

27 OCT 1981

Memorandum for the Associate Attorney General

Re: Status of Guantanamo Bay

This responds to your inquiry of October 23, 1981 as to whether Guantanamo Bay 1/ is part of the United States for the purposes of the Immigration and Nationality Act (INA). We do not believe that it is.

The INA defines the term "United States" to mean "the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States." 8 U.S.C. §1101(38). See also C. Gordon & H. Rosenfield, 1 Immigration Law and Procedure § 2.4 (1981). Because Guantanamo Bay is not included in this statutory definition, we do not believe that it is part of the United States for the purposes of the INA.

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1/ See Treaty Between the United States of America and Cuba, 48 Stat. 1682, T.S. No. 866; Agreement Providing Conditions for the Lease of Certain Areas for Naval or Coaling Stations, T.S. No. 426, 6 Bevans 1120; Agreement Between the United States of America and Cuba for the Lease of Coaling or Naval Stations, T.S. No. 418, 6 Bevans 1113. See also 35 Op. Att'y. Gen. 536, 540-41 (1929).