

Time Makes Him Alien, Though

Eight of Family Are Citizens

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Unless the United States Circuit Court of Appeals takes a different view of the present immigration regulations than that interpreted by Federal Judge Runyon, Giuseppe DiSalvo, a young Italian, whose two younger brothers and four sisters are native-born Americans and his father and mother naturalized American citizens, will be deported. DiSalvo's home is in Philadelphia.

DiSalvo was eight months old when his father came to America and the mother followed after her husband had established himself in Brooklyn. When Mrs. DiSalvo came to this country she left Giuseppe with his grandparents.

Seventeen years later the father, while living in Williamsport, Pa., became a citizen. At that time Giuseppe was attending an aviation school in his native land.

Four months after Giuseppe had passed his twenty-first birthday he came to America on an Italian passport, being unable to obtain an American passport from the American Consul in Italy. He remained here the stipulated time and then returned to Italy.

Giuseppe made a second trip to this country on an Italian passport, but when he overstayed the time limit he was taken into custody by the immigration authorities and detained at Gloucester for deportation.

On a habeas corpus writ DiSalvo was brought to the Federal Court yesterday afternoon and told his story to Judge Runyon. John M. Doyle of Philadelphia, counsel for DiSalvo, contended that because children of native born citizens born abroad are American citizens that minor children of naturalized citizens living abroad should be placed in a special class and be considered to be American citizens at the time their parents become naturalized.

Assistant United States District Attorney Randolph cited a ruling of Supreme Court Justice Holmes, in which the latter held that only minor children living in this country become citizens through their parents' naturalization.

In deciding against DiSalvo Judge Runyon expressed regret. An appeal was immediately filed and DiSalvo was released in \$500 bail pending decision of the upper court.