

IN REPLY REFER TO

FILE NO. 130.2
JPP/NTT



DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE
Saigon, French Indochina
October 24, 1938

Reverend J.J. VanHine,
Langson.

Dear Reverend VanHine:

The Consulate has today received your letter of October 14, 1938 returning the copy of Public Resolution 128 - 75th Congress which it had sent you.

The Consulate understands that the persons affected by this law are those abroad, or whose spouses are abroad, on behalf of (1) the Government of the United States, (2) American institutions of research recognized as such by the Secretary of Labor, and, (3) a firm or corporation engaged in the development of the foreign trade and commerce of the United States.

It is therefore suggested that if Mrs. VanHine wishes to secure naturalization without complying with the regular American residence requirements, that she ask the naturalization authorities the next time she is in the United States whether her case can possibly be accorded the facilities of the law mentioned above.

You will note that all persons who seek naturalization without spending the usual time in the United States must be lawfully admitted for permanent residence, reside there for one year thereafter, and make a declaration of intention to become a citizen.

Very truly yours,

Peter H. A. Flood
American Consul

JOINT RESOLUTION

To amend the Naturalization Act of June 29, 1906
(34 Stat. 596) as amended.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of the fourth subdivision of section 4 of the Naturalization Act of June 29, 1906 (U. S. C., title 8, sec 382), as amended by section 1 of the Act of June 25, 1936 (49 Stat. 1925), is amended to read as follows:

"Absence from the United States for a continuous period of more than six months and less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition, and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation to the naturalization court of satisfactory evidence that such individual had a reasonable cause for not returning to the United States during such absence. Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien-

(a) who has been lawfully admitted into the United States for permanent residence,

(b) who has resided in the United States for at least one year thereafter, and

(c) who has made a declaration of intention to become a citizen of the United States, who shall be deemed an eligible alien for the purposes of this paragraph and who thereafter has been sent abroad as an employee of or under contract with the Government of the United States or who thereafter proceeded abroad as an employee or representative of, or under contract with an American institution of research recognized as such by the Secretary of Labor, or as an employee of a firm or corporation engaged in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or any such eligible alien as above defined who has proceeded abroad temporarily and has within a period of one year of his departure from the United States become an employee or representative of, or who is under contract with such an American institution of research, or has become an employee of such an American firm or corporation, no such absence shall break the continuity of residence in the United States if --

"(1) Prior to the beginning of such absence, or prior to the beginning of such employment, contract, or representation on behalf of an American institution of research or an American firm or corporation as aforesaid, such alien has established to the satisfaction of the Secretary of Labor that his absence for such period is to be on behalf of such government or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged solely or principally in the development of such foreign trade and commerce, or whose residence abroad is necessary to the protection of the property rights abroad of such firm or corporation; and

"(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

"An alien who has been lawfully admitted into the United States for permanent residence, and who is the wife or husband of a citizen of the United States so engaged abroad within one of the above mentioned categories, shall be considered as residing in the United States for the purpose of naturalization notwithstanding any absence from the United States.

This amendment shall not affect cases of aliens who prior to the date of its enactment have established to the satisfaction of the Secretary of Labor, pursuant to an Act entitled 'An Act to amend the naturalization laws in respect of residence requirements, and for other purposes', approved June 25, 1936, that absence from the United States was to be or had been for the purpose of carrying on activities described therein."

Approved, June 29, 1938.