

GOVERNMENT OF GUAM  
Governor of Guam

EXECUTIVE ORDER 2 -52-

WHEREAS, the United States Immigration Act of 1917 is applicable to Guam, and

WHEREAS, by the following provisions of Section 6(b) of the Organic Act of Guam the Governor is required to enforce the Immigration Act of 1917 on Guam in absence of such enforcement by the United States:

"(The Governor) shall faithfully execute the laws of the United States applicable to Guam, . . .", and

WHEREAS, the large number of aliens traveling to and from, and residing in Guam necessitates creation of a Board of Inquiry to assist in the enforcement of the Immigration Act of 1917, and to determine the right of aliens to enter or remain in Guam,

NOW, THEREFORE, by virtue of the foregoing and of my authority as Governor of Guam there is hereby created within the Immigration Service of the government of Guam, an Immigration Board of Inquiry, hereinafter referred to as the Board.

1. Composition. The Board shall consist of three members, appointed by, and to serve at the will of the Governor. The Governor shall designate one of the three members to serve as Chairman.

2. Qualifications. Members of the Board shall be selected from employees of the Immigration Service and the Department of Law.

3. Compensation. The members of the Board shall serve without compensation.

4. Meetings. The Board shall meet upon call of the Chief, Immigration Service.

5. Preliminary Investigation. The Chief, Immigration Service, shall designate an Immigration Officer to investigate each alien believed by the Chief, Immigration Service, to be subject to exclusion or deportation from Guam. The purpose of such investigation shall be to determine whether a prima facie case for exclusion or deportation exists. In interrogating the alien, the Immigration Officer shall identify himself and caution the alien that any statement which the alien may make may be used against him. The aforementioned officer shall submit, in writing, a report of his preliminary investigation to the Chief, Immigration Service.

6. Arrest and Detention.

(a) If the preliminary investigation described above indicates a prima facie case for exclusion or deportation, the Chief, Immigration Service shall issue a summons ordering the alien to appear before the Board at a specified place, time and date. Any Immigration Officer designated by the Chief, Immigration Service shall serve the summons on the alien, and make a return thereof. Provided, however, that the Chief, Immigration Service, at his discretion, may permit any alien upon written application therefor, to depart from Guam to his home voluntarily.

(b) Should the alien fail to appear before the Board at the place, time and date specified in the summons, the Governor shall issue a warrant for the arrest and detention of the alien. Any Immigration Officer designated by the Chief, Immigration Service shall serve the warrant of arrest and take the alien into custody.

7. Release Pending Hearing. Any alien duly arrested may be released under bond or on his own personal recognizance, pending a hearing for disposition of his case. Such release shall be at the discretion of the Governor. The amount of the aforesaid bond and its form and conditions shall be determined by the Governor, and shall not exceed the sum of \$500.

8. Rights of the Alien. In the event the alien is arrested and detained, he shall be granted a hearing before the Board prior to the elapse of fifteen days from the date of arrest. Preliminary to the commencement of proceedings at the hearing, the Chairman shall explain to the alien the following:

- (a) That the purpose of the hearing is to determine whether the alien shall be permitted to enter or remain in Guam.
- (b) That the burden of proof is upon the alien to establish that he is not subject to exclusion or deportation.

- (c) The nature of the oath to be administered, and that the penalty for perjury is exclusion or deportation.
- (d) The nature of the charges against the alien.
- (e) That the alien, if he so desires, has the right to be represented by counsel and to have one friend or relative present at the hearing, provided, that if a witness, such friend or relative has completed his testimony.
- (f) That the alien shall be allowed to introduce evidence and produce witnesses in his own behalf.
- (g) That the alien shall be allowed to cross-examine witnesses for the Government and object to the materiality and relevancy of Government evidence.

9. Hearing.

- (a) A stenographer shall be present at all hearings and shall make a complete verbatim and permanent record of the proceedings including all the testimony given. The stenographer shall certify that the transcript is true and complete.
- (b) In the event the alien does not speak and understand the English language, an interpreter, acceptable both to the Board and to the

alien, shall be furnished by the Board, and sworn to give a true and complete translation of the proceedings. In the event the Board and the alien are unable to agree on the choice of the interpreter, each shall furnish an interpreter, and both interpreters shall be sworn as provided above.

- (c) The Board shall examine the alien and witnesses for the Government and shall rule upon the admissibility of, and receive and hear, evidence and testimony.
- (d) The Board may cross-examine witnesses for the alien and introduce evidence on behalf of the Government or the alien.
- (e) The Chairman shall regulate the conduct of the hearing, but otherwise shall have no more authority than other members of the Board.
- (f) The Board is empowered to subpoena witnesses, books and records, and administer oaths.

10. Findings. At the conclusion of the hearing, the Chairman shall order the hearing room cleared, and the Board shall discuss the case and review the evidence and the testimony. Evidence not taken at the hearing shall not be considered. At the conclusion of this discussion, the Chairman shall call for a motion for the disposition of the case. This motion shall be:

- (a) To permit the alien to enter or remain in Guam, or
- (b) To deport the alien, or
- (c) To defer the findings pending further investigation and rehearing.

The Chairman shall call for a vote on the motion, and the vote of any two members shall govern the decision.

The Board shall prepare a statement for the record of its findings and conclusions upon which the decision is based.

11. Review by the Governor.

- (a) The Board shall submit to the Governor the full record of the hearing, including:
  - (1) The certified transcript of the record of the proceedings,
  - (2) The Board's summary of evidence and testimony,
  - (3) The findings of fact,
  - (4) The conclusions of law, and
  - (5) Disposition.
- (b) The Governor shall review the record and approve or disapprove the disposition determined by the Board. The Governor shall notify the alien of the decision and disposition of the case, and the reasons therefor.
  - (1) If the disposition is to deport the alien and the Governor

approves, the Governor shall issue a warrant of deportation.

- (2) If the disposition is to deport the alien and the Governor disapproves, the Board shall re-convene and may order further investigation and rehearing or dismiss the case, as circumstances may warrant.
- (3) If the disposition is to allow the alien to remain and the Governor approves, the case shall be dismissed.
- (4) If the disposition is to allow the alien to remain and the Governor disapproves, the Board shall re-convene and order further investigation and re-hearing.

12. Deportation. Upon issuance of a warrant of deportation by the Governor, any Immigration Officer designated by the Chief, Immigration Service shall take the alien into custody and place him in detention until transportation can be arranged. If the alien is already in custody, he shall be detained until transportation is arranged. The alien shall be deported on the first available transportation following the service of warrant.

13. Rules and Regulations. The Board shall utilize and be guided by the Immigration Manual for the use of officers and employees of the Immigration

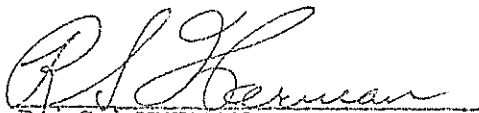
and Naturalization Service, United States Department  
of Justice, wherever such is applicable.

Approved this 19th day of March, 1952.



CARLTON SKIFFNER  
Governor of Guam

Countersigned:



R. S. HERMAN  
Secretary of Guam