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The Interdepartmental Visa Control Committee

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A potential spy or saboteur who never reaches the United States is, from the standpoint of our national welfare, better than one who has landed and subsequently been apprehended. The latter may have done much damage before his arrest but the former's capacity for harm is rendered impotent before his mission has begun.

This comparison demonstrates the importance of immigration control in wartime. Such control is necessary at all times but becomes indispensable when the nation is fighting for its life in a great world war. Thus the machinery set up to safeguard the nation from the introduction of dangerous foreign elements becomes in essence a first line of defense. As such, it was fitting that both the Army and the Navy should participate in its operation.

Safeguarding national interests requires control of emigration as well as immigration, for the person who would depart from the United States with information destined for the enemy is just as great a hazard as the alien who would enter for some destructive purpose. Congress recognized this need for dual protection in an act making it unlawful "for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations and orders, and subject to such limitations and exceptions as the President shall prescribe,"1 and further, "for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport."2

Pursuant to the foregoing, President Roosevelt, on November 14, 1941 issued a proclamation providing, inter alia, that "no alien shall be permitted to enter the United States if it appears to the satisfaction of the Secretary of State that such entry would be prejudicial to the interests of the United States . . ."3

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2 Section 2 ibid.
3 Proclamation 2523, 6 Federal Register 5821. By the terms of this proclamation the Secretary of State is authorized to prescribe regulations in execution of the terms.
Upon the Secretary of State rested the responsibility of preventing the entry of aliens whose presence in the United States might be dangerous. In the discharge of this responsibility he was aided by various governmental agencies which by their nature are guardians of American security.

These agencies combined their efforts through the Interdepartmental Visa Control Committee. This committee consisted of representatives of the State, War and Navy Departments, the Federal Bureau of Investigation and the United States Immigration and Naturalization Service. The last two are divisions of the Department of Justice. To this group were submitted for consideration the applications of aliens for permits to enter the United States.

These applications fell largely into three classes, the most numerous of which were for immigration visas, or applications for permanent residence in the United States. This type came from aliens domiciled abroad, from aliens previously admitted as visitors and from those who entered the country illegally and later wished to legalize their status so that they might declare their intention to become citizens. The second group in numerical importance consisted of requests for visitors' permits, that is, requests to enter the United States for business or pleasure for limited periods and ostensibly with the intention of returning when the period had expired. The third group was made up of applications for transit visas. These applicants desired to enter the United States for the purpose of obtaining further passage to a third country.

After the interdepartmental committee had considered the alien's application, it rendered an advisory opinion containing a recommendation either for approval or disapproval. This opinion might be adopted or rejected by the Secretary of State. In arriving at a recommendation the committee was guided by the regulations issued by the Secretary of State and concurred in by the Attorney General.

Limitations of space preclude a discussion of these regulations in toto and of the many problems which the committee had to consider in applying them to specific cases. Since the purpose of the visa control system was to promote public safety by excluding dangerous aliens, it was appropriate that the regulations should list "classes of aliens whose entry is deemed to be prejudicial to the public interest." This section of the regulations contained ten sub-sections, setting forth certain types of foreigners who were excludable. For example, they included, "any alien who is a member or affiliated with, or may be active in the United States in connection with or on behalf of a political organization associated with or carrying out the policies of any foreign government opposed to the measures adopted by the government of the United States in the public interest or in the interest of national defense . . . " Another sub-section specified "any alien in possession of,
or seeking to procure unauthorized secret information concerning the plans, preparations, equipment or establishments for the national defense of the United States," and still another, "any alien engaged in a plot or plan to destroy materials or sources thereof vital to the defense of the United States."

The largest single class of excludable aliens included in this section were those within the category of alien enemies. These are the nationals of countries with which the United States was at war and who have been so proclaimed by the President of the United States. The committee was bound to recommend exclusion unless it appeared from the record in the case that some benefit to the United States might result from the admission of the alien in question. Needless to add, the cases in which such benefit was likely to accrue were quite infrequent. It is not benefit to the alien, but benefit to the nation which was the criterion.

Under the terms of the final sub-section, many aliens not specifically excludable might be recommended for exclusion. This sub-section reads, "Any alien who is not within one or more of the foregoing classes, but in whose circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the act of June 21, 1941 to safeguard." This clause was a gather-all under which the committee might act to protect the nation against all sorts and varieties of persons whose entrance might be inimical to national safety.

In connection with this section, it should be understood that before an application was submitted to the committee, all names that appeared thereon had been searched thoroughly by all of the intelligence agencies. The results of these searches were available to the committee and if they contained derogatory information concerning any of the interested parties, such information weighed heavily against the applicant. Interested parties included not only the applicant himself, but also his sponsor, persons supplying letters of reference on behalf of sponsors, the applicant's relatives residing in the United States and other persons who might have a legitimate interest in the applicant's admission. If, for example, the search disclosed that one of the sponsors was engaged in business of a disreputable character or that a relative was a member of an organization whose activities were in any way subversive, an unfavorable recommendation might be made on the basis of such information. Only by establishing that the applicant's connections were above reproach might the purpose of the regulations be fulfilled.

Relatives of the alien "of the first degree of consanguinity" residing in any enemy country or country under enemy domination might create a hostage situation. In brief, this means that if such alien were to be admitted to the United States, his conduct in this country might be influenced by fear that retaliatory

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6 Ibid. sub-section (c).
7 Ibid. sub-section (g).
8 Ibid. sub-section (i).
9 Ibid. sub-section (j).
pressure might be exerted upon such relatives if his actions were not satisfactory to Axis authorities. The regulations provided that this situation might be considered "with other evidence in determining whether an alien's permit to enter should be denied upon the ground that the alien is within one or more of the categories set forth in sec. 58.47." Thus the hostage angle was not, *per se*, sufficient to justify the committee in voting disapproval but in combination with other factors, such as a derogatory report referred to above, it might warrant unfavorable action.

The committee to which the application was referred for an opinion was known as the "primary committee." This designation was to distinguish it from the Review Committee, the functions of which will be discussed shortly. Each member of the primary committee was permitted to express his opinion as to the eligibility of the applicant to receive a permit to enter. Such opinions, together with other material contained in the record of the case, were considered confidential. The opinion of the committee was obtained by majority vote. Dissenting as well as concurring opinions were permitted.

It should be noted that the regulations did not limit the number of primary committees which might be in operation. Such number was dependent upon the volume of cases that must be considered. Because of the enormous number of applications which in recent years were presented to the Department of State, there have been as many as six committees operating simultaneously. Each one consisted of one representative from each of the accredited agencies. The representative of the Department of State acted as chairman.

Under certain circumstances, the opinion of the primary committee might be referred to a Review Committee for further consideration. The Review Committee was composed of one representative from each of the agencies which already have been named. Unlike the primary committee, which considers the record only, the Review Committee might allot time for the personal appearance of the applicant (if he already was in the country), his sponsors or other interested persons. The applicant might be represented by an attorney. After being sworn, the witness answered material questions which might be addressed to him by any member of the committee. The procedure regarding the expression of opinions by members was much the same as in the primary committee and again a majority vote determined the committee's opinion.

Cases were referred to the Review Committee if the primary committee's opinion was not acceptable to the Secretary of State, if the applicant was an enemy alien, if a disapproval was voted by the primary committee or if any member of the committee so requested. The Review Committee exercised functions through

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10 Ibid. sec. 58.48.
11 Ibid. sec. 58.57, sub-section (c).
divisions, each with a full quota of representatives. The volume of business to be handled determined the number of divisions in operation. Each division was designated alphabetically.

The Review Committee was not the final advising authority in the matter of advisory opinions. For reasons similar to those that might cause a case to be referred from primary to Review Committee, a case might be referred further to the Board of Appeals. This board was composed of two members and an alternate, appointed by the President of the United States. It considered cases and rendered its opinion solely upon the record made up in committees and there was no appearance of witnesses before it.

Beyond the Board of Appeals there was only the Secretary of State, who might substitute his own opinion, which was final.

At this point it should be pointed out that certain classes of aliens were excepted from the requirements of advisory opinions and hence the above procedure was not applicable to them. Sixteen classes of cases were specified of which one will be cited. Native-born citizens of the Latin-American nations, citizens of Canada or Newfoundland and British subjects born or domiciled in any Western Hemisphere territory were included in this exempted group.

To those who were charged with the administration of visa control laws and regulations, the internal security of the United States and the success of the war effort were of paramount concern. Whenever a doubt arose in an individual case, that doubt had to be resolved in favor of the United States. Difficult decisions were numerous and doubtless in some cases such decisions worked hardships to the parties concerned. But in this connection it must be borne in mind that in the past many dangerous aliens have entered under the most innocent guises. When the hazards are so great, the nation simply could not afford to take chances.

The procedure outlined in this brief article is but one illustration of the many uses to which interdepartmental cooperation was put during the war recently ended. It is significant because it illustrates how counter-intelligence measures to promote national security might also be used to relieve the appalling hardships of innocent people who were at the mercy of a ruthless enemy. Its actual operation was, of course, not perfect. No system which must guard the public safety and yet protect individuals in the cause of humanity could function with absolute justice in every one of the thousands of cases which come before it. But it represented an enlightened endeavor to foster the war effort and at the same time alleviate some instances of its havoc and suffering.

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18 Regulations of Nov. 19, 1941, as amended, Sec. 58.55 (4).