deportation procedure, 1952 Act; 5—127
- deportation proceedings, sec. 34, 1917 Act; 1—290; 2—404
- detention, appeal from order requiring; 1—365
- detention or deportation, failure of; *see* Fine discretionary relief:
 - citizen wife and child; 5—736
 - no family ties in United States; 1—259; 3—869
 - recently arrived; 1—278; 3—869
 - service in U.S. Merchant Marine during war years; 6—670
 - vol./dep.; granted anew; factors to be considered; 13—528
- exclusion on criminal ground; 1—20; 2—404
- immigrant, brought without, or with improper visa; *see* Fine: immigrant visa, bringing immigrant who lacked
- resident alien, right to hearing; 5—712
- shore leave, sole authority of primary inspector; 2—512
- status, elements creating; 6—540; 13—85, 537
- Secs. 5, 6, and 7, Act of Sept. 11, 1957; *see* Discretionary relief
- Sec. 9, Act of Sept. 11, 1957; *see* Adjustment of status
- Sec. 13, Act of Sept. 11, 1957; *see* Adjustment of status
- Section 101(a)(15)(H)(i), 1952 Act; *see* Alien of distinguished merit and ability
- Section 101(a)(15)(H)(ii), 1952 Act; *see* Alien coming to perform temporary services
- Section 101(a)(15)(H)(iii), 1952 Act; *see* Industrial trainee
- Section 101(a)(15)(K), 1952 Act; *see* Fiance(e) of U.S. citizen
- Section 101(a)(15)(L), 1952 Act; *see* Intracompany transferee
- Section 203(a)(9), 1952 Act; *see* Accompanying or following to join
- Section 204(c), 1952 Act, as amended; *see* Visa: petition for: sec. 204(c), 1952 Act, as amended
- Section 211(b), 1952 Act; *see* Documentary requirements: waiver of; sec. 211(b), 1952 Act
- Section 211(c) and (d), 1952 Act; *see* Discretionary relief
- Section 212(a)(14), 1952 Act, as amended; *see* Exclusion grounds: certification by Sec. of Labor, sec. 212(a)(14)
- Section 212(a)(23), 1952 Act; *see* Deportation grounds: narcotics, offense relating to;
- Section 212(a)(28)(I) exemption; *see* Subversive: membership in proscribed organization: exemption under sec. 212(a)(28)(I)
- Section 212(c), 1952 Act; *see* Returning lawful permanent resident alien; sec. 212(c), 1952 Act, relief under
- Section 212(d)(3), 1952 Act; *see* Discretionary relief
- Section 212(d)(4), 1952 Act; *see* Documentary requirements: waiver of, sec. 212(d)(4)
- Section 212(e) waiver; *see* Waiver of foreign residence; sec. 212(e), 1952 Act

- Section 212(h) [formerly sec. 212(g)]; *see* Exclusion grounds: crime, admission or conviction: waiver of
- Section 212(i) [formerly sec. 212(h)]; *see* Exclusion grounds: fraud or misrepresentation, sec. 212(a)(19): waiver of
- Section 215, 1952 Act; *see* Prevention of departure
- Section 241(a)(2), 1952 Act; *see* Deportation grounds: remained longer
- Section 241(a)(11), 1952 Act; *see* Deportation grounds; narcotics, offense relating to
- Section 214(d), 1952 Act; *see* Fiance(e) of U.S. citizen; sec. 101(a)(15)(K), 1952 Act, as amended
- Section 241(f), 1952 Act, as amended; *see* Deportation grounds: visa charge: fraud or misrepresentation: sec. 241(f) exemption
- Section 243(h), 1952 Act; *see* Withholding of deportation, application for; sec. 243(h), 1952 Act, as amended
- Section 244(f)(3), 1952 Act; *see* Suspension of deportation: native of adjacent island or contiguous country
- Section 245, 1952 Act; *see* Adjustment of status
- Section 246, 1952 Act; *see* Rescission of adjustment of status
- Section 247, 1952 Act; *see* Adjustment of status
- Section 248, 1952 Act; *see* Status: nonimmigrant change of, sec. 248
- Section 249, 1952 Act; *see* Adjustment of status
- Section 256, 1952 Act; *see* Fine: paying off or discharging crewman, sec. 256
- Section 292, 1952 Act; *see* Exclusion: right to counsel
- Selective Training and Service Laws:**
- false statements to avoid service, moral turpitude; 3-249; 4-509; 5-29
- neutral alien claiming exemption; *see* Ineligibility to citizenship
- Sentenced to confinement:**
- aggregate sentences to confinement of 5 yrs. or more, 212(a)(10); question of; 14-24
- California; commitment to Youth Authority; 4-136; 8-660
- commitment under Fed. Youth Corrections Act; 8-360
- commutation of sentence, effect of; 6-562
- "confinement", what constitutes, sec. 241(a)(4); 9-380
- Illinois State Reformatory at Pontiac, Ill.; 5-370
- Massachusetts Reformatory for women; 2-530
- Massachusetts State farm, as defective delinquent; 5-538
- more than once:
- assorted cases; 1-209, 440, 490; 2-578; 3-605; 4-73
- one year or more: sentenced to 3 years confinement; imposition of sentence suspended and placed on probation; Texas; 15-616
- Philippine Islands, native of; residing in U.S. since before May 1, 1934; for crimes committed after that date; 3-184, 396
- sentences for separate offenses imposed at same time; 3-575
- narcotics offenses; *see* Deportation grounds: narcotics, offenses relating to
- New York:**
- Defective Delinquents Institution at Napanoch, N.Y.; 3-48
- State Reformatory at Elmira, N.Y.; 12-106
- Sentenced to confinement—Continued**
- New York—Continued**
- Vocational Institution at West Coxsackie, N.Y.; 4-544
- New Jersey; commitment to State hospital under N.J. Sex Offenders Act; 8-256**
- new order imposing sentence 4 years after suspension of imposition of sentence with probation; 8-504
- one year or more:
- commuted sentence; 6-562
- imposition of sentence suspended with probation for 5 years; 7-577
- indeterminate sentence, when deemed to be for one year or more; 1-209, 540; 10-501, 671
- sentence of "twelve months", N.J.; 2-579
- sentence suspended; 3-580; 6-346
- sentenced for three separate offenses, three counts; 3-460
- probation, confinement as incident to; where verdict of guilty may later be set aside (Calif.); 1-343
- retrial after long term in prison, followed by sentence to probation; 3-187
- retrial after prison term partly served, followed by sentence to probation; 9-380
- suspended, wholly; effect as to crime prior to entry; 3-569
- U.S. Public Health Service Hospital at Lexington, Ky., in; 5-52
- Service records; confidential nature; 6-573**
- Seventh proviso, sec. 3, 1917 Act (*see also* Returning lawful permanent resident alien):**
- applications for relief prior to application for admission to the United States; 1-79; 4-226
- application not pending on Dec. 24, 1952; now ineligible; not within sec. 405(a), 1952 Act; 10-778
- application pending on Dec. 24, 1952, preserved by sec. 405(a), 1952 Act; 5-101
- bigamy charge; 1-525
- conditional grant of relief; 2-486; 3-571
- conviction of crime; consideration of facts outside record of conviction; 1-8
- criminal cases, elements to be considered; 3-767
- documentary requirements, 1924 Act; 4-463
- domicile:
- absence from United States of 23 years; 4-226
- deportation does not necessarily terminate; 1-646; 2-168
- illegal entry, based on; 1-166; 2-168, 460
- interruption of 7-year period by deportation or exclusion; 1-367; 4-82
- minor's domicile followed that of parent's; 2-87
- seaman, accumulated 7 years of residence thru failure to depart pursuant to voluntary departure privilege; 4-1
- temporary absence of 8 months; 1-631
- fraudulent procurement of visa; excludable under sec. 212(a)(19), 1952 Act; 5-494, 502
- good moral character; 4-211
- illiteracy; 2-168, 620; 3-807
- immigration laws, crime committed in scheme to defeat; 1-525; 2-486, 606
- indecent exposure; 2-633
- insanity, prior; 2-87; 5-101
- Int. Sec. Act of 1950, sec. 6(a), effect upon earlier orders granting advance applications for relief; 4-260
- narcotics offense, conviction of; 1-293
- naturalization frauds, perjury; 1-79; 2-593, 700, 712, 905; 3-343

Seventh proviso, sec. 3, 1917 Act—Continued
 neutral alien claiming exemption from military service; 2—858; 4—180
nunc pro tunc grant; 1—1
 policy, generally; 3—571, 767, 804
 rape; 3—480
 restitution of money to Government as condition of grant; 2—486
 subsequent entries, effect of previous grant of relief upon; 5—146
 subversive ground; 3—784, 787; 4—260
 suspension of deportation; ineligibility under sec. 19(d), 1917 Act, effect of; 1—204; 2—459, 698; 3—571
 war, alien seaman in U.S. by reason of; 4—1

Shepherd:
 took employment outside Association and industry which had petitioned for him; deportability, question of; 15—404

Single scheme of criminal misconduct, sec. 241(a)(4), 1952 Act; see Deportation grounds: convicted of two crimes: single scheme of criminal misconduct

Sister or brother; effect of adoption on natural relationship; 12—495

Sister or brother; see Quota preference: Act of 1952: sec. 203(a)(4); see also Quota preference: Act of 1952, as amended by P.L. 89-236: sec. 203(a)(5)

Skilled agriculturist; quota preference for child following to join him; maintenance of status; sec. 6(a)(1)(B), 1924 Act; 3—798

Smuggling aliens for gain; see Deportation grounds: smuggling aliens for gain

"Son" or "daughter"; construed; 5—438; 14—521

Soviet Union; recognition by U.S.; 2—247

Special immigrant:
 born Japanese Embassy compound in Mexico City while father a diplomat representing Japanese Govt. in Mexico; 12—425
 minister of religious denomination; see Nonquota immigrant
 U.S. citizen expatriates by acquiring Canadian citizenship; 15—676
 Vietnamese citizen honorably employed by U.S. Government in Saigon for more than 15 years; employment involuntarily terminated when Embassy close when Vietnamese Government capitulated; 15—786

Special inquiry officer; (see also Immigration Judge):
 continuance of hearing reopened at alien's request and for his benefit; within discretion of SIO; 14—664
 decision on request for vol./dep.; use of Form I-38, propriety of; 15—297
 discretion, exercise of, on all facts present; 13—661
 failure to take cognizance of Service action in analogous cases on unsettled question of law; 15—439
 motion to suppress evidence allegedly unlawfully obtained (18 U.S.C. 2518); exc. proc.; authority to adjudicate; 14—73

powers delegated by Attorney General:
 adjudicate, or review denial of, application for sec. 212(e) waiver in dep. proc.; no authority; 10—53, 154, 372; 15—1
 application for change of status, sec. 248, 1952 Act; no jurisdiction; 10—291
 application for extension of stay; no jurisdiction; 11—335
 authority in dep. proc. to adjudicate visa petition to accord pref. status under sec. 203(a)(1), no; 10—53

Special inquiry officer—Continued
 powers delegated by Attorney General—Continued
 authority in dep. proc. to consider appeal from DD's bail determination; alien ordered to surrender for deportation; 13—457
 authority in dep. proc. to consider application for sec. 212(c) waiver in conjunction with sec. 245 application; 11—325
 authority in dep. proc. to consider motion to reopen where appeal from SIO's prior decision dismissed by BIA for lack of jurisdiction without consideration on merits; 14—591
 authority in dep. proc. to consider request for change of venue; 15—590
 authority in dep. proc. to consider validity of order of DD rescinding sec. 245 adj. of status, no; 12—44
 authority in dep. proc. to determine alien's eligibility at time of admission for exemption under sec. 212(a)(28)(D); 8—554
 authority in dep. proc. to determine alien's eligibility for 6th pref. status in conjunction with sec. 245 application, no; 11—592; 15—772
 authority in dep. proc. to determine breach of bond, no; 15—598
 authority in dep. proc. to determine issue of exchange visitor's governmental financing in conjunction with sec. 245 application; 15—85
 authority in dep. proc. to determine Sched. C pre-certification qualifications of nonpref. sec. 245 applicant, no; 13—572
 authority in dep. proc. to extend vol./dep. date initially specified by SIO; question of; 13—59
 authority in dep. proc. to grant *advance* permission to reapply; question of; 14—593
 authority in dep. proc. to grant *nunc pro tunc* permission to reapply; question of; 14—593; 15—620
 authority in dep. proc. to grant *nunc pro tunc* waiver of passport requirement; 11—249
 authority in dep. proc. to reopen to consider grant of vol./dep. anew; 13—523
 authority in dep. proc. to review and modify DD's bond determination; 14—523
 authority in dep. proc. to review DD's decision not to revalidate 3d pref. VP in conjunction with sec. 245 application, no; 14—691
 authority in exc. proc. to consider claim of political asylum; 14—403
 authority in exc. proc. to consider sec. 245 application; not affected by inadvertent omission of pertinent regulation in annual rev. ed. of 8 CFR; 14—405
 authority in exc. proc. to determine whether representation on which Labor certification based was correct; 13—195
 authority in exc. proc. to grant sec. 212(g) and (h) waivers; 11—175
 authority, on motion of DD, to terminate dep. proc. as "improvidently begun" after entry final dep. order; 13—51
 authority to parole alien under sec. 212(d)(5), 1952 Act; 14—718
 authority to review DD's action instituting dep. proc., no; 13—680
 grant of vol./dep.; necessity to fix vol./dep. date & include alternate dep. order; 13—435
 question of fact; determination of credibility of witnesses, by; 7—417

Special inquiry officer—Continued

powers delegated by Attorney General—Continued
question of law, determination of pursuant to sec. 103(a); effect; 6—388
restriction of cross-examination of Govt. witness; 9—646; 13—790
substitution; objection to lies only when made at hearing; 14—283
substitution; question of; 5—743; 14—237, 283; 15—120
unavailability; determination of; 14—237

State Department; power to waive immigrant visa requirement for returning resident; 3—582

Stateless alien, became after entry; deportable notwithstanding; 13—636

Status (*see also* Adjustment of Status):
alien recipient of benefits of sec. 241(f) of 1952 Act, as amended; 15—458
change of status of employee of official of designated international organization, notwithstanding prior unlawful presence; sec. 3(7), 1924 Act; 2—773
failure to maintain (*see also* Deportation grounds: status, failure to maintain):
application for sec. 245 adj., *per se*, by lawful nonimmigrant; question of; 15—191
criminal misconduct; factors in determining whether misconduct constitutes violation of status; 14—451, 465
engaged in unauthorized employment; treaty investor; 15—65
immigrant, derived thru parent under sec. 203(a)(9); effect of parent's death on status; 14—122
nonimmigrant, change of sec. 248, 1952 Act:
agricultural laborer, ineligible; 8—419
alien not presently in status; effect; 11—601
alien of distinguished merit and ability, to employee of treaty investor; 10—425, 717
alien of distinguished merit and ability; to visitor for pleasure; 11—601
application for; not within jurisdiction of BIA or SIO; 10—291
application for change of status to student accompanied by DSP-66; effect; 11—603
employee of foreign govt. (A-2) [originally admitted as exchange visitor], to student; denied; 13—316
exchange visitor, eligible; 8—482; 10—787
exchange visitor, to status of; applicant citizen of country not signatory to Exchange Visitor Program; effect; 11—603
exchange visitor, to status of; for additional practical training; 14—559
exchange visitor, to status of; proposed activity not within sponsor's program; 12—446
student, to exchange visitor, for more practical training; already 18 mos. practical training as student; 14—559
student to H-1 temporary worker; applicant not a bona fide nonimmigrant, application denied; 15—727
student to H-1 temporary worker where student is actually an intending immigrant; application denied; 15—727
student, to industrial trainee; 10—668
treaty investor, to status of; alien intending to invest, ineligible; 15—681
treaty investor, to status of; intent to invest; effect; 15—681
treaty investor, to status of; national of Italy ineligible; 11—393

Status—Continued

nonimmigrant, change of sec. 248, 1952 Act—Continued
treaty trader, to status of; 7—426; 11—290, 815
visitor, to student; inadequate evidence of maintenance; 10—785; 11—678
visitor (former exchange alien nurse), to student; 10—620
visitor (who accepted employment), to student; 10—646
visitor (49-year-old dependent mother of 4 children), to student; 10—706
visitor to student to study cosmetology, below the legal age for undertaking such study; application denied; 15—698
visitor, to student, where proffered affidavit of support was inadequate; effect; 15—698
visitor for business, to status of (painter-to paint, exhibit & sell his works); 11—430
visitor for business, to student; failure to establish *bona fide* nonimmigrant; 14—344
visitor to treaty investor; 15—681
visitor to treaty investor; alien intends to invest funds on deposit in savings account; ineligible; 15—681
nonimmigrant, change to, sec. 247, 1952 Act; *see* Adjustment of status
nonquota; *see* Nonquota immigrant
permanent residence; *see* Residence

Statutory construction:
expatriation laws strictly construed; 2—309, 433
strict literal interpretation avoided in certain cases; 1—420

Stepchild; *see* Child

Stepparent, question of:
marriage creating relationship occurred when stepdaughter 28 years old; 10—555
marriage creating relationship terminated; 10—363; relationship continued thereafter; 13—688
relationship created through marriage to natural parent of illegitimate child; 11—449, 537, 628
stepdaughter, altho married, had not reached age 18 when marriage creating step-relationship occurred; 12—427

Stipulations of fact; *see* Evidence: stipulations of fact

Stop, Border; *see* Border Stop

Stowaway (*see also* Fine: stowaway):
removal jurisdiction where stowaway ordered detained on board escaped vessel and remained in U.S.; 9—356
voluntary departure; *see* Voluntary departure

Student:
alien seeks entry as; in possession only of visitor visa; 13—251
approval of school attendance by; *see* Approval of school
permission to accept employment:
change in economic situation as controlling factor; 7—661
economic necessity, due to unforeseen circumstances; question of; 15—398, 424, 457, 542
practical training, for; graduate chemical engineer; 7—682
prospective employer's inability to fill job locally, not germane factor; 15—398
permission to change schools:
bona fide student and an approved institution; 11—409

Student—Continued:

- permission to change schools—Continued
 - not bona fide student; 11—125
 - to attend school friends are attending; 15—494
 - to pursue unrelated course of study; 11—138
- spouse of (F-2); permission to work, no authority to grant; 13—306
- status of; effect of conviction of crime; 9—100
- status of; effect of induction into armed forces; 4—630
- status of; violation; *see* Deportation grounds:
 - status, failure to maintain
- Subpoena; hearing officer's authority to compel production of Service records; 5—60
- Subversive:
 - advocacy of doctrine of world Communism; 5—509
 - affiliation with Communist Party:
 - affiliation, what constitutes; question of; 5—112; 6—496
 - Finnish Workers Federation; 9—14
 - IWO; 6—20, 597
 - Young Communist League of U.S.; 4—596
 - anarchist; evidence; 6—726
 - armed forces, foreign, service in, as exclusion grounds; 4—336, 363
 - Canadian Tribune (Communist publication); 4—450; 5—500
 - Communist Party:
 - Canada; 4—745; 5—49
 - Cuba (Partido Socialista Popular); 5—242
 - England; 5—72, 105; 7—186
 - Germany; 3—784; 5—202
 - U.S.A.; 3—411, 136; 4—475; 5—95, 112, 175, 484; 6—265, 713
 - Communist Political Association of U.S.A.; 5—26
 - constitutionality of statutes; 3—411, 736
 - Cuban Nationalist Association; founder and spokesman of; 12—475
 - defector status; *see* under this mainline title membership in proscribed organization: exemption under sec. 212(a)(28)(I), 1952 Act
 - destruction of free enterprise, adherent of principles directed toward:
 - physician in Russian dispensary; 4—370
 - school teacher in Russia; 4—368
 - entry, date of, as factor; 4—596, 745; 5—49, 202; 7—186
 - Ethnikon Apeletherotikon Matopom (National Liberation Front), Greece; 6—67
 - Finnish Workers Federation; 9—14
 - force and violence:
 - advocacy of, personal; materiality; 9—376
 - proof of:
 - Communist Party, Great Britain; entry in 1947; sec. 241(a)(1), 1952 Act; 7—186
 - Communist Party, U.S.A., 1925—1939; 3—411
 - Communist Party, U.S.A.; administrative notice in lieu of proof; 6—210; 7—186
 - Communist Party, U.S.A., 1933—1935; entry in 1945; sec. 241(a)(1), 1952 Act; 6—219
 - no longer required (Int. Sec. Act of 1950); 4—167, 475, 745; 5—49, 95; 6—219
 - political activity by party in State forbidding such activity by organization advocating overthrow of Govt.; as defense; 9—252
 - Socialist Workers Party; 9—252
 - International Workers Order; 1—450; 3—411; 4—578; 6—20, 597
 - Killing, assaulting, officers of organized government; motive as factor in determining whether offense was "political"; 4—108

Subversive—Continued

- Labor Progressive Party of Canada; 3—777; 5—451, 500
- literature, proscribed, distribution of:
 - Communist Party, U.S.A.; 3—440
 - Finnish Workers Federation; 9—14
- membership in proscribed organization:
 - after original entry for permanent residence; membership terminated prior last entry; 8—122, 577
 - essentials of living, to obtain; 11—228
 - evidence of:
 - alien registration form, statements in; 4—475
 - applicability of *Rovault* decision; 7—728; 8—122; 9—127
 - burden of proof (*Castelum-Quinones*); 10—431
 - refusal of alien to testify, as; 5—175; 6—246
 - reports of undercover agent; 5—484
 - statements, sworn, made before Service officer; 5—242; 6—265
 - statements of Govt. witnesses, credibility; 5—312
 - testimony of former organization member; 5—743; 6—524
 - testimony of undercover agent; 5—484; 6—524
 - exemption under sec. 212(a)(28)(I), 1952 Act; determination of; 8—302, 554; 11—3, 228, 733; 12—778
 - finding of, by court in denaturalization suit; operation of doctrine of collateral estoppel in dep. proc.; 8—977; 9—127
 - inactive membership; 6—524
 - legislative intent of Act of Mar. 23, 1951; 5—72
 - membership after entry, sec. 241(a)(6), 1952 Act:
 - multiple entries, selection of entry as factor; 8—122, 549, 577
 - membership terminated prior to 1947 entry for permanent residence; deportability under sec. 4(a), 1918 Act, as amended in 1950; 8—282
 - nominal membership, effect of; 5—141; 6—524
 - past membership:
 - coexistence of alienage and membership as factor in dep. proc.; 4—569
 - date of entry as factor in dep. proc.; 4—596, 745; 5—49, 202; 7—186
 - generally; 3—411, 736; 4—596; 5—26, 242
 - exemption under sec. 212(a)(28)(I), 1952 Act; reopening of exc. proc. to further develop evidence for purpose of; 15—58
 - voluntariness:
 - alleged avoidance of political activities; 5—500
 - automatic character of membership (Italian Fascist Party); 4—517; (Soviet Trade Union); 4—334, 365
 - career, joining Communist Party to further; 6—713
 - consciousness of organization's subversive character; 3—736; 4—314, 341, 504, 675, 752; 5—95, 505; 6—524
 - employment, joining Communist Party to obtain; 5—95
 - infatuation with Communist fiance; 5—72
 - joined Communist Party to assist father in obtaining materials for his store; 9—570
 - joined C.P. out of fear for life in response to demands to join due to officer rank in Yugoslav army; 10—79
 - pecuniary desire, continued C.P. membership, result of; 9—570
 - weight of uncontradicted testimony of alien; 4—334, 365
- National Federation of Labor Youth; 5—500
- national security, activities subversive to, would en-

Subversive—Continued

gage in after entry; sec. 212(a)(29), 1952 Act; 12—476

Nazi Party of Germany, membership; deportability under 1952 Act, original charge lodged under 1918 Act; as amended; 5—255

Ninth proviso (sec. 3, 1917 Act) relief; former member British Communist Party; 2—466

prejudicial to interests of United States; (membership in Labor Progressive Party of Canada); temporary exclusion; 3—777

prejudicial to public interest; sec. 212(a)(27), 1952 Act: advocate of pacifism; 5—248

founder & spokesman for Cuban Nationalist Association; 12—476

possession of small quantity of marijuana cigarettes at entry; 15—203

publication, Communist, subscription to as deportation ground; 4—450

seventh proviso relief (sec. 3, 1917 Act); former member Communist Party, Germany; 3—784

former member Communist Party, U.S.; 3—787

Socialist Workers Party; 9—252

stipulation as to fact of membership, made before enactment of Int. Sec. Act of 1950; admissibility; 4—561

suspension of deportation; *see* Suspension of deportation: subversive

Workers' Party (U.S.); proscribed character; 4—341

Young Communist League of U.S.; affiliation with Communist Party; 4—596

Sudetenland (Czechoslovakia); marriage and divorce laws; 3—851

Suspension of deportation:

administrative discretion; exercise of, must be based on circumstances of case; 15—548

applicant, native of Mexico, recipient of welfare; not *per se* ineligible for special immigrant visa as one likely to become public charge; 15—186

application, fee requirement; waiver of; 9—302

application filed after June 27, 1952; law applicable; 5—467

application filed under 1917 Act, validity under 1952 Act; 6—410

application, must be accepted & adjudicated pending definitive S. Ct. ruling on issue bearing on alien's possible eligibility sec. 241(f) benefits; 14—670

application; substitution of sec. 6 (Refugee Relief Act of 1953) application in lieu of; 9—209

application, timeliness of; 5—472

availability of other relief, as factor; 4—412

behavior reflecting undesirability as permanent resident; effect; 9—372

confidential information as basis for determination; 3—714; 5—491, 525

Congress has twice rejected grant of such relief; no new factors; effect; 11—521

crewman:

admissions while following occupation of seaman—were as court adjudged citizen; effect; 15—601

admitted in transit, to reship foreign on another vessel; 10—277

application pending on date of enactment of sec. 244(f) [Oct. 24, 1962]; eligibility; 10—181, 210

deserter of allied vessel in wartime; no close family ties in U.S.; 4—705; 5—214

no dependents or family ties in U.S.; 5—212

recently arrived; policy; 1—259, 278; 3—490; 4—223

Suspension of deportation—Continued**crewman—Continued**

substantial and meritorious service during war years; no close family ties in U.S.; 6—670

departed to evade service in U.S. Armed Forces; 5—535

discretion, exercise of; must be without reliance on Congressional committee reports; 15—548

discretionary nature of relief notwithstanding good moral character; 1—543; 6—242

economic detriment:

child, deportation of; detriment to parents; child reached majority after applying for suspension; 3—745

family group, alien parents; 4—715

family group; wife/mother and 2 children natives of U.S., remainder of family citizens of Mexico; 4—711

family group of 6, including 4 citizens of Canada; 4—707

family group of 5, including 2 citizens of Mexico; 4—729

family group of 4, including 3 citizens of Mexico; 4—713

family group of 4, parents citizens of Mexico; 4—709

husband/father, deportation of; detriment to citizen wife and child; 2—627

husband/father, deportation of; spouses living apart through circumstances beyond their control; 2—775

husband, deportation of; wife's employment and couple's low income as factors; 3—833

husband, deportation of; wife, a permanent resident alien, has assets in U.S. of about \$1,500,000; 4—437

legal obligation to support; 3—711

measured on assumption alien is to be deported; 2—679

mother, deportation of; detriment to citizen child; latter's need of unbroken home and joint parental care as factor; 3—707

mother/wife, deportation of; detriment to citizen child and lawful permanent resident husband; 3—707

effect on preexisting ground of excludability; 10—491

enemy alien; 3—532

entries, multiple; relief under sec. 244(a)(5), 1952 Act; 5—651

exceptional and extremely unusual hardship:

factors considered; 5—409

relief granted; 5—413, 416, 419, 448, 586

relief not granted; 5—421, 637, 651, 695

exchange visitor; statutory eligibility; question of; 10—387; 15—1

excluded alien, paroled into U.S.; 3—541

extreme hardship; sec. 244(a)(1), as amended:

alien refused to testify re large sum of money in his possession; 15—

economic detriment without more does not constitute; 11—159, 309

established; 10—223; 11—295

not established; 10—448; 11—113, 159, 309; 15—88, 200

final order of deportation served; effect; 10—14

good moral character (*see also* Good moral character):

adulterous relations; 2—892; 3—478, 567; 13—785

false claim of U.S. citizenship; 1—543; 3—180; 11—295

Suspension of deportation—Continued

good moral character—Continued
misconduct during statutory period; 1—518, 611;
2—492, 830, 832; 3—180, 833
requisite period of; alien within provisions sec. 244-
(b); 10—300, 347
requisite period of; computation of; 10—683
single lapse, effect of; 1—611; 5—708
standards; 2—731; 3—833
immigration law violations, numerous; 4—704
ineligibility to citizenship, not a bar under 1952 Act;
5—106
lack of outstanding equities notwithstanding minimum
statutory requirements met; sec. 244(a), 1952 Act;
7—348; 11—649
loyalty, doubt as to; 2—838, 895; 3—532
marriage to citizen after commencement of deporta-
tion proceedings; 4—223, 589
Mexican agricultural laborer (1943 Act); 2—692, 751
narcotics conviction but not deportable under sec. 241-
(a)(11); effect; 12—710
native of adjacent island or of contiguous country [sec.
244(f)(3)]; eligibility, question of; 10—227; 11—239,
618, 781, 836; 13—225, 737
neutral alien claiming exemption from military ser-
vice; 2—899; 3—349
nonsupport of children; 3—398
physical presence in U.S., period of (1952 Act): any
absence during; effect; 5—220; 11—234
brief absence; alien within provisions sec. 244(b), as
amended; 10—274
brief absence; illegally resident alien; 10—613, 782;
12—271
brief absence; illegally resident alien; *Waadman* in-
applicable; 11—106
brief absence from U.S. following deportation; ef-
fect; 10—778
brief absence pursuant to grant of vol./dep.;
13—759
computation of; 5—261; 6—788, 795; 8—122;
9—340; 10—683; 11—351; 13—427
sec. 244(b), as amended, exemption:
alien within; no specified period of presence re-
quired; 10—300
Army corrected alien's military record to show 2
years active duty; 11—639
computation of 2-year period of active duty
status; 10—300, 398; 11—295, 639
continuity of presence, question of; 10—274
good moral character requirement; 10—300
military service prior to last entry; 10—274
separation under honorable conditions; question
of; 11—485
service abroad as member U.S. Armed Forces, ef-
fect; 7—105
service on American merchant vessels; 5—298
recent arrival; Cuban woman with citizen child, but
husband residing in Cuba; 4—654
refusal of alien to testify; 1—543; 5—261; 9—372
reopening of proceeding to permit filing of application
for; 3—409; 5—472; 7—348; 11—649
reopening of proceeding to permit filing of application
for; Communist Party member, former; 6—166
requisite documents sec. 244(a), 1952 Act; 7—434
savings clauses of 1952 Act; *see* Savings Clauses (sec.
405, 1952 Act)
seaman; *see* crewman under this mainline title
sec. 244(a)(1), 1952 Act, as amended; application
under:

Suspension of deportation—Continued

sec. 244(a)(1), 1952 Act, as amended; application
under—Continued
alien convicted narcotics offense but not deportable
under sec. 241(a)(11); eligible; 12—710
effect of deportability also within provisions
specified in sec. 244(a)(2), as amended; 11—351
substitution of sec. 6 (Refugee Relief Act of 1953)
application for; 9—209
timeliness of; 9—302
sec. 244(a)(2), 1952 Act, as amended; application
under:
applicant convicted of narcotic offense; effect
12—710
phrase "is deportable"; construed; 12—710
sec. 244(a)(3), 1952 Act, application under:
effect of deportability also within provisions of para.
(5) of sec. 244(a); 7—400; 8—57
sec. 244(a)(5), 1952 Act, application under:
deportable under prior law; 6—285
effect of deportability also under para. (1), (2), (3),
or (4) of sec. 244(a); 5—285; 7—400
final order of deportation; effect; 7—137, 457
sec. 244(f)(1), 1952 Act; *see* crewman under this main-
line title
sec. 244(f)(3), 1952 Act; eligibility within provisions of;
see native of adjacent island or contiguous country
under this mainline title
stowaway, no dependents in U.S. merely meets
statutory requirements; 7—348
student; effect on student status; 3—386
subversive:
Communist Party membership, former, to further
career; 6—713
Communist Party membership prior to 1941 entry;
5—202
donations to proscribed organization; 5—509
E.A.M. member, former; 6—67
former high ranking official of Communist Party;
6—317
nominal membership in Communist Party; 5—141
proof of opposition to Communism; 6—317
voluntary revelation of unlawful immigration status;
7—608
withdrawal (conditional) of final order of deportation
issued pursuant to 1952 Act, effect; 7—137
Swain's Island; *see* American Samoa, Swains Island

T

Telegraph operator, Canadian, coming to fill relief
job; immigrant status; 3—857
Temporary exclusion; entry prejudicial; 3—777
Temporary visitor:
term "temporary" construed; 15—418
Territory subject to jurisdiction of U.S., Supreme
Court definition; 3—679
Trader; *see* Treaty merchant; Treaty trader
Trainee; *see* Industrial Trainee
Translations of foreign language documents:
submitted in evidence; necessity of; 15—550
Treaty between U.S., Germany, and Great Britain
by which the U.S. acquired American Samoa;
3—729
Treaty merchant; continuance of exempt status de-
termined by treaty and not by 1924 Act; 1—201
Treaty of Ghent; American Indians born in Canada;
1—601; 3—191

Treaty investor:

coming to develop and direct operations of enterprise; question of; 15-187
 employee of; "responsible capacity", question of; 10-425, 717; 14-578
 engaged in unauthorized employment; effect; 15-65
 intent to invest; showing of; alien ineligible; 15-681
 investment, small, in marginal enterprise to earn living; question of; 15-187
 status as; intent to invest does not meet statutory requirement; 15-681
 status as; national of Italy ineligible; 11-393

Treaty trader:

amendment of record to show admission as returning resident; 2-834
 departure from U.S.; effect on status; 6-679
 foreign organization or corporation, nationality of; 22 CFR 41.71; 7-426
 "special qualifications"; question of; 11-815
 substantial trade requirement; 3-517; 11-290
 supervisory or executive nature of duties; question of; 11-815

Treaty with Norway and Sweden; nationality; 3-668

Treaty with Switzerland; basis for claim or exemption from military service; 2-860, 915

Trial attorney; see Fair hearing

U

Undesirable resident, sec. 241(a)(17), 1952 Act; conscientious objector; 5-425

United Nations Convention of 1951 Relating to Status of Refugees; see Refugee status under UN Convention of 1951:

United Nations, employee; adjustment of status to; alien under deportation proceedings; 2-773

United States citizenship, right to judicial determination of claim; 1-587

United States, definition under Nat. Act of 1940; 3-678

United States Govt., liability for fines and torts; 2-576

United States mainland from Hawaii and Guam; applicability of immigration laws (1917 Act); 3-159

United States mainland from Puerto Rico; applicability of immigration laws (1917 Act); 3-161

United States mainland from Virgin Islands; waiver nonimmigrant visa (8 CFR 212.1(b)) inapplicable; 12-824

United States, noncitizen nationals of; see National, noncitizen of United States

United States passport:

evidence of citizenship; 3-680

illegal use; 22 USC 220; 3-629

United States, Philippine Islands not part of within purview 14th Amendment; 14-447

United States territory subject to jurisdiction of; Supreme Court definition; 2-679

"Unmarried"; question of; 11-551; 12-22

V

Vessel; arriving in U.S. for bunkers only; liability to fine; see Fine: detention or deportation of seaman

Veteran:

adopted child eligible under Act of Dec. 28, 1945; 3-181, 608

Veteran—Continued

discharge; effect of dishonorable discharge following honorable discharge; 4-622

married minor child eligible under Act of Dec. 28, 1945; 3-40

wife of, alleged; admitted under Act of Dec. 28, 1945; deportability under "Gigolo" Act of May 14, 1937; 3-73

World War I; naturalized; effect of return to Norway to reside; expatriation, immunity from; 3-668

Virgin Islands:

acquisition of citizenship by child born abroad out of wedlock, of mother born in Virgin Islands; 3-870

acquisition of citizenship by native; Act of Feb. 25, 1927, as amended by 1932 Act; 3-719

acquisition of citizenship by native; Act of Feb. 25, 1927, as amended by 1932 Act; residing abroad since 1916; 6-226

entry prior to July 1, 1938; presumption of admission for permanent residence; 1-414

entry U.S. mainland, from; waiver nonimmigrant visa (8 CFR 212.1(b)) is applicable; 12-824

"60-day rule", failure to maintain status; 15-769

Visa (see also Quota preference; Deportation grounds: visa charge; Exclusion grounds: visa charge):

authority in dep. proc. to review basis for issuance by consular officer; 4-532

bringing an immigrant without; see Fine: immigrant visa, bringing immigrant who lacked (1924 Act)

fraud or misrepresentation; sec. 241(f) waiver of deportation grounds arising from; see Deportation grounds; visa charge: fraud or misrepresentation; sec. 241(f) exemption

materiality of statements in application for; 2-654

nationality for purpose of foreign state chargeability; see Quota nationality

nationality for quota purposes; see Quota nationality nonquota; see Nonquota immigrant; Immediate relative

petition for:

adverse action based on derogatory evidence of which petr. unaware; effect; 14-226, 647

appeal lies solely with petitioner; 11-315

approval (3d pref.); effect on beneficiary's illegal nonimmigrant status; 14-287

approval (3d pref.); effect on beneficiary's right to remain in U.S.; 14-287, 644

authority of SIO to adjudicate in dep. proc.; 10-53

availability benefits sec. 241(f) to alien outside U.S. in VP proc., question of; 12-350

based on claimed adoptive relationship; factual validity of relationship must be determined; 14-199

beneficiary of apprvd 3d pref. VP permitted to remain in U.S. until further notice; effect; 14-250

beneficiary of 3d pref. VP must be qualified member of professions at time of filing VP; 14-45

beneficiary sole owner of petitioning corporation; 8-24

beneficiary will not be in actual employ of petitioning organization; 11-25

blood tests, as evidence of relationship; 12-27

burden of proof; 11-27, 493, 526; 14-502, 647, 723; 15-385, 703

collateral attack on divorce decree grant-by State court; 8-251

death of citizen petitioner spouse; effect; 13-453

draft dodger; necessity to determine admissibility; 3-376

Visa—Continued

petition for—Continued

- effect of reinterpretation of law on prior denial of; 9—433
- evidence:
 - adverse; no showing petitioner made aware of or afforded opportunity to rebut; effect; 14—625, 647; 15—593
 - baptismal record; 13—755
 - blood tests; 15—27
 - delayed birth certificate; 13—755
 - fingerprints and photograph; reasonableness of request for; 15—294
 - foreign language documents; necessity of translations; 15—532
 - marriage, prior, or perm. resid. petitioner; question of; 15—383
 - evidence, supporting; necessity of; 14—199
 - failure to prosecute; 13—152
 - fiance(e); see Fiance(e) of U.S. citizen; sec. 101 (a)(15)(K), 1952 Act
 - filed by citizen, under compulsion of court order, on behalf of alien spouse; 11—315
 - marriage, prior, dissolution of; remand by BIA for further evidence; 15—593
 - marriage, prior, of perm. resid. petitioner; evidence, question of; 15—383
 - mentally incompetent citizen, executed by guardian of; 5—721; 9—303
 - national (noncitizen) of U.S., by; status equated with that of lawful permanent resident; 6—555; 15—315
 - necessity to determine admissibility; 3—376; 8—295; 14—213
 - petition for; 15—359
 - petitioner, order of dep. outstanding against; effect; 12—800
 - remand by BIA for due process; proper procedure for DD thereafter; 14—679
 - remand by BIA on appeal for further evidence; 15—593
 - reopening, after appeal taken to BIA question of; 15—540, 588
 - retroactive approval of; no authority to grant; 9—433
 - revalidation of approved 3d pref. VP; beneficiary intends to work part-time in unrelated field; 12—765
 - revocation of approval, sec. 205 [formerly sec. 206], 1952 Act:
 - appeal lies solely with petitioner; 9—547
 - burden of proof 12—715
 - evidence, inspection of; right of petitioner; 15—524
 - petitioner failed offer evidence in opposition; 11—131
 - prior to St. Dept. allocation of visa No.; effect on beneficiary's sec. 245 application; 12—61
 - remand to afford petr. opportunity to examine, rebut, and offer additional evidence; 15—524
- sec. 204(c), 1952 Act, as amended:
 - accorded nonquota or preference status; phrase construed; 15—194
 - adjustment (sec. 245) rescinded on basis legal impediment to marriage to perm. res.; not conclusive in subsequent VP proc. that prior marriage within sec. 204(c); 15—28
 - alien comes within provisions of; effect on sec. 245 eligibility; 13—192

Visa—Continued

petition for—Continued

sec. 204(c), 1952 Act, as amended—Continued

- alien previously accorded nonquota status on basis sham marriage; effect; 9—544; 11—610 812; 14—110
- alien previously deported under sec. 241(c) for fraudulent marriage; effect; 14—110
- determination under; to be made independently by DD in course of adjudication of subsequent VP; 15—28
- marriage (prior) contracted to evade immigration laws; necessity of establishing; 9—684
- marriage (prior) contracted to evade immigration laws; no visa issued or adj. of status granted; effect; 15—194
- prohibition on approval of subsequent petitions unlimited; 11—812
- retrospective and prospective application; 9—702
- revocation of approval of prior immediate relative petition; effect; 15—194
- revocation of approval of prior nonquota petition; effect; 9—705; 10—685
- revocation of sec. 245 adj. of status based on approval of prior nonquota petition; effect; 11—610; 12—166
- theatrical agent, executed by; 5—748
- wife/niece beneficiary; state where parties will cohabit would not prosecute; 4—239
- wife/niece beneficiary; marriage valid in Rhode Island; 4—632
- revocation of; sec. 221(f), 1952 Act:
 - after entry into U.S.; effect; 10—11
 - alien not notified; 8—456
 - visa not physically cancelled prior to alien's arrival in U.S.; 8—456
- validity:
 - another's name and identity, use of; 2—638
 - concealment of facts, disclosure of which would have raised question of eligibility for visa; 7—397, 420
 - criminal record, failure to reveal; 3—20
 - death of principal alien prior to accompanying child's admission; effect; 14—122
 - expiration of visa while en route to U.S.; 1—154
 - material misrepresentation not willfully or purposely made, effect on; 7—420
 - misrepresentation as to identity; 7—76; 8—473
 - period of; legislative intent, sec. 221, 1952 Act; 7—298
- Visa Availability; (prior to 1976 amendments):
 - O.I. 245.4(a)(6):
 - applies to application for adjustment made to immigration judge if sole reason relief not available because visa unavailable before processing of application completed; 15—692
 - applies in deportation proceedings only if sole reason relief not available because visa becomes unavailable before processing of application complete; 15—695, 700
 - business, for; coming to manage day-to-day operations of U.S. enterprise; 15—418
 - business; commercial character; temporary character; 2—241; 6—533; 11—610, 824
 - business, for; extension of stay; 11—285
 - business, for; factors to be considered; 6—827 11—824; 15—418
 - business, for; professional engineer; enters regularly in the rendition of his professional services; 15—331

Visa Availability—Continued

classification as; *see also* Immigrant: classification, immigrant or nonimmigrant
coming for indefinite period of time, without any limited goal in mind; 15—418
contract labor; *see* Exclusion grounds: contract labor daily crosser to collect scrap to be sold in Mexico; 4—217
determination as to whether alien is *bona fide* visitor or immigrant; *see also* Immigrant: classification, immigrant or nonimmigrant
domestic servant, coming to join former employer; 4—287
effect or previously expressed desire enter as immigrant; 7—651
pleasure, for; extension of stay; 14—507
“temporary”, term construed; 15—418

Voluntary departure (*see also* Discretionary relief; Suspension of deportation):
administrative discretion and grace, matter of; 11—210
admission of alienage or deportability, no; vol./dep. eligibility considered prior to issue of deportability; 14—168
alienage, testimony in connection with such application must not be used to establish 15—645
alien's right to receive explanation in simple language and to apply; 1—546
appeal from order granting; effect on departure date; 13—139
application filed before Dec. 24, 1952, preserved by sec. 405(a), 1952 Act; 5—522
application made during dep. hearing; vol./dep. eligibility considered prior to issue of deportability; 14—168
authority of BIA to give a new grant of vol./dep. following failure to depart within initially granted period; 15—37
authority of SIO to fix vol./dep. period of less than 30 days; 13—707
beneficiary of approved 3d pref. VP permitted to remain in U.S. until further notice; effect; 14—250, 644
beneficiary of approved 3d pref. VP permitted to remain in U.S. until further notice; termination of indefinite vol./dep. by issuance of OSC without other notice proper; 14—516
confidential information, use of; 5—491
crewman; factors to be considered in granting vol./dep. anew; 13—528
crewman; statutory eligibility under sec. 244(f); 10—113
deception practiced against Service, as militating against grant; 7—486
decision, summary, on Form I-38; propriety of use; 15—297
departure date, effect of timely appeal on; 13—139
deportability, testimony in connection with such application must not be used to establish; 15—645
discretionary denial, notwithstanding statutory eligibility; 10—35, 12—50, 206; 15—492
discretionary nature of relief; notwithstanding good moral character; 1—543; 4—626
extension of time to effect; 4—626, 667; 13—240, 258
extension of time to effect; BIA lacks authority to grant; 13—258
extension of time to effect; SIO lacks authority to grant; 13—59

Voluntary departure—Continued

failure to effectuate; authority of DD to deport notwithstanding application for relief pending; 10—372
failure to effectuate; authority of SIO to reopen to consider grant of vol./dep. anew; 13—528
failure to effectuate; reopening to show why or that failure is justified, question of; 13—156
failure to furnish notification of address; sec. 244(e), 1952 Act; 5—216, 692
Fascist Party, former member of Italian; 2—582
good moral character; *see also* Good moral character
good moral character; alien convicted of attempted murder not barred from showing of; 14—117
good moral character; alien on probation not barred from showing of; 13—777
good moral character; nonimmigrant's conviction & imprisonment for petty offense involving moral turpitude does not bar a showing of; 13—641
good moral character, required period of; alien's conviction c.i.m.t. occurred within, but offense committed outside, statutory period; 14—117
good moral character, required period of; deportable under secs. 241(a)(4) and (11); 6—723
grant anew by BIA, following failure to depart within initially granted period; 15—37
grant anew by SIO; no authority to fix departure date; 15—301
grant anew by SIO; no authority fix departure time; 13—528
grant (initial) by SIO; authority to fix departure date; 15—301
grant (initial) by SIO; necessity to fix departure date & include alternate dep. order; 13—435
grant, or revocation of, under 8 CFR 242.5; authority (sole) of DD; 15—9
“immediate means”, to effectuate [8 CFR 244.1]; 9—333
indefinite; granted deportable benef. of 3d pref. VP; effect; 14—644
indefinite; native of Western Hemisphere with citizen ties; within sole discretion of DD; not reviewable by BIA; 14—488
indefinite; termination by issuance of OSC without other notice (benef. of 3d pref. VP); 14—516
ineligibility sec. 19(d), 1917 Act, but relief granted under 7th Proviso, sec. 3; 1—204; 2—459, 698
ineligibility to citizenship; alien who claimed exemption from service in armed forces; 4—180
ineligible classes, 1952 Act; specified ground of deportability, necessity of formal finding of; 5—459
ineligible for immigrant visa, effect; 5—502
nonimmigrant TRWOV; vol./dep. not warranted in dep. proc. where granted ample time to depart prior institution of proceedings; 13—240
recently arrived alien:
marriage to citizen after commencement of deportation proceedings; 3—490; 4—589; 5—736
no family ties in U.S.; 4—626
refusal of alien to testify; 11—210; 14—168, 294
seaman, coming to U.S. to remain in violation of law; 4—589
seaman, previously granted privilege of voluntary departure following prior entry; 4—626
setting of terms and conditions for; jurisdiction; 10—187, 372; 13—59, 258, 435, 528
stowaway; 5—306; 6—692; 12—50
subversive; Communist Party member prior to entry; 5—202, 505
time to effectuate; 4—626, 667; 13—707

Voting in foreign political election; expatriation; *see* Citizenship-loss: voting in foreign election or plebiscite

W

Waiver of documents for child born abroad, brought to U.S. by citizen mother on her second return; 7—136

Waiver of documents for returning resident aliens; 1—10, 232, 321; 1—582; 7—314, 518

Waiver of documents, nonimmigrant visa, 8 CFR 212.1(b); not applicable entry continental U.S. from Virgin Islands; 12—824

Waiver of excludability; continuing effect; 10—1

Waiver of foreign residence requirement, sec. 212 (e), 1952 Act:

alien never participated in the exchange program to which destined; 15—436

alien who fraudulently gains admission, or acquires status after admission, as exchange visitor, encompassed by language of sec. 212(e); 15—436

alien's country of nationality has waived obligation to return thereto, as constituting, 11—708

application for; BIA nor SIO has authority to adjudicate or review denial of in dep. proc.; 10—53, 154, 372

change of nonimmigrant status does not constitute; 8—482

during program participation in U.S. applicant imparted her skills to persons here; 11—583; 13—206

exceptional hardship; question of; 11—1, 142, 146, 300, 306, 464, 496, 506, 509, 512, 558, 583, 647; 12—756, 793, 864; 13—3, 33, 188, 206, 209, 249, 273, 277, 280, 314, 322, 379, 477

exceptional hardship, question of; general rule, where both spouse & child(ren) are citizens or permanent residents; 12—756

exceptional hardship, service finding of; State Dept. declined favorable recommendation; effect; 11—395

persecution on account of race, religion or political opinion:

Nigeria; 13—805

public interest, in; determination of; 11—32, 144, 391

short duration of exchange visitor participation; as factor; 13—206

usual hardships that may be anticipated, only; 13—188

War Shipping Administration; liability of shipping agents to pay immigration fines; 2—573

Warrant of arrest:

Citizenship revoked; validity of warrant issued prior to naturalization; 4—327

irregularities in issuance; 4—415

issuance by distric. director; 1—546

issued before Dec 24, 1952, charges lodged under 1952 Act; 6—540

validity; unaffected by withdrawal of deportation order; 9—225

validity, when issued on basis of insufficient evidence; 1—411

Warrant of deportation:

period of validity; 1—338

reinstatement, sec. 242(f), 1952 Act; 6—461

Warrant proceedings; *see* Deportation; Fair hearing

Wife:

abandonment; Missouri; 2—158

afflicted with dangerous, contagious disease; citizen's wife; exemption from exclusion; 2—183

quota nationality of wife of alien; *see* Quota nationality

Wife—Continued

veteran's; admissibility under Act of Mar. 19, 1951, amending Act of Aug. 19, 1950; dishonorable discharge; 4—622

Withholding of deportation, application for; sec. 243(h), 1952 Act, as amended:

applicant for, not in same legal posture as sec. 203 (a)(7) applicant; 12—866

Art. 33, UN Convention of 1951; effect; 14—310

availability of relief in exclusion proceedings; 14—467

burden of proof; question of; 12—564

decision rendered after amendment of sec. 243(h) by P.L. 89-236; test of new law applicable; 11—531

discretionary denial by SIO without first making formal finding of statutory eligibility; 11—113

eligibility, determination of; must be made individually, on all the facts; 12—866

evidence; applicant should be given reasonable opportunity to present; 13—70

evidence; applicant's testimony, as; 11—531

evidence; correspondence from St. Dept. re persecution claim in asylum application, admissible as; 15—534

evidence; newspaper articles, as; 11—759

full hearing, denial of; 14—429

no decision on by Reg. Commr. prior to amendment of regulations effective 1/22/62; determination thereafter; 10—109

notification under 8 CFR 242.17(c) of right to apply for; question of; 13—771

persecution; on account of race, religion or political opinion:

Canada; because of aid to members of Quebec Liberation Front; 14—429

Czechoslovakia; for opposition to communism and in absentia conviction of defection; 12—866

freedom of speech in native country, restraints on; not within sec. 243(h); 13—261

Haiti; alleged murder in Haiti of father because of political opinion; 15—534

Haiti; alleged personal persecution by husband and adequate legal or physical protection foreclosed by his high political position; 15—461

Haiti; politically active in opposition to Duvalier regime; 13—70

Hong Kong; native of, citizen of China; claim of economic persecution by British Govt.; 12—305

Indonesia, native of; because of employment there by an American Co. and by a U.S. Govt. agency; 11—759

Indonesia, in; native and citizen of Chinese ethnic origin; of; 12—564

Iran, natives of; because of anti-Shah activities in U.S.; 12—215

Italy, native of; because of criminal record in U.S.; 11—565

Poland, because of free espousal of ideas; 13—261

prosecution, criminal; for misappropriation of state funds, fear of, 11—872

prosecution, criminal; liability to, for overstaying visit to U.S. and objecting to return to Hungary; 11—888

United Arab Republic (Egypt), in; person of Jewish faith; 11—536

Viet Nam, exchange visitor from; prolonged absence from and refusal to return; 11—541

persecution, physical:

Anti-Communist Foreign Legion organized in

19, 1951,
able dis-

for; sec.

sec. 203

-310
14-467

43(h) by
l-531
king for-
} individ-
le oppor-

persecu-
sible as;

lment of
thereaf-

to apply

political

ec Lib-

n and in

ints on;

ause of

und and
eclosed

uvalier

laim of
-305
t there
gency;

ethnic

ities in

U.S.;

-261
f state

taying
ngary;

ewish

d ab-

ed in

Withholding of deportation, Application for; sec. 243(h), 1952 Act, as amended—Continued
persecution, physical—Continued
 Dominican Republic under Trujillo dictatorship, former officer in; 10-281
 British Guiana; 10-488
 classification as refugee under mandate of United Nations High Commissioner for Refugees, as establishing; 10-94
 consideration of factors not directly related to claim of; question of; 11-113
 Dominican Republic; 10-199, 281, 435, 603
 Formosa; 11-113
 Greece; 10-252
 India [by native of Pakistan]; 10-453
 Italy; 11-351
 Poland; 10-49
 possible future vagaries in political scene resulting in likelihood of greater physical persecution; 10-567
 possible physical injury incident to uncontrolled mob violence, claim of; 10-199
 possible prosecution by military court martial; 11-113
 prosecution as result of religious activities as a Jehovah's Witness; 10-252
 Servicio de Inteligencia Militar of Dominican Republic during Trujillo regime, former chief of; 10-435

Withholding of deportation, Application for; sec. 243(h), 1952 Act, as amended—Continued
persecution, physical—Continued
 Servicio de Inteligencia Militar of Dominican Republic during Trujillo regime; minor employee of; 10-603
 severe social & economic sanctions as result of U.S. acquired criminal reputation, claim of; 11-351
 subsistence at low level, as factor; 10-567
 Syria; 10-109
 Yugoslavia; 10-94, 351, 567
 reopening of for submission of Interrogatories to a Yugoslav consular official; question of; 10-567
 request for examination Service report re conditions in Yugoslavia; denial of; 10-567
 to same country designated by alien under sec. 243(a); effect; 10-57

Woodburne, New York; Defective Delinquent Institution; commitment under correction laws as sentence to imprisonment; 3-48

Y

Year or more, meaning of; sec. 19, 1917 Act; see Sentenced to confinement; one year or more