INDEX
Cumulative for Volume 1 to 15, Inclusive

A
Abandonment and nonsupport statutes, historical evolution; 2—134, 554
Abandonment of application for admission; see Application for admission to United States
Abandonment of minor child; see Crimes involving moral turpitude
Abandonment of permanent residence; see Residence
Abandonment of United States citizenship; see Citizenship-loss
Abortion; see Crimes involving moral turpitude
Absence from United States, expatriation through; see Citizenship-loss; residence abroad by naturalized citizen, through
Absence from United States, temporary; see Residence; Naturalization; Citizenship-derivation (after birth) by child born abroad; Seventh proviso, sec. 3, 1917 Act; domicile
Accompanying child or spouse; see Accompanying or following to join
Accompanying or following to join:
accompanying child, question of, 1924 Act; 1—98
accompanying child, question of, 1952 Act; 14—122
accompanying spouse, question of, 1952 Act; 5—722
accompanying spouse, sec. 202(b)(2), 1952 Act; foreign state chargeability; see Quota nationality
Acquisition of citizenship; see Citizenship and titles subordinate thereto; Naturalization Act of December 23, 1945 (P.L. 271, 79th Cong.)
adoptive children; legislative history; 3—42, 131
"Actively opposed" to communism (defector); question of; 11—3, 733; 12—778
Addict; see Narcotics; addict
Adjacent island, preexamination (8 CFR 142), Jamaica, B.W.I.; 3—704
Adjacent island; sec. 101(b)(5), 1952 Act: British Honduras; 10—40; 13—235
Adjudication of citizenship; see Citizenship
Adjudication of nationality (not citizenship); issuance of passport or letter of identity by Gov. of Guam, Samoa, does not constitute; 3—589, 729
Adjustment of status:
sec. 1, Act of Nov. 2, 1966:
applicant native & citizen of Italy who entered as crewman; spouse of Cuban within sec. 1; eligible to apply; 12—755
applicant native of Cuba but not refugee; eligible; 12—699
applicant (neither native nor citizen of Cuba) married to Cuban citizen after latter's adj. under sec 1; eligible; 13—480
applicant (neither native nor citizen of Cuba) sepa—

Adjustment of status—Continued
sec. 1, Act of Nov. 2, 1966—Continued
rated from Cuban citizen spouse; ineligible; 12—869
applicant within public charge provisions of sec. 212(a)(15) & 214(a)(6); 12—492
arrival as nonimmigrant or parolee a requisite for benefits sec. 1; 12—163
barred from citizenship as convicted murderer; statutory eligibility notwithstanding; 13—166
crewman, admission as; effect; 12—396; 13—575
discretionary denial; 12—355
discretionary nature of relief notwithstanding statutory eligibility; 12—432
inspected and admitted on Jan. 1, 1959; ineligible; 12—788
"inspected and admitted or paroled"; question of; 12—112, 291, 549
"last arrival"; construed; 12—56
last entry Illegal; ineligible; 12—688
last entry prior to Jan. 2, 1959; ineligible; 12—247
spouse of alien within sec. 1; eligible notwithstanding entry as crewman; 13—576
spouse of alien within sec. 1; ineligible where alien himself denied adjustment; 13—740
spouse of alien within sec. 1; last entry prior Jan. 1, 1959; ineligible; 12—247
sec. 2, Act of Nov. 5, 1966:
applicant must also come within purview of sec. 1 of Act; 12—143; 13—59
arrival only as immigrant subsequent to Jan. 1, 1959; ineligible; 12—143
physical presence; construed; 13—79
physical presence, may be completed subsequent to lawful adm. for perm. res.; 13—79
physical presence requirement, compliance with; question of; 13—79
sec. 9, Act of Sept. 11, 1957:
applicant's immigration status as eligibility factor; 8—100
eligibility as "spouse" of principal applicant; 8—100
good moral character requirement; 8—100
unavailability of visa construed; 8—100
sec. 13, Act of Sept. 11, 1957:
accompanying children of foreign govt. official (A-1); loss of eligibility of principal alien does not affect eligibility of derivative child; 13—334
applicant acquired another nonimmigrant classification (G-4) after ceasing to maintain A-1 status; effect; 14—354
applicant is native of Western Hemisphere country; effect; 13—116
wife of foreign govt. official; admission & acquisition of status under prior law; effect; 11—96
Adjustment of status—Continued

sec. 205 (a)(7), 1955: Act, as amended, under proviso to see Quota preference; Act of 1952, as amended by P.L. 88-226; see 500(b)(17)

sec. 211(c) and (d), 1955 Act; see Discretionary relief sec. 214(d), 1952 Act; see Fiance (e) of U.S. citizen; sec. 101(a)(15)(X) 1952 Act as amended

sec. 245, 1952 Act; see amendments:

a preconceived intent; at time of entry to remain permanently; 10—516, 774; 11—167, 537, 621; 12—212, 248; 13—328

administrative discretion; criteria for issuance of; 13—454; 15—615, 729

admission as fiancé; citizen petitioner changed mind; alien married another U.S. citizen; adjustment not procured; 14—195

admission as imm grant; 9—141

admission as immigrant; eligible to apply whether deportability stems from cause preceding accompanying or after entry; 13—707

admission as immigrant, subsequently became deportable on civil grounds; 10—191; 11—720

admission as immigrant; subsequently became deportable on entry without inspection charge; ineligibility; 12—351

admission as immigrant, upon presentation visa procured by fraud; eligible; 10—344

admission as visit w (upon pretext); a preconceived intent to be student; 15—351

admission as visit x (upon pretext); a preconceived intent to obtain permanent residence and remain in United States; 15—356

admitted as student; on fellowship from his Govt. (Libya); lack of good faith in dealing with his Govt.; 12—339

admitted as student; on fellowship from & under contract with his Govt. (U.A.R.); noncompliance with contract; 11—163

admitted in transit to reship foreign as a crewman; ineligible; 10—101, 277

admitted in transit without visa (TRWV); ineligible; 10—441

adverse effect; would be created in relations between applicant's Govt. & U.S.; 9—249; 10—651; 12—239; 13—266

advisory opinion in Dept. of State; must be considered; 13—201

alien admitted as nonimmigrant visitor but occupationally & factually a crewman who entered in pursuit of occupation; ineligible; 12—555

alien arrived as crewman but inspected and admitted as nonimmigrant visitor upon presentation valid visa; 13—4

alien arrived as wayward in possession valid visa & admitted as nonimmigrant visitor; eligible 11—545

alien beneficiary of approved, perf. VP; petition with drawn prior allocation of quota Nos.; effect; 12—61

alien beneficiary of second preference petition; petition never approved; effect; 15—550

alien born in U.S. ineligible; 10—706; 11—717

alien born in U.S. in diplomatic status who has never been outside U.S.; 11—190

alien denied visa by one consul later enters U.S. with visa obtained from another consul; 8—683; 10—728, 177; 13—128

alien derived 1st ref. classification thru husband; inter Slamary divorce does not grant husband; effect; 11—148

Adjustment of status—Continued

sec. 245, 1952 Act—Continued

alien employed by U.S. Government for more than 16 years at U.S. Embassy Colonia whose household employment was involuntarily terminated when Embassy closed, is eligible for adjustment as a special immigrant under sec. 101(a)(27)(E) (now D);

alien entered as citizen, no willful false claim to citizenship; 8—54; 12—8

alien entered as member U.S. Armed Forces; 8—465; 10—653

alien entered by knowingly & falsely claiming citizenship; 8—60, 476, 599; 11—706; 12—733

alien excluded and paroled into U.S.; jurisdiction lies with MIO; 13—451

alien, issued Class "A" med. certif. by USPHS as mentally retarded, not advised of right to appeal such certification; effect; 13—611

alien separated from U.S. citizen spouse; visa availability, question of; 11—446

alien who voluntarily renounced her perm. residence status previously acquired thru immigration; 11—140

alien within provisions sec. 204(c); effect; 13—192

alien within provisions sec. 212(a)(24); eligible; 12—522

alien's good faith, as factor; 9—50, 265; 10—172, 177, 484, 516; 12—739

applicant has wife and 3 children residing in Chile; 11—517

applicant (widow) has 5 minor children residing in Hawaii; 10—628

application during exec. proc.; SIO lacks authority to consider notwithstanding inadvertent omission of pertinent regulation in annual rev. ed. of 8 CFR; 14—405

application filed prior 12/1/65 by native of Tonga; 1966 amendment to see subsec. 246(a) (applicable; 12—102

application pending on 12/1/65, effective date of amendment of sec. 246 by P.L. 89—206; effect; 11—419

application, per se by nonimmigrant in lawful status does not constitute ground of deportability under sec. 241(a)(9); 15—191

approval, prior, revoked, of nonquota or immediate relative VP does not preclude disc. denial based on doubtful bona fides of marriage; 10—688; 14—257

approved sixth preferences visa; requirement of; 15—772

BIA lacks authority to grant adjustment in absence of approved visa; 15—772

BIA lack authority to review Reg. Comm'r's action; 9—11

bona fide nonimmigrant at time of admission; question of; 8—488, 621, 656, 655, 680

bona fides of alien in securing visa; as factor; 10 516, 774

bona fides of marriage, doubtful; BIA & SIO may deny on basis of notwithstanding prior revoked immediate relative VP by visa; 14—207

burden on alien to establish favorable action merited; 9—38; 15—772

certification (Labor); alien ineligible for exemption from requirement as investor where he engaged in other unrelated full-time employment; 15—656
Adjustment of status—Continued
sec. 245, 1952 Act—Continued
certification (Labor); blanket, within Schedule A; religious worker; 10—304
certification (Labor); exemption from as investor;
see also Exclusion grounds: certification of Sec. of Labor; see 212(a)(14), 1952 Act: exemption from, as investor
certification (Labor); exemption from as investor; question of; 15—349; 15—401, 655, 695, 729
certification (Labor); exemption from as investor (8 CFR 212.8(b)(4); question of; business sale; 15—142
certification (Labor); exemption from as investor (8 CFR 212.8(b)(4); question of; purchase of common stock in employing corporation by salaried employee; 15—147
certification (Labor); exemption from as student under 8 CFR 212.8(b)(6) after Aug. 2, 1972; question of; 14—603
certification (Labor); failure to establish exemption from as investor; 15—794
certification (Labor); necessity of; nonpref. immigrant supported by husband, a resident of Hong Kong; 15—376
certification (Labor); necessity of where alien employed in U.S. full time for 4 years; 11—756
certification (Labor); necessity to determine exemption from presentation of where alien is ineligible for relief as matter of discretion; 11—796
certification (Labor); no longer in employment upon basis of which issued; 12—684
certification (Labor); overstatement of qualifications on application for; effect; 15—501
certification (Labor); Qualification of nonpref. alien for Sched. C precertification; authority to determine; 15—572
certification (Labor); question of necessity where alien’s adjustment prior 12/1/65 precluded by in-completeness in processing; 12—371, 633
certification (Labor); required by alien who claims to be an investor under 8 CFR 212.8(b)(4) in one company, but is engaged in unrelated full-time employment with another company; 15—666
certification (Labor); required by alien spouse of lawful perm. resid. who where nonpref. visa available to him; 12—319
certification (Labor); required by nonpreference immigrant alien employee of foreign embassy in U.S.; 12—348
chargeability to quota area of adoptive father; 11—371
chargeability to quota area of permanent resident alien spouse; 8—669
circumvention of normal immigrant visa issuing process, as factor; 10—149; 11—167
denial of sus./dep. by Congress; not a bar to; 13—5 discretion, administratively; criteria for exercise of; 7—651; 8—60; 13—494
discretion, exercise by SIO; must be made independently on basis all facts present; 13—661
discretionary denial; 8—65, 234, 636, 655, 668; 9—58, 90, 246; 10—168, 177, 249, 516, 628, 651, 688, 677, 774, 790; 11—140, 163, 167, 317, 337, 621, 720, 796; 12—79, 212, 249, 738; 13—128, 236; 14—237; 15—301, 351, 376, 725, 794
discretionary grant; 9—646; 10—179; 12—494
discretionary nature of relief notwithstanding statutory eligibility; 15—626

Adjustment of status—Continued
sec. 245, 1952 Act—Continued
effect on preexisting ground of deportability; 9—540
effect on preexisting ground of excludability; 9—548
eligibility thru grant of "defector" status, sec. 212 (a)(28)(I)(ii); 8—302; 12—776
eligibility thru "nonquota" classification, sec. 212(h), Act of Sept. 26, 1961; 11—710
exchange visitor; 5—229; 11—708
exchange visitor; alien spouse of; 11—836; 14—113
exchange visitor; entry prior to June 4, 1966; 11—919

exchange visitor; finance by govt. agency, State Department determination not conclusive; 15—86
exchange visitor; status of, subject to exclusion; alien classification; effect; 15—358
exclusion order not eligibility bar when alien inspected and paroled; 9—265
aware to apply for visa white outside U.S., 8—655
fiance, admission as; citizen petitioners changed mind; alien married another U.S. citizen; adjustment not prejudice; 14—120
filing of application, effect upon existing deportability; 5—692
good moral character requirement; 7—651; 8—65, 234; 10—188
"immediately available," immigrant visa; question of; 12—61; 15—692, 695, 700
immigration judge lacks authority to grant adjustment in absence of approved visa; 15—722
immigration violations, consistent and deliberate; effect; 8—636
"inspected and admitted"; question of; 9—50, 54, 478, 599; 11—351, 706, 712; 12—3, 733
jurisdiction over application of alien excluded & paroled into U.S. lies with DD; 12—407
minister; visa availability, failure to establish; 14—165
misrepresentation; visa; mere making of to consider significant; 10—790
narcotics violator; ineligible; 15—688
native of British Guiana; 11—419
native of British Honduras; 10—40; 11—768
native of Honduras; 11—419
native of Western Hemisphere; application pending 12/1/65, effective date of amendment of sec. 249 by P.L. 89—226; ineligible; 11—419
native of Western Hemisphere (Argentina); alternately chargeable to quota of country of birth of wife (Italy); ineligible; 15—406
nonpreference alien; supported by husband, resident of Hong Kong; 15—376
nonquota alien, prior residence, computation of period; 5—330
nonquota alien, sec. 2, Act of Oct. 24, 1962; changed employment between date of filing & final adjudication application; effect; 10—701
nonquota alien child (sec. 101(a)(27)(C), 1952 Act), regarded as quota immigrant under sec. 202 (a)(1); 5—750
mrs pro fusc question of; 10—187; 13—161
reconsideration based on issue which could have been raised on judicial review, denial of; 13—161
Administrative decisions, guidance on questions of law by court decisions; 2—656, 849

Administrative discretion:
Suspension of deportation orders, in re without reliance on Congressional committee reports; 15—648

Administrative Procedure Act:
hearings in exclusion proceedings, effect on; see Exclusion
hearings in expulsion proceedings, effect on; see Deportation
Service hearings prior to Sung decision invalid only where objections were raised, 5—602
standards of fairness met by sec. 242(b), 1952 Act; 5—261

Admissibility under immigration laws (see also Exclusion).
arrival governing determination of; seaman, involuntary return of, following arrival and exclusion (8 CFR 175.53); 7—1
compliance with laws at time of application for admission; 2—172
determination of; not within scope of visa petition procedure; 5—295
determination of, proper in ex. proc. where alien preinspected and admission stamps cancelled prior to arrival in U.S.; 15—498
determination of; proper alto alien's parole not terminated; 15—75

determination of; returning resident alien; 5—312;
12—358
determination of; U.S. citizenship claimant; 7—323
determination of; U.S. Navy enlists placed on Temporary Disability Retired List; question of; 15—508
effect of legislation enacted while alien on parole; 9—170
effect, where alien is under indictment; 2—172
redetermination of, upon arrival at port of entry; absolute duty to make; 15—430

Admission:
application for, abandonment or withdrawal; see Application for admission to United States erroneous, following inspection by Service officer; 14—397
right to remain in U.S. following; determined in dep. proc.; 9—78
when an admission occurs; 9—78; 12—191; 15—498

Admission for permanent residence; see Lawful admission to the United States for permanent residence

Admission of commission of crime; see Crime admission of commission

Adopted child; see Child: adopted

Adoption:
Bahamas; 6—760
British Guiana; 9—248
Burma; 14—649, 726; 15—224
California, of illegitimate child; see sec. 230, Civil Code, 3—745, 13—544
China; 3—608; 10—597; 11—151, 219; 12—296, 484; 513, 690; 13—766; 14—127, 152, 180
China; doubt as to bona fides; adoptive parties blood relatives; 14—71, 150
China; evidentiary standards; 14—150, 175
China, in; in absentee; by Chinese adoptive parents permanent residents of U.S.; 14—71
China, in 1952; following seizure of control by Chinese Communist Govt.; 12—629
China, mainland, before 1950, of female; 14—127
Adoption—Continued
China, mainland, before 1950, of unrelated male; 14—158
China, mainland, subsequent to 1950 alliance of control by Chinese Communist Govt.; 14—159
China; mutual termination, question of; 13—666
China; over 14 at time parental relationship created; 14—71
China; parental control of adoptive parent, under; question of; 14—189
China, without juridical act; validity; 14—127
Chinese adopting parents in U.S., by; of native-born U.S. citizen child; 12—240
Chinese person born in Hong Kong, of; under Chinese law & custom; female; 14—355
Chinese person born in Hong Kong, of; under Chinese law & custom; male; 12—456
Czechoslovakia; 12—258
date; question of, where decree given retroactive effect, 15—716
date; question of, where effected under two different procedures; 12—247
effect on relationship to natural brother or sister; 12—456
effect on relationship to natural parents under immigration laws; 9—46, 116, 557; 11—55; 12—421
Egypt; 12—256
evidence, validity of; 3—659
Germany, in, by proxy; recognized in Texas, principle of comity; 6—294
Guyana; 13—616
Hawaii; birth and residence outside Hawaii;
Hong Kong, in; under Chinese law and custom; 13—624
Hong Kong, in (1957); under Chinese law and custom; child over 14 when adoptive father gave consent to adoption; 15—221
Hong Kong, in (1960); under Chinese law and custom; adoption by an unmarried woman; 14—335
Hong Kong, in (1965); under Chinese law & custom; evidence, question of; 15—221
Hong Kong, in (1954); of female; under Chinese law & custom; 14—135
Hong Kong, in (1959); of unrelated male; under Chinese law & custom; 14—135
Hong Kong, preceded by informal infancy adoption under Chinese law and custom; 12—474
Indiv; 14—4; 15—569
Indonesia; in; of Chinese child; 13—89; 15—709
Italy; "affiliation" is equivalent of adoption; 6—270
jurisdiction, by; necessity of; 14—137
jurisdiction; prerequisite for validity; 15—580
Korea; 13—45; 15—62, 477
legal relationship between adoptive parents and child must be created; 15—709
locus parentis; not equivalent of adoption; 11—219
Mexico, State of Tamaulipas; 15—165
Netherlands Antilles; 9—621
Portugal; 9—642
proceedings for, in office of foreign consul in U.S.; 5—733
Punjab (Pakistan), province of; 15—512
Thailand; 15—234
Uganda; 15—599
validity; governed by place of adoption; 5—438; 6—760; 14—127
validity, in absence of juridical act; question of; 14—127
Adoption—Continued
Yemen; 14—305; 15—430
Adultery; see Good moral character; adultery;
Crimes involving moral turpitude
Affidavit of support; cannot be taken at face value; effect; 15—698
Affiliate or subsidiary of corporation; see Intracompany transferee
Affiliation, subversive ground of exclusion or deportation; see Subversion
Affirmative misconduct; see Estoppel
Aggravated assault (battery); see Crimes involving moral turpitude
Agricultural laborer; admissible under Act of 42943 alt. previously deported and no permission to reapply; 1—524
classification, immigrant or nonimmigrant status; 6—491
ineligible for change of nonimmigrant status under sec. 640; 6—110
permission to reapply (8 C.F.R. 214k. T); effect on future entries; 10—231, 613
qualifying reuests of sec. 1010(10)(D) inapplicable; 6—401
remained longer; deportable sec. 211(a)(2); 10—880
suspension of deportation, not barred by admission as; 2—692, 151
Alien claiming exemption from military service; see Ineligibility to citizenship
Alien coming in managerial, executive, or specialized knowledge capacity; see Intracompany transferee
Alien coming temporarily as trainee; see Industrial trainee
Alien coming to engage in commercial or agricultural enterprise (8 C.F.R. 212.6(b)(4));
business now idle; effect; 15—142
commercial or agricultural enterprise, coming with bona fide primary purpose of engaging in; question of; 14—549
commercial or agricultural enterprise, construed; 14—563
commercial or agricultural enterprise, question of; 12—86; 14—563
conditional intent to invest; 15—206
"engaging" in enterprise, construed; 14—349
"engaging" in enterprise question of; 15—142
"investment"; construed; 14—246
investment, question of; 14—663; 15—51, 295
labor certification requirement; inapplicable; 14—540
labor certification requirement; request for exemption from, filed prior to effective date of amended regulations; effect of amended regs.; 14—349
purchase of common stock in employing corporation; effect; 15—147
"substantial investment"; 12—86; 14—563
Alien coming to perform temporary services; alien previously employed by petitioner in specified position as permanent employee; 15—608
blanket Labor certification; services within purview of; effect; 12—591
electronic data engineers; 10—90
governess, mother's helper; 10—654
musicians; 12—591
professional female wrestlers, as entertainment act; availability, question of; 11—407
"temporary services"; question of; 13—23
Alien; contrast; labor; excludability; see Exclusion under; contract labor; Alien of distinguished merit and ability; actor, internationally known: to be panelist on TV show; 11—462
actor, not acclaimed by recognized theatrical experts; 11—594
actor, role in motion picture by internationally-known Co.; 12—312
actor, services to be performed do not exact requisite ability; 11—534
advisory opinion, unnecessary; 11—462
approval of petition for classification as factors to be established; 14—213
bona fide nonimmigrant, otherwise; determination not requisite to petition approval: 14—213
change of nonimmigrant status; see Status; nonimmigrant; application for change of, sec. 248
classification as (H)(i) does not automatically qualify for 3d pref. status; 12—758
classification as (H)(i) may not be substituted for 1st pref. classification to overcome oversubscribed quota; 10—715
classification as member of professions (64 pref.) as qualifying for (H)(i) status; question of; 14—196, 202
distinguished merit and ability may not be equated with "exemplary ability in arts and sciences"; 12—758
employed previously by petr. as student for practical training; effect; 14—196
employment misad; adversely affect U.S. wages and working conditions; effect; 14—196
engineer, mechanical; 14—196
entertainers; not acknowledged as eminent by recognized critic; 11—65
intern; 8—460
member of professions must be able to engage in profession immediately; 14—202
pathologist; 11—846
pharmacist, requires additional training & must pass local licensing Examination; effect; 14—202
professor, visiting; 12—499, 571, 838
research associate; to establish course material for new program; 10—642
residence abroad; no intent to abandon; determination not requisite to petition approval; 14—213
scholar; to teach & hold seminars, and do research, in mathematics; 10—640
singer-performer; had one "top hit" in Great Britain; 11—277
"temporary services"; question of; 12—449, 571, 838
unemployed persons (locally) capable of performing such services; effect; 14—196
Alien; no "right" to indefinitely remain illegally in U.S. on basis of citizen children; 14—488
Alien; no "right" to indefinitely remain illegally in U.S. under 812 10(a) as VP beneficiary 14—644
Alien registration:
duty of alien crewman to exhibit evidence of (I-95) upon request by service officer, without necessity of
winding warning; 14—630
Evidence from AR Form, admissibility, dep. proc.; 4—475; 5—175
false statement under oath to U.S. vice consul; 1—16
false statements in connection with 1940 Act, sec. 36(c); 2—533, 820
Alien who will engage in a commercial or agricultural enterprise; see Alien coming to engage in a
commercial or agricultural enterprise; Exclusion under; certification of Sec. of Labor; sec. 212
exemption from Alienage:
citizenship claimant, admits birth abroad; 7—332
court dismissed see; 506, 1940 Act, suit without entry
final order; effect; 7—244
former naturalized person. "relation back" doctrine; 3—276; 4—373, 702; 5—405
former naturalized person, applicability of "relation back" doctrine to documentary charges; 5—693; 7—103
proof:
admission by attorney; 5—175
arrival record; 6—415; 13—754
burden of: Woody test; 12—796
carrier's report of desertion of crewman; 13—794
contemporaneous official birth record and prior admissions; 12—725
is a resident in; 3—290
military certificate; 6—415
refusal to testify, effect; 5—415; 13—754; 15—728
seaman's identity book; 13—794
Alternate foreign state changeability; see Quota national;
Amendment of record of entry to show admission for permanent residence; see Entry record; amendment or cessation, to show admission for permanent residence
American Indians born in Canada:
definition "Canadian Indians", Act of Apr. 2, 1928; 1—309; 3—191; 300
deportability and excludability; 1—600; 3—300
deportability on grounds other than those arising after entry; 3—300
effect of forfeiture of political status as Indians in Canada, by marriage; sec. 14, Canadian Indian Act; 3—191
ethnological test under Act of Apr. 2, 1928; 3—191; 4—458
half-Indian, blood, those of, not entitled to benefits, Act Apr. 2, 1928; 4—458
syphilis at time of entry, afflicted with, deportability; 1—600
American Samoa, Guam, Swain's Island (see also Guam):
noncitizen nationality of natives or inhabitants; 2—776; 3—569, 729; 5—144
sec. 308(1), 1952 Act, retroactive; 5—144
status of natives' children born abroad; 5—380
Amnesty, foreign; see Pardon; foreign
Anarchistic organization; see Subversive
Annulment (see also Marriage);
California; 6—163; 14—626; 15—445
Czechoslovakia; 3—450
deporation basis; see Deportation grounds: fraudulent marriage
exclusion basis; 7—665
Germany; 9—276
Mexico; marriage performed in Texas; 7—182
New York; 3—55, 102
Pennsylvania; 2—354
"relation back" doctrine; 3—25, 102, 526; 7—182; 15—445
Texas; 3—528
Washington, D.C.; 4—345
Appeal:
abandonment of (exc. proc.), question of; 12—147
absence of specified reasons for; 11—678; 15—422
Appeal—Continued
board of special inquiry decision, from; 3—391
ground not advanced by board, appellate body’s right to consider; 1—391
mental or physical condition not presently existing; 2—127
deferral of action on pending outcome collateral 12—9
court actions by respondent; 15—9
deporture from U.S., effect of; 6—159

District Director’s decision, from:
determination of alien’s release from custody after 13—40
failure to appear for deportation; 13—40
determination of alien’s release from custody (pur- 5—565
suant final dep. order) pending determination of asylum request; 14—205
determination of eligibility for refugee status under sec. 208(a)(7); 15—75
jurisdiction of DD lost upon filing of appeal from his decision; 15—540, 558

(gaveling) see summary dismissal under this mainline title
hearing officer’s findings, from:
denial of application for voluntary departure, when 4—660
not appealing 4—660
must be from specific findings and conclusions as to deportability to confer jurisdiction on BIA; 4—660; 5—565

in forma pauperis; 14—424
interlocutory order, granting of motion to reopen is; Board lacks jurisdiction to entertain Service ap- 16—716
peal; motion to reopen, order granting is interlocutory; Board lacks jurisdiction to entertain Service appeal; 16—716
oral argument denied; 11—417; 12—429

Service decision, from:
absence of warrant proceeding, in; on motion; BIA’s 8 CFR 90.3, 142.2); 3—704
jurisdiction; on fine matter; extension of time for appeal; 3—167, 229
motion to reconsider or reopen; BIA’s jurisdiction (8 5—167, 229
CFR 90.10; 90.9(b)); 3—167, 229
lack of notice (8 CFR 90.0(b)); 3—167, 229
special inquiry officer’s decision, from:
alien granted relief requested; 11—417; 13—423
entry into U.S. while appeal pending (exc. proc.); 12—73
effect; 13—842
examination officer, by; grant of voluntary departure 7—489
to alien in U.S. less than 5 years; 7—489
timeliness; question of; 14—288
summary dismissal; 11—417, 678; 13—423
summary dismissal, subject to question of procedure; 14—244
timeliness; question of; 14—288
unsubstantiated allegations of official misconduct 13—680, 790
urged on appeal should be specified under oath; 13—680, 790
Appearing and delivery bond; see Bond; delivery 13—798
Applicant for admission; question of; 13—798
Application for admission to United States (see also Admission; Admissibility under Immigration Act); abandoned or withdrawn, when deemed; 2—178
dep. hearing not proper for determining admissibility; 5—312

Application for admission to United States—Continued
returning resident; see Admissibility under immigra- 13—798
tion laws
United States citizenship claimant; 13—798
withdrawal; a matter of right, not; may be permitted 13—765
only in discretion of Service; 13—765
withdrawal; after hearing and prior entry of SIO’s 13—765
order; question of; 12—429
withdrawal, conditioned upon departure within 14—718
month; infringement on DD’s parole authority; 13—765
withdrawal, during course of appeal to BIA after 13—765
entry of SIO’s exclusion order; question of; 13—765

Apprehension of alien within reasonable distance of 14—718
U.S. border; authority of immigration officer; 13—765
question of; 13—838

Approval of school for nonimmigrant students: 11—411
application for; factors to be considered; 10—659
approval by appropriate State authority lacking; ef- 11—411
fect; 11—411

facilities do not satisfy local fire and safety require- 11—411
ments; 11—411

noncompliance with certification requirement of 8
CFR 214.3(b); 11—354

Armed Forces of United States:
"honorableness" of discharge when dishonorable dis- 14—718
charge followed honorable service 4—660
induction into; liability notwithstanding abandonment of perm. resident status, question of; 14—600
member of; question of; 15—600

Arrest:
legality, question of; 12—603, 676; 13—30, 141, 294,
525, 838
when arrest occurred, question of; 12—141
without warrant; sec. 501(a)(2); 1062 Act; question of; 14—600

Arrested and deported, sec. 212(a)(17), 1952 Act, 13—103
question of; 13—103

Arrival in U.S.; involuntary return of excluded seaman, as; 7—1

Arriving from foreign, 1924 Act, sec. 20; 3—876
Arriving from foreign; sec. 254, 1952 Act; 14—61
Arriving from foreign for bunkers, sec. 20 1924 Act, 20—254(a); 1952 Act; 5—296

Asian barred zone see Barred zone
Assignment, house of; see Prostitution
Assumed name, obtaining visa under; see Deporta- tion grounds; visa charge
Asylum, political; claim of, in exc. proc.; jurisdic- tion, question of; 14—403

Attempt to commit crime; see Crime; Crimes involv- ing moral turpitude
Attorney; suspension or disbarment from practice before BIA and service; see Suspension or dis- barment
Australia, Children’s Welfare Act and Children’s Court Act; 2—368
Austria-Hungary, portion which later became Pol- 3—575
and, presently under control of U.S.S.R.; place of deportation; 3—575

Australian citizenship, reacquisition; 1—422

B

Barred zone; discussed; 1—174; 2—304
Birth in United States;
Board of Immigration Appeals—Continued
authority to review DD's action instituting dep. proc.,
no; 13—660
authority to review DI's decision to indefinite vol/
dep. privilege, no; 14—488
authority to review DD's denial of stay of deportation;
13—658
authority to review denial of paro, 261 application;
9—11
citizenship claim, to review; exc. proc.; 1—587
custody, alien's release from:
aliens failed appeal for deportation; 15—60
alien ordered excluded; 6—295
custody thereafter; 13—457
denial requested; 14—366
denial; 14—306
deposition stayed; likely to be of brief duration;
14—306
petition [§ 166] for review of dep. order filed;
13—106
release pending determination of appeal; 6—335
detention, authority to make finding; 6—366
detention, voluntary; Board lacks jurisdiction to hear Service appeal;
15—712
detention, voluntary; grant of stay of removal; Board has
jurisdiction to hear Service appeal;
15—712
order of deportation; withdrawal of; 10—309
permission to reapply; advance; 14—590
permission to reapply; rule pre tune; 14—590
preexamination, in absence of warrant proceedings 6
CFR 90.2, 140.2; 3—764
question of fact; power to determine; 10—103
voluntary departure, a new grant following failure to
depart within initially granted period; 15—37
voluntary departure, the setting of terms and condi-
tions for; 10—167, 372
voluntary departure date; no authority to extend;
13—258

motion to reopen:
after alien's departure; 6—159
denial by hearing officer; no exceptions taken to
original deportation order; 4—733
order of BIA, court review directed; no authority to extend;
13—258

Board of special inquiry; see Exclusion

Bond, delivery:
authority to include condition prohibiting unauthorized employment, question of; 14—523
breach for failure to surrender:
demand to surrender made impossible by alien;
3—813
departure of alien prior to demand to surrender;
4—54
departure of alien prior to surrender date of demand;
13—563
departure of alien prior to surrender date of demand;
13—563
departure of alien prior to surrender date of demand;
15—333
untimely surrender and invalidity of deportation
order as defenses; 3—862
responsibility of indemnitor of surety, sec. 20, 1917
Act; 3—862
condition barring unauthorized employment;
request for removal of; guidelines; 15—229

Bond, maintenance of status & departure:
authority of DD to require as conditioned precedent to
grant status see 101a(c)(11)(H) 10—710
breach; question of; 12—755, 13—350, 655, 15—176

Birth in United States—Continued
birth on American merchant vessel on high seas, not
tantamount to; 1—677
court decree, 3—239
in diplomatic status, no; 11—190
military records as proof, 6—415
passport as proof, 3—619

Blood tests:
as evidence of relationship; 5—149, 232, 351, 6—212,
645; 8—235, 9—236, 12—27
racial discrimination as affecting due process; 6—573

Board of Immigration Appeals—see also Appeals
adjudicator, impartial, role of; refund for further inves-
tigation not a deviation from; 14—53
appeal, deportation cases:
oral argument, 11—411, 12—420, 13—160
summary dismissal; 11—417, 618, 13—423
summary dismissal, subject to; question of procedure;
14—244
time limitation; 1—280, 929
unsubstantiated allegations of official misconduct
should be specified under oath; 13—680, 190
appeal from Central Union decision, exclusion cases;
timeliness (8 CF R 105.9(b)); 3—167
appeal from interlocutory decisions of SIO; 15—109
appeal, in forma pauperis; 14—424
certification to ICA for review.
DD's determination on sec. 248 application; 13—65
Reg. Commr.'s. determination on application for
permission to reapply; 14—590
request of alien; decision unchallenged, 6—600
scope of power; 6—388
constitutional of statutes, power to review; 4—556;
15—775
court of a lower Federal court, effect on
legal conclusion of Board; 14—75
judicial review of BIA order, refund for further proceedings;
procedure, question of; 14—222
after alien's departure; 6—159
appeal untimely; 14—298
application for change of nonimmigrant status; sec.
246, 1952 Act; 10—291
application for extension of stay, 11—265
authority in dep. proc. to consider validity of DD
order rescinding sec. 245 adj. of status; 12—44
authority in dep. proc. to determine eligibility at adm-
mission for sec. 212(d)(1) exemption, 3—564
authority in dep. proc. to determine 8th pref. eligibil-
ity in conjunction sec. 246 application; 11—592
authority in dep. proc. to review DD's decision not to
revalidate 3d. pref. VP in conjunction sec. 246 ap-
lication, no; 14—691
authority in dep. proc. to review on appeal SIO's con-
sideration of DD's bond determination; 14—523
authority in exc. proc. to consider claim of political
asylum, no; 14—498
authority in exc. proc. to consider claim to refugee
status under 1967 Protocol Status of Refugees; 14—494
authority to adjudicate or review denial of sec. 212(c)
waiver application; 10—372
authority to consider DD's certification of his decision
on sec. 248 application; 13—533
authority to consider direct certification reg.
Commr.'s decision on permission to reapply
application; 14—593
authority to parole alien under sec. 212(d)(5), 1590
Act, no; 14—278
Burdens of proof: Continued

evidence, illegally obtained, claim of burden on alien to establish prima facie illegality, 15—722
exclusion proceedings; 3—141, 680, 777
exclusion proceedings; removing resident; 19—711
exclusion proceedings; returning resident; 12—358
prescribed character of organization (see also Subversive); 3—736
recreation of VP approval; 12—715
sec. 2410, 1952 Act; 14—509
civil petition proceedings; 3—37, 492
Business, temporary visitor for; see Visitor C

Canadian citizenship, loss under Canadian Naturalization Act of 1914; 1—498
Canadian Indians; see American Indians born in Canada
Canadian narcotics statute; criminal, not merely regulatory; 2—603
Canadian nationality:
British subjects not necessarily nationals of Canada; 2—232
minor, acquisition by; 1—25, 329, 476, 586, 685
national, defined (Can. Nationals Act of 1921); 1—560
inchoation; acquisition, 1—476, 496, 506
presumption of loss by residence abroad; 1—560
renunciation; 2—560
Canadian Officer's Training Corps:
inomial forces of foreign states; see 1010 Act, see 601
(c); 2—346
Canadian armed forces, not part; 2—457
Canadian University Air Training Corps, not part of Canadian armed forces; 2—456
Cancellation of bond; see Bond
Cancellation of naturalization; see Citizenship—loss
Certificate of citizenship:
birth abroad 1905, citizen mother and alien father; citizenship acquired in 1957 when, following divorce, mother acquired custody (de Coll doctrine); question whether this constituted naturalization under sec. 329, 1940 Act; 3—645
birth Philippines 1896, Spanish parents born in Puerto Rico; citizenship acquired under Act of Mar. 2, 1917 (Puerto Rican Citizenship Act) in own right and not as contemplated by sec. 339, 1940 Act; 5—406
blood test to prove relationship, sec. 341, 1952 Act; 6—454
ineligible for, sec. 341, 1952 Act, on basis of repatriation under Act of Aug. 10, 1931; 7—706
Certificate of lawful entry; racial eligibility to naturalization, 1940 Act, sec. 328(b); 3—304
Certificate of naturalization; child who acquired citizenship by statutory declaration (Virginia Islands); 3—870
Certification of Sec. of Labor; sec. 212(a)(1), 1952 Act; as amended; see Exclusion grounds: certification of Sec. of Labor, sec. 212(a)(14)
Change of nonimmigrant status, sec. 248, 1952 Act; see Status: nonimmigrant, change of
Change of venue; deportation proceeding; 3—94; 40—509
Child:
accompanying, sec. 202(a)(9), 1952 Act; see Accompanying or following to join adopted (see also Adoption):
Child—Continued

adopted—Continued

Act of Dec. 28, 1945; adopted children; legislative history; 3—42, 131
Act of Dec. 28, 1945; validity of adoption; 3—131, 608
Belgium, in; solely by wife under maiden name without participation of pstr./husband; 3—275
from the family unit alone does not meet requirements of sec. 101(b)(1)(E); 11—911
by Chinese adopting parents in U.S.; 12—240
by other than natural parents; 5—269, 556
China; infancy adoption, fraught when child over 14; 12—690
China, in; adoption; by Chinese adoptive parents
permanent residents of U.S.; 14—71
 Trafficking in human beings; bringing into or remaining during infancy and
rearing; 12—258
effect on relationship to natural brother or sister; 12—496
effect on relationship to natural parents under immigration laws; 9—46, 116, 567, 11—45
effect of retroactive decree on age requirement; 15—716
Egypt, in; 12—600
Ghana; 13—616
Hawaii; in birth or residence outside Hawaii; 11—669
India; 13—705
Italy; "affiliation" equivalent of adoption; 6—270
Japan, in; by adoptive mother (wife of U.S. citizen) while single; 8—242
Korea, brought into family at early age and reared, and registered in Family Register; 13—45
child 20 years old when adoption registered in Family Register; 12—472
orphaned child brought into family at early age; registered in Register; no formal adoption; 15—62
legal custody and/or residence requirements; sec. 101(b)(1)(E); 11—62; Act; 8—116, 121, 633; 9—98, 116, 633, 11—911
Mexico, State of "Tamaulipas; 15—165
Netherlands Antilles; by agreement of adoption; 9—621
over 14 at time of adoption; 12—553
over 14 at time parental relationship created; 14—71
Thailand; child over 14 when adoption registered; 15—234
Uganda; 15—299
Virgin Islands; 11—691
birth on American merchant vessel on high seas, not birth in U.S.; 3—177
citizen; not basis for alien parent to indefinitely remain illegally in U.S.; 14—488

Chinese (see also Citizenship)
acquisition at birth abroad; see Citizenship-
acquisition at birth, by child born abroad
citizenship loss; see Citizenship-loss
derivation after birth by child born abroad; see
Citizenship-derivation (after birth) by child born abroad
custody, conflict of state laws; 3—845
definition, sec. 10103(d), as amended by Act of
Sept. 11, 1887; retroactive application; 7—623
eligible orphan; abandonment, notwithstanding 2 legal parents; 10—701

Child—Continued

eligible orphan—Continued

adoption by divorced aunt; 8—628
adoption by widowed aunt; 11—473
assurances (sec. 4(b)(2)(B), 1957 Act); approval fac-
tors; 7—677
limitation of two to family; 9—542, 750; 10—761;
11—69
only one parent; question of; 8—623
preadoptive requirements, noncompliance with;
10—691
proper care; question of; 10—624, 691; 11—302
illegitimate;
status sought by virtue of relationship to natural
mother; 5—272

legitimate (sec. 101(b)(1)(A), 1957 Act);
child born in China to native of China and his
concubine; 14—677; 15—312
child born in Hong Kong to native of China and his
Chinese concubine; 14—677
child born in Korean national and his concubine; 14—561
child born out of wedlock in Nigeria; 14—521
child illegitimate under law of place of birth (D.O.),
taken to Calif.; to live; not legitimate under
Calif., law (sec. 4453, Civil Code); 14—596
issue of bigamous marriage; legitimate under
California law (sec. 25, Civil Code); 14—56
issue of common-law relationship in State of
Tamaulipas, Mexico; 14—608

legitimated (see also Legitimation);
Austria; adoption not equivalent to legitimation; 6—101
Austria; mere acknowledgment does not constitute;
12—199
California; state court judgment of legitimation;
11—183
Dominica, B. W.I.; acknowledgment does not consti-
tute; 15—544
France; acknowledgment by U.S. citizen husband of
mother but not natural father; not within sec.
101(b)(3); 7—339
Hong Kong; child registered under Hong Kong Regis-
tration Act by father, a native & citizen of U.S.
domiciled in U.S.; 15—100
Germany; acknowledgment alone does not consti-
tute; 12—210
Greece; mere recognition by natural father does not
constitute; 12—99
Hungary; acknowledgment by natural father at time
of birth registration; 9—548
Italy; marriage of natural parents subsequent to
birth of child; 5—698
Japan; recording of child's name in family register of
putative father does not constitute; 12—265
legai custody requirement; sec. 101(b)(1)(C), 1952
Act; 14—728; 15—39
Liberia; 15—272
Louisiana; 13—666
Netherlands; acknowledgment alone does not con-
stitute; 12—11
Nigeria; 14—521
over 18 at time of legitimation; 11—132; 13—366;
14—661
Panama; acknowledgment by putative father consti-
tutes; 13—613
Philippine Islands; acknowledgment alone by natu-
ral father does not constitute; 11—885
Child—Continued

Philippine Islands; natural parents must marry each other; 14—427
Tennessee; by State court decree; 3—491
Virgin Islands; adoption by natural father constitutes legitimation; 11—381
Yugoslavia; acknowledgment by natural father constitutes; 11—386
married, minor, eligibility for admission as child of citizen veteran, Act of Dec. 28, 1945; 3—40
nonquota immigrant; see Nonquota immigrant step-child;
adopted by U.S. citizen petitioner's spouse; adoption must be in conformity with sec. 101(b)(1)(E) for stepchild classification under sec. 101(b)(1)(E); 15—385
adopted by U.S. citizen's wife while single; 8—242
adulterine child; no subsequent marriage by natural parent; 12—340, 544
adulterine child; supported and adopted by natural father; 15—382
Andrade rationalis, within effect; 13—179
born out of wedlock, in relation to father; 7—685; 11—449, 455, 537, 546, 549, 628; 12—340, 544, 655; 13—179; 15—39, 382
born out of wedlock, in relation to mother; 5—129, 226, 781; 7—623
entry as; marriage creating relationship a sham; deportability, question of; 15—516
marriage creating relationship terminated; 10—363; 13—688
married but not yet 18 when marriage creating relationship occurred; 12—427
over 18 yrs. age at time of formal marriage creating relationship; 10—555
over 21 yrs. of age; 5—612; 8—252
valid relationship in accordance sec. 101(b)(1)(B); effect of marriage and/or attainment of age 21; 8—599; 10—564
Citizenship (see also National, non-citizen, of United States; and Naturalization):
acquisition; see Citizen-acquisition at birth, by child born abroad; and Citizenship-derivation (after birth) by child born abroad
adjudication of; court decree as to birthplace does not constitute; 3—237
birth in U.S. in diplomatic status; 11—190
birth on American vessel on high seas; 3—677
blood tests as evidence of paternity; 5—149, 223, 351
burden of proof, deportation proceedings; administrative ruling evidencing recognition of U.S. citizenship; effect; 8—347; 10—43
admission of birth abroad; 7—332
burden of proof, exclusion proceedings; 3—141
Convention between Great Britain and United States; 1—129
dual national; see Dual national
evidence of birth in United States:
burden of proof; 3—650
degree of court; 3—237
military records; 6—415
passport; U.S.; 3—650; 10—770
fraudulent claims, convictions; 3—69, 623
Hawaii, birth in, prior to annexation by U.S.; 3—206
Hawaii, child born (1899 in China) of father naturalized Hawaiian citizen 1892; 8—574
ineligibility to; see Ineligibility to citizenship

Constitution between Great Britain and United States; 1—129—Continued
legitimation of child born out of wedlock (see also Legitimation), retroactive effect; 3—225; 4—554
loss of, distinguished from loss of rights of; 8—507
passport, not conclusive proof of; 14—429
Philippine Islands, inhabitants of; 3—404; 14—447
presumption of continuance; 2—382
Puerto Rico, birth in, child for whose alien parents opted Spanish nationality; 4—25; 9—188
Puerto Rico, birth in (1931), of Spanish parents; resided in Spain 1931 to 1937; 1937 Act as amended by 1939 Act; 10—236
retention requirements; see Citizenship-loss: retention requirements
Virgin Islands, birth in, before acquisition by U.S., Act of 1921, as amended by 1932 Act, 3—715, 6—225
Virgin Islands, birth (out of wedlock) in 1917 to mother native of; 1927 Act, as amended; 3—670
woman, U.S. citizen, effect of acquisition of foreign citizenship through marriage upon her U.S. citizenship; 3—107
Citizenship-acquisition at birth, by child born abroad:
American merchant vessel; on; 3—677
birth before May 24, 1934:
Citizen mother, alien father, married in 1944; 3—485
citizen mother, alien father, (who never became U.S. citizen); first entered U.S. in 1948; 14—616
father also born abroad, but grandfather born in U.S.; R.S. 1955; 3—656
man, U.S. native, lost citizenship thru marriage but repatriated by Act of June 25, 1956; 1—127
out of wedlock, alien mother, natural father a U.S. citizen; 5—689
out of wedlock, alien mother, natural father a U.S. citizen; retroactive effect of legitimation; 4—554
residence in U.S. prior, of citizen parent; birth during pendency of adjudication of parent's admissibility & citizenship status; 3—685
Hawaii, in, before 1898; 3—206
permanent character of residence; 1—40
Puerto Rico, presence in, as residence; 1—287
birth between May 24, 1934 and Jan. 13, 1941:
citizen at birth, subject to divestiture; 1—464
failure to retain under sec. 201(g), 1940 Act; retention under 1952 Act; 5—593; 7—566; 8—221, 225
out of wedlock, effect of sec. 205, 1940 Act; 4—440
out of wedlock, subsequent legitimation thru marriage of citizen mother and alien father, effect; 7—425
residence in U.S. prior, of citizen parent; visits to U.S. as residence; 6—1
retained under sec. 201(g), (h), 1940 Act, as of Dec. 24, 1952; status determined thereafter pursuant 1952 Act; 7—122
retention requirement; see Citizenship-loss: retention requirements
birth between Jan. 13, 1941 and Dec. 23, 1952:
issue of common-law relationship (State of Tamaulipas, Mexico); citizen mother lacked requisite U.S. residence; sec. 201(g) 1940 Act; 14—406
out of wedlock, acquisition through mother; subsequent legitimation; expatriative effect (alien father); 3—485; 4—440
out of wedlock, but later legitimated; acquisition
Citizenship-acquisition at birth, by child born abroad—Continued

birth between Jan. 13, 1941 and Dec. 23, 1952—Continued

only under sec. 205. 1940 Act; effect of sec. 201(e) or (f) 1940 Act; 3—758
out of wedlock; parent's marriage lawful in U.S. but not in country where birth occurred; no basis for claiming citizenship under sec. 205. 1940 Act; as illegitimate child of citizen mother; 1—301
Philippines, in; father a native, mother acquired citizenship under R.S. 1906; applicability of sec. 201(e), 1940 Act; 4—576.
Philippines, in; parents natives; father illegitimate son of U.S.C. but was never legitimated; 15—341
residence in U.S. before birth of child of at least one citizen parent; temporary visits did not constitute residence, sec. 201(c), 1940 Act; 4—418
residence in U.S. of citizen mother prior to birth of illegitimate child; temporary visit constitutes residence, sec. 201(e), 1940 Act; 9—479
residence in U.S. of citizen parent as prerequisite under sec. 201(g) and (i), 1940 Act; constructive residence; 3—652; 12—806
residence in U.S. of citizen parent prior to birth of child, sec. 201(g); time spent in U.S. as college student; 7—693
residence of citizen father in U.S. before child's birth under sec. 201(f) and (i) 1940 Act; applicability of sec. 201(c); 4—424
residence of citizen, parent in territory (Philippines) which prior to, but not at time of, child's birth was U.S. possession; sec. 201(e), 1940 Act; 7—667
residence of citizen parent serving abroad in armed forces, sec. 201(f), 1940 Act; 2—311
residence of citizen parent under 21 years of age at birth of child: 2—182; 3—754
sec. 201(g), 1940 Act legislative history; 2—190
sec. 201(h), 1940 Act (armed forces veteran citizen parent), military service commenced after child's birth: 2—799
birth subsequent to Dec. 23, 1952:
physical presence sec. 300(a)(7), 1952 Act; residence of citizen parent in Philippines prior to date they ceased to be ousting possession (1946); 9—558
physical presence; sec. 300(c); finding of constructive presence for related purpose (sec. 301(b) as satisfying); 12—38
Hawaii, citizenship of citizen parent acquired thru birth in; residence in Hawaii before annexation deemed residence in U.S. under R.S. 1906; 3—206
Philippines. 1896, of Puerto Rican parents; Acts of Apr. 12, 1900, and Mar. 2, 1917; 3—286
Puerto Rico, citizenship of citizen parent acquired thru birth in; residence in incorporated territory deemed residence in U.S. under R.S. 1906; 1—287
Puerto Rico, 1906, of Spanish parents, father in Spanish opted Spanish nationality; Act of Apr. 12, 1900 and subsequent Acts; 9—183
Puerto Rico, 1901, of Spanish parents, resided in Spain 1931—1937; 1917 Act as amended by 1934 Act; 10—236
residency requirements; see Citizenship—loss; retention requirements
Virgin Islands, birth in, before acquisition by U.S.; see Citizenship; Virgin Islands
Virgin Islands, citizen mother born in; child born out of wedlock in Costa Rica; effect of father's natu—

816
Citizenship-derivation (after birth) by child born abroad—Continued

Resumption of citizenship by widow under Act of June 25, 1936, requirement of lawful admission for permanent residence; 5—385

Citizenship-derivation by woman thru marriage:
Act of 1907, deemed “naturalized” citizen 1—429
Rev. Stat. 1954; Chinese woman; 6—200

Citizenship-loss:
act designated expatriative by statute; when inoperative; 8—226
action by dual national (upon reaching majority) to retain foreign nationality; effect; sec. 401, 1940 Act; 9—411
age, see factor; 9—400; 100: 3—270
armed forces deserter in wartime (see also evading service in armed forces under this mainline title);
effective date of expatriation; 6—666
general; 2—217; 4—940
Korean conflict, as time of war; 6—756
termination of state of war as of July 25, 1947; 6—422

Burden of proof:
degree; 3—141, 586
sec. 349(c); 9—575; 11—186; 12—344
by naturalized citizen during temporary visit abroad; effect on perm. resident status; 11—414

cancellation of parent’s naturalization, presumptive fraud, 1906 Act; 3—475; 5—218, 517; effect of concomitant effect of expatriation; 7—226

cancellation of parent’s naturalization, upon constructive presence satisfies sec. 340(d) residence requirement; 9—64
denaturalization of spouse; effect on wife’s immigration status; 1—84
denaturalization, through; retroactive effect (“relation back”); 3—275, 3—373, 702; 5—400, 755; 7—103
denaturalization, through, see also Citizenship-loss; revocation of naturalization distinguished from loss of rights of citizenship; 2—397
dual national; see Dual national
during period mentally incompetent to make intelligent decision re voluntarily surrendering U.S. citizenship; 15—320

Canada:
member of school trustee board; 2—60
stenographer; 2—231
teacher; 1—304, 9—313; 12—389

Colombia:
Cuban National Police; 10—676
evidence required; sec. 349(a)(4), 1952 Act; 10—298, 676

Israel:
music teacher, economic duress; 9—329

Italy:
teacher, 4—521

Japan:
teacher, economic duress; 7—602

Mexico:
policeman; 2—363
teacher; 2—57
evading service in armed forces, departing U.S. or remaining out;
sec. 349(a)(10), 1952 Act; 6—378; 8—78
sec. 401(i), 1940 Act; 2—276, 378, 417, 851, 910;
0—141, 647, 6—408; 9—90

findings of, by court in declaratory judgment suit;

Citizenship-loss—Continued

operation of doctrine of collateral estoppel in dep. proc.; 7—407

involuntariness, claim of; sec. 349(c); 10—472

involuntariness, claim of, burden of proof, sec 349(c);
date limitation; 9—578

knowledge of expatriative effect of one’s acts as factor;
3—658; 4—526; 6—226; 9—670

legitimation of child who had acquired thru citizen mother; sec. 265, 1940 Act; 3—485; 4—440

naturalization, foreign; declaration of retention of foreign nationality, not equivalent of; 9—411
naturalization, foreign, during minority, thru father;
2—124, 427; 3—690, 761; 6—590
naturalization in foreign state during minority;
1—329
naturalization in foreign state during period mentally incompetent to make intelligent decision re voluntary surrender of U.S. citizenship; 15—320

“naturalization,” in foreign state; sec. 401(a), 1940 Act; question of; 10—394
naturalization, voluntary, in foreign state, accompanied by oath of allegiance; no intent retain U.S. citizenship; sec. 401(a), 1940 Act; 13—517

oath of allegiance to foreign state, by (see also Oath of allegiance, foreign);
involuntary military service, incident to; 3—586, 701; 5—497
sec. 2, 1907 Act; 1—548, 673; 2—60, 268, 296, 789, 908; 3—586, 701; 4—22
sec. 2, 1907 Act; confirmatory act, question of; 10—355
sec. 2, 1907 Act; during minority; majority confirmation;
2—789; 4—22; 8—604; effective date of loss; 10—355
sec. 2, 1907 Act; during wartime, confirmed by subsequent acts; 8—604
sec. 401(h), 1940 Act; 1—317, 558, 596; 3—470;
6—641, 725; 9—411

Philippines, citizen of:
termination of U.S. nationality on July 4, 1946; 6—182
reacquisition of former citizenship by treaty, Norway; 3—59, 668
reacquisition of foreign nationality by operation of law:
acceptance thereof, by voluntary overt act clearly manifesting:
fruit itself net statutory ground of expatriation;
effect, sec. 2, 1907 Act; 10—139
applying for and receiving Italian identity card; 6—590
as prerequisite to citizenship loss; sec. 2, 1907 Act;
3—671; 6—15; 9—660; 10—139
effective date of expatriation; 6—70; 9—660;
10—139
joining Fascist Party; 3—671; 6—15
obtaining and using Italian passport, as; 9—362
standard of proof required; sec. 2, 1907 Act;
9—362

citizen of, voting in Irish political elections constitutes; 10—484

relinquishment, voluntary; as factor; 12—380
renunciation of U.S. citizenship before entry public;
effect; 9—411

renunciation of U.S. citizenship, formal; 2—401;
3—110
renunciation of U.S. citizenship, formal; sec. 349(a)(2),
1952 Act; 13—543

residence abroad by naturalized citizen, through:
Citizenship - loss — Continued

residence abroad by naturalized citizen, through — Continued

computation of period of residence, see secs. 404, 409, 1940 Act; 4—21
effect of absence on continuity of foreign residence; 7—591
effective date of expatriation, see secs. 404, 406, 1940 Act; 5—590
exemption, ill health, see sec. 406(c), 1940 Act; 3—860
exemption, ill health, sec. 353(b), 1952 Act; registration requirement; 7—619
exemption based upon absence abroad representing U.S. business concern; see secs. 404, 406, 1940 Act; 3—253
exemption based upon absence abroad representing U.S. religious order, see sec. 406(b), 1940 Act; 5—544
exemption under sec. 354(b) based on U.S. residence; retroactive effect of 1959 amendment to sec. 354(b); 9—490
meaning of "en route" to U.S., delay incident to travel, secs. 434, 409, 1940 Act; 2—816, 889
sec. 2, 1957 Act; 1—298, 425, 464, 583, 587
sec. 235(c)(1), 1952 Act; 9—711
sec. 404, 405, 1940 Act; 2—816, 889; 3—521, 470, 668; 4—45, 421
sec. 404(b), 1940 Act; 9—711
sec. 404(d), 1940 Act, not applicable to former native-born citizen repatriated under sec. 532, 1940 Act, as amended by Act of Aug. 7, 1946; 4—348
treaty between Lithuania and U.S. (1958), covering presumption of loss; 4—321
treaty between Norway and U.S. (1869), intention to remain outside U.S.; 3—96, 668
veteran of World War I, exemption; 3—668
retention requirements, see sec. 354(g), (h), (i), and 401(a)
(a) 1940 Act:
arrival in Aleutian Islands before, but on mainland after, 16th birthday; 4—360
arrival on 16th birthday; 4—617
delay not result of own inaction or lack of diligence; 4—639
effective date of loss under sec. 405(a); 2—6
tailure to fulfill citizenship retention under 1902 Act; 5—591; 7—646; 8—221, 226
fulfillment of, lacking but possible as of Dec. 24, 1952; citizenship retention thereafter determined under 1902 Act; 7—122
sec. 401(a); applicability to child who attains age of 23 before Dec. 24, 1952; 7—612; 8—511
retention requirements, see sec. 501(c), 1952 Act:
arrival after 25th birthday not due to own lack of diligence; 8—221, 226
burden of proof; 12—344
compliance with, notwithstanding failure to retain citizenship under sec. 201(t), (u), 1940 Act; effect; 8—221, 226
constitutional challenge to; not considered by Board; 15—611
fulfillment of; by citizen commuter, resident in Mexico, after 23rd birthday; 10—22, 60
ignorance of claim to citizenship; effect; 10—566
ignorance of; not precluding loss of citizenship; 15—571
physical presence; absence as member Armed Forces, constructive presence; 15—793
physical presence, continuous (5 yrs.); computation of; 10—22, 121
Citizenship - loss — Continued
retention requirements, see sec. 301(b), 1952 Act—Continued
physical presence, effect of temporary absence on continuity; 7—400
physical presence requirement; combination of actual and constructive presence, as satisfying; 9—64; 11—51
physical presence requirement; constructive presence, finding of; also satisfies physical presence requirement for related purpose; 12—138
retention requirement, see sec. 301(b), 1952 Act:
residence in U.S., establishment of; does not 1011
physical presence requirement; 10—22
residence in U.S., establishment of; necessity; 10—20
retention requirement, see sec. 349(a)(1), 1902 Act:
applicable to person who attains age 23 subsequent to Dec. 24, 1952; 8—511
prospective application; 7—612
revocation of naturalization:
depotability on basis of, proceedings begun before naturalization; 4—327
effect upon immigration status of wife; 1—84
judgment of denaturalization pursuant to 1906 Act; jurisdic- tional defect, question of; 11—76
judgment of denaturalization void on its face because of indication that summons never served; 6—100
presumptive fraud, for. 1906 Act; effect of consular officer's report of expatriation; 7—566
presumptive fraud, for; 1906 Act; personal notice and publication of notice, question of; 11—70
"relation back" doctrine; applicability in dep. proc. as to documentary charges; 5—108; 7—103
"relation back" doctrine, generally; 3—276; 4—373; 702; 9—405
status of naturalized citizen prior to entry of formal revocation decree; 6—217
sec. 401(a), 1940 Act; 10—394; 13—517
service in foreign armed forces:
after being misrepresented by official sources re U.S. citizenship; 9—382
after foreign citizenship (Canadian) was already lost, thru father's U.S. naturalization; 1—272
age, as factor, sec. 401(c), 1940 Act; 3—470
began before Jan. 13, 1941, and continued thereafter; voluntariness; 2—304
began prior Dec. 24, 1952, and continued thereafter; 8—194
Canadian Officers Training Corps, not deemed "armed forces" under sec. 401(c), 1940 Act; 2—345
Canadian University Air Training Corps, not deemed "armed forces" under sec. 401(c), 1940 Act; 2—455
Cuba, Rebel Army of; 8—452; 10—472
dures, sec. 401(c), 1940 Act; 4—57
"entering"; question of; 10—472
executive agreement with Canada; applicability to dual national; 2—758; 5—678
executive agreement with Mexico as "law of U.S.": 2—243; 5—497; 6—641, 648
ignorance of U.S. citizenship; alleged; 3—558, 560
Ireland, An Foros of; not deemed "armed forces", sec. 401(c), 1952 Act; 5—404
Mexico; "Sunday morning" in; not deemed "armed forces" under sec. 349(a)(9); 13—508
permission of local draft board; 5—674
Citizenship—loss—Continued

revoction of naturalization—Continued

sec. 349(a)(8), 1952 Act; 8—198, 307; 13—490

sec. 401(c), 1940 Act; 9—660, 4—640, 0—104

voluntariness, conclusive presumption of; sec. 349(b), 1952 Act; 9—41

voluntariness; sec. 349(e), 1952 Act; 10—472

voting in foreign election or plebiscite:

after being misled by U.S. officials re citizenship; 9—562

age, below legal voting age, not offense; 3—529

burden of proof; 11—186

commissar, agrarian community, Mexican; election for, within sec. 401(e), 1940 Act; 9—690

County, claim of; sec. 401(e), 1940 Act; 9—111

burden of proof; 11—12

ignorance of U.S. citizenship status; 4—638; 8—226;

9—670

municipal election, Canada; 1—257; 2—440; 10—66

municipal election, Italy; 11—12

municipal election, Mexico; 9—516

plebiscite, Canada, as to sale of wine and beer; within sec. 401(e), 1940 Act; 2—427

plebiscite, Canada, as to release of Canadian Governor from commitments in selective service matters, not within sec. 401(e), 1940 Act; 1—239

political elections, Canada; relying on misinformation by Canadian Govt. officials re U.S. citizenship; 10—539

presidential election, Mexico; 9—516

prior to Jan. 1, 1941; 1—538; 3—107

unauthorized, false claim of foreign nationality, within sec. 401(e), 1940 Act; 2—82

voluntariness; claim of; sec. 401(e), 1940 Act; 8—317

voluntariness, conclusive presumption of; sec. 349(b), 1950 Act; 7—665; 8—226; 9—516, 670, 711

votary, Germany in 1949; 4—468

war, while United States was at; 2—253, 296; 4—498

woman, upon her marriage to alien or husband's acquisition of foreign citizenship, 1907 Act; 1—429;

2—313; 3—107; 4—98, 154, 398

Commercial or agricultural enterprise; see Allen coming to engage in a commercial or agricultural enterprise; Exclusion grounds; certification of Sec. of Labor; sec. 212(a)(14): exemption from

Communist; see Subversive

Communists:

abandonment of status; question of; 12—556

absence from U.S., extended, unavoidable; effect of; 4—454; 11—662

employment, new, destined to, following; 11—791

job (old), not available, following; 11—665, 791
to care for ill child, equated with own illness; 11—665

acquisition of status by resident alien's intermittent weekend visits with family in Mexico; question of; 13—700

applicability of Fletti doctrine; 13—711

burden of proof; 13—711

committer, determination whether or not an alien is; 13—700; 15—681

employment:

break of more than 6 months; 8—200; 13—688

new, destined to, following extended, unavoidable absence; 11—791

of only 2 hrs. in 10 mo. period; 8—643

Commuter—Continued

employment—Continued

old job, not available after extended; unavoidable absence; 11—566, 791

part-time; 11—466

prohibited by Sec. of Labor, destined to; effect; 9—591

regular, but not daily; 11—466

self-employment in U.S.; 11—466

loss of status; 8—200; 13—688

one who has never taken up residence or employment in U.S.; 9—210

permission to reapply; nunc pro tunc; 15—563

residence abroad, as factor; 15—563

seasonal commuter; 13—750

subject to provisions of sec. 919(a)(229); 12—621

Conditional entry; sec. 203(a)(7), 1952 Act, as amended; see Quota preferences: Act of 1952, as amended by P.L. 89—236; sec. 203(a)(7)

Confinement to penal institution; see Good moral character; confinement to penal institution, sec. 101(f)(7), 1952 Act

Constitutional rights of minor citizen children, not affected by father's deportation; 14—457

Constitutionality of statutes; 3—417, 456; 4—475, 556

Contract labor; see Exclusion grounds: contract labor

Conviction of crime:

adjudication of guilt under foreign law; 6—606

California:

authority of superior ct. to voido prior narcotic conviction in said ct; 13—592

minor under 18; tried and convicted in superior court; 9—457

sentenced by juvenile court after plea of guilty in superior court; 6—855

court martial:

Canada; 1—458

England; 1—458

Germany, by U.S. Armed Forces in; as conviction in U.S.; 3—536; 5—56; 6—481

Italy; 1—54; 5—458

Netherlands Naval Forces, by; 8—469

United States; 1—466

expungement; see Pardon

expungement; sealing of record—equivalent of; 15—601

Germany, by U.S. Military Court in; as conviction in U.S.; 4—91

in absence; question of; 8—608

trial for capital offenses; see Exclusion grounds: crime, admission or conviction of plea of guilty to general conspiracy count; effect; 9—688; see also Crime, admission of commission; guilty, plea of

plea of no contest; 5—198, 769

record of conviction; see Crime, admission of commission; plea of guilty; plea of

record of criminal convictions; see Crime, admission of commission; plea of guilty; plea of

Certificate of Relief from Disabilities issued on day of criminal proceedings (N.Y.); deportability (sec. 241(a)(11) (a) (x); 13—600

defined; 2—367
Conviction of Crime—Continued
record of conviction—Continued

dismissal (Calif.); following substitution of plea of not guilty; effect: 12—721
dismissal of appeal upon granting of amnesty (Italy); 15—254
dismissal of information, Nevada; deportability (sec. 241(a) 11) after: 13—56
expungement; see Pardon
"extirpation" of record, Italy; 5—129
foreign, annulment of record; question of; 13—336
foreign crime; 2—520; 3—3; 5—606
includes statements of court on sentencing; 4—490
indictment containing allegations not necessary for
conviction; 3—98
indictment, relevant as to greater offense disregarded when alien pleads guilty to lesser offense; 2—556; 4—241; 10—750
introduction of precludes outside inquiry: 3—641;
10—583
judgement of conviction does not specify under
which subsection of statute conviction is based; 15—30
moral turpitude, use in determining; see Moral turpitude
outside evidence as to permissibility of taking (Canadian
thee cases): 2—22; 3—723
outside evidence incompetent to show innocence;
1—540
outside evidence to establish nature of crime;
3—502. 641: 5—708
outside evidence, use; discretionary relief; 3—762,
804
reliance on court's opinion to determine nature of
crime; 6—400
recourse to State's Attorney's remarks to court to
determine nature of crime; 16—136
sealing of; 15—661

sec. 241(h), 1952 Act; within meaning of:
absence of pardoning authority for offense committed;
effect: 12—750
alien & court unaware provisions sec. 241(b)(2); ef-
fect: 13—417
commitment as defective delinquent; effect: 5—538
conviction not in U:S; 7—556; 11—242
conviction of offense, sec. 722(b), N.Y. Penal Law;
as: 7—529
conviction of city ordinance violation; 8—59;
12—750
conviction resulting in commitment under Federal
Youth Corrections Act; 8—360, 517; conviction
set aside; effect: 12—623

coram nobis: action vacating conviction record; ef-
effect: 8—611
dismissal of at appeal upon granting of amnesty (Italy); 15—284
elements constituting; 10—401
execution of sentence suspended, alien placed on
probation, Texas: 7—478: 9—722; 12—806;
13—449
execution of sentence suspended, alien placed on
probation as condition of restitution; 11—457
expungement; see Pardon
final conviction; twice convicted alien; 7—539
finality; applicability of rule to sec. 241(a)(11); 7—580
finality; conviction in Canada: 8—198
imposition of sentence postponed; 7—580

Conviction of Crime—Continued

sec. 241(4), 1952 Act; within meaning of:
imposition of sentence suspended; (once convicted
alien): 7—577
imposition of sentence suspended (twice convicted
alien): 7—383, 539
pardons; see Pardon
plea of guilty, imposition of sentence suspended and
placed on probation; Colorado; 10—401
plea of guilty; sentenced to confinement; imposition
of sentence thereafter suspended and placed on
probation; Texas; 15—416
plea of guilty, subsequently placed on probation;
7—242
revocation of sentence and dismissal of complaint.
Mass.; 7—171
sentence by juvenile court after plea of guilty in
superior court, Calif.; 6—355
sentence modified by court order to less than one
year; subsequent to expungement of conviction;
13—592
sentence suspended pending final conviction of any
other felony, Texas; 7—319
sentence wholly suspended, effect; 6—416
single scheme of criminal misconduct; see Deporta-
tion grounds: convicted of two crimes:
single scheme of criminal misconduct
United States citizen, while a; 5—678; 9—524
Country to which deportable; see Place of deporta-
tion
Court review of BIA order directed remand for
further proceedings; procedure, question of; 14—262
Crewman; see Seaman
Crime (see also Conviction of crime; Crime, ad-
mission of commission; Crimes involving moral tur-
pitude; Moral turpitude; Pardon; Sentenced to
imprisonment;
attempt to commit:
intent always included in attempt; 2—733, 735
moral turpitude present when substantive crime in-
volve moral turpitude; 1—190, 191, 506; 2—141;
3—56
capacity of minor to commit; 1—613
city ordinance violation; 2—367; 4—401; 8—59;
12—760
conviction; see Conviction of crime
duress or fear as defense; 3—350
expungement; see Pardon
fornication, distinguished from open lewdness; 3—791
juvenile delinquency; see Juvenile delinquency
discharge, which permits civil or criminal prosecution;
5—57
pardons; see Pardon
pejority, factors necessary to constitute; 3—523
petty offenses prior to entry; 6—331
political offense, 1917 Act, sec. 3, 2d proviso; 4—108
political-religious basis for conviction; 1—47
prior to entry, effect where sentence suspended after
conviction on plea of guilty; 5—569
record of conviction; see Conviction of crime: record of
conviction violation (N.Y.) defined as offense by State courts:
7—520
Crime, admission of commission:
adequacy, rules; 1—33, 101, 121, 225, 346, 355, 422,
450, 535, 581, 669; 2—175, 288, 486; 3—10, 76, 360;
5—194; 6—195, 850; 7—40, 594
Crime, admission of commission—Continued

adequacy, in absence of precise definition of crime; 5—578
adequacy, when on same sec. of facts alien had been
convicted of lesser crime; 4—159
admission, independent, following court disposal of
related offense including recommendation against
dep.; 3—509, 394
admission, made in prior hearing which was techni-
cally invalid; 4—765
admission, previous denial of; effect; 4—159
admission, previous, quashment on; 1—555, 499
adultery, as deportation or exclusion grounds; 3—168
attorney for alien, when made by; 6—9
bigamy:
  Mexico; 1—565; 3—40, 139
  Texas; 1—229
definition, necessity for furnishing in absence of con-
vic. record or plea of guilty; 4—252
dismissal of criminal action, effect of later independent
admission; 3—623
essential elements, acts constituting, sec. 212(a)(9),
1962 Act; admission of all elements, necessity; 7—40
definition of crime, necessity of; 7—40, 594
offense committed before Dec. 24, 1952; 6—55
offense punishable by divisible statute, no convic-
tion; classification as "petty offense"; 7—143
exclusion proceeding; absence of foreign record; 3—9
forgery:
  common law; Federal offense; 3—125
  passport application, not specified in statute as
  crime; 3—76
reentry permit, necessity for reading sec. 22(c),
1994 Act, to alien; 3—156
fraud, necessity for definition; 1—116
guilty, plea of:
  as constituting admission of crime, question of;
  1—96, 572; 2—705; 12—688
  effect of subsequent dismissal; 1—96
effect where sentence suspended & case placed on
file (Mass.); 12—638
prior to entry, but convicted after entry; 4—373
to lesser offense; Florida; 2—477
incent; 3—525
nolo contendere, plea of, effect; 1—615; 9—198, 759
pardon; see Pardon
perjury (see also Crimes involving moral turpitude:
perjury);
distinguished from violation sec. 396(c), Alien Regis-
tration Act of 1940; 1—17
no admission of being sworn; 7—40
oath not required by law, when; 1—422
petty offenses; see Exclusion grounds; crime, admiss.
on or conviction
rape, following grand jury dismissal of complaint;
3—883
smuggling attempt, 19 U.S.C. 1538; 1—558
statute, necessity that offense be declared crime by;
1—558
time of, to be effective under 1962 Act; 5—676

Crimes involving moral turpitude—Continued

abortion:
  assault with intent to commit (N.Y.); 2—525
  drug to produce, Mass.; 2—900
accessory after the fact, manslaughter (Mass.);
11—254
accessory before the fact, uttering (Mass.); 6—733
adultery:
  Massachusetts; 3—168
assault:
  aggravated (Conn.); 1—446; 3—193
  aggravated (Ill.), 16—611
  aggravated discussion; 2—747
California; 1—222
  California, with deadly weapon; 2—733
  Connecticut, aggravated; 1—446; 3—193
  Connecticut, with deadly and dangerous weapon;
  1—446; 3—195; 12—791
  dangerous weapon, with, 1—555, 431, 623, 2—204,
  3—195; 5—655; 12—791
  Florida, with intent to commit manslaughter;
  2—477
  Germany; of a policeman, 4—400
  Germany; with weapon (knife); 4—26
  indecent (Can.); 5—686
  intent to commit abortion, with (N.Y.); 2—525
  intent to commit carnal abuse and rape, with
  (N.Y.); 10—730
  intent to commit manslaughter, with (Fla.); 2—477
  intent to commit robbery, with; 11—457
  intent to induce pregnant bodily harm, with, 1—66,
  446; 2—190, 735; 3—5
  intent to murder, to rob, to inflict bodily harm with;
  2—747
  intent to murder, with (R.I.); 3—606
  intent to procure miscarriage, with; 2—525
  intent to rape, with (Mass.); 5—535
Italy; and serious injury by shooting with pistol;
2—621
Massachusetts; police officer; on; 5—535
  Massachusetts, with intent to rape; 5—535
Michigan; with intent to inflict bodily harm; 2—5;
15—504
New York; with intent to commit abortion; 2—525
Oregon; with dangerous weapon; 2—204
  police officer, upon; 2—747; 4—301; 3—883
  second degree (Minn.); 1—63; 3—193
  second degree (N.Y.); 1—54; 2—525; 5—383;
  12—106
  second degree (Wash.); 5—668
  second degree; with intent to commit carnal abuse
  and rape (N.Y.); 10—730
  second degree, with intent to commit robbery
  (N.Y.); 11—457
  third degree (N.Y.); 1—406
  third degree (V.I.); 15—50
Utah; with a deadly weapon; 1—269
Washington; with deadly weapon; 2—743
Washington; second degree, with revoler; 5—655
assault and battery:
  atrocious (N.J.); 7—376
  dangerous weapon, with (Mass.); 2—201; 4—512
  intent to ravish, with; 2—630
  "ilestones", Mexico; 2—26
  mere; 1—507; 2—742
  attempt to defeat lawful functions of U.S. agency;
  9—121
  attempt to evade tax, Canada; 5—649
Crimes involving moral turpitude—Continued

1 attempt to smuggle merchandise (19 U.S.C. 1593); 1—553
2 attempt to wreck a train; 4—164
3 attempted acts of gross indecency, Canada; 2—316
4 attempted arson, Canada; 3—617
5 attempted bribery, Germany; 4—100
6 attempted escape from reformatory, Mass; 4—512
7 attempted fraud, Germany; 1—67
8 attempted fraud, Greece; 14—286
9 attempted larceny, Mass; 2—291
10 attempted murder, Lebanon; 14—117
11 attempted suicide, Canada; 4—149
12 bastardy, a private wrong; 1—186
13 bordello, keeping, Canada; 2—763; 3—221

bigamy
Canada; 2—326
common law; 2—328
Massachusetts; 1—314
Mexico; 1—525. 2—10. 136
Nevada; 2—322
New York; 3—569
North Carolina; 2—556
Ohio; 1—599
blackmail, Ohio; 1—610
breaking and entering
Canada; 2—316, 506, 556, 587
intent to commit crime. N.Y.; 2—721
Massachusetts, with intent to commit larceny
Pennsylvania; 5—612
pos sa. crime does not involve moral turpitude
2—504
breaking prison: Massachusetts, 5—503
New Jersey; 1—235; 2—871
New York; 1—236
Pennsylvania; 2—874
bribery (18 U.S.C. 2010; 6—358
bribery, attempted (Germany); 4—100
brothel, willful party to use of premises as; 5—546
buggery, Canada; 2—317
“bunco”; 6—444
burglar’s tools, possession
Canada; 6—769
New York; 2—123
burglary
California, second degree; 2—213, 3—397; 5—333, 551
common law; 2—722
New York, third degree; 1—546; 2—721; 5—642
carnal abuse of female child, under 16, with consent, Mass; 5—392
carnal knowledge and abuse of minor female; Wisconsin; 9—488
carnal knowledge of female child; Canada; 3—662
Maryland; 2—612
carrying concealed and deadly weapon, with intent to use, Minnesota; 5—344
check, fraudulent; Indiana; 4—297
check, insufficient funds:
California; 12—551
Colorado; 12—551
Florida; 3—278
Kansas; 10—679
Ohio; 4—297
check, worthless:
Virgin Islands; 1—743; 13—319

Crimes involving moral turpitude—Continued

check, worthless—Continued
Wisconsin; 11—202
concealing and harboring a person from arrest (18 U.S.C. 1571); 12—840
concealment of distilled spirits (26 U.S.C. 404); 6—242
conspiracy, general; 9—688
conspiracy to commit offense against U.S.; 7—114
conspiracy to commit unlawful act (establish gambling game), Pennsylvania; 19—719
corruption to defraud, Canada; customs and duties; 2—542. 764
obtain property by false pretenses; 3—56
conspiracy to defraud the U.S.; 2—46, 95, 223, 7—114; 8—535
conspiracy to embezzle and misappropriate funds in violation of Fed. Reserve Act; 11—271
conspiracy to interfere with lawful functions of U.S. agency; 5—421
conspiracy to interfere with trade and commerce; 5—370
conspiracy to violate Internal Revenue laws; 7—114; 8—535
conspiracy to violate Tariff Act; 1—571
contempt of court, gross (Canada); 6—400
contributing to delinquency of minor, California; 2—218, 220, 3—290; 4—607
Canada; 2—286; 5—329; 12—170
Illinois; 2—610
Michigan; 1—662
Oregon; 5—65
Washington; 2—117
counterfeit coins; making, passing or possession of; 7—178
counterfeit obligations, uttering; 11—444
credit card, illegal use of; Michigan; 11—839
cutting, with intent to wound, Ohio; 1—56
damaging property, Canada; 2—716, 867
defraud by use of mails, devising scheme to; 12—452
demanding and obtaining money, in pretended character; 6—702
demanding property, with menace, Canada; 3—361
deposit of metal “slug” in coin box, New York; 2—235
desertion from U.S. Armed Forces; 4—682
destroying railway telegraph property, Canada; 2—686
devising scheme to defraud using the mails; 12—452
disorderly conduct:
California; 12—225
New York; 7—520
Phoenix, Arizona City Code; 12—225
disorderly house; 2—367; 706; 3—251
distilled spirits without stamp affixed thereto, possession or transportation of; 7—114
draft evasion:
conscientious objector; 5—425
defecting from the U.S.; 5—29
false statements to Selective Service Board; 1—619; 4—565; 5—29
driver without owner’s consent:
California; 1—143
Canada; 2—686, 886
embezzlement, aggravated; Italy; 10—593
entering, unlawful (N.Y.); 1—408; 2—721
escape from custody of sheriff, N.J.; 2—873
extortion; 5—375
extortion, with menace, Canada; 3—361
Crimes involving moral turpitude—Continued

fabrication of property transfer; Mexico; 15-395
failure to prevent commission of crime, Mexico; 1-395
failure to provide for minor child:
  California; 1-197
  Canada; 1-459
false claim to citizenship, Nat. Act of 1940; 3-71
false money, putting into circulation; Germany; 4-17
false pretense:
  Canada; 2-356; 14-350
  Connecticut; 14-418
false statement:
  acquisition of firearm, in; 14-338
  alien registration application, in; 1-16; 2-353, 820
  application for extension of temporary stay; 6-190
  employment, as to; 6-300
  Germany; 2-982
  mailing, in matter involving U.S.; 12-355
  passport application, in; 7-349
  unemployment insurance claim:
    Arizona; 6-488
    California; 5-705
    Canada; 10-76
  writing, making or use of; 10-88
false swearing in naturalization proceeding; 4-723
false writing, in matter involving U.S.; 8-315
fulfillment of commercial document, Philippines; 4-378
falsifying tax return with intent to evade payment, Canada; 1-436
forgery:
  common law; 3-126
  criminal possession of forgery devices, with intent to use for forgery (N.Y.); 14-449
  declaration of intention; 3-125
  Mexico; State of Guanajuato; 3-350
  narcotic prescription, California; 6-280
  passport application; 5-76
  public documents, Italy; 5-132
  reentry permit; 3-126
  registration; 6-444
  fraud; Art. 267, Code of Social Defense Chihuahua, Mexico; 15-395
"fraud" per se not a crime; 1-118
gambling, N.Y.; 1-59
  gasoline ration coupons, illegal transfer; 5-500
grand larceny, N.Y.; 3-622
gross indecency:
  Canada; 2-316; 7-359
  Michigan; 5-676, 678; 8-409
  harboring and concealing a person from arrest; 12-840
highway robbery; 3-544
homicide; by reckless conduct; Wisconsin; 10-29
homicide, Peru; 8-456
housebreaking, Ohio; 2-194
housebreaking and larceny, England and Northern Ireland; 2-722
illegal entry into Canada, Canadian offense; 1-73
impeding lawful functions of U.S. agency; 9-421
impersonating a Federal officer; 1-509; 3-270
incest—Continued
  Ohio; 3-544
  Washington; 2-617
indecent assault:
  Canada; 2-317; 3-1, 562; 5-686
  Connecticut; 7-253
indecent exposure; discussion; 5-117; 533, 610
  Michigan; 2-683; 7-901
  Wisconsin; 11-328
indecent liberties, with child; Michigan; 11-521
injury, corporal, inflicting on child; California; 12-338
injuring war material in war time; 2-629
Internal Revenue stamps for distilled spirits, counterfeited, acquiring and possessing 7-114
"joy riding", Canada; 2-686, 887
juvenile delinquency; see Juvenile delinquency
kidnapping; 5-444
larceny (see also Theft under this mainline title):
  Art. 121, Uniform Code of Military Justice; in violation of; 7-356
  Australia; 4-548
  Connecticut; 2-592
  Cuba, attempted theft; 4-717
  England; 3-641
  Florida; 11-864
  Italy; 5-129
  Massachusetts; 2-530
  Michigan; 4-292
  New York, grand; 3-632
  Northern Ireland; 3-772
  petty; 1-541
lascivious act, unnatural and; Mass.; 2-533
lascivious carriage, Conn.; 7-616
"lesemaes" (assault and battery), Mexico; 2-54
lewd, vagrany, Calif.; 5-18
lewdness:
  New Jersey; 3-700
lewdness and lasciviousness:
  Massachusetts; 2-530, 533; 3-168
  Rhode Island; 5-198
  Wisconsin; 11-258
liquor dealer, doing business as, without payment of tax; 1-394
liquor, unlawful sale to Indian; 2-59
LSD, unlawful sale and possession; 12-775
mail, sending threatening letters with intent to extort; 4-446
mailing obscene letter; 1-190
mails, devising scheme to defraud by use of; 12-452
malicious destruction of property, Penna; 5-612
malicious injury to property, Oregon; 3-272
malicious mischief; 2-499, 630; 8-466
Mann Act violation; 6-444
manslaughter:
  Alaska; 13-225
  Arizona; 1-181
  California, involuntary; 2-748; 4-472
  Connecticut; 12-790
  England; 5-463
  Florida; 2-489
  Illinois, voluntary; 18-551
  Massachusetts; 11-564
  Michigan; 15-324
  Minnesota; 1-519
  New Jersey; 3-51; 4-498
  New York; 2-141, 470, 749
  Ohio; 2-560, 570; 3-58; 15-269
Crimes involving moral turpitude—Continued

manslaughter—Continued

Poland; premeditated; 4—108
Puerto Rico: “first degree” (voluntary); 15—116
Texas; voluntary; 2—668
mayhem; Rhode Is and; 11—607
molds of U.S. coins, making or possession of; 7—178
murder. attempted. Louisiana; 14—117
murder. Ohio. second degree; 2—560
narcotics, offenses relating to:
Canada; 2—694
fraudulent prescription; 5—62
Harrison Anti-Narcotic Law of Dec. 17, 1914; 1—395
LSD, unlawful sale and possession; 12—776
Narcotics Drug Import and Export Act; 1—550:
3—387
Washington (State); 4—644
National Prohibition Act Violations; 1—62
non-support:
New York; 2—553
Ohio; 2—134
obstructing lawful functions of U.S. agency; 9—421
obtaining goods under false pretenses; Conn. 11—648
obtaining money under false pretenses; Canada; 2—836
Ohio 5—728
obtaining property by false pretenses. Canada; 5—66
obtaining passport, Rumanian, by fraud; 1—78
pandering, California; 3—396
passing bad checks, France; 3—258
passing counterfeit coins; 7—178
passing counterfeit Fed. Reserve Notes; 6—765
passport (U.S.), improper use, intent to defraud; 3—236
perjury (see also perjury)
before I. & N. officer by alien under 18; 4—726
Canada; 1—324
materiality; 1—71; 121; 2—206
Michigan; 1—669
18 U.S.C. 231; 1—581; 2—206
1917 Act, sec. 3; 2—285, 819
1917 Act, sec. 16; 2—206
1924 Act, sec. 10; a; 1—613, 666
political offense (Jewish person, Germany), attempted fraud; 1—47
political offense with meaning of 1917 Act, sec. 3, 2d
penalizing; 4—418
polygamy (see also bigamy); distinguished from bigamy; 6—9
Massachusetts; 1—314
possession of burglary tools; 2—723; 6—749
possession of forgery devices, with intent to use for forgery (N.Y.); 11—442
possession of securities made after simuliltaneity of U.S. securities; 11—441
possession of stolen property, Germany; 2—90
prostitution:
compulsory; manning house of (N.Y.); 1—217, 505
keeping house of ill fame (Mass.); 3—168
keeping place of (N.J.); 3—790
Mann Act; 6—444
offering to secure another for purpose of; Fla. (Tampa), city code; 11—340
danger (Calif.); 3—396
pandering; Wash. (Seattle), city ordinance; 4—401
renting rooms for purpose of; Fla. (Tampa), city
code; 11—340
soliciting; 3—397

Crimes involving moral turpitude—Continued

publishing counterfeit Fed. Reserve Notes; 6—795
publishing defamatory letter; 1—191
rape:
attempted; 2—630
generally; 5—539
illinois; 2—610
Nebraska; 2—17
North Dakota; 3—830
Pennsylvania; 2—553
receiving stolen goods; 2—227; 3—515; 6—772; 7—263
receiving stolen goods (“re婳cements”), Italy; 7—706
receiving stolen property; Mexico; 15—385
retaining stolen property, Canada; 2—235
riot, Germany; 4—501
robbery:
armed; Mass.; 4—512
California; 2—753
Canada; 2—716
selling cholergeresia not properly labeled, unlawfully; 6—785
sending threatening letter through the mail; 2—196;
4—446
setting up unregistered rectifying plant for production
of distilled spirits; 7—114
sexual intercourse with feebledom woman, Nebras-
ka; 2—18
sexual intercourse with female child (under 16); Wisconsi; 11—723
smuggling with intent to defraud U.S.; 9—605
sodomy, and solicitation for; 3—575
selling prostitution; 5—24
stealing; see Lawrence; Theft under this mastline title
"suspect person"; 6—44
swindling (Italy); 9—122
tax evasion:
Canada, Excise Tax Act; 5—649
England; 5—87
Germany; 4—176
U.S.; 1—294; 5—759
theft:
aggravated (Italy); 12—608
automobile, of (Can.); 2—864
bailee, by (Texas); 4—445
Canada; 14—330
Florida; 11—864
France; 5—552
for the person (Can.); 2—517, 686
frustrated (Cuba); 4—717
generally (Can.); 2—22, 517, 785
grand (Calif.); 2—214
Italy; 1—33; 5—129; 15—139
mail, stealing from; 3—270
mail, taking from authorized depository; 3—66
mail, taking letter from; 7—138
mail, taking letter from (Can.); 2—22, 228, 519,
668, 725, 785, 864, 887; 3—723
petty (Calif.); 2—345; 3—671
serving, as a (Can.); 3—723
transporting forged securities in interstate commerce; 14—24
transporting stolen automobile in interstate commerce; 8—60
United States passport, improper use, intent to defraud; 3—236
"unlawful compulsion," Germany; 4—490
unnatural and lascivious act, Mass.; 2—503
usury; 6—98
uttering counterfeit Fed. Reserve Notes; 6—795

824
Deportation—continued
ministrative record; should be specified under oath; 13—680, 790
appeals, administrative; see Appeal
applicability of W o o d y standard; 12—94
applicant for admission to U.S., deportation hearing
not proper for determining admissibility; 5—312
Art. 22, UN Convention of 1951; effect on alien re-
ugee's deportability; 14—310
beneficiary of approved 3d pref. VP permitted to re-
main in U.S., marriage to; effect; 14—250
BIA remand for lodging of entry without inspection
charge and introduction of evidence; 51U termin-
ated proceedings under sec. 241(a)(2); 15—127
burden of proof; see Burden of proof
Canadian Indian, on grounds other than those arising
after entry; 3—500
certification of Sec. of Labor, no valid; see Exclusion
grounds: certification of Sec. of Labor; sec. 212
(a)(4), 1952 Act, as amended
change of place of hearing; see Fair hearing
charge of, cannot be predicated on sec. 291 1862 Act;
12—298
charge of, within period of alien's authorized stay;
14—414
court of, within period of nonimmigrant alien's authorized stay; 15—105
child—step, entry as; marriage creating status
a sham; 13—516
citizenship revoked, retroactive effect; 3—275;
4—737, 702; 5—405, 702, 7—110; 9—594; 13—129
citizenship revoked; warrant of arrest issued before
alien's naturalization; 4—327
Constitutional rights of minor, citizen children; not
affected by deportation of alien father; 14—457
Constitutionality of statute; not proper subject of dep.
hearing; 15—162
country to which deportable; see Place of deporta-
court dismissed sec. 603, 1940 Act, suit without entry
of final order; effect in subsequent deportation pro-
cedings; 8—244
court dismissed sec. 603, 1940 Act, suit with preju-
dice; effect in subsequent dep. proc.; 9—329
court rendered adverse judgment, sec. 508, 1940 Act
proceedings; effect; 9—235
court review of BIA order directed remand for further
proceedings; procedure question of; 14—262
court vacated prior sec. 503, 1940 Act, citizenship
judgment; effect on subsequent dep. proc.; 13—182
court vacated prior sec. 508, 1940 Act, citizenship
judgment; effect on subsequent dep. proc.; 13—182
criminal court judgment, collateral attack on in dep.
proc.; 9—460; 13—592
deferment of action to permit completion of probation
and application for extinction of sentence; 7—342
deferral of decision on appeal pending outcome of col-
lateral court actions by respondent; 15—9
departure (Pleuti-type) while dep. order outstanding;
effect; 14—486
departure while dep. order outstanding & sec. 106
review pending; effect; 13—486
depoorted alien, effect of reinterpretation of law, per-
mission to reapply; 3—83, 605, 818
depoorted alien; no permission to reapply; refusal to
 testify; evidence, question of; 15—514
designation of country of; see Place of deportation
discretionary denial of sec. 243(b) application by SIO
Deportation—Continued

without first making formal finding of alien’s statutory eligibility thereto; 11—113
discretionary relief; consideration of eligibility for
vol. dep. prior to running of issue of deportability;
14—168
due process; see Fair hearing
effect of approval of 3d pref. VP on preexisting ground
of; 14—287
effect of Art. 22, UN Convention of 1951, on deportability;
14—310
effect of dismissal of information (Nebraska) re narcotics
violation constituting basis dep. charge; 13—56
effect of sec. 245 adjustment of status on preexisting
ground of; 9—548
effect of sec. 249 adjustment of status on preexisting
ground of; 8—601
effect of Sung decision on hearings held after enact-
4—433
effect on deportability of marriage to beneficiary of
approved 3d pref. VP permitted to remain in U.S.;
14—250
entry; question of, to sustain dep. charge; see Entry
into U.S. (whether or not an entry has been made)
entry; use of any, as basis for charge; 6—664; 9—643
estoppel, doctrine of; see Stoppel, doctrine of evi-
dence of deportability (see also Evidence).
affidavit voluntarily executed by respondent during
Service preliminary interrogation; 15—474
admission of unauthorized employment; allocation
of revocable first raised on appeal; 13—419
burden (Service) of justifying manner obtained;
question of; 13—491; 15—722
certified copies of information and judgment re nar-
cotics conviction; alien claims 6th Amendment;
15—183
illegally obtained, claim of; necessity of establishing
prima facie illegality; 13—691; 14—594; 15—722
interagency communication, by which Service be-
came aware of alien’s presence and location in
U.S.; 15—474
necessity of introduction at hearing; 1—411
preliminary sworn statement, sole; necessity of
identification where alien stands mute; 7—158,
395
refusal of alien to testify; 15—761
refusal of alien to testify, effect; 7—271; 11—213;
13—794
tainted; question of; 14—79
sufficiency, question of; previously deported alien;
no permission to reapply; refusal to testify;
15—414
exclusion ground (narcotics conviction) waived, sec.
212(c); deportability thereafter on same conviction;
7—274
executed order, collateral attack on; 8—276, 611;
11—739; 12—497
executed order; question of; 13—694
exclusion from, sec. 241(f); see Deportation grounds;
visa charge; fraud or misrepresentation; sec. 241(f)
exemption
expungement, effect on; see Pardon
Filipino:
entry before May 1, 1934, and thereafter sentenced
more than once to imprisonment; 3—596
entry before May 1, 1934; reentry as returning resi-
dent after July 1, 1946; 8—668
Deportation—Continued
Filipino—Continued
entry before May 1, 1934; reentry as returning resi-
dent after July 4, 1946 and after conviction of
crime; 11—321
entry before May 1, 1934; when date of entry not
necessary element; 3—185, 184, 396; 4—569
entry from Hawaii subsequent May 1, 1934; 7—201
entry (last) occurred prior May 1, 1934; 6—598
entry occurred on May 1, 1934; 7—242
future excludability (sec. 212(a)(2)); determination
of not germane dep. pce on remained longer
charge; 12—466
grounds; see Deportation grounds
hearing; see Fair hearing
hearing officer; see Fair hearing
illicit relationship, adjourn to permit adjustment
2—676
institution of proceedings; 13—680; 14—287
intervention by alien child in proceedings of alien
parent; question of; 15—582
legality of original admission for permanent residence
(Fleuti-type departure); 15—789
lodging of additional charges, see 242(c) proceedings;
8—276
lodging of charge under Act of Sept. 23, 1950, in hear-
ing commenced prior thereto; 4—556
lodging of charge under 1952 Act, requirement of
proper charge; 15—769
lodging of charge under 1962 Act; warrant of arrest
issued prior thereto; 6—540
lodging of charge; 8 CFR 242.16(d); necessity of fac-
tual allegations; 7—443
lodging of entry without inspection charge, BIA re-
mand for SIO terminated proceedings; BIA again
remanded for further proceedings under sec. 241
(a)(2); 15—127
motion to suppress evidence of deportability on claim
illegally obtained; 14—294
oath, power of immigration officer to administer;
4—415
order, execution of, question of; 13—694
order, finality of; 10—14
order; necessity of order processing to a final conclu-
sion; 13—435
order of, collateral attack on; question of; 11—730
order of, final; effect of 6 mo. period specified in sec.
106(a)(1) on execution of when judicial review not
sought; 13—512
order of, final extradition proceedings; effect of, on;
10—309
order of, final; notice of right to apply for sec. 243(b)
benefits; question of; 13—771
order of, final, service of; effect on eligibility for sus-
pension of deportation; 10—14
order to show cause, designation of country of depar-
tation, in; question of; 12—516, 673
order to show cause; failure to issue to minor respon-
dents at same time as respondent mother; 14—12
order to show cause; nonimmigrant, remained longer;
inclusion of reference to 8 CFR 214.1(a), question of;
15—380
pardon, effect on; see Pardon
place to which deportable; see Place of deportation
postponement of proceedings pending outcome collat-
eral court actions by respondent; 13—701; 15—9
private bill waiver of inadmissibility; effect on sub-
sequent deportability; 6—287
826
reasonable cause, sec. 242(b), 1952 Act; 7–529
recommendation of court against; see Recommendation against deportation
reentry after deportation, unlawful; sec. 242(d), 1952 Act; 6–461
reopening of proceedings:
 alien crewman, to apply for sec. 208(a)(7) refugee classification and sec. 245 adj. of status; 11–689, 746, 749
at request of respondent and for his benefit; continuance of hearing within discretion of SIO; 14–664
authority, discretionary nature of; 3–490; 5–472
authority, discretionary relief under sec. 244(a)(6), 1969 Act; Communist Party member; 5–141
authority of BIA to grant vol/dep. anew; failure to depart within initially granted period; 15–37
authority of SIO, to consider grant of vol/dep. anew; 10–460
authority of SIO to reconsider his order denying voluntary departure; 5–567
authority, solely to permit belated appeal; 5–520
continuance of requested hearing; abuse of SIO discretion; question of; 14–654
dismissal by BIA of appeal from SIO’s decision for lack of jurisdiction, without consideration on merits, after; 14–591
dismissal by Court of Appeals of pet. for review, after; 13–149
evidence, supporting; in absence of, motion denied; 13–225
finality of hearing officer’s denial when no exceptions taken to deportation order; 4–733
frivolous, denial as; 11–489
motion, accompanied by fee, may not be rejected as inadequate without a written adjudication stating basis for decision; 14–145
motion fails set forth prior judicial litigation in case; 13–256; 14–229
motion filed subsequent to, and underlying evidence accrued prior to, Court review and order; 15–48
order granting is interlocutory; Board lacks jurisdiction to entertain Service appeal; 15–712
predicated in Woodby decision; discretionary relief sole issue; 12–91
prior and pending judicial litigation in case; necessity to set forth in motion; 14–229
proof of U.S. birth; 6–415
to clarify and refute issues bearing on future eligibility for visa and return to U.S.; 11–857
to consider cases of minor aliens (delayed issuance of OSC) with that of respondent mother; 14–12
to consider identical issue before Ct. of Appeals on pet. for review; 13–148
to defer decision on appeal pending outcome collateral court actions by respondent; 15–9
to file sec. 243(h) application (Chile); motion unsupported; 14–406
to file sec. 243(h) application during pendency of extradition proc.; question of; 10–309
to file sec. 243(h) application involving country of deportation designated by alien; 12–696
to file sec. 243(h) application under statute as amended by Act of Oct. 3, 1965; prior application same facts denied; 11–872
to new W/C date; 310 lacks authority; 13–09
reopening of proceedings—Continued
to obtain new grant of vol/dep.; failure to depart within initially granted period; 15–37
permits alien granted vol. dep. with alternate order of dep. to show why she failed to depart or that failure justified; 13–156
to permit alien to designate country of deportation, solely; 15–40
the permit alien whose 3d pref. VP approval after entry may dep. order to remain in custody to apply for sec. 245 benefits; denied; 13–629
to permit application for extension of vol. dep. time; 13–258
the permit Cuban refugee to apply for adj. of status; 12–112
to permit exchange visitor to apply for sec. 245 adj. of status; 11–919
to permit filing of suspension application; 11–649; 14–229
to permit filing of suspension application; alien made “final-type departure while final dep. order outstanding; effect; 14–486
to permit filing of suspension application; discretionary denial; 14–88
to permit sec. 245 application by alien ineligible for waiver of sec. 212(a)(19) inadmissibility; 15–307
to permit visitor deportable on “remained longer” charge to apply for sec. 241(f) benefits; 14–381
to receive evidence material to eligibility for labor certification exemption; 12–187
to subpoena Labor Dept. officials, with which to challenge denial of labor certification; 13–349
repeal of statutory provision for; 5–653
retroactive statutory provisions, validity; 5–261, 292; 6–540
savings clauses of 1952 Act; see Savings clauses (sec. 406, 1962 Act)
seaman (of), found ashore after refusal of landing privileges; 9–358
seaman, of, procedure, 1917 Act; 1–230, 689; 2–404
seaman, of, procedure, 1952 Act; 5–127
stateless alien, became after entry, question of deportability; 13–636
stowaway (of); ordered detained on board who escaped vessel & remained in U.S.; jurisdiction; 9–225
termination of proceedings as improvidently begun after entry of final dep. order; question of authority; 13–61
termination of proceedings preferable on basis of expungement rather than as “improvidently begun”; 13–450
termination of proceedings to permit alien to proceed to final hearing on pending petition for naturalization; 15–236
termination of proceedings to permit filing for naturalization; 6–713; 9–106; 11–136, 456; 12–782; 13–701
termination or postponement of proceedings awaiting outcome pending litigation of collateral issues in lower Fed. court; 13–171
trial attorney; see Fair hearing voluntary departure; see Voluntary departure warrant of deportation, period of validity, 4–338
Deportation—Continued

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

Deportation grounds (for deportation ground based upon a crime existing at time of entry; see also Exclusion grounds):

aiding and abetting; aliens to enter illegally; see smuggling aliens for gain under this mainline title certification of Sec. of Labor; see also; cert. of exclusion grounds: certification of Sec. of Labor; sec. 212 (a)(4), 1952 Act, as amended

commercialized vice after entry; 6—59, 540

conspiracy to distribute marijuana, see crime under Federal Youth Corrections Act, no distinction between narcotics violations; 15—725

convicted after entry; of conspiracy which began before entry; 2—46, 99

convicted of crime 1 year before 1917; 5—370

convicted of crime (sec. 241(a)(4), 1952 Act):

absence of pardoning authority; effect; 12—750

alien & court unaware provisions sec. 241(b)(2); effect; 13—497

applicability of "petty offense" exemption; 8—658

computed sentence, effect; 6—622

conviction not in U.S.; 7—356; 11—242

conviction not within 5 year period; 6—684

conviction of an offense under sec. 722(b), N.Y. Penal Law, as; 7—520

conviction while a U.S. citizen; effect; 9—524

crime committed after 1959 entry as agricultural labor & prior to 1969 entry for perm. residence; conviction occurred in 1961; deportability; 9—643

entry; use of an, as basis for charge; 6—684; 9—465

expulsion of conviction by State law; effect; 9—156; 12—576; 13—592, 672

indeterminate sentence; 10—601, 671

new order imposing sentence 4 years after suspension of imposition of sentence with probation; 8—504

sentence revoked and complaint dismissed, effect; 7—171

suspended sentence, effect; 6—346

suspension of imposition of sentence; 7—577

convicted of "petty offense":

prior to entry and before Sept. 3, 1954; 6—331, 435

subsequent to entry; 7—147; 8—638

convicted of two crimes:

absence of pardoning authority; effect; 12—750

alien & court unaware of provisions sec. 241(b)(2); effect; 13—497

single scheme of criminal misconduct; 15—324

conviction resulting in commitment under Fed. Youth Correction Act set aside; effect; 12—625

coram nobis action vacating conviction record, effect; 8—611

final conviction, sec. 241(a)(4); 7—539

justice court action vacating conviction judgment (one crime); effect; 9—469

length of sentence or confinement as factor (sec. 241(a)(4)); 8—414

number of charges in warrant; 2—629

one crime a "petty offense"; 6—614

one crime waived under sec. 219(c) in prior dep. proc.; 12—228

plea of guilty; sentence to confinement; imposition of sentence the more serious and placed on probation; Texa; 15—616

Deportation grounds—Continued

convicted of two crimes—Continued

single scheme of criminal misconduct, 1952 Act; 5—470, 725; 6—107; 362; 7—144; 8—170, 226, 447; 9—311, 504, 673, 686; 11—6; 12—1, 452, 551; 13—412

subsequent to prior entry; 5—370, 728

convicted of crime (241(a)(1)); no requirement that foreign conviction conform to due process guarantees of U.S. Constitution; 15—775

conviction of unlawful possession of weapon (sec. 241 (a)(14), 1952 Act):

condition of unlawful possession of Excluded firearm, gun, on plea of nolo contendere; 14—706

Conviction of Violation:

of California criminal statute; effect of sealing of record of conviction by state court; 15—225

conviction resulting in commitment under Federal Youth Corrections Act; conviction set aside; effect; 15—725

conviction set aside under Federal Youth Correction Act, 18 U.S.C. 502(b); effect; 15—725


conviction of conspiracy to violate 18 U.S.C. 1548; not tantamount to; 11—46

crime; see also Conviction of crime; and Crime displaced person; microrepresentation to gain admission to U.S.; Act of June 15, 1924; L. 1924, 323, 726

entry at other than designated port; 1—617; 2—214

entry by false and misleading statements:

false claim of birth in U.S.; 6—275

false claim of U.S. citizenship; 11—385; 5—520, 642

impersonation of U.S. citizen; continuity of ground following departure and reentry; 8—128

entry without inspection:

alien left inspection area before questioning; 15—734

alien smuggled in rear of delivery truck; applicability of sec. 241(f); 12—479

applicability of sec. 291 presumptive of unlawful status; question of; 14—509

by falsely claiming citizenship; applicability of sec. 7, 1957 Act; 8—143

by falsely claiming citizenship; effect of sec. 241(h), 1952 Act, as amended; 9—585

distinguished from entry at other than designated port; 1—617

entry as naturalized citizen but naturalization later cancelled for reasons than fraud; 7—103

failure to volunteer information; 15—345

Fleuti doctrine inapplicable to entry without inspection; 15—346

naval personnel, foreign; 2—239

physically present for inspection as factor; 1—59, 386; 3—126

record of child’s entry nonexistent, effect 5—181

seaman, applicability to; 1—40; 9—368

sec. 241(a)(2), 1952 Act, retroactive; 5—642; 6—242, 540

sec. 404(a), 1952 Act, effect upon prior nondeportable status; 6—242

within city limits where port of entry is located; 1—617; 2—214

failure of alien to prove time, place & manner of entry; question of deportability under sec. 291; 12—238

failure to furnish notification of address:

continuity of ground following departure and reentry; 7—538; 8—128
<table>
<thead>
<tr>
<th>Deportation grounds—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>for failure to furnish notification of address—Continued general;</td>
</tr>
<tr>
<td>1940 Act, under; not ground of deportation; 9—340</td>
</tr>
<tr>
<td>1952 Act, under; multiple failure, effect; 9—340</td>
</tr>
<tr>
<td>Foreign Agents Registration Act, conviction for violating; 3—310; 4—269</td>
</tr>
<tr>
<td>fraudulent marriage (Gigolo Act of May 14, 1937):</td>
</tr>
<tr>
<td>annulment, California; 5—78; 6—153</td>
</tr>
<tr>
<td>annulment, New York; 5—55, 102</td>
</tr>
<tr>
<td>failure to fulfill marital agreement; applicability of sec. 7, Act of Sept. 11, 1935, 7—715</td>
</tr>
<tr>
<td>fraudulent marriage (1862 Act):</td>
</tr>
<tr>
<td>burden of proof; 7—417, 460, 601; 13—500; 15—310</td>
</tr>
<tr>
<td>failure to fulfill marital agreement; 11—679</td>
</tr>
<tr>
<td>failure to fulfill marital agreement; respondent not at fault; 7—601</td>
</tr>
<tr>
<td>marriage annulled; insufficient evidence to sustain 241(c) charge; effect on invalid visa charge; 5—486</td>
</tr>
<tr>
<td>presumption of fraud; 16—219</td>
</tr>
<tr>
<td>head tax, failure to pay; 2—550</td>
</tr>
<tr>
<td>insanity, excludable at entry because of prior attack; see Exclusion grounds</td>
</tr>
<tr>
<td>Lemon distinguished; criterion required for conviction under section 8(1) of Canadian Narcotics Control Act; 15—775</td>
</tr>
<tr>
<td>multiple charges (not nonquota immigrant and visa purchased by landlord); 4—254</td>
</tr>
<tr>
<td>narcotic drug addict:</td>
</tr>
<tr>
<td>addict distinguished from mere user; 3—620</td>
</tr>
<tr>
<td>conviction under Calif. Health &amp; Safety Code; 3—674, 7—600</td>
</tr>
<tr>
<td>evidence of addiction, sufficiency; sec. 241(a)(11); 5—108</td>
</tr>
<tr>
<td>narcotics, offenses relating to (see also Exclusion grounds narcotics, offenses relating to);</td>
</tr>
<tr>
<td>charge of conviction for illicit traffic not repugnant to charge of conviction of violating narcotics tax law; 3—281</td>
</tr>
<tr>
<td>conspiracy to violate narcotics law; 6—557</td>
</tr>
<tr>
<td>convicted before or after entry, sec. 241(a)(11), 1952 Act; 15—683</td>
</tr>
<tr>
<td>convicted in 1955, one count under sec. 2(c), of Narcotic Drugs Import and Export Act; sentenced to imprisonment for 16 months; 3—490</td>
</tr>
<tr>
<td>convicted in 1958 for violation of Narcotic Drugs Import and Export Act; sentenced to imprisonment for 16 mos.; reentered U.S. thereafter; 2—406</td>
</tr>
<tr>
<td>convicted in 1959 for violation of Narcotic Drugs Import and Export Act; sentence suspended; 3—587</td>
</tr>
<tr>
<td>convicted in 1938 for violation of Act of Aug. 2, 1937 (Marihuana Tax Act); deportability under sec. 241 (a)(11), 1952 Act; 5—251</td>
</tr>
<tr>
<td>convicted in Dec. 1940 of being transferor of marihuana, in violation of Marihuana Tax Act; 1—160</td>
</tr>
<tr>
<td>convicted in 1946 and 1948, for unlawful possession of marihuana; 3—502</td>
</tr>
<tr>
<td>convicted in 1947, for concealment of fraudulently imported opium; 3—620</td>
</tr>
<tr>
<td>convicted before or after entry, sec. 241(a)(11), 1952 Act; 5—651</td>
</tr>
<tr>
<td>conviction, finality of; 7—588, 676; 8—269, 429; 9—458; 10—220, 526; 11—401, 498; 12—721, 806; 15—197</td>
</tr>
<tr>
<td>Deportation grounds—Continued</td>
</tr>
<tr>
<td>narcotics, offenses relating to—Continued</td>
</tr>
<tr>
<td>conviction in Mexico of offense committed in U.S.; 11—772</td>
</tr>
<tr>
<td>conviction in 1947; inadmissibility waived sec. 212(c); deportability thereafter sec. 241(a)(11); 7—274</td>
</tr>
<tr>
<td>conviction of violation State (Calif.) statute; guilty verdict set aside; plea of guilty to lesser charge, sentenced to 30 days and probation terminated; 15—337</td>
</tr>
<tr>
<td>conviction of violation State (Conn.) statute; effect of full pardon by State; 15—170</td>
</tr>
<tr>
<td>conviction of violation State (La.) statute; effect of State court action setting aside conviction; 14—518</td>
</tr>
<tr>
<td>conviction of violation State (Mich.) statute; effect of judgment granting new trial and dismissing cause nolle prosequi; 18—329</td>
</tr>
<tr>
<td>conviction of violation of State (Calif.) statute on nolo contendere plea; 14—576</td>
</tr>
<tr>
<td>conviction set aside under Fed. Youth Corrections Act (18 U.S.C. 5021(b)); effect; 14—621</td>
</tr>
<tr>
<td>conviction under foreign law of possession of drugs making guilty knowledge irrelevant; guilty knowledge is relevant under Bahamian law; Lemon distinguished; 15—683</td>
</tr>
<tr>
<td>conviction (1954) while a citizen; denaturalized in 1959, deportable sec. 241(a)(11); 11—514</td>
</tr>
<tr>
<td>coram noble action vacating conviction; effect; 13—592</td>
</tr>
<tr>
<td>demoral (isonipeicaine), obtaining; N.Y. Public Health Law 15—220</td>
</tr>
<tr>
<td>dismissal of information by State court (Nevada); effect; 13—556</td>
</tr>
<tr>
<td>dismissal of proceedings by State (Calif.) court; effect; 13—721</td>
</tr>
<tr>
<td>expungement of conviction record under State, (Calif.) statute; effect; 7—670; 8—459; 10—526; 14—364, 651; 15—328</td>
</tr>
<tr>
<td>expungement of conviction record under state statute after completing youth offender treatment; effect; 14—651</td>
</tr>
<tr>
<td>facts outside record of conviction; 5—476; 15—683</td>
</tr>
<tr>
<td>finality of conviction; see conviction, finality of under this mainline entry</td>
</tr>
<tr>
<td>maintenance of place for unlawfully selling, using or giving away narcotics; Calif. Health &amp; Safety Code, sec. 11847; 14—101</td>
</tr>
<tr>
<td>offenses relating to; 15—775</td>
</tr>
<tr>
<td>opium poppies, growing without a license; 9—181</td>
</tr>
<tr>
<td>pardon (full &amp; unconditional) for conviction; effect; 12—656, 656</td>
</tr>
<tr>
<td>planning and cultivating, Health &amp; Safety Code of California; 5—309</td>
</tr>
<tr>
<td>possession, attempted, with intent to sell; 6—353</td>
</tr>
<tr>
<td>possession (criminal) of marijuana, attempted; N.Y. 15—251</td>
</tr>
<tr>
<td>possession, unlawful; 1952 Act; 5—461, 479; 7—571; 8—397</td>
</tr>
<tr>
<td>possession, unlawful (N.Y.); nature of unspecified drug ascertained from police affidavit &amp; laboratory report; 8—670</td>
</tr>
<tr>
<td>possession and having under one’s control; Conn. Gen. Stat. Ann., 11—450</td>
</tr>
<tr>
<td>possession of hashish, unlawful (N.Y.); issued Certificate of Relief from Disabilities; effect; 15—565</td>
</tr>
<tr>
<td>possession of marijuana, unlawful (Bahamian); 10—655</td>
</tr>
</tbody>
</table>
Deportation ground—Continued
narcotics, offenses relating to—Continued
possession of marijuana, unlawful; convicted 1956; deportation sec. 241(a)(11), as amended by Act of July 14, 1960; 10—261
possession of marijuana, unlawful, for personal use; 14—146
possession of marijuana, unlawful (Calif.); guilty plea set aside; guilty plea to lesser charge, sentenced to 30 days and probation terminated; 15—337
possession of marijuana, unlawful (Calif.); nolo contendere plea; deportable under sec. 241(a)(11); 14—576
possession of morphine and codeine; offense committed in U.S.; conviction occurred in Mexico; 11—772
possession of opium, unlawful (Calif.); plea of guilty; pronouncement of judgment suspended and conditional probation granted; 12—721
possession in place: narcotics being unlawfully smoked or used; Healh & Safety Code of Calif., sec. 11556; 14—101
recommendation against deportation; see Recommendation against deportation; see Recommendation against deportation: narcotics offense occurring after conviction, effect; 3—490
sale of substance in lieu of narcotic after agreeing to sell narcotic; 17—100
sale of substance in lieu of narcotic after agreeing to sell narcotic; narcotic not specified in conviction record; 11—254
sec. 241(a)(11), 1952 Act, as amended by Act of July 18, 1956, retractive application; 10—571
sec. 241(a)(11), 1952 Act, as amended by Act of July 14, 1960; retractive application; 10—261
transfer, unlawful; 5—461
transferee of marijuana; 1—571; 5—476
use, unlawful; Calif.; 7—833
use, unlawful; easy not be equated with unlawful possession; 19—569
use, unlawful; Pima.; 10—616
passport, no valid:
assumed identity; obtained in; 10—87, 109
passport charge flows directly from visa fraud & misrepresentation; within sec. 241(f) exemption; 12—69
passport charge linked to visa charge by common ground of identity misrepresentation; effect of finding of visa validity; 10—87
prostitution:
assisting a prostitute:
also receiving, sharing or deriving benefit from earnings, as found managing house; 2—659
distinguished from pandering charge; 3—490
Filipino, former national of U.S., who last entered as national; 3—185
husband of prostitute not sharing her earnings; 1—408
benefiting from prostitute's earnings; mother accepting money from her prostitute daughter; 1—29
commercial element, as factor; 1—506
committed under duress; 7—295
employed as nurse at house of; 7—432
employed at place frequented by prostitutes; 2—50
engaged in, after entry; 8—743; 11—375
engaged in, before entry; maco pro fuce exercise sec. 5, Act of Sept. 11, 1957; 7—713
engrazin in: simile act; 6—474
Deportation ground—Continued
prostitution:
inmate of house; 2—155
maintaining house; 3—168
management of house, connected with; 3—20
managing house, found; 2—659, 767; 3—20
managing house, found; conviction of keeping disorderly house as evidence; 1—817
managing house, found; house of assignation distinguished; city ordinance, Tampa, Fla.; 3—159
pardon for offense; effect, where evidence exclusive of conviction record insufficient to sustain charge; 7—370
past practice of; 1952 Act; 5—569
practicing: single act for gain; 2—50
previously deported in connection with; 3—820
procuring male persons for purpose of; sec. 241(a)(12), 1952 Act; 7—592
sharing prostitute's earnings; 2—659, 767
single act; 2—50; 6—474
timely service of warrant of arrest; 2—524, 659, 767;
3—20
psychopathic personality, afflicted with, at entry; see Exclusion grounds:
psychopathic personality, etc., afflicted with; sec. 212(a)(4), 1952 Act; see also Exclusion grounds: psychopathic inferiority, constitutional, person of; sec. 2, 1917 Act
public charge, became, within 5 years after entry: demand for payment, necessity for; 2—538, 694
demand for payment not made within 5 years; 6—349
insane person. mental institution: 4—565; 5—725
psychosis, development, not conclusive; 5—682
State hospital; by statute treatment at State expense; 2—78; 3—323
test for determining; 3—323; inapplicable for determining excludability under sec. 212(a)(15);
8—388
"war bride", P.L. 271, Dec. 28, 1945, mentally defective; 5—200
public expense, institutionalized at (sec. 241(a)(3)); burden on alien to establish mental illness did not exist prior to entry; 8—630
charges fixed by State authorities at less than statutory-prescribed rate; effect; 10—159
confineinent before Dec. 24, 1952; 6—549
full cost of care not paid; 7—124
maintenance charges have been & are currently being paid in sum demanded; deportability; 10—159
proximate causes of mental illness developed in U.S., deportability; 9—57
reentry after deportation, unlawful; see Deportation remained longer;
sea finding whether alien's overstays is justified, not gerninates; 13—156
admitted to pursue action under sec. 505, 1940 Act; adverse judgment by court; 9—529
admitted to pursue action under sec. 503, 1940 Act; suit dismissed with prejudice; 9—320
agricultural worker; 10—389
alien refuge; effect of Art. 32 UN Convention of 1951, on deportability; 14—310
charge brought within period of alien's authorized stay; 14—444; 15—769
charge lodged at hearing after expiration of authorized stay; initially charged prior to expiration
Deportation ground—Continued
remained longer—Continued
of stay with failure to maintain status (sec. 241-
(a)(3)); 15—106
determination of future inadmissibility (sec. 212-
(a)(23)), not germane; 12—466
exchange visitor; failed depart upon notification of
revocation of extension of stay; 5—239
feeling whether alien's overstay is justified, not
germane; 15—689
mure filing of application for extension of stay does
not preclude deportation as "overstay"; alien de-
portable unless extension is granted; 15—689
nonimmigrant visitor for pleasure; 15—683
seaman; 5—127
seaman; departure prevented by arrest; 3—221
etatelle; alien becomes after entry; 13—686
student; period of authorized stay unexpired;
14—404
repeal of statute creating; 5—463
suspended for year or more (see also Sentence to
confinement); 9—380
imposition of sentence suspended with probation for
5 yrs.; 7—577
new trial granted after sentence partly served; ef-
fect; 9—127; 9—400
sentenced more than once; rule enunciated in Fong
How Tan v. Phelan; 3—575
smuggling aliens for gain, 1940 Act; 2—78; 8—468;
8—59
smuggling aliens for gain, 1952 Act;
acts occurred prior effective date of Act; 6—327
anticipation of profit, but no money paid; 7—514
payment for gasoline and promise of additional
monetary compensation; 8—182
recommendation against deportation, effect;
6—232; 11—529
schemed with aliens re illegal entry but did not
accompany them into U.S.; 13—310
transporting for gain within U.S.; 7—589
status, failure to maintain;
application for sec. 245 adjustment, as failure to
maintain status; question of; 15—191
child of treaty merchant; 1—201
criminal conviction; factors in determining whether
violation of status; 14—468
criminal conviction, per se, as violation of nonim-
migrant status; 9—100
exchange visitor; 5—239
failure to maintain; 15—769
foreign government official, 1924 Act; 4—36
foreign government official, servant of (admitted
prior to July 1, 1840); 4—151
industrial trainee; 10—456
shepherdess; laid off; took employment outside peti-
tioning Association and industry; 15—404
stateless; alien becomes after entry; 13—636
student admitted before 1952, warrant issued after
1952; 6—468
student, applied for sec. 245 adjustment; effect;
15—193
student; convicted & incarcerated for profanity and
breach of peace; studies meaningfully inter-
rupted; 14—451
student, convicted & incarcerated for residing
Deportation ground—Continued
status, failure to maintain—Continued
where drug laws violated; studies not meaning-
fully interrupted; 14—465
student, convicted of disorderly conduct (pervert);
9—100
student, inducted into armed forces; 9—330
student, pursued full course of study; accepted
part-time employment without permission;
10—519
student, spouse of (F-2); accepted employment;
13—306
treaty investor; engaged in unauthorized employ-
ment; 15—65
visitor for business; secured Sec. Sec. No. & unau-
thorized employment; 11—610
visitor for pleasure; accepted employment; 8—374;
11—704; 12—463
visitor for pleasure; convicted of disorderly conduct
(jostling) for which imprisoned; 6—762
visitor for pleasure; convicted of theft, not impris-
oned; 11—384
visitor for pleasure; private bill introduced; 6—551
visitor for pleasure; proceeded continental U.S.
immediately following adm. to Virgin Islands
pursuant to 8 CFR 212.1(b) visa waiver; 12—824
visitor for pleasure, sought employment; 6—234
subversive; see Subversive
sufficient, if grounds follow language of statute;
4—684
undesirable alien resident;
Act of May 10, 1929; 3—310
1922 Act, sec. 241(c)(2); 5—425
visa charge (see also Exclusion grounds: fraud or mis-
representation; Exclusion grounds: visa charge;
Immigrant, Nonimmigrant);
entry as citizen; sec. 503, 1940 Act judicial judgment
of citizenship later vacated for fraud; 13—182
entry as citizen in possession U.S. passport errone-
ously issued; no fraud; 10—770
entry as member armed forces; enlisted under Act
of 6-30-56, as amended; undesirable discharge;
8—21
entry as naturalized citizen but naturalization later
cancelled for fraud; 3—276; 4—373, 702; 5—769
entry as naturalized citizen but naturalized later
cancelled for reasons other than fraud; 7—105
entry as nonquota immigrant, marriage later an-
ulled; some evidence of fraud insufficient sustain
sec. 241(c) charge 8—493
entry as nonquota immigrant (returning resident);
no fraud; 8—500
erroneously admitted as nonquota immigrant (pro-
fessor, sec. 4(b), 1924 Act), no fraud; 4—532
erroneously admitted as citizen; child born out of
wedlock, no fraud; 5—459
erroneously admitted as citizen; parent's naturaliza-
tion previously cancelled for presumptive fraud,
1906 Act; 5—318, 517
Filipino; entry occurred on May 1, 1934; 7—242
fraud or misrepresentation (for cases involving sec.
7 exemption from this ground see Discretionary
relief);
annulment of marriage of alien admitted as wife
as armed forces member; Act of Dec. 28, 1945;
4—345
concealment of criminal record; 3—278, 641;
6—813
concealment of illegitimate child; 6—7
Deportation ground—Continued
visa charge—Continued
fraud or misrepresentation—Continued
concealment of marriage; 6—746
concealment of prior arrest and deportation; 3—662
conspiracy conviction re entry by misrepresentation; doctrine of estoppel inapplicable to sustain ground in deo. proc. absent specific findings by court; 10—214
displaced person who did not accept employment offer, and settled in city other than that specified; 4—633
displaced person who failed to reveal German naturalization; 5—322
failure to disclose true marital status; 4—684;
7—192. 397. 410: 11—156
false testimony as to financial status; 4—735;
3—294
fictitious name used to obtain visa; 2—638
forged affidavit of support; 7—464
maiden name used to obtain visa; 6—746
membership in foreign Communist Party, failure to disclose; 7—465
membership to foreign C.P.; failure to reveal; claim not identically a Communist, as defense against willfulness of misrepresentation; 9—570
misrepresentations as to parentage, whereabouts of parents, and foreign residence; 8—124
misstatement of facts, other than name, relating to identity; 8—473
sec. 241(f) exemption:
alien asleep at entry; ineligible; 13—742
alien at entry excludable on “no visa” charge; no fraud; 14—661
alien at entry excludable under sec. 212(a)(17); ineligible; 15—548
alien at entry excludable under sec. 212(a)(23)
narcotic charge; ineligible; 12—555
alien at entry not immediate relative as specified in visa; 13—432
alien at entry not nonquota as specified in visa
(sec. 211(a)(3)); 10—128; 12—671; 13—169
alien at entry not of quota pref. specified in visa; 12—156; 13—677; 14—421; 701
alien entered as nonimmigrant; ineligible;
14—76
alien entered as nonimmigrant with cert. of identity obtained upon fraudulent citizenship claim; ineligible; 13—446
alien entered on a fraudulent citizenship claim; charged with deportability under sec. 241
(a)(3); 15—235
alien entered on a fraudulent citizenship claim, completely circumventing visa system;
14—347
alien entered or basis bigamous marriage U.S. citizen; no fraud; eligible; 13—432
alien entered or basis bigamous marriage U.S. citizen and sec. 212(b) waiver of inadmissibility; ineligible; 12—661
alien entered surreptitiously; ineligible; 12—479
alien entered without inspection upon fraudulent citizenship claim; ineligible; 15—214, 446; 14—347, 670
alien within provisions sec. 205(c); ineligible; 10—117
alien's entry without fraud or misrepresenta-
tion on his part; 12—671; 13—169, 452; 14—
421, 661, 701
alien's fraud not linked to deportation ground; ineligible; 19—260, 688
applicability in sec. 246 rescission proceeding; question of; 12—446
applicability to charge of deportability under sec. 241(a)(7); as it relates to sec. 241(f); question of; 15—447
applicability to “entry without inspection”
charge; 9—583
applicability to fraud relating to nonimmigrant
entry; question of; 12—560; 14—75
applicability to “no visa” charge under sec. 212
(a)(10); 12—108; 15—555, 411, 485
applicability to “rescinded longer” charges; question of; 12—332; 13—514; 14—238; 361; 15—346
applicable case law established by Ninth Cir-
cuit; effect of intervening change in control-
ing law by higher court; 15—485
applicable only to fraud or misrepresentation
charge under sec. 212(a)(19); 15—583
application based on relationship to alien admit-
ted in possession of visa to which not entitled;
ineligible; 14—12
availability in VP proceedings to alien outside
11.F.; question of; 19—560
availability to alien in exclusion proceedings,
based on birth of citizen child; question of;
13—769
burden of proof; 14—509
entry as nonimmigrant; subsequent sec. 245 ad-
justment based on fraudulent marriage re-
cinded; ineligible; 12—668; 14—235
entry as nonimmigrant student; failed maintain-
status; ineligible; 12—358
familial relationship, requisite; question of;
12—156; 13—644; 14—88, 496
membership in C.P. of Yugoslavia. conceal-
ment of; 10—79
misrepresentation, innocent; within purview
sec. 241(f); 14—421, 701
no visa charge; could equally have been charged
“entry without inspection”; no fraud; 14—661
“otherwise admissible” requirement; 10—128;
12—69, 132, 277, 520, 655, 861; 13—19, 214;
432, 446, 577; 14—492; 15—447
“parent”, question of; 14—88, 496
sister’s name used to obtain citizen’s identification
card; 7—496
spurious check as to financial status; 7—76; 222
visa charge and “no passport” charge linked by
common ground of identity misrepresentation;
effect of finding of visa validity; 10—87
wife admitted as nonquota immigrant. 1924 Act; husband’s citizenship later revoked; 1—84
wife admitted as nonquota immigrant. 1924 Act; marriage later annulled “relation back”; 8—26, 102
“no visa” charge flows directly from visa fraud &
misrepresentation; within sec. 241(f) exemption;
12—69
presented Form I-151 issued pursuant status ad-
Deportation grounds—Continued
visa charge—Continued
Judgment sec. 249, 1952 Act; ineligible for adjustment; 1—863
presented from 1—151 upon reentry from Mexico in 1961 following visit to Cuba; 11—615
visa charge and "no labor certification" charge linked
by common ground of misrepresentation or marriage; labor certification charge not sustained; effect; 15—628
Derivation citizenship; see Citizenship—derivation
(after birth) by child born abroad; Citizenship—
derivation by women through marriage
Deserter from armed forces in wartime; see
Citizenship—deserter from armed forces in wartime; Exclusion grounds: departure to avoid armed forces duty
Detainee
by Service, on alien confined on criminal matter unrelated to immigration; bail request premature; 15—159
Detention and interrogation of alien without warrant; authority of immigration officer, question of; 19—438
Dialectical materialism (see also Subversive); 3—468
Discretionary relief (see also Adjustment of status;
Preexamination; Returning lawful permanent resident alien; Seventh Provision, sec. 3, 1917 Act; Suspension of deportation; and Voluntary departure);
confidential information, see sf 9—714; 5—401
criminal cases, looking outside record of conviction; 1—15; 3—790
discretionary denial, notwithstanding statutory eligibility; 19—506
discretionary denial of sec. 248(h) application by SIO
without first making formal finding of alien's statutory eligibility therefor; 11—113
duty to advise alien in deportation cases as to possible administrative relief; 5—630
effective enforcement of immigration laws as factor; 4—588
enemy alien brought for internment; 4—64
enemy alien, objector to military service; 3—532
Foreign Agents' Registration Act of 1938, as amended, conviction under; 3—310
good moral character (see also Good moral character):
adolescent relationship; 2—840, 876, 892; 4—480;
5—592, 7—156
adolescent; determination of; applicability of criminal test; 6—660, 801
ignorance of marital status; 6—463, 801; 7—380
false testimony; 11—361
marital status, adjustment, adolescent relationship; 3—478, 567, 5—622; 6—715
prostitution; 5—509
record of conviction, expungement of, effect (Calif.); 6—619
requirement, discussion; 1—611
marriage, mona fide; BIA & SIO not precluded from
finding of for disc. relief purposes notwithstanding
prior uncorrected immediate relative V/F; 1—407
internee during World War II; former member Fascist Party; 2—587
naturalization fraud on behalf of another; 3—348
perjury in immigration proceedings, 8—600
Deportation grounds—Continued
perjury in naturalization proceedings; 1—78; 2—595, 700, 712, 905
refusal of alien to testify; 7—697; 11—210; 14—294
sabotage of vessel; 2—502
seaman, recently arrived; 3—859
sec. 4(a), 1924 Act; see Documentary requirements:
waiver of visa; sec. 4(a), 1924 Act
sec. 5, Act of Sept. 11, 1957 (see also sec. 212(h) entry
under this mainline title);
advance waiver in current proceedings where alien
ordered excluded; 8—325
alien in U.S. ineligible for preexamination; 8—68
alien in U.S. who failed to qualify for preexamination
by 6-30-56; 8—478
discretionary denial; 9—1
extreme hardship; question of; 9—1
nunc pro tunc exercise; 7—715; 8—608
waiver under; continuing effect; 10—1
sec. 6, Act of Sept. 11, 1957:
waiver under; continuing effect; 10—1
sec. 7, Act of Sept. 11, 1957 (see also sec. 212(b); sec. 241(f) under this mainline title);
advance waiver in current proceedings where alien
ordered excluded; 8—325
alien in U.S. ineligible for preexamination; 8—68
deportable as one who admits commission of perjury in
obtaining visa; 8—310
entry without inspection of falsely claiming citizen-
ship; 8—143
failure to fulfill marital agreement; 7—715
misrepresentation to evade quota restrictions; ef-
fact on loan (S) exemption; R—510
nunc pro tunc exercise; 8—608
"otherwise admissible" requirement; 8—215
parent of adult U.S. citizen child; eligibility; 8—340, 355
waiver under; continuing effect; 10—1
sec. 13, Act of Sept. 11, 1957; see Adjustment of status
sec. 13(b), 1924 Act; see Documentary requirements:
waiver of visa; sec. 13(b), 1924 Act
sec. 15(d) and (e), 1924 Act, time limitation; 1—84;
5—525
sec. 211(b), 1952 Act; see Documentary requirements:
waiver of, sec. 211(b)
sec. 211(c) and (d), 1952 Act:
alien on notice marriage prior to entry into U.S.
would invalidate visa; 8—658; 10—236
authority of Regional commissioners, without in-
sitution of dep. or exc. proceedings; 7—555
authority of special inquiry officer at warrant hear-
ings; 8—321
child born abroad erroneously admitted as citizen,
accompanied by alien mother applicant for admission
under Act of Dec. 24, 1945; 11—253
child born erroneously admitted as citizen on second
return of citizen mother; 7—136
nunc pro tunc exercise; 8—131
quota availability, time limitations; 7—304
visa issued under sec. 4(a)(6), Refugee Relief Act of
1936; 6—237
sec. 212(c), 1952 Act; see Returning lawful permanent
resident alien; sec. 212(c), 1952 Act, relief under
sec. 212(d)(6), 1952 Act:
applicable only to admission as a nonimmigrant;
14—117
former alcoholic, drug addict & criminal; 11—99
nunc pro tunc grant; 8—255, 302
post immigration record, as factor; 8—476
Discretionary relief—Continued
sect. 212(d)(3), 1952 Act—Continued
waiver of inadmissibility not based on sect. 212(a); 8–291
sect. 212(d)(4)(A), 1952 Act; see Documentary require-
ments: waiver of, sect. 212(d)(4)(A)
sect. 212(e), 1952 Act, as amended; see Waiver of
foreign residence, sect. 212(e), 1952 Act
sect. 212(h) [formerly sect. 212(g); see Exclusion
grounds: crime, admission or conviction: waiver of
sect. 212(h) [formerly sect. 212(h); see Exclusion
grounds: fraud or misrepresentation, sect. 212-
as(19); waiver of
sect. 241(f); see Deportation grounds: visa charge:
fraud or misrepresentation; sect. 241(f) exemption
subversive;
Communist Party member, former: 3–411. 787;
6–718
Communist Party, former nominal member, eligibil-
ity under sect. 144(a)(5), 1922 Act; 5–141
Communist Party of England, former involuntary
member; 5–72
excludable as; 3–784
Fascist Party, Italian, former member; 2–532
sect. 18(d), 1917 Act, as amended; effect: 4–675
suspension of deportation see Suspension of deporta-
tion
U.S. citizen children; denial of adjustment of status
to parents of; 15–794
voluntary departure; see Voluntary departure
Dishonorable discharge while abroad; return to
U.S. as military prisoner not deemed “entry”; 3–636
Dishonorable discharge following honorable one;
state of birth under Act of Mar. 19, 1951; 4–622
Disorderly house or bawdy house; see Crimes in-
volving moral turpitude
Displaced Persons Act of 1948:
ethnic German classification, sect. 12; 3–338
misrepresentation is to intention to accept offer of
employment; 4–633, 748
misrepresentation as to nationality status; 5–323
subversive; see Subversive
District Director:
authority in dep. proc. to determine place of hearing;
15–590
authority (sole in dep. proc. to determine Sched. C
prequalification qualifications of nonpref. sect. 248
applicant; 13–572
institution of dep. proc.; authority; alien, after becom-
ing deportable, granted indefinite vol./dep. under
OI 242.10(a) as VFP benef.; 14–644
institution of dep. proc.; within province of; 13–680;
14–267
jurisdiction, loss of, once appeal to BIA from DD’s
decision filed; 15–540, 588
political asylum; authority (sole) in exc. proc. to con-
sider claim of; 14–490
reopening of proceedings, question of, after appeal
filed; 15–540, 588
voluntary departure; authority (sole to grant or re-
voke grant of), under 8 CFR 242.4; 15–9
voluntary departure; indefinite, to Western Hemis-
phere native with citizen tier; authority (sole) to
grant; 14–488
Divorce—Continued
absentee, by resident of New Jersey; 15–624
absentee, by Jordanian-Moslem law, by party
domiciled in Conn.; 7–506
Divorce—Continued
absentee, under Jordanian-Moslem law; plaintiff in
Jordan, defendant in Colombia; 10–580
Absolute or limited; legal separation; sect. 314, 1940
Act; 3–742
amicable, Brazil; 14–704
China, in; by U.S. resident; 6–196
Chinese mutual consent divorce; not valid to termi-
nate Hong Kong marriage by civil ceremony;
11–553; 12–49
custody of child, conflict of State laws; 3–845
Dominican Republic; 14–307. 410; 15–565, 606, 624,
659
foreign, comity between nations; 2–886; 6–272
foreign consul in U.S., by; 6–476; 11–369
foreign, obtained while either party domiciled or phys-
ically present in U.S.: 3–33. 227: 4–610: 6–195:
7–556; 8–16
Georgia; collateral attack, question of; 15–504
Germany, in; by U.S. resident, national of Germany;
1–677
Germans; enforced decree based on racial grounds;
5–1
Ghana:
under customary law; 15–359
H.K.; Chinese mutual consent divorce valid to
terminate unauthorized Chinese customary mar-
riage; 15–446
in absentia, Hungary; obtained by nationals of Hun-
gary domiciled in New York; 10–284
in absentia, Pakistan; obtained while living in Eng-
land; 10–561
in absentia, Yugoslavia; obtained by nationals of, liv-
ing in Canada and California; 13–284
India, in; by Buddhists; 15–706
Korea; in absentia, neither party in divorcing jurisdic-
tion, effect; 15–70
Massachusetts; decree nisi; finality; 9–296
Mexican, both parties residents of & domiciled in
Mexico but did not appear before court; recognized
in California; 13–544
Mexican, divorce granted under law of one state valid
in other states of Mexico; 14–574
Mexican “null order”; 1–679; 3–33; 4–610; 8–16;
16–576; 11–109; 12–385; 13–26, 162
Mexican, plaintiff physically present in Mexico;
3–297; 5–408
Mexican, plaintiff physically present in Mexico only to
obtain lawyer; did not appear before divorce court;
13–28, 162
Mexican plaintiff residing in Mexico and defendant in
Lebanon; 6–272
Mexican, prohibiting remarriage within 1 year; re-
marriage in Illinois within restricted period, effect;
15–237
New York; deserted spouse; 7–156
New York; effect given foreign (Palestine) divorce;
15–736
Nigeria:
custodial law; 15–254
nunc pro tunc, effective; Colorado; 3–848
Pakistan; 14–417
Pakistan; in absentia; obtained while living in Eng-
land; 10–561
Palestinian; recognition of divorce by New York,
question of; 15–736
Philippine Islands, recognition in; obtained in U.S. by
U.S. citizen terminating marriage in P.I. to
Filipino; 12–299
 DIVORCE—Continued

Portugal; 14—722

proxy, under Jordanian-Moslem law, by plaintiff in
Puerto Rico, defendant in Jordan; 11—179

State court, granted by; collateral attack in visa peti-
tion proceedings; 8—251

Turkey, in; canonical; validity; 9—420

valid in foreign country where domiciled; effect of
residence elsewhere; 1—677; 3—88, 321

Doctrinal of collateral estoppel; see Estoppel, doc-
trine of

Documentary requirements:
adopted child, Act of Dec. 28, 1945; 3—608

child born abroad while citizen mother on visit;
2—188; 7—311

child born abroad while legally resident alien mother
on visit; 2—188; 3—218

native born Canadian coming for visit of less than 30
days; 2—518

returning lawful resident, after temporary absence;
1—869

returning lawful resident, after temporary absence
(crewman; temporary employment afloat in Salpán
between sailing); 7—314

returning lawful resident, after temporary absence
(intention to take up residence in U.S.); 3—519

returning lawful resident, after temporary absence
(naturalized citizen of time of last entry, naturaliza-
tion later cancelled for fraud); 3—275

returning lawful resident, after temporary absence
(naturalized citizen whose citizenship was lost while
abroad); 11—414

waiver of; sec. 211(b), 1952 Act; 7—314; 8—143, 249;
11—414; 13—557; 14—290

waiver of; sec. 212(d)(4)(A), 1952 Act; 8—485; 13—256

waiver of passport; sec. 211(e), 1952 Act; 11—249

waiver of visa; secs. 4(a), 13(b), 1924 Act; sec. 30,
1940; 3—582

waiver of visa; sec. 13(b), 1924 Act; 1—10, 292, 221;
3—582

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

wife of citizen veteran of World War II; 3—371

Documentation, other; sec. 212(e)(19); 1952 Act:
application for extension of stay; 6—315

citizen's identification card; 7—486

false letter of employment; alien commuter; 11—738

"other documentation" defined; 7—486

procurement of; 7—73

Dodecanese Islands, transfer to Greece; quota allo-
cation; 3—172

Domicile; see Residence; Seventh Proviso, sec. 3,
1917 Act; Returning lawful permanent resident
alien; sec. 211(c), 1952 Act

Dominion Opium and Narcotic Drug Act, 1923, as
amended, sec. 414(1)(f); 2—600

Draft dodger:
"avoid" and "evasive" meaning; 2—424

distinguished from army desertion; 2—276, 419
distinguished from conscientious objector; 5—425

exclusion ground; see Exclusion grounds: depar-
ture to avoid armed forces duty

expatriation ground, as; see Citizenship loss: evading
service in armed forces, departing U.S. or remain-
ing out

need for Service determination of excludability in con-
nection with visa petition on behalf of alien husband;
3—376

not liable for military service, effect; 2—403; 5—593

Drug addict; see Deportation grounds: narcotic
drug addict

Dual national:

election of nationality:

army or his foreign nationality, service in; 2—449,
783; 3—701

formality of procedure; necessity for definitive
choice; 2—124, 458

necessity of acquisition in foreign state during minor-
ity; disaffirmance upon reaching majority; 1—329

oath of allegiance to country of foreign nationality;
3—701

obligation to elect by dual national at birth; 1—389;
2—347; 4—706; 9—411

obligation to elect by dual national thru marriage to
alien in 1934; 3—107

passport of his foreign nationality, use of; 3—98

residence abroad after reaching majority and return
to U.S. prior to Jan. 13, 1943; 1—476

residence abroad after reaching majority and claims
of U.S. citizenship before and after reaching
majority when entering U.S. for visits; 2—124

residence abroad after reaching majority; return to
U.S. before 1941 for short period followed by
permanent residence abroad; 1—496, 685

sec. 401(a), 1940 Act, persons within; one who al-
ready elected U.S. nationality and has abided by
such election; 1—496

sec. 401(a), 1940 Act; "taking up residence in U.S."
before 23d birthday or Jan. 13, 1943; 1—24, 476,
496, 502, 585, 548, 596, 685; 2—6, 124, 595; 3—68,
470, 500, 761; 5—500; 8—194

voluntariness of election; 3—601

voting in Canada after electing U.S. nationality;
1—686

Loss of nationality, sec. 350, 1962 Act:

applies to all dual nationals at birth; 7—155

benefits of foreign nationality, sought or claimed
acceptance of right to develop a parcel of com-
monal land in Mexico; effect; 9—664

acquisition of property in Mexico in area re-
stricted to ownership by Mexican citizens;
10—658, 740; 13—498

acquisition of property in Mexico without authoriza-
tion required of non-Mexican nationals;
7—218

after attaining 22d birthday and subsequent to
Dec. 24, 1952, followed by 3 years residence;
7—195

after attaining 22d birthday and subsequent to
Dec. 24, 1952, preceded by 3 years' residence;
7—195

Certificate of Retention of Canadian citizenship,
application for and receipt of; 12—221

ignorance of claim to U.S. citizenship; effect;
9—482

Mexican nationality, to gain admission to U.S. as
agricultural worker; 7—718

nature of benefit required to effect nationality
loss; 7—719

obtaining foreign passport; 9—411

obtaining foreign passport without using it for
travel; 8—112

presentation of foreign passport at time of admis-
sion to U.S.; 8—112

prior to, but not enjoyed after, Dec. 24, 1952;
7—195

prior to, with continued enjoyment of benefits and
Dual national—Continued
loss of nationality, sec. 380, 1952 Act—Continued
benefits of foreign nationality, sought or claimed—Continued
foreign residence 3 years after, Dec. 24, 1952: 7—218, 591
readmission to Canada as Canadian citizen; 9—411
conditions precedent to nationality loss; 8—112
prospective application; 7—196
residence; effect of absence; 7—599
Due process (see also Evidence; Fair hearing): applicant for admission to U.S.; 1—587
DD's denial (fine proc.) of cross-examination of immigrant inspector who prepared Service official record of alien's arrival; 15—372
denial of inspection of Service records to discover basis of arrest; 15—278
failure of SIO to take cognizance of Service action in analogous cases on unsettled question of law; 15—439
interrogation, preliminary, of alien; without prior notice to alien's counsel; 15—490
minor citizen children of deportable father; 14—457
Duress; fear as excuse for committing crime; 3—350

E

Election:
distinguished from plebiscite; sec. 401(e), 1940 Act; 2—436
dual national, by; to retain U.S. nationality; see Dual national
voting as act of expatriation; see Citizenship-loss
Eligible orphan; see Child: eligible orphan
Entry:
alien left inspection area before questioning, entry without inspection; 15—724
armed forces, as member of; failed to meet requirements
Act of 6-30-50, as amended; 8—21; 10—17
armed forces, mbr. dishonorable discharged; return to
U.S. as military prisoner; 3—596
arrival in U.S. following preinspection and cancellation of admission stamps; 15—498
arrival at designated port; remained on board vessel awaiting inspection by immigration officers; 14—467
arrival at other than designated port, had proceeded to airports 10 miles inland when apprehended; constit.; 12—19
at place not designated; deportation charge; distinguished from entry without inspection; 1—617
child, of; born abroad while citizen mother on visit; no visa?; 7—311
child-step, as; marriage creating step-status a sham; deportability, question of; 15—516
citizen, as; under view of Service subsequently reversed; 5—517
citizen, as; erroneous, good faith; 5—218
definition of "entry" sec. 101(a)(13); 1952 Act, applicable to provisions of both sec. 276 and 241(b)(2); 15—346
deportation proceedings based upon; see deportation grounds
fictional name, alias, or other name used for; legality; 2—644
Filipino, from Hawaii; subsequent May 1, 1934; 7—291

Entry—Continued
Federal doctrine inapplicable to entry without inspection; 15—346
immoral purpose; concubinage; 1—373; 3—218
immoral purpose; sec. 212(a)(13), 1952 Act; 5—185
lawful admission for permanent residence; see Lawful admission to the U.S. for permanent residence
naturalized citizen whose citizenship was cancelled after deportability under sec. 241(b)(4); 6—666
naturalized citizen whose citizenship was cancelled after relation back doctrine; 3—276; 4—372; 702
naturalized citizen whose citizenship was cancelled after applicability of relation back doctrine to documentary charges; 5—759; 7—103
question of, to sustain deportation or exclusion grounds; see Entry into U.S. (whether or not an entry has been made)
record; nonexistence of; effect on deportation proceedings; 1952 Act; 6—181
records: errors, legalities; 2—644
reentry as "entry" for deportation purposes; 1—4, 510
selection of any, as basis for deportation charge; 6—684; 9—643
under 1917 Act, as distinguished from 1924 Act; 3—632; 7—301
Virgin Islands, to; prior to July 1, 1938; 1—414
when entry effected; 12—191; 14—467
without inspection; deportation grounds; see Deportation grounds: entry without inspection
Entry into the United States (whether or not an entry has been made):
alien commutary return to employment from place of residence abroad; legality of original adm. for perm. resid. can be examined in exc. proc.; 15—498
alien preinspected at Toronto; recalled and admission stamps cancelled prior to arrival in U.S.; 15—498
alien presented false 1-151; paroled for prosecution and thereafter convicted of violation sec. 276, 1952 Act; 15—77
armed forces, member of; 4—126, 650
armed forces, former member who elected to remain abroad at time of discharge and thereafter returned to U.S.; 3—599
arrived at designated port; remained on board vessel awaiting inspection by immigration officers; 14—467
arrived at other than designated port, had proceeded to airports 10 miles inland when apprehended; constit.; 12—19
departure "not intended", question of; 14—737
drunk, following departure of which he was unaware because 4—350
excluded alien who is permitted to sojourn in U.S. (parole); 3—543
extradition from foreign country to stand trial in U.S.; 3—632
factors in determining; 12—191; 14—467
Filipino, noncitizen national, arrival in U.S. in 1926; 4—669
Filipino, noncitizen national upon arrival before May 1, 1934, last entered as returning resident after July 4, 1946; 5—668
Filipino, noncitizen national upon arrival (Hawaii) in 1924, last entered (Hawaii) 1951 returning from employment in Kwajalein Island (trust territory); 7—128
fishing trip, return from; alleged ignorance of foreign destination; 5—220

836
Entry into the United States—Continued

plei doctrine inapplicable to entry without inspection; 15—346
following departure in connection with scheme of
girlfriend to obtain visa through fraud; 15—477
following departure made with intent to assist aliens
in illegally entering U.S.; 14—58, 438
involuntary departures, from to communists U.S.; 3—022;
7—201; involuntary departure from U.S., after;
3—386
knowledge of foreign stops, en route (return to U.S.
by air); 3—882
mental incapacity, return following unintended depart-
ure and involuntary foreign presence because of;
14—737
parole for prosecution followed by conviction for viola-
tion sec. 276, 1952 Act; 15—77
presence, foreign, “not voluntary”; question of;
14—787
return following pteut-type departure; legality of
original admission; 15—589
return following pteut-type departure; legality of
original adm. for perm. resid. can be questioned in
ex. proc.; 14—475
return from 1-day visit in Canada for purpose in con-
travention of immigration laws; 15—477
return from 1-day visit in Mexico, paroled for prosecu-
tion on narcotics charge & convicted; 11—620
return from 2-3 day visit in Mexico; original admission
for perm. resid. thru fraud; 14—475
return from 10-day vacation in Mexico; 10—480
return from 2-hour absence to Mexico; not lawful per-
manent resident; Wadman inapplicable; 11—106
return from 4-month absence in Canada in fulfill-
ment of teaching contract; 14—268
return from abroad as military prisoner; 3—886
return from absence to Mexico to report to clerk of
court and sign bond book during which imprisoned
there for 6 mos.; 14—666
return from absence abroad of minor taken with his
parents when they abandoned their U.S. perm. resi-
dence; 15—451
return from a month’s absence abroad to visit parents;
10—620; 14—216
return from a month’s vacation in Mexico; 10—551
return from a week’s absence to Mexico to visit and
make a pilgrimage; 11—482
return from brief absence to Mexico, following annul-
ment of marriage to U.S. citizen on which entry for
perm. resid. based; 15—274
return from brief absence to Mexico for purpose in con-
travention of immigration laws; 14—388
return from brief absence to Mexico to visit relatives;
10—341
return from brief sight-seeing trip in Mexico; 10—376
return from brief visit to Mexico to pay condolences;
innocent nature of trip transformed by conduct
while there; 13—812
return from foreign country, every, exceptions;
3—481
return from intermittent weekend visits with family in
Mexico; 13—760
return from overnight visit in Canada linked to gam-
bling activities; 10—522
return from short visit of criminal intent; 13—449;
14—438
return from short visit to Canada to appear in court
for criminal misconduct; 12—170
return from short visit to Mexico during which en-
Dose return from short visit to Mexico to report to clerk of
court there and sign bond book; 11—15
return from visit in Mexico during which convicted for
criminal misconduct; 11—478
return of alien denied entry in foreign port or
return of nonimmigrant from overnight visit to Mexico
seeking entry for perm. resid. without visa; 13—354
return of unemancipated minor from absence abroad
accompanied accompanied by unemancipated
under military orders; 10—304
return (without inspection) from brief visit in Mexico
(lawful permanent resident); 11—103
return (without inspection) from brief visit (by
nonimmigrant, out of status) to Mexico; 11—519
sec. 249, 1952 Act; see Adjunctment of status: sec. 249,
1952 Act
stayaway, ordered octane on boat, who escaped
vessel & remained ashore; 9—566
trust territory (Kwajalein Island), return from em-
ployment in; to Hawaii; 7—129
Entry record, amendment or creation, to show ad-
mission for permanent residence:
child: born during temporary absence from U.S. of lawful
permanent resident mother; 3—218, 262
Entry record, amendment or creation, to show ad-
mission for permanent residence:
child: erroneously admitted as ret. resident; sec. 14, 1924
Act; 3—816
erroneously admitted as U.S. citizen; 3—262;
11—258
errecusaneously admitted under Quota Act of 1921,
exemption 8; 3—816
quota exhausted before charge could be made (1923);
3—291
reentry as treaty trader; previous lawful admission for
permanent residence; 2—834
sec. 13(d) and (e), 1924 Act; see Discretionary relief;
sec. 13(d) and (e), 1924 Act
sec. 211(c) and (d), 1922 Act; see Discretionary relief
sec. 214(d), 1922 Act; see Fiance(e) of U.S. citizen; sec.
101(a)(10)(B), 1922 Act, as amended
sec. 245, 1952 Act; see Adjustment of status: sec. 245,
1952 Act
sec. 249, 1952 Act; see Adjunctment of status: sec. 249,
1952 Act
suspension of deportation; see Suspension of depor-
tation
Estoppel, doctrine of; operation in dep. proc. as
“affirmative misconduct”, question of; 15—516
Estoppel, doctrine of; operation in dep. proc. as
alien admitted as spouse of U.S.C. on basis VP
approved subsequent to commencement, & prior
to conclusion of dep. proc. against wife finding her
not to be a citizen; 15—411
Estoppel, doctrine of; operation in dep. proc. as
to alien’s conviction of entry without inspection
under sec. 275, 1952 Act; 15—346, 453
Estoppel, doctrine of; operation in dep. proc. as
alien convicted during parole for violation of sec.
275, 1952 Act; 15—77
Estoppel, doctrine of; operation in dep. proc. to
alien inspected and erroneously admitted by ser-
vice officer; 14—397, 483
Evidentiary doctrine; operation in dep. proc. as to conspiracy conviction re entry by misrepresentation, absent specific findings of court; 10—214
Evidentiary doctrine; operation in dep. proc. as to expatriation finding of court in declaratory judgment suit; 7—407
Evidentiary doctrine; operation in dep. proc. as to subversive organization membership finding by court in denaturalization suit; 8—577; 8—127
Evidentiary doctrine; operation in exc. proc. as to visa issued on basis adoption in Yemen prior to adm. dec. holding no system of legal adoption in Yemen; 15—438
Evolving military service; see Citizenship losses: evolving service in armed forces, departing U.S. or remaining out; Exclusion grounds: departure to avoid armed forces duty
Evidence:
admission of alien; alleged coercion, issue of; first raised on appeal; 15—469
admission of alien, voluntary, made during preliminary interrogation & not under arrest; 13—522
admissions made in preliminary interrogation, in non-custodial setting; competent evidence notwithstanding absence of Miranda warning; 13—632
admissions made in prior hearings; 4—765; 5—752
affidavit voluntarily executed by respondent during Service preliminary interrogation; 15—474
affidavits of deceased witnesses; 6—496
affidavit of witness, obtained during preliminary investigation; 13—95
affidavits of witnesses in lieu of oral testimony; 6—462; 728; 6—96
affidavits showing nature of organization; 5—461
alien crewman's Form 1—95; voluntarily produced and turned over during Service investigative search; admissible; 15—50
alien crewman's Form 1—95; voluntarily produced and turned over during Service investigative search, following temporary forcible restraint; no Miranda warning; admissible; 14—630
alien's driver's license; turned over to Service officers in response to request for identification; admissible; 14—826
alien's Form 1—94; voluntarily produced and turned over during Service preliminary interrogation; no Miranda warning; 15—480
alien's rights controlled by Jencks statute; 8—696
allegations Service & atsy misconduct, matters outside administrative dep. record; should be under oath; 13—660, 710
anonymous letter; question of; 14—719
applicability of Woody rule; 12—84
arrival manifest, at en stode mute; 13—794
attorney-client communications to perpetrate immigration fraud; admissible in sec. 246 proc.; 13—827
authentication of baptismal & school records entered in evidence in dep. proc.; question of; 11—378
authentication of narcotics conviction record; question of; 10—183
birth in U.S.; baptismal record; 13—755
court decree, as; 3—237
delayed birth certificate; 13—755
military records; 6—415
passport, as; 3—869
blood tests to prove relationship; see Blood tests burden (Service) of justifying manner of obtaining evidence; Continued
evidence introduced; question of; 13—691; 15—272, 722
certified copies of information and judgment re narcotics conviction; alien claims 6th Amendment; admissible; 15—183
citizen of U.S., prior admission of; weight; 2—428
communications, privileged; question of; 6—496; 15—856; 15—259
custodian of hospital records; Hawaii; question of; 15—148
disciplinary action at work; Hawaii; re order; 15—519
documentary evidence; admissibility; 6—416
documentary evidence; authenticity; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
documentary evidence; business records; 6—416
consideration of material received into evidence; necessity of; 11—769
court dismissed sec. 503, 1940 Act, suit without entry final order; effect; 8—344
court record of testimony; witnesses not produced, although available; 6—800
customs officer, obtained by, during routine customs border search of suitcase carried by U.S.C. in which alien passport was found; seizure of passport did not exceed Service authority under section 287 (c) of the Act; 15—645
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
courts, trial; see Ex parte statement, without cross-examination; opportunity for depositions declined; within Woody rule; 14—58
foreign documents, not authenticated; 6—416
foreign record of conviction; authentication of; question of; 13—835
hearsay; objection to; 15—469
hospital & clinical records & physicians' testimony evoking treatment; 14—68
hospital records containing opinions, conclusions, and hourly notes by hospital personnel; 8—523
claim of; alien's testimony at dep. hearing, without more, establishes deportability; effect; 15—492
inferences from alien's refusal to testify; 6—346; 7—308; 8—668; 11—213
information from passport, introduction where alien stands mute; 15—648
information from scannum's discharge book, introduction where alien stands mute; 11—458
interagency communication, by which Service became aware of alien's presence and location in U.S.; 15—474
judicial rules not binding; 5—755; 6—416; 11—213, 555; 13—70
manifest records, weight; 5—220, 370
motion to suppress as illegally obtained; 13—820; 14—705; 15—722, 787
newspaper articles; 11—759
objection to introduction, timeliness of; 6—726; 15—469
oral depositions taken from witnesses abroad when respondent nor his counsel present; 11—378
passport, alien stode mute; 15—648
physician employed by U.S. Public Health Service, testimony of; 6—735

888
Evidence—Continued

police officers, obtained by, during search without warrant; introduction not violative of Fourth Amendment; 4—566

public charge, nature and quantum of evidence; 3—644

refusal of alien to testify; 3—223; 4—556; 5—560; 175, 246, 467, 469, 473, 646, 247, 415, 7—129, 971, 306;

11—218; 15—645

refusal of alien to testify: no right to refusal except on reasonable claim of 6th Amendment privilege; 15—703

seaman's Identity Book, alien stood mute; 13—794

self incrimination, privilege against; 4—720; 5—306;

6—246; 7—133, 306; 9—225; 15—781

See also: testimony in unrelated proceedings. Authority of hearing officer to subpoena; 5—60

Service officer's testimony as to oral statements of alien; 4—769

Service record denial of request for examination of; 10—567

spouse's adverse testimony, waiver of privilege; 5—728; 6—496

spouse's testimony re: confidential communications during existence of marriage; 12—580; 13—374

State Department certification attesting to revocation of visa; 8—456

statement, discretionary, ruled inadmissible for cross-

examination; 8—105

statement, ex parte, without cross-examination; opportu-

nity for deposition declined; within Woody issue; 14—60

statement of alien, preliminary (sworn) voluntarily made; admissibility; 9—256, 467; 11—213, 585

statement of alien, preliminary, voluntary in nones-

tooidal settings; admissibility notwithstanding absence of Miranda warning; 12—306; 821; 13—632;

14—399

statement of alien, obtained following arrest without warrant in investigative search; admissible; 12—

608, 676

statement of alien, preliminary (sworn); necessity of identifi-

cation where alien stands mute; 7—133, 308

statement of (Govt.) witness, request for production of; timeliness; 9—650

statement in Alien Registration Form; 4—475; 5—175

statements of alien taken without prior warning of possible adverse use; 5—370

statements of individual judge and law professor as to construction of State statute in question; 14—518

statements, pre-hearing, of Govt. witness; not re-

quested during hearing; subsequent availability; 10—358

statements, pre-hearing; responsibility for determining existence of; 8—596

statements taken in preliminary investigation; 1—408;

4—475, 684; 5—306, 785; 15—785

statements that Govt. witnesses were perjurer; ad-

missibility for impeachment purposes; 9—650

stipulations of fact:

set aside, procedure to; 4—378

withdraw, alien's right to; 4—561

withdrawal by examining officer; 6—631

waiver; question of; 14—79

translations of documents asserted to be inaccurate; 6—726

translations of foreign language documents; necessity of; 12—560

undercover agent, testimony of; 5—484

Evidence—Continued

unrecorded statements; 4—760

unrecorded statement of alien; 4—684

visa petition proceedings, in; of birth in U.S.; 13—755

Visa petition proceedings, in; of petitioner's prior marriage; 15—383

visa petition proceedings, in; VP denied on basis de

rogatory evidence of which petitioner unaware; ef

fect; 14—226

warrant of deportation and Form I-294 issued in same

name as subject of dep. proc.; 15—514

witness, credibility of: determination by special in-

quiry officer; 7—417

witness (Govt.), recall for further cross-examination;

8—696; 9—14, 650

witness who refused to furnish his address, compen

ty of; 5—312

Exceptional hardship; sec. 212(e), 1952 Act; sec.

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

Exchange visitor:

adjustment of status; see Adjustment of status; sec. 245, 1952 Act

allegations of unawarness of limitations of such status when first received; effect; 11—660

change of nonimmigrant status; see Status: nonimmi

grant, change of, sec. 248

extension of stay: application for; 11—333

furnished by gov't agency; State Dept. determination not conclusive; 15—85

furnished in whole or in part, directly or indirectly, by a

Government agency; question of; 14—340

foreign residence requirement, sec. 212(e), 1952 Act, as amended;

accompanying spouse of exchange visitor (J-2);

applicability of requirement; 11—123

alien admitted as spouse of exchange visitor (J-2); subject to; 11—660

alien recipient of Fulbright Travel Grant, admitted as F-1, status changed to exchange visitor; 14—394

waiver of; see Waiver of foreign residence requiremen

sec. 212(e), 1952 Act

program transfer; request for; 11—33

status, failure to maintain; see Deportation grounds;

status, failure to maintain suspension of deportation, eligibility for; see Suspension of deportation

waiver of foreign residence requirement; see Waiver of foreign residence requirement, sec. 212(e), 1952 Act

Exclusion:

adjudication of admissibility proper even the alien's parole not terminated; 13—798

adjudication of admissibility (Fleuti-type departure); 15—799

adjudication of admissibility proper even the returning following Fleuti-type departure; original adm.

for perm. resid. thru fraud; 14—475

Administrative Procedure Act, applicability to boards of special inquiry; 4—121

alien brought involuntarily to U.S. & paroled for prosu

cution; question of subsequent ext. proc.; 14—367

American Indians born in Canada; see American In
dians born in Canada

applicability of exclusion proceedings; question of;

14—467, 476

applicability of sec. 211(f) benefits to alien under sec. proce.; 13—769
Exclusion—Continued

applicability of Woody standard; 13—711
arrest (criminal) & escape from custody during parole; apprehension 7 yrs. later: effect; 13—587
based on same conduct for which previously finally excluded; question of new hearing; 12—492
board of special inquiry:
  - fairness of hearings, unreasonable delay in disposing of alien’s appeal; 2—172
grounds of exclusion; appellate body’s right to lodge additional grounds; 2—406
jurisdiction, issue when applicant entered before board’s final order; 3—178
temporary exclusion; 8 CFR 175.57; hearing; 3—777
United States citizenship; board’s right to adjudicate; 1—567
burden of proof; 3—777; 5—312
burden of proof; commuter; 13—711 (see also Burden of proof)
claim brought to 11 F. involuntarily; identical claim raised before courts in criminal proc.; 13—798
to finding a crime, immigrant or nonimmigrant classification; 2—43; 3—407
commuter; not within Frustrum ambit; 13—711
commuter; not within Frustrum ambit; original adm. for perm. resid. can be examined in exc. proc.; 15—488
conviction during parole; effect on admissibility; 14—145; 14—510
conviction during parole of violation of sec. 272, 1952 Act; exc. proc. precluded; 15—77
department upon entry; admissibility in absence of specific exclusion ground; 1—298; 2—406; 7—665; 8—128, 281
effect of sec. 245, adjustment of status on preexisting ground of; 2—443
effect of sec. 249, adjustment of status on preexisting ground of; 8—283
entry into U.S. during pendency appeal from exc. order; effect; 13—224
estoppel, question of; VP approved & visa issued by Am. Consul basis adoption in Yemen prior to adm. dec. holding no system of legal adoption in Yemen; 15—430
estoppel of identical issue raised in criminal proceedings; 13—798
evidence; illegally obtained, claim of; 14—739
examining officer, right to cross-examine alien in exclusion proceedings; 8—24
excluded alien deemed not to have “entered” the United States; 3—543
exclusion proceedings; propriety of; 15—498, 508
foreign naval personnel, inspection on arrival; 2—250
ground; see Exclusion grounds
hearings, fair; met tally incompetent alien; 11—329
hearing, de novo; qestion of; exclusion based on same conduct for which previously finally excluded; 12—462
immigrant or nonimmigrant, determination of status; 3—379
inadmissibility (sec. 212(a)(22)), future; determination of, not germane dep. proc. en remained longer charte: 12—646
inadmissibility, waiver of, sec. 5, 6, or 7, 1957 Act; continuing effect; 10—1
indictment, admissibility while under; 2—172
inferences from alien’s refusal to submit to medical examination by examining officer; 8—24
Exclusion—Continued

Japanese or Korean national who entered Hawaii with limited passport; admissibility to mainland; 3—665
legality of original adm. for permanent residence (Frustrum-type departure); 15—769
legality of original adm. for perm. resid. can be questioned in exc. proc. upon return following Frustrum-type departure; 14—477
legislation enacted during parole of alien; effect on admissibility; 9—170
mentally incompetent alien; fair hearing; 11—329
motion, on appeal, to reopen proceedings to further develop evidence of deporter classification under sec. 212(a)(2)(B); 15—58
motion to reopen proceedings, SIO decision on; Service right of appeal therefrom; 15—72
motion to reopen proceedings to apply for benefits sec. 241(f) based on birth of U.S. citizen child; 13—769
motion to suppress evidence allegedly illegally obtained; 14—72
place to which deportable; see Place of deportation recommendation of court against deportation, effect on exclusion proceedings; 3—236; 6—706; 9—121
returning resident alien; admissibility determined in exclusion (not dep.) hearing; 9—512; 12—358
admissibility determined under law in effect on date of issuance of country permit; 12—192; 7—229
burden of proof; 12—358; 13—711
marriage on which entry for permanent residence based annulled ab initio; 7—565
right to hearings F 719
stowaway, right to hearing; 5—712
withdrawal of application for admission, during pend. of appeal from exc. order; question of; 15—4
Exclusion grounds:
afflicted with dangerous contagious disease; sec. 212(a)(6), 1952 Act:
evidence; hospital & clinical records evidencing treatment, admissibility of; 14—68
affliction, physical or mental; wife of citizen, exemption, sec. 22, 1917 Act; 2—183
assisted alien; passage, reimbursement of society for; 11—111
assisted aliens for gain, 1952 Act:
gain, actual or anticipated; question of; 12—358
certification of Sec. of Labor; sec. 212(a)(14), 1952 Act, as amended;
after arrival not employed as maid for which certified; 12—328; 15—582
after arrival resumed prior unrelated employment;
took un approved job belatedly (more than a year after entry); 15—582
alien admitted as immigrant who has not lost status; exempt on subsequent entries; 14—618
alien certified as legal side; intends to work as general office clerk until she meets local qualifications in her profession; admissible; 13—729
alien destined to existing certified job with intent of taking up employment; effect; 15—588
alien financially secure; intends to continue college studies; 11—654
alien had no intention, or reasonable prospects, of working in certified field; excludable notwithstanding presentation 3d pref. visa; 13—606
alien in U.S. no longer in employment upon basis of which issued; effect on sec. 245 adv.; 12—694
alien left certified employment and obtained unrelated employment; no fraud; 12—827

840
Exclusion grounds—Continued
certification of Sec. of Labor; sec. 212(a)(14), 1952 Act, as amended—Continued

alien left certified employment because unable perform all the job duties described in certification request; 13—11
alien not destined to and had no intention of taking up certified employment; 13—596
alien obtained employment with different employer (uncertified) but in same occupation and same geographic employment region; effect; 15—426
alien reported to and actually pursued certified job for short time but intended throughout pursue other employment; 13—264
alien reported to certified employment but declined job; no lack of good faith; effect; 13—238
alien since admission has engaged in work totally unrelated to certified profession (nurse); no intent to work in certified profession shown; 15—560
alien will be supported by husband but desires to work; 15—439
applicability of requirement, test for determining; 15—182; 14—518
arrival in U.S. prior to amendment of sec. 212 (a)(14) by Act of 10-5-65; effect; 15—528
authority of SIO in exc. proc. to determine whether representation on which based was correct; 13—195
bona fide intent to engage in certified profession; 15—650
bona fide intent to work in U.S.; necessity of establishing; 11—761
certification, blanket, Schedule A; religious worker; 15—584
certification (cook’s helper) cannot be made (Schedule B; 29 CFR 60); 11—781
certification invalid:
alien did not intend at time of entry to engage in certified profession; 15—650
misrepresentation as to job offer and purported salary; 15—421
certification invalid, misrepresentation; other evidence of record establishes skill as claimed; effect; 13—196
certification, Schedule C; see Schedule C precertification under this mainline entry
change of employer subsequent visa issuance & prior admission; no fraud; new certification obtained during course of appeal in exc. proc.; admissible; 13—283
coming to work at 2 different jobs; 12—114
commuter; effect on status of; 9—591
commuter; employment (at place labor dispute in progress) terminated while on parole; admissible; 14—618
Dept. of Labor guidelines for issuance of substantial compliance with; 13—195
divorcee, mother of 3 minors, self-employed part-time; 12—182
employee of foreign embassy in U.S. who is non-pref. immigrant alien; 12—346
excludability under sec. 212(b)(14) prior to amendment by Act of 10-5-65; question of; 15—528
exempt from; alien engaged in commercial or agricultural enterprise; question of; 12—86, 187; 14—549, 563; 15—145, 147 alien will be supported by husband but desires to work; 15—439

exemption from:
As investor (2 CFR 212.8(b)(4));

Exclusion grounds—Continued
certification of Sec. of Labor; sec. 212(a)(14), 1952 Act, as amended—Continued

exemption from—Continued
As investor (2 CFR 212.8(b)(4));

“actively in process of investing”; construed; 15—658
burden of proof is on alien claiming investor exemption; 15—259
exemption from, as investor (2 CFR 212.8(b)(4));
conditional intent to invest; 15—506
eligibility; question of; 15—408
exemption denied where requirements therefore were satisfied by experience gained or funds derived from illegal employment; 15—729
investment, alien has not made nor committed himself to make; 15—459
investment considered attempt to circumvent normal labor certification procedure; 15—685
investment of $10,000 not substantiated; effect; 15—729
investment; revolting inventory of business for whole year not the measure of; 15—51
promissory note may not be considered in computing amount of investment; 15—408
exemption from, as student under 2 CFR 212.8(b)(5) after Aug. 2, 1972, question of; question of; 14—603
exemption from, as unmarried child of perm. resident; married prior to entry; effect; 13—746, 782; 14—483
exemption from at entry under Schedule C—Precertification List, claim of in dep. proc.; 13—782, 847
exemption from; determination of unneccessity where sec. 245 applicant ineligible relief as matter of discretion; 11—796
exemption from; intending member of U.S. Armed Forces; question of; 14—704
exemption from; spouse of citizen unsuccessful in effecting marriage reconciliation after entry; 13—309
exemption from, under Schedule A;
religous worker; 15—304
religous trainees; ineligible; 15—668
failure to obtain certified employment due solely to lack of job opening; 12—819
false representations as to job offfer and purported salary; 15—421
false representations as to true employment or experience, issued on basis of; effect; 13—199
false representation as to true wage, issued on basis of; effect; 13—387
ineligible employer replaced by eligible one after receipt of visa; effect; 9—387
job offer (domestic) withdrawn day of arrival, secured another job as domestic; 13—1
job offer withdrawn prior to entry; effect; 12—609
job offer, withdrawn prior to entry; alien had actual knowledge of fact; 13—302
job offer withdrawn prior to issuance of visa and entry; alien had actual knowledge of fact; 15—426
landscape contractor, independent; 12—86
landscape gardener, self-employed; 11—630
machinist; substantial compliance with Labor training requirement; 13—195
minor (see 14), who assumed joint support of his family; 13—19
Exclusion grounds—Continued

Certification of Sec. of Labor; sec. 212(a)(14), 1952 Act, as amended—Continued

Necessity of; sec. 245 applicant employed in U.S. full time for 2 years; 11—690

Nurse not found to be in possession of legal documents evidencing the alien’s right to enter the United States; 15—650

Purchase of common stock in employing corporation; 15—650

Religious trainee ineligible for blanket certification under Schedule A; 15—668

Schedule A, blanket certification; religious worker; 15—669

Schedule A blanket labor certification validity controlled by alien’s intention to engage in certified job or profession at time of entry; 15—650

Schedule A, pretext utilization, religious trainee ineligible; 15—668

Schedule C, certification determined by DD at a time he lacked authority under the regulations to do so; question of validity; 14—604

Schedule C, pretext utilization, improperly suspended; within rational of Lewis-Mola, question of; 14—604

Schedule C, pretext utilization, exemption from at entry, claim of in dep. proc.; 13—782, 847

Schedule C, pretext utilization, nonpreference, sec. 245 applicant; authority to determine; 10—672

Substantial compliance with Labor training guidelines; 13—195

Validity limited to particular job certified; 15—validity of Schedule A, blanket labor certification controlled by alien’s intent to engage in certified job or profession at the time of entry; 15—

Constitutional psychiatric inferiority, person of; sec. 3, 1017 Act; homosexual; 11—836

Contract laborer:

Baker, supervisor; 8—317
Cash, supervisory; 8—321
Dancer, professional; chorus member; 1—693
Employment previously acquired while in U.S. on visit; 2—374
Hockey player, professional; 8—256
Moving van helper, international; 3—750
Primary purpose of entry as factor; 15—

Restaurant manager; 8—371
Singer, professional; 1—693
Skiing instructor; 1—198

Crime, admission or conviction (see also Conviction of crime, Crime, admission of commission; Crimes involving moral turpitude; Moral turpitude; Par- don; Sentenced to confinement; American Indians born in Canada; 1—690

Convinced after entry of crime committed prior to entry; 2—172

Convicted while a U.S. citizen; 5—678; 9—524

Conviction during parole; effect; 9—143; 13—437

Conviction not in U.S.; 7—356; 8—469; 11—424

Conviction of forgery and uttering constitutes single crime; 10—657

Essential elements, acts constituting; see Crime, admission of commission; essential elements, acts constituting

Exclusion grounds—Continued

Crime, admission or conviction—Continued

Pardon, effect of; see Pardon

Petty offenses:

Aggravated embezzlement, Italy; 10—630
Aggravated theft, Italy; 12—608
Assaulted fraud, Greece; 14—266
 Attempted murder, Lebanon; 11—147

Benefits of sec. 4A, 1952 Act; applicability; 9—708; 7—147

Benefits of sec. 4; applicability where alien committed two offenses—one offense expunged; 1—413

Benefits of sec. 4, effect of disabilities flowing from conviction; 7—147

Classification of offenses committed abroad; 6—208

Contributing to delinquency of minor, Canada; 12—170

Deaths of person, property, fraudulent; Italy; 10—296

Disorderly conduct (prostituting), New York; 6—702

False pretense, Canada; 14—330

False writing, petty; Illinois; 6—331

Offense punishable by divisible statute; castration; 7—153; 9—280

"Otherwise admissible" requirement; 9—280

Provo as to "only one such offense"; 6—435; 7—492; 9—216

Punishment "actually imposed", determination of; 8—4

Punishment actually imposed less than 6 mos.; parole sentence provided by state statute exceeds 1 year; 8—488

Punishment, question of; sentenced to state imprisonment (Calif); sentence suspended and probation granted; 13—212

Receiving stolen property; Illinois; 11—239

Robbery and larceny, Mexico; 10—7

Sentenced to imprisonment for more than 6 mos.; 6—450

Political offense; 4—108

Recommendation against deportation; see Recommendation against deportation

Suspension of execution of sentence as factor; 3—569

Time of admission, requirement; 5—676

Two crimes before 18th birthday, 1952 Act; 5—639

Two or more offenses, sec. 212(a)(10); aggregate sentences to confinement of 5 years of more, question of; 14—24

Waiver of:

Alien at liberty under sentence imposed; 10—755

Alien convicted of continued extortion in operation resembling organized criminal band; 11—21

Alien entered as nonimmigrant; ineligible; 13—43

Alien in U.S.; ineligible for sec. 245 adjustment, effect; 12—595; 13—42

Alien separated from wife but supporting her and their 2 U.S. citizen children; 12—319

Alien still in prison; 14—24

Alien under dep. proc.; ineligible for sec. 249 adjustment, effect; 13—42

Alien's marriage to wife on whom hardship claim based did not exist at time of last entry; ineligible; 11—239; 13—42

Authority of SIO to grant in exclusion proceedings; 11—170

842
EXCLUSION GROUNDS—CONTINUED

Criminal Admissions or Convictions—Continued

Waiver of—Continued

"Extreme hardship"; determination of; 11—560, 635; 12—819; 14—185

"Extreme hardship"; term construed; 12—810

"Extreme hardship" to alien himself; not a factor; 12—610

manc pro furs; question of; 11—209; 1A—42

pattern of responsible conduct and marriage stability now reflected; 11—560

departure to avoid armed forces duty: after induction; 2—402; 3—266

after order to report for induction; 14—160

age, below (few days before 18th birthday); 2—417

"Communist" at time of departure; effect; 12—621

desertion from armed forces; 2—482; 3—266; 11—501

draft delinquents; 2—260

Liability for duty as factor; 2—282, 401, 417; 14—160

nonimmigrant, formerly a lawful permanent resident; 6—186

nonimmigrant, formerly a lawful permanent resident who departed under induction orders to return as draft-free nonimmigrant); 13—368

primary purpose; application of standards for exclusion under section 212(a)(3), 1952 Act, for same cause; 4—452, 6—146

Reactive effect of statute; 2—401, 417, 482

Fraud or misrepresentation, sec. 212(a)(19), 1952 Act: alien previously finally excluded; introduction of prior record to establish present excludability, question of; 12—462

availability relief under sec. 7, 1957 Act, to alien in U.S. ineligible for preexamination; 8—68

citizen's identification card as "documentation"; 7—486

concealment of arrests; 9—623

concealment of arrest and conviction; 6—913

concealment of Communist Party membership; 9—627

concealment of criminal conviction, crime concealed subsequently pardoned; 7—508

concealment of police record; 6—584

conspiracy conviction re entry by misrepresentation; doctrine of estoppel inoperative to sustain ground absent specific findings by court; 10—214

extinctions of stay as "documentation"; 6—215

failure to disclose prior deportation; 7—161; 10—213

failure to divulge prior unlawful residence in U.S. 7—306

failure to reveal arrest and pending criminal proceedings; 9—506

failure to reveal C.P. membership; claim not ideologically a Communist, as defense against willfulness of misrepresentation; 9—610

false identity, entry under (as nonimmigrant); 14—454

false letter of employment; alien commuter; 13—998

false statements by nonimmigrant student as to financial status; 8—394

forged affidavit of support; 7—464

fraud, distinguished from "willful misrepresentation"; 7—161

EXCLUSION GROUNDS—CONTINUED

Fraud or misrepresentation, sec. 212(a)(19), 1952 Act—Continued

marital status, concealment of relevant facts; 7—105, 11—106

materiality of misrepresentation; 7—40, 76, 222; 8—334, 473; 9—602, 623, 627, 666; 10—409; 15—288

misrepresentation as to identity; 9—602, 636; 10—87, 195; 11—454; 15—288

misrepresentation and other inquiry burden on alien to establish true facts; 9—436

misrepresentation; intent to deceive not an element; 15—288

"Other documentation" defined; 7—406

procurement of documentation; 7—73

procurement of documents for another; 6—259

procurement of laborer's permit in name of another; 6—259

purchase of entry document from private individual; 6—324

retrospective and prospective application; 6—145, 102

spurious offer of employment; 10—409

waiver of: alien inadmissible on grounds other than sec. 212 (a)(3), misrepresentation; 5—166

authority of SIO to grant in exclusion proceedings; 11—175

complete rehabilitation and reformation evidence; 19—690

hardship; question of; 10—696

illiterate; 11—64

deaf mute; ineligible per se for exemption; 14—457

exempted persons; 2—260

lawful permanent resident, returning; 3—159

mainland, coming from Hawaii or Guam; Puerto Rican residents; 3—159

religious presences; 1—260; 2—260; 3—601

test, kind of; 2—260

immoral purpose; 1—71, 218, 378; 3—218; 5—185; 5—444

ineligible to citizenship (see also Ineligibility to citizenship);

armed forces deserter in wartime; effect of possible reenlistment by see section 848(a)(6), 6—650

convicted of murder; 13—166

generally (aliens claiming exemption from service in armed forces on account of alienage); 2—546, 809; 3—245; 5—156, 208, 301; 6—765; 9—720; 13—715

nonimmigrant, seeking entry as; 5—441

permanent resident of Puerto Rico visiting continental U.S.; 5—441

reentry permit issued after Dec. 24, 1952; 7—229

reentry permit issued prior to Dec. 24, 1952; 5—185

sec. 212(a)(22) inadmissibility limited to immigrants; 5—441

insanity, prior attack; evidence; 2—58; 8—12

mental defect; temporary illness due to wartime experiences; 8—646

mentally retarded, sec. 212(a)(1), Class "A" certification as; not advisable of right to appeal; effect; 13—611

narcotic drug addict.
exclusion grounds—Continued

prostitution, sec. 212(a)(12), 1952 Act—Continued
procuring male persons for purposes of; 7—392
waiver of, sec. 212(h); see Exclusion grounds: crime, admission or conviction; waiver of psychopathic inferiority, constitutional, person of; sec. 3, 1917 Act:

homosexual; 11—436; 12—302, 306
psychopathic personality, etc., affiliated with, sec. 212(a)(4), 1952 Act:

"Class A" certification as; irregular procedures in issuance of; effect; 12—628
examination; 9—900
homosexual; 7—258; 8—409; 11—224; 12—821
mental defect; temporary illness due to wartime experiences; 8—646
sex deviate; 11—954
sex deviate; effect of irregular procedures in issuance by USFHS of "Class A" certification as; 12—628

public charge, likely to become;
aplicant expects to be supported by old age assistance;

14—583
employment offer, absence of; effect; 10—421—3
factors to be considered; 14—500
hospitalization for insanity in State where no charge is made; 2—78
pauper, in connection with; 2—131

test for determining deportability as public charge inapplicable; 14—583

welfare recipient; 15—136

wife and minor son, otherwise admissible, accompanied by indigent husband-father, 6—41

subversive; see Subversive
vice, unlawful commercialized, sec. 212(a)(12), 1952 Act:

coming to U.S. to engage in; 6—68, 646
usury or "loan sharkings"; 6—58

visa charge (see also Exclusion grounds: visa charge, Exclusion grounds: fraud or misrepresentation; Immigration; Nonimmigrant);

AR Card presented upon reentry from Mexico in 1961 following visit to Cuba; 11—515
birth in U.S.; refusal to testify regarding conviction for draft evasion; 7—323
department of alien prior to admission of accompanying child; effect; 14—122
employment offer no longer open; 6—581
expiration of visa while en route to U.S.; 1—154

fraud, obtained by:

concealment of criminal record; 3—20, 611;

6—813
concealment of criminal record in connection with returning resident's prior (original) visa; 3—172

concealment of illegitimate child; 6—77

concealment of marriage; 6—746
employment offer no longer open; 6—581
failure to disclose membership foreign Communist Party; 7—466
failure to disclose prior unlawful residence in U.S.; 7—506

sec 212(a)(4), 1952 Act, to alien in U.S. ineligible for preexamination; 8—68
committed under duress; 7—251
employed in house of prostitution as nurse; 7—432

post prevailing 6—160
pre-existing 6—160
Exclusion grounds—Continued

**Visa Charge—Continued**

immigration visa, no; when border-crossing card accepted as lieu document; 3—619
nationality specified, not of, 1—60, 0—80
nonquota as specified in visa, not:
- alien removed from U.S. pursuant sec. 23, 1917
  Act; 11—740
- child born out of wedlock; 0—120
married between visa issuance and entry into
  U.S.; 10—236
sec. 101(a)(27)(E); arrival after Dec. 24, 1955;
  6—172
showing of fraud not essential to support charge;
  8—500
original adm. for perm. resid. based on marriage to
  U.S. citizen who was not in violation at time visa issuance and admission; 15—572
preference quota status under sec. 203(a)(1)(B),
  1955 Act, arrival subsequent to spouse (principal
  alien); 0—122
quota status specified in visa, not:
- child of pref. immigrant who married between
  visa issuance and entry into U.S.; 8—665;
  12—106
- 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. Comity in
  applicable; 13—334
special immigrant as specified in visa, not; see also
  certification of Sec. of Labor, exemption from
  under this manumit use
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; 0—641, 500
Exemption from military service, neutral alien’s in-
  eligible to citizenship; see Ineligibility to citizen-
  ship

**Expatriation**

see Citizenship—loss

**Expulsion**

see Deportation

**Expunge; see Pardon**

**Extension of stay; see Nonimmigrant**

**Extradition; see Crimes involving moral turpitude**

**Extradition from abroad; entry; 3—632**

**Extradition proceedings; effect on concurrent de-
  portation proceedings; 10—309**

**Extreme Hardship**

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

**Failure**

provide for minor child, to; see Crimes involving moral turpitude

return to U.S., to; expatriation; see Citizenship—loss;
Dual national supply necessary for minor child, to; see Crimes in-
volving moral turpitude

**Fair Hearing**

a commingling of adjudicative and investigative func-
  tions, question of; 14—98
advance notice of names of witnesses not furnished to
  alien; 8—319
adverse publicity; 5—261; 11—565
advice to alien re free counsel, desirability of; 13—788
affidavits showing subversive nature of organization,
  see of; 5—451
alien awaiting trial on criminal indictment at time of
  hearing; 8—665
alien called, over attorney’s objection, as Govt. wit-
  nesses in dep. proc. against her 13—222
alien’s waiver of counsel due to alleged lack of under-
  standing; 14—408
alleged atmosphere of tension and antagonism; 9—646
Attorney General’s listing of alien; see list, 553—4
BIA’s remand for further investigation & reopened
  hearing not a deviation from impartial adjudicator
  role; 14—68
brief, right to file before having officer’s decision;
  5—651
change of venue; determination of; 15—590
charges lodged, failure to furnish factual allegations;
  7—149
cross-examination, limitation by hearing officer; 5—60
cross-examination of Govt. witness, curtailment of by
  SO; 9—646; 13—790
cross examination of Govt. witness; Service refused
to assure alien’s reentry to go abroad for; 13—85
cross-examination of Govt. witnesses; refusal to use
  interrogatories by mail; 13—95
cross examination prohibited by failure to produce
  available witnesses after acceptance of their re-
  corded testimony; 6—300
delay, unreasonable, in disposing of alien’s appeal;
  2—122
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
see post facto provision; 5—261
failure of SO to advise indigent alien re free counsel;
  9—766
failure to warn of possible self—incrimination; 4—729;
  5—306
hearing, by Special Inquiry Officer; 5—392, 559
  change of venue; 13—860
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—558
hearing, open to public; 5—261
hearing, original, care of defects in; 9—225
hearing, place of; 5—347; 15—590
hearing, “reasonable cause”, see of; 344(a); 7—529
hearing, record of; refusal to transcribe in connection
  with appeal from denial of motion to reopen; 14—361
hearing, officer.
  authority to issue subpoena to compel production of
  Service records; 5—60
qualifications; 5—175, 347
return to subpoena, see of records; 6—415
substitution, propriety; 4—566; 5—745
hearing under regulations pursuant to Internal Secu-
  rity Act of 1950 in proceedings commenced prior
  thereto; 4—500

845