REMARKS OF THE HONORABLE JOHN E. FOGARTY, REPRESENTATIVE, SECOND CONGRESSIONAL DISTRICT OF RHODE ISLAND IN SUPPORT OF HIS AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT, WEDNESDAY, JUNE 17, 1964

I am today introducing a bill which will amend section 203 of the Immigration and Nationality Act. The need for this amendment is most urgent since it strikes at the heart of a problem which affects the basic unit of society in the United States--the family.

It is well known to all, and I will not now repeat, the various reasons why our basic immigration law must be revised, particularly in respect to the national origins system. However there is within the immigration system, by a quirk of the statutory language, relating to the various preferences in the quota, a built-in hardship which seriously disturbs the lives and happiness of many of our good people in this country.

The preference system, of course, gives a preference in the quota, according to various established percentages, first to skilled specialists, and then to designated classes of close relatives of United States citizens or aliens who have been lawfully admitted to the United States for permanent residence.

One of the preferences permitted under this law is granted to an unmarried son or daughter of citizens of the United States and also, in another category, to the unmarried sons or daughters of aliens lawfully admitted to the United States for permanent residence. It so happens that several cases have arisen to my knowledge which demonstrates that the problems caused by the present system are resulting in great hardships and are keeping families separated.

A typical example is the case of a United States citizen who files a second preference visa petition in behalf of a widowed daughter living abroad. That petition is approved and she is issued a visa. It so happens that she has two small children, let us say of the age of two years and six years, respectively. Because of the way the law is now written those children cannot obtain the same preference as their mother. She has the heart-rending decision to make to decide whether to come to the United States alone, leaving them behind in the old country, or to give up the idea altogether of coming to the United States until the children can reach a position in the ordinary quota to receive an immigrant visa. She could, of course, come to this country and, becoming a lawful permanent resident of the United States, file a third preference visa petition for those little babies. But for some countries the third preference category in the quota is oversubscribed for many years, perhaps indefinitely in some cases.

My bill would completely eliminate this outrageous result by providing that unmarried sons and daughters who are under fourteen years of age, and who are accompanying a parent to the United States, shall receive the same preference in the quota as the parent receives. As a result, the mother would be able to bring the children with her to the United States at the same time. This would permit the uniting of families, would cause no harm or hardship to anyone, but on the contrary would add greatly to the welfare of the family unit in this country and the United States as a whole. I urge prompt consideration and enactment of this bill.