

**Gegiow Vs. Uhl**

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**Court :** US Supreme Court

**Decided On :** Oct-25-1915

**Appeal No. :** 239 U.S. 3

**Appellant :** Gegiow

**Respondent :** Uhl

**Judgement :**

Gegiow v. Uhl - 239 U.S. 3 (1915)

U.S. Supreme Court Gegiow v. Uhl, 239 U.S. 3 (1915)

**Gegiow v. Uhl**

**No. 340**

**Argued October 14, 15, 1915**

**Decided October 25, 1915**

**239 U.S. 3**

*CERTIORARI TO THE CIRCUIT COURT OF APPEALS*

*FOR THE SECOND CIRCUIT*

## SYLLABUS

The courts have jurisdiction to determine whether the reasons given by the Commissioner of Immigration for excluding aliens under the Alien Immigration Act agree with the requirements of the Act,

Page 239 U. S. 4

and, if the record shows that the Commissioner exceeded his powers, the alien may obtain his release upon habeas corpus.

The Alien Immigration Act, by enumerating conditions upon which aliens may be denied admission, prohibits the denial of admission in other cases.

The conclusiveness of the decisions of immigration officers under 25 of the Immigration Act is conclusiveness of questions of fact, but the court may review the findings of a Commissioner on the question of whether the alien comes under the Act. *Gonzales v. Williams*, [192 U. S. 1](#) .

An alien cannot be excluded under the Alien Immigration Act simply because the immigration officers declare that he may become a public charge on account of overstocked conditions of the labor market at the point of immediate destination.

Under 1 of the Alien Immigration Act, the ground of exclusion of persons enumerated are permanent personal objections irrespective of local conditions.

A phrase contained in a list such as that of disabilities in 1 of the Alien Immigration Act is to be read as generically similar to the others mentioned before and after.

The Alien Immigration Act deals with admission of aliens to the United States, and not to particular points of destination therein.

Where the determination of a class of questions covered by a statute is left to the President, this Court will not presume that a greater power is entrusted by implication to subordinate officers, or that the same result can be effected under the guise of a decision.

215 F. 573 reversed.

The facts, which involve the construction of the Alien Immigration Act and the power of the Commissioner of Immigration to exclude aliens on the ground of likelihood of their becoming a public charge, are stated in the opinion.

Page 239 U. S. 8

MR. JUSTICE HOLMES delivered the opinion of the Court.

The petitioners are Russians seeking to enter the United States. They have been detained for deportation by the Acting Commissioner of Immigration, and have sued out a writ of habeas corpus. The writ was dismissed by the district court and the circuit court of appeals. 211 F. 236; 215 F. 573. By the return it appears that they are part of a group of illiterate laborers, only one of whom, it seems, Gegious, speaks even the ordinary Russian tongue, and, in view of that fact, it was suggested in a letter from the Acting Commissioner to the Commissioner General that their ignorance tended to make them form a clique, to the detriment of the community, but that is a trouble incident to the immigration of foreigners generally, which it is for legislators, not for Commissioners, to consider, and may be laid on one side. The objection relied upon in the return is that the petitioners were

"likely to become public charges for the following, among other reasons: that they arrived here with very little money [\$40 and \$25, respectively], and are bound for Portland, Oregon, where the reports of industrial conditions show that it would be impossible for these aliens to obtain employment; that they have no one legally obligated here to assist them, and, upon all the facts, the said aliens were upon the said grounds duly excluded,"

etc. We assume the report to be candid, and, if so, it shows that the only ground for

Page 239 U. S. 9

the order was the state of the labor market at Portland at that time; the amount of money possessed and ignorance of our language being thrown in only as makeweights. It is true that the return says for that, "among other reasons." But the state of the labor market is the only one disclosed in the evidence or the facts that were noticed at the hearing, and the only one that was before the Secretary of Labor on appeal, and, as the order was general for a group of twenty, it cannot fairly be interpreted to stand upon reasons undisclosed. Therefore, it is unnecessary to consider whether to have the reasons disclosed is one of the alien's rights. The only matter that we have to deal with is the construction of the statute with reference to the present case.

The courts are not forbidden by the statute to consider whether the reasons, when they are given, agree with the requirements of the act. The statute, by enumerating the conditions upon which the allowance to land may be denied, prohibits the denial in other cases. And when the record shows that a Commissioner of immigration is exceeding his power, the alien may demand his release upon habeas corpus. The conclusiveness of the decisions of immigration officers under 25 is conclusiveness upon matters of fact. This was implied in *Nishimura Ekiu v. United States*, [142 U. S. 651](#) , relied on by the government. As was said in *Gonzales v. Williams*, [192 U. S. 1](#) , [192 U. S. 15](#) ,

"as Gonzales did not come within the Act of 1891, the Commissioner had no jurisdiction to detain and deport her by deciding the mere question of law to the contrary."

Such a case stands no better than a decision without a fair hearing, which has been held to be bad. *Chin Yow v. United States*, [208 U. S. 8](#) . See further *Zakonaite v. Wolf*, [226 U. S. 272](#) ; *Lewis v. Frick*, [233 U. S. 291](#) , [233 U. S. 297](#) .

The single question on this record is whether an alien can be declared likely to become a public charge on the ground that the labor market in the city of his immediate

destination is overstocked. In the Act of February 20, 1907, c. 1134, 2, 34 Stat. 898, as amended by the Act of March 26, 1910, c. 128, 1, 36 Stat. 263, determining who shall be excluded, "persons likely to become a public charge" are mentioned between paupers and professional beggars, and along with idiots, persons dangerously diseased, persons certified by the examining surgeon to have a mental or physical defect of a nature to affect their ability to earn a living, convicted felons, prostitutes, and so forth. The persons enumerated, in short, are to be excluded on the ground of permanent personal objections accompanying them irrespective of local conditions unless the one phrase before us is directed to different considerations than any other of those with which it is associated. Presumably it is to be read as generically similar to the others mentioned before and after.

The statute deals with admission to the United States, not to Portland, and in 40 contemplates a distribution of immigrants after they arrive. It would be an amazing claim of power if Commissioners decided not to admit aliens because the labor market of the United States was overstocked. Yet, as officers of the general government, they would seem to be more concerned with that than with the conditions of any particular city or state. Detriment to labor conditions is allowed to be considered in 1, but it is confined to those in the continental territory of the United States, and the matter is to be determined by the President. We cannot suppose that so much greater a power was entrusted by implication in the same act to every commissioner of immigration, even though subject to appeal, or that the result was intended to be effected in the guise of a decision that the aliens were likely to become a public charge.

*Order reversed.*