

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE

OFFICE OF THE COMMISSIONER
SAN JUAN, P. R.

June 11th, 1920.

IN ANSWERING REFER TO
No.

2100
Honorable
C. C. Timmons,
Government Secretary,
St. Thomas, V. I.

S i r :-

Receipt is respectfully acknowledged of your letter of the 5th instant, in which you state that notwithstanding the numerous requests which have been made upon the Departments at Washington for instructions as to whether or not the Immigration Act of February 5th, 1917, applies to the Virgin Islands, and for the appointment of immigrant inspectors to enforce its provisions there, that the Department of Labor, so far, has not found it expedient to either appoint immigrant inspectors or to advise your Government whether or not the Act applies to the Virgin Islands; also reciting the manner in which the former Collector of Customs handled the seamen question in the Virgin Islands during the war, and the conditions produced there by reason of the nonenforcement of the immigration laws; and further stating, that in view of the foregoing, and in order to protect local interest, the general government of the Islands may be compelled to consider the enforcement in principle of the immigration laws, and requesting the writer to advise you unofficially as to what he would do under the circumstances, etc.

In the opinion of the writer, there can be no question but that the Immigration Act referred to applies to the Virgin Islands. Section one of said Act provides: "That the term "United States" as used in the title as well as in the various sections of this Act, shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone, etc."

The question is, whether or not the Virgin Islands were subject to the jurisdiction of the United States when the Act of February 5, 1917, was enacted. The Convention between the United States and Denmark for cession of the Danish West Indies to the United States, was signed at New York, August 4, 1916; ratification advised by the Senate, September 7, 1916; ratified by Denmark, December 22, 1916; ratified by the President January 16, 1917; ratifications exchanged at Washington, D. C., January 1917; proclaimed, January 25, 1917.

Article 4 of said Convention reads as follows:
"The Danish Government shall appoint with convenient dispatch, an agent or agents, for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property and appurtenances which are ceded hereby, and for doing any other act which may be necessary in regard thereto. Formal delivery of the territory and property ceded shall be made immediately after the payment by the United States of the sum of money stipulated in this Convention; but the cession, with the right of immediate possession, is nevertheless, to be deemed complete on the exchange of ratifications of this Convention, without such formal delivery, etc."

(Under lineation, mine.)

From the foregoing, it appears perfectly clear, that as the exchange of ratifications was made January 17, 1917, that the Islands were immediately thereafter, subject to the jurisdiction of the United States, and therefore, fall within the definition of the term "United States" defined in Section One of the Act of February 5th above quoted.

Assuming that the Immigration Act of February 5, 1917, does apply to the Virgin Islands, it follows that no one can execute its provisions in the Virgin Islands, except those specified in Section 24 thereof, which reads in part as follows:

"That immigrant inspectors and other immigration officers, clerks and employees, shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of Labor upon the recommendation of the Commissioner-General of Immigration, and in accordance with the provisions of the Civil Service Act of January 16, 1883."

It would appear from the foregoing, that any officer appointed by the General Government of the Islands, could have no power to enforce the provisions of the Act.

The Act of Congress approved March 3, 1917, entitled "An Act to Provide a Temporary Government for the West India Islands Acquired by the United States from Denmark by the Convention Entered into Between said Countries on the 4th day of August, 1916, and Ratified by the Senate of the United States on the 7th Day of September, 1916, and For Other Purposes", provides in Section One: "That except as hereinafter provided all military, civil and judicial powers necessary to govern the West India Islands acquired from Denmark, shall be vested in a Governor, and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct, until Congress shall provide for the government of said Islands, etc."

The writer does not believe that the Congress intended that the powers conferred on the Governor of the Virgin Islands in the above-quoted provisions of the Act of March 3, 1917, should cover the regulation of immigration, especially in view of the fact, that it had just passed an Act the previous month regulating immigration to the United States including the Virgin Islands.

The only remedy, in my opinion, is to convince the Secretary of Labor that the matter of establishing the Immigration Service in the Virgin Islands, is of such importance as to not only warrant such action, but as to demand it.

I apprehend that the reason the Secretary has not already established the Service there, is on account of the insufficiency of the appropriation. If my surmise is correct, I believe the matter can be satisfactorily adjusted by the Governor, requesting the Secretary of Labor to designate and appoint as Immigrant Inspectors (excepted), at a nominal salary, Customs Officers at the ports of the Islands, and to also designate a sufficient number of Government officials or other persons to constitute Boards of Special Inquiry, as provided in Section 17 of the Act. This method is followed at some of the subports of this Island in order to curtail expenses.

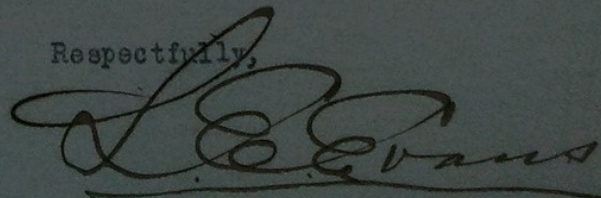
I am forwarding you under separate cover, a pamphlet containing the immigration laws of February 5, 1917, and the immigration rules and regulations. The provisions of the law are very plain and easily understood. In this connection, I believe it well to call your attention to the fact, that there is a great distinction made in said laws and regulations, between alien passengers applying for admission into the United States and alien seamen. Alien seamen are governed by Sections 32 to 36 inclusive, and Rule 10 of the regulations. By reference to Section 33 of the Act, it will be readily seen that the Collector of Customs at St. Thomas, acted in violation of law in declining to permit the landing of seamen generally unless they possessed \$50.

The writer has repeatedly recommended to the Bureau that the Immigration Service be established in the Virgin Islands, and has pointed out the necessity of such action. However, the Bureau and the Department has, so far as my knowledge goes, never given any serious consideration to the matter.

I beg to suggest that we make a united effort in that direction, and ~~that~~ with your permission, I shall forward a copy of your letter to which this is an reply, and a copy of this letter, to the Bureau of Immigration at Washington.

Should the Service be established there, I shall be much pleased, with the permission of the Bureau, to lend you any assistance in my power, in organizing the Service there.

Respectfully,



Commissioner of Immigration.

LEE/clm
Inclosure (Immigration law)