

Summer Welles Papers

Box 51 Folder 4

Office Corresp.

Carter, John Franklin 1939

DEPARTMENT OF STATE

VISA DIVISION

November 22, 1939

U

Dear Mr. Welles:

Referring to your memorandum of November 21, 1939, it is suggested that Mr. Carter be informed along the following lines in reply to his letter of November 20, 1939:

Although our immigration laws accord preference status within the quota to the wife of an alien admitted into the United States for permanent residence, the law does not confer similar preference upon the fiancée of an alien resident. The fiancée of the German refugee in whom your brother is interested must therefore wait until her turn is reached on the waiting list to receive a non-preference immigration visa under the German quota. With regard to your brother's inquiry whether the young lady could come to the United States as a visitor and after marriage proceed abroad and obtain an immigration visa, I may point out that in view of her desire to come to the United States for permanent residence, it is doubtful whether she could qualify for a visitor's visa under the law. An applicant for such a visa must establish that he is not an immigrant and that he desires to

come

-2-

come to the United States for a temporary period only upon the conclusion of which he will return abroad to take up his residence in some foreign country, having travel documents valid for entry into such country. If the German refugee should find it possible to proceed abroad to some country where his fiancée could join him in order to be married, she would after the marriage be entitled to a preference status within the quota and consideration could then be given promptly to her application for an immigration visa. It would at that time be helpful for her to have evidence regarding her husband's ability to support her. I am enclosing an information sheet regarding immigration visas, which you may wish to send to your brother. If you desire to have a report obtained concerning the status of the young lady on the waiting list of non-preference immigrants and will send me her name, the Department will call upon the Embassy at London for a report concerning her application for a visa. /

Enclosure:
VD-General

VD:EBC:fh1

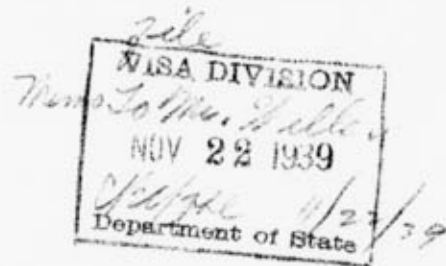
Woulter

DEPARTMENT OF STATE

THE UNDER SECRETARY
November 21, 1939

VD - Mr. Coulter:

Please let me know what
reply I may make to the in-
quiry contained in the attached
correspondence with Jay Franklin.



SW

D:SW:IJ

REPRODUCED FROM HOLDINGS AT THE FRANKLIN D. ROOSEVELT LIBRARY

JOHN FRANKLIN CARTER

(Jay Franklin)

1210 NATIONAL PRESS BUILDING
WASHINGTON, D. C.

"We, the People"
"The Week in Washington"

November 20TH

Metropolitan 4112
Metropolitan 4113

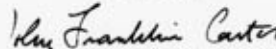
Sumner Wells, Esquire
Undersecretary
Department of State
Washington, D. C.

Attention Miss Clarkson:

Dear Mr. Wells:

The enclosed letter from my brother makes an inquiry concerning State Department procedure, which I should like to answer with real knowledge of what is practical and advisable in this case. The matter is undoubtedly subject to law and could be determined easily. However, if there is any discretion ordered in such cases as this, I would greatly appreciate any facilities which might be given to this particular application for a visa.

Sincerely,



John Franklin Carter

jfc:vm
encl.

PHILIP P. CARTER
Hanover
New Hampshire

November 18, 1939

John Carter,
Press Building,
Washington, D.C.

Dear John:

As you may know, for the last 6 months I have had a German Jewish refugee working here in the shop, an arrangement which has turned out surprisingly well. My purpose in writing you primarily has to do with his desire to bring his fiancee over from England. I thought very likely you might know someone in Washington who could give me the low-down on what the chances are.

This is the set-up. He came to this country about a year ago in September under the quota and has taken out his first papers. She left Germany slightly before him and has since been in England on a permit which allows her to stay until June 1941. She is Protestant, a trained nurse and has been working in the home of an English doctor and is naturally anxious to get over here as soon as she can so as to consummate her intended marriage. She had planned to come over in September on a 6 month visitors permit, but of course that plan is shot to pieces now. Now the question is, are there any means, devious or otherwise, by which she can get into this country on a visiting permit which would enable her to get married and then re-enter the country as his wife? I realize this is probably a pretty large order, but if you could tell me whom I should get in touch with, if there is a possibility, I would be very much obliged.

This letter seems to be more or less typical of our usual brisk correspondence. We seem to hear very little of you except indirectly. Father was here for two nights at the first of the week and is looking quite fit after his Panama trip. If you are unable to give me very much information along the lines of the question, please drop us a line anyhow, and let us know how you all are.

Our love to Shiela etc.

Yours,
Phil

November 22, 1939

My dear Mr. Carter:

In compliance with the request contained in your letter of November 20, I believe the following will answer the questions raised in your brother's letter to you of November 18.

Although our immigration laws accord preference status within the quota to the wife of an alien admitted into the United States for permanent residence, the law does not confer similar preference upon the fiancée of an alien resident. The fiancée of the German refugee in whom your brother is interested must therefore wait until her turn is reached on the waiting list to receive a non-preference immigration visa under the German quota. With regard to your brother's inquiry whether the young lady could come to the United States as a visitor and after marriage proceed abroad and obtain an immigration visa, I may point out that in view of her desire to come to the United States for permanent residence, it is doubtful whether she could qualify for a visitor's visa under the law. An applicant for such a visa must establish that he is not an immigrant and that he desires to come to the United States for a temporary period only upon the conclusion of which he will return abroad to take up his residence in

John Carter, Esquire,
1210 National Press Building,
Washington, D.C.

some foreign country, having travel documents valid for entry into such country. If the German refugee should find it possible to proceed abroad to some country where his fiancée could join him in order to be married, she would after the marriage be entitled to a preference status within the quota and consideration could then be given promptly to her application for an immigration visa. It would at that time be helpful for her to have evidence regarding her husband's ability to support her. I am enclosing an information sheet regarding immigration visas, which you may wish to send to your brother. If you desire to have a report obtained concerning the status of the young lady on the waiting list of non-preference immigrants and will send me her name, the Department will call upon the Embassy at London for a report concerning her application for a visa.

If your brother wishes to send the information referred to above, I shall of course be most happy to take the matter up in the manner indicated. I am returning your brother's letter herewith.

My kindest regards and believe me

Yours very sincerely,

Sumner Welles

A true copy of
the signed original