

TREASURY DEPARTMENT  
BUREAU OF PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE

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BOOK OF INSTRUCTIONS  
FOR THE  
MEDICAL INSPECTION OF ALIENS

REVISED JANUARY 18, 1910

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PREPARED BY DIRECTION OF THE  
SURGEON-GENERAL



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TREASURY DEPARTMENT,  
BUREAU OF  
PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE,

*Washington, January 18, 1910.*

The following instructions for the medical examination of arriving aliens by officers of the Public Health and Marine-Hospital Service detailed for that purpose are issued for their guidance, and will be enforced on and after February 1, 1910.

These instructions supersede those approved January 15, 1903. The instructions of that date should be destroyed.

Respectfully,

WALTER WYMAN,  
*Surgeon-General.*

Approved:

CHARLES D. HILLES,  
*Acting Secretary of the Treasury.*

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**BOOK OF INSTRUCTIONS**  
FOR THE  
**MEDICAL INSPECTION OF ALIENS.**

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EXTRACT FROM ACT OF FEBRUARY 20, 1907.

An act of Congress approved February 20, 1907, provides as follows:

\* \* \* \* \*

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; \* \* \* professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

\* \* \* \* \*

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determi-

nation of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded.

\* \* \* \* \*

SEC. 10. That the decision of the board of special inquiry herinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return rejected aliens.

\* \* \* \* \*

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien.

\* \* \* \* \*

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. \* \* \*

SEC. 21. \* \* \* *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 25. \* \* \* *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge.

\* \* \* \* \*

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

#### DUTIES OF MEDICAL OFFICERS UNDER THE ACT OF 1907.

The following are the duties of medical officers detailed for the examination of aliens under the sections of the law quoted above:

(1) To conduct the physical and mental examination of all arriving aliens, either on board the ship on which they arrive or at a place designated by the Commissioner of Immigration, or the inspector in charge of the port.

(2) To certify, for the information of immigration officers and the boards of special inquiry, any and all physical or mental defects or diseases observed by said medical officers in such aliens.

(3) To certify, when requested by the proper immigration officer, that a rejected alien is helpless from sickness, mental or physical disability, or infancy, and therefore in need of an attendant.

(4) To render necessary information by certificate to enable the proper immigration authorities to impose and enforce such fines and penalties as are prescribed in section 9.

(5) To render when necessary such certificates in regard to the physical condition of insane aliens as to permit them to be held for treatment until such time as they may be safely deported.

(6) To determine the physical and mental condition, and make appropriate certification thereto, of aliens who have become "public charges," or who are in the United States in violation of the law and of regulations emanating from proper official sources.

(7) To conduct the physical and mental examination of aliens along the borders of Canada and Mexico, subject to such additional rules as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may prescribe, so as not unnecessarily to delay or annoy passengers in ordinary travel between the United States and said countries.

(8) To render opinions, when requested by the proper immigration officers, as to the curability of a loathsome, contagious, or dangerous contagious disease affecting the wife or minor child of a domiciled alien, and to supervise or conduct the appropriate care and treatment necessary to determine the facts.

(9) To designate to the proper immigration officers such aliens as are in need of hospital care and treatment, as provided under these laws and instructions, to recommend their transfer to a hospital or suitable place, and there to supervise or conduct such care and treatment as are necessary.

#### LEGAL RELATIONS OF MEDICAL EXAMINERS TO THE ADMINISTRATION OF THE IMMIGRATION LAWS.

Inasmuch as all immigration legislation in general contemplates that the function of determining whether an alien belongs to one of the excluded classes shall devolve upon the immigration officers and boards of special inquiry, it follows that in matters a determination of which depends upon the consideration of testimony of a general character and not upon professional opinion and diagnosis, the medical officer shall act in an advisory capacity to such immigration officers and boards of special inquiry.

As a consequence, in the case of aliens who are found by the examining surgeon to be idiots, imbeciles, feeble-minded persons, epileptics, insane persons, persons afflicted with tuberculosis or with a loathsome contagious or a dangerous contagious disease, certification by the medical officer that the disease exists constitutes the necessary

evidence upon which immigration officers and boards of special inquiry may base their action.

On the other hand, in the case of aliens found by the medical examiner to be afflicted with such physical or mental diseases or disabilities as are likely, from their nature, to render a person a dependent, or materially influence his capacity for self-maintenance, the full bearing of such diseases or disabilities upon the right to admission of the alien concerned can only be determined by the collation of such other additional and material facts as it is the intrinsic function of immigration officers and boards of special inquiry to elicit and consider. In such cases, therefore, it becomes the duty of the medical officer to certify to the existence and character of such disease or disability; also, when requested by the proper immigration officers, to make such further pertinent statements as he may deem advisable to enable the immigration officers and boards of special inquiry to reach an intelligent conclusion.

#### CLASSIFICATION OF DEFECTIVE AND DISEASED ALIENS.

For the purpose of carrying out the provisions of the immigration law, physically and mentally defective and diseased aliens may be regarded as divisible into three general classes:

*Class A.*—Aliens whose exclusion is mandatory under the law by reason of a certain specified physical or mental defect or disease.

*Class B.*—Aliens who present some physical or mental defect or disease not comprehended under Class A, but which from its nature is likely to render the person concerned a dependent or materially affect his capacity for self-maintenance.

*Class C.*—Aliens who present defective or diseased conditions of a character less serious than the foregoing, but which nevertheless must be certified for the information of immigration officers and boards of special inquiry under the general provisions of section 17 of the law.

Care must be taken to see that the form of the medical certificate in every case is such as to enable immigration officers to see clearly to which class the alien in question belongs.

#### CLASS A.

In accordance with the present law, Class A includes all the classes mentioned in section 9 of the said law, viz:

- (1) Idiots.
- (2) Imbeciles.
- (3) Feeble-minded persons.
- (4) Epileptics.
- (5) Insane persons.

(6) Persons afflicted with tuberculosis.

(7) Persons afflicted with a loathsome contagious disease.

(8) Persons afflicted with a dangerous contagious disease.

Attention of medical officers is called to the following facts regarding the mental and physical defects and diseases that render an alien excludable for the causes enumerated under Class A:

(1) *Idiots*.—An idiot is a person presenting a defect of mind which is either congenital or due to causes operating during the first few years of life, precluding the development by education of the mental faculties to any appreciable degree.

(2) *Imbeciles*.—An imbecile is a person exhibiting such degree of mental defect, congenital, or acquired in infancy, as to preclude development of mental or moral responsibility.

Mental responsibility is regarded as the capacity properly to care for one's self and one's own interests; and moral responsibility, as normal capacity to distinguish between right and wrong.

(3) *Feeble-minded persons*.—A feeble-minded person is one who, although possessing a certain degree of mental and moral responsibility, is obviously of deficient intellectual capacity.

(4) *Epileptics*.—An epileptic for the purposes of certification under this heading is a person who has had an epileptic seizure under the observation of the medical officer certifying. Whenever it has been impossible or impracticable by observation thus to establish the diagnosis, all evidence or testimony tending to show that the alien in question is an epileptic shall be communicated to the proper immigration officers.

(5) *Insane persons*.—Insanity has been defined as "a manifestation in language or conduct of disease or defect of the brain" (Church and Peterson). It may be regarded as a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or disordered function of the sensory or of the intellectual faculties, or by impaired or disordered volition. See instructions for certification under this heading, page 30.

(6) *Tuberculosis*.—The following conditions are to be regarded as "tuberculosis" within the meaning of the law:

1. Tuberculosis of the respiratory tract.
2. Tuberculosis of the intestinal tract.
3. Tuberculosis of the genito-urinary tract.

(7) *Loathsome contagious disease*.—A loathsome disease is a disease which excites abhorrence in others by reason of the knowledge of its existence. The term contagious as used in the law shall be regarded as synonymous with communicable.

By loathsome contagious disease is meant a loathsome communicable disease, essentially chronic in character.