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November 13, 1935.

My dear Governor Lehman:

I have your letter of November 1, 1935, with its enclosed letter of October 10, 1935, from Professor James G. McDonald, ~~x~~ High Commissioner for Refugees (Jewish and Other) coming from Germany, to Mr. Felix M. Warburg ~~x~~ with reference to the question of the immigration of German Jews into the United States.

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I have brought your letter to the particular attention of the Department of State in view of the responsibility placed by law upon its consular officers abroad for the issuance or refusal of immigration visas. In connection with my reference of this important matter to the competent officers of the Department of State, I am informed that the situation as regards the points you have raised is briefly as follows.

With regard to your request that the quota for German Jews be increased from 2,500 to 5,000 per annum, there is no immigration quota fixed for persons in the class described, nor has there been any arbitrary limitation set upon the number of visas to be issued to natives of Germany other than the maximum quota fixed by law, which is 25,957. Consular

officers

The Honorable
The Governor of New York,
Albany.

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officers must issue immigration visas, within quota limitations, to all quota applicants who qualify under the law to receive such visas. They cannot of course issue visas to applicants who are found to be inadmissible under the public charge clause or any other restrictive limitation set by existing law.

I am informed that nearly all immigration quotas have been considerably under-issued during the past four years. Although the German quota comprises only 16.9 per cent of the total of all quotas, immigration visas issued under it now represent 26.9 of the visas issued under all quotas. While estimates on this point vary somewhat, it is understood that a very large majority of immigration visas under the German quota are issued to Jewish applicants. Since there is also a considerable number of aliens chargeable, because of their birthplace, to the Polish and other quotas who have lived in Germany and who immigrate into the United States, it is reasonable to take the number of immigration visas issued to natives of Germany as approximating numerically the total of the classes to which your letter refers.

The following figures, showing the issuance of immigration visas to natives of Germany are therefore of particular interest in relation to your inquiry.

<u>Fiscal year</u> <u>(ending June 30)</u>	<u>Immigration visas issued</u> <u>(exclusive of students</u> <u>and returning residents</u> <u>of the United States)</u>
1932	2,571
1933	1,798
1934	4,715
1935	5,117

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As regards your wish that it be made certain that our consular representatives show sympathetic interest in permitting immigration of German Jews into this country, the Department of State has issued instructions to its consular officers, which are now in effect, that persons who are obliged to leave the country of their regular residence, and who seek to escape from the conditions in that country by coming to the United States, should receive, on the part of American consular officers, the most considerate attention and the most generous and favorable treatment possible under the laws of this country.

In addition to the above, consular officers have been instructed that in cases where it is found that an immigration visa applicant cannot obtain a supporting document normally required by the Immigration Act of 1924 without the peculiar delay and embarrassment that might attend a request of a political or religious refugee, the requirement of such document may be waived on the basis of its being not "available".

Furthermore, the principal consular officers stationed at Berlin, Hamburg and Stuttgart, which are the only three consular offices in Germany which now issue immigration visas, have all visited the Department of State during recent months and the problems in which you are interested have been discussed verbally and sympathetically with them at the time of their visits. The recently appointed Consul General at Berlin, Mr. Douglas Jenkins, who is the supervising consular officer for Germany, spent a number of days at the Department before

proceeding

proceeding to his new post, and these matters were discussed particularly with him.

I note that you have made the request to which I have referred above on the condition that these prospective immigrants "fulfill the immigration requirements in every particular". I believe that the Department of State and its consular officers abroad have had no other desire than to carry out the immigration duties placed upon them by the Immigration Act of 1924 in a considerate and humane manner, consistent with a faithful discharge of their responsibilities under the law. I understand that the percentage of immigration visa refusals in Germany has recently been considerably below the average for all countries.

I appreciate your action in bringing these matters to my attention and I can assure you that it is my earnest desire that all consideration and justice shall continue to be shown to the type of immigrants in whom you are interested.

Very sincerely yours,

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