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APPROVED
JAN 2 - 1974

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: January 4

December 31, 1974

Posted 1/3
To Archives 1/3

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 3203
Relief of Nepty Massao Jones

Attached for your consideration is H.R. 3203, sponsored by Representative Mink, which grants permanent residence to the beneficiary, Nepty Massauo Jones, a native and citizen of the Trust Territory of the Pacific.

At the time he was adopted by a United States citizen he was 14 and over the age to be eligible for U.S. citizenship as an immediate relative. By the time his mother attempted to naturalize him as an adopted child, he was 18 and over the age to be classified as a child.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 3203 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 3203 - Relief of Nepty Masauo Jones
Sponsor - Rep. Mink (D) Hawaii
- (2) H.R. 3339 - Relief of Delmira DeBow
Sponsor - Rep. Rousselot (R) California
- (3) H.R. 7767 - Relief of Samuel Cabildo Jose
Sponsor - Rep. Burton (D) California
- (4) H.R. 9182 - Relief of Fernando Labrador del Rosario
Sponsor - Rep. Burgener (R) California

Last Day for Action

January 4, 1975

Purpose

Grants permanent residence to adopted children of U.S. citizens.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

H.R. 3203 - Mr. Nepty Masauo Jones, the beneficiary of this bill, is 23 years old, single, and a native and citizen of the Trust Territory of the Pacific. He was adopted in 1966 by a U.S. citizen and resides with his adoptive mother in Hawaii, where he is attending college. His adoptive mother is a single school teacher earning \$12,000 per year.

The beneficiary first entered the U.S. as a visitor in June 1966, and has been in school in Hawaii since 1968. However, he is ineligible to obtain U.S. citizenship as an immediate relative



because he was already 14 when adopted. (Section 101 of the Immigration and Nationality Act defines a "child" as one under the age of 14 at the time of adoption, for purposes of qualifying for permanent residence as an immediate relative of a citizen.) Also, by the time his mother attempted to naturalize him as an adopted child, this was prohibited because such a child must be under 18 whereas the beneficiary is now 23. Deportation proceedings have not yet been instituted against him.

H.R. 3339 - Miss Delmira DeBow, the beneficiary of this bill, is a 24 year-old native and citizen of El Salvador. She entered the U.S. as a nonimmigrant visitor in November 1970; was adopted in March 1971 by U.S. citizens who met her while they were missionaries in El Salvador; has lived with her adoptive parents in El Salvador and this country since February 1970; and has been reclassified to nonimmigrant student status from May 1971 to the present. She is a student at Pasadena College and is supported by her parents. Her adoptive father is now a real estate salesman earning about \$20,000 per year. Deportation proceedings have not been instituted against her.

H.R. 7767 - Mr. Jose, the beneficiary of this bill, is 19 years old, single, and a native and citizen of the Philippines. He and his 14 year-old sister were admitted to the U.S. as visitors in September 1968; were adopted by a U.S. citizen couple in November 1969; and have resided with their adoptive parents in San Francisco, California since that time. The beneficiary is attending college, employed part-time in a restaurant, and is supported by his adoptive parents. The adoptive father is retired and has moderate assets.

The beneficiary cannot qualify for an immediate relative visa because he was over 14 years old when adopted. His sister was under 14 and such a visa is pending for her. The beneficiary eventually changed his status from temporary visitor to student, but he never requested an extension of stay beyond the authorized limit of August 1970. Deportation proceedings will accordingly be instituted against him in the absence of private relief legislation.

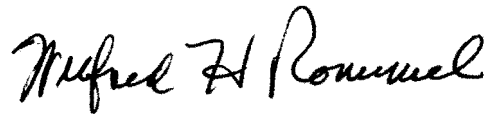
H.R. 9182 - Mr. Fernando Labrador del Rosario, is 21 years old, single, and a native and citizen of the Philippines. He entered the U.S. as a temporary visitor in December 1968. He resides in San Diego, California, with his aunt and uncle (both U.S. citizens), who adopted him and his younger half sister in 1968. He is currently attending college and working part-time as a cook.



The beneficiary apparently never applied for reclassification to student status.

He maintained valid status as a visitor until November 1973, and deportation proceedings will be instituted against him in the absence of private relief legislation. As in the case immediately above (re H.R. 7767), Mr. Rosario could not meet the statutory definition of "child" at the time of adoption, due to his age; but the visa petition of his younger half sister was approved.

All four of the bills would provide that the beneficiaries be classified as "children" under section 101 of the Immigration and Nationality Act; and that they be granted permanent residence in the U.S. as of the date of enactment.



Assistant Director for
Legislative Reference

Enclosures



DEPARTMENT OF STATE

Washington, D.C. 20520

DEC 24 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

Reference is made to Mr. Rommel's communication of December 23, 1974, transmitting for comment enrolled bills H.R. 3203 "For the relief of Nepty Masauo Jones" and H.R. 7767 "For the relief of Samuel Cabildo Jose".

This Department has no objection to the enactment of these bills.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linwood Holton".

Linwood Holton
Assistant Secretary for
Congressional Relations



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

DEC 24 1974

AND REFER TO THIS FILE NO.

A20 279 466

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 3203 ; Office of Management
and Budget request dated December 23, 1974

Beneficiary or Beneficiaries Nepty Masauo Jones

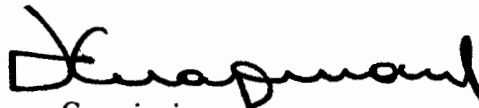
Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

Recommends approval of the bill.

Interposes no objection to approval of the bill

Sincerely,


Commissioner

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- ✓(1) H.R. 3203 - Relief of Nepty Masauo Jones
Sponsor - Rep. Mink (D) Hawaii
- (2) H.R. 3339 - Relief of Delmira DeBow
Sponsor - Rep. Rousselot (R) California
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Sponsor - Rep. Burton (D) California
- (4) H.R. 9182 - Relief of Fernando Labrador del Rosario
Sponsor - Rep. Burgener (R) California

Last Day for Action

January 4, 1975
Purpose

Grants permanent residence to adopted children of U.S. citizens.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

H.R. 3203 - Mr. Nepty Masauo Jones, the beneficiary of this bill, is 23 years old, single, and a native and citizen of the Trust Territory of the Pacific. He was adopted in 1966 by a U.S. citizen and resides with his adoptive mother in Hawaii, where he is attending college. His adoptive mother is a single school teacher earning \$12,000 per year.

The beneficiary first entered the U.S. as a visitor in June 1966, and has been in school in Hawaii since 1968. However, he is ineligible to obtain U.S. citizenship as an immediate relative

because he was already 14 when adopted. (Section 101 of the Immigration and Nationality Act defines a "child" as one under the age of 14 at the time of adoption, for purposes of qualifying for permanent residence as an immediate relative of a citizen.) Also, by the time his mother attempted to naturalize him as an adopted child, this was prohibited because such a child must be under 18 whereas the beneficiary is now 23. Deportation proceedings have not yet been instituted against him.

H.R. 3339 - Miss Delmira DeBow, the beneficiary of this bill, is a 24 year-old native and citizen of El Salvador. She entered the U.S. as a nonimmigrant visitor in November 1970; was adopted in March 1971 by U.S. citizens who met her while they were missionaries in El Salvador; has lived with her adoptive parents in El Salvador and this country since February 1970; and has been reclassified to nonimmigrant student status from May 1971 to the present. She is a student at Pasadena College and is supported by her parents. Her adoptive father is now a real estate salesman earning about \$20,000 per year. Deportation proceedings have not been instituted against her.

H.R. 7767 - Mr. Jose, the beneficiary of this bill, is 19 years old, single, and a native and citizen of the Philippines. He and his 14 year-old sister were admitted to the U.S. as visitors in September 1968; were adopted by a U.S. citizen couple in November 1969; and have resided with their adoptive parents in San Francisco, California since that time. The beneficiary is attending college, employed part-time in a restaurant, and is supported by his adoptive parents. The adoptive father is retired and has moderate assets.

The beneficiary cannot qualify for an immediate relative visa because he was over 14 years old when adopted. His sister was under 14 and such a visa is pending for her. The beneficiary eventually changed his status from temporary visitor to student, but he never requested an extension of stay beyond the authorized limit of August 1970. Deportation proceedings will accordingly be instituted against him in the absence of private relief legislation.

H.R. 9182 - Mr. Fernando Labrador del Rosario, is 21 years old, single, and a native and citizen of the Philippines. He entered the U.S. as a temporary visitor in December 1968. He resides in San Diego, California, with his aunt and uncle (both U.S. citizens), who adopted him and his younger half sister in 1968. He is currently attending college and working part-time as a cook.

The beneficiary apparently never applied for reclassification to student status.

He maintained valid status as a visitor until November 1973, and deportation proceedings will be instituted against him in the absence of private relief legislation. As in the case immediately above (re H.R. 7767), Mr. Rosario could not meet the statutory definition of "child" at the time of adoption, due to his age; but the visa petition of his younger half sister was approved.

All four of the bills would provide that the beneficiaries be classified as "children" under section 101 of the Immigration and Nationality Act; and that they be granted permanent residence in the U.S. as of the date of enactment.

(signed) Wilfred H. Roswell

Assistant Director for
Legislative Reference

Enclosures

THE WHITE

ACTION MEMORANDUM

WASHINGTON

Date: December 28, 1974

Ti

FOR ACTION: Geoff Shepard *oh*
 Max Friedersdorf *oh*
 Phil Areeda *no obj*

cc (fo.

FROM THE STAFF SECRETARY

DUE: Date: **Monday, December 30**

Time: **1:00 p.m.**

SUBJECT:

Enrolled Bills:

H.R. 320² - Relief of Nepty Masauo Jones
 H.R. 3339 - Relief of Delmira DeBow
 H.R. 7767 - Relief of Samuel Cabildo Jose
 H.R. 9182 - Relief of Fernando Labrador del Rosario

ACTION REQUESTED:

<input type="checkbox"/> For Necessary Action	<input type="checkbox"/> For Your Recommendations
<input type="checkbox"/> Prepare Agenda and Brief	<input type="checkbox"/> Draft Reply
<input checked="" type="checkbox"/> For Your Comments	<input type="checkbox"/> Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 894

Date: December 28, 1974

Time: 7:30 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bills:

- H.R. 3202 - Relief of Nepty Masauo Jones
- H.R. 3339 - Relief of Delmira DeBow
- H.R. 7767 - Relief of Samuel Cabildo Jose
- H.R. 9182 - Relief of Fernando Labrador del Rosario

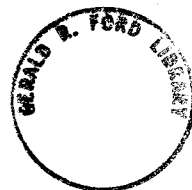
ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Approval
KS



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 894
Enrolled Bills: H.R. 3202
H.R. 3339
H.R. 7767
H.R. 9182

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 894

Date: December 28, 1974

Time: 7:30 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bills:

- H.R. 3202 - Relief of Nepty Masauo Jones
 - H.R. 3339 - Relief of Delmira DeBow
 - H.R. 7767 - Relief of Samuel Cabildo Jose
 - H.R. 9182 - Relief of Fernando Labrador del Rosario
- ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No Objections
P. Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

NEPTY MASAUO JONES

DECEMBER 17, 1974.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 3203]

The Committee on the Judiciary, to which was referred the bill (H.R. 3203) for the relief of Nepty Masauo Jones, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status as an immediate relative of the adopted son of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old unmarried native and citizen of the Trust Territory of the Pacific. He was adopted in Truk, East Carolina Islands on June 22, 1966 by a citizen of the United States. His adoptive mother is 34 years old and resigned her latest teaching position in Hawaii in June, 1974 and plans to further her professional qualifications in a school close to her parents' domicile in Georgia. The beneficiary presently resides in Hawaii and will continue in school or seek full-time employment.

A letter, with attached memorandum, dated October 24, 1973 to the chairman of the Committee on the Judiciary, House of Representatives from the then Acting Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., October 24, 1973.

A20 279 466.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 3203) for the relief of Nepty Masauo Jones, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required fee. It directs that a visa number deduction be made. The bill also exempts the beneficiary from the usual requirements of residence and physical presence in the United States, after enactment, should he apply immediately for benefits of naturalization.

The beneficiary, a native of the Trust Territory of the Pacific, is chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 3203

The beneficiary, Nepty Masauo Jones, a native and citizen of the Trust Territory of the Pacific, who was born on October 3, 1951. He resides at Kahuku, Hawaii where he has been attending school since August 24, 1968. The beneficiary is a sophomore in college. He is supported by his adoptive mother and by part-time employment which nets him \$20 a week. From birth to 1967 he lived on Truk, East Caroline Islands and attended elementary school. Prior to his schooling in the United States, he attended school in the Philippines for one year. He has no appreciable assets.

The beneficiary is single. His adoptive mother, with whom he resides in Hawaii is a citizen of the United States. She legally adopted him at Truk, East Caroline Islands on June 22, 1966 and has supported him since that date. She taught school at Truk from 1964 to 1968. Her present salary is \$12,000 per annum teaching at Kahuku, Hawaii. She is single and her assets are minimal. The beneficiary's parents are divorced. His mother has remarried. He has three brothers and three sisters ranging in age from twenty-six years to six years old. He has two half-brothers, aged 5 years and 4 years. His entire family resides on Truk.

The beneficiary first entered the United States as a visitor arriving June 7, 1966 and departing in August, 1966. He transited Guam August 12, 1967 enroute to the Philippines for schooling and returned home via Guam in May, 1968. He subsequently arrived in Honolulu, Hawaii on August 24, 1968 to attend school and departed for a short

vacation to Truk in July 1972. He returned to Hawaii September 13, 1972 where he is continuing to attend school. Deportation proceedings have not been instituted against the beneficiary.

H.R. 15567, 92nd Congress, in behalf of the beneficiary was not enacted.

A letter dated July 8, 1974 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads in part as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D.C., July 8, 1974.

A20 279 466

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your request for additional information relative to the bill (H.R. 3203) for the relief of Nepty Masauo Jones, there is furnished herewith information on the beneficiary and his adoptive mother, Janet Middleton Jones.

Miss Jones was born on September 27, 1940 in Georgia, U.S.A. She has a bachelor's degree in Psychology and a five-year certificate as an elementary school teacher. After teaching for the Clayton County Department of Education at Jonesboro, Georgia from 1962 to 1964 she left to teach at Truk, Caroline Islands. She resigned her latest position at Kahuku Elementary School, Hawaii in June, 1974 stating her salary was too low; the living in Hawaii was expensive; and she desired to further her professional qualifications in a school close to her parents' domicile in Georgia.

Miss Jones indicate the beneficiary will remain in Hawaii and continue in school or seek full-time employment. She will supplement his financial needs but feels he is capable of self-support.

Sincerely,

Commissioner.

A report on this legislation submitted by the Department of State reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 20, 1973.

HON. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Nepty Masauo Jones, beneficiary of H.R. 3203, 93d Congress.

The bill would grant the beneficiary permanent residence in the United States as of the date of enactment upon payment of the required visa fee. It also provides for the deduction of one number from the total number of immigrants and conditional entrants who may be admitted from the beneficiary's country of birth. It also pro-

vides that the beneficiary may be naturalized at any time after enactment of H.R. 3203, notwithstanding the residence and physical presence requirements of the Immigration and Nationality Act.

The District Administrator of Truk, Eastern Caroline Islands, who serves as a consular officer for the purposes of the administration of the Act, has reported that the beneficiary was born on October 3, 1951 on Udot Island in the Truk district. In May 1966 when he was fifteen years old, he was adopted by Miss Janet Middleton Jones, who was employed as a teacher in Truk. The beneficiary resides with Miss Jones in Hawaii. His natural parents and several brothers and sisters live in Udot Island.

The beneficiary was issued a visitor visa in June 1968. The Administrator's recent investigation revealed no derogatory information concerning the beneficiary.

Sincerely yours,

MARSHALL WRIGHT,

Assistant Secretary for Congressional Relations.

Enclosure: Adoption decree.

TRUST TERRITORY OF THE PACIFIC ISLANDS TRIAL DIVISION OF THE HIGH COURT

TRUK DISTRICT

Civil Action No. 410 In the Matter of the Adoption of NEPTY MASAUO.

This matter came on to be heard before me this day in the courthouse at Moon Island, Truk District, upon the sworn complaint of Janet Middleton Jones, the consents of the child's mother, father, stepfather, and the Chief of the child's lineage, and sworn testimony offered in open court. The complaint and the child both appeared personally before the court and gave testimony.

The court finds that the complainant is not married, that the child Nepty Masauo consents to such adoption, and that the interests of the child will be promoted by the adoption.

It is therefore ordered, adjudged, and decreed as follows:

1. Nepty Masauo, born October 3, 1951 on Udot Island in the Truk District of the Trust Territory of the Pacific Islands, is hereby adopted by Janet Middleton Jones, who now lives on said Udot but whose legal domicile is Atlanta, Georgia.

2. After this decree becomes absolute, said child Nepty Masauo and said adopting parent shall hold toward each other the legal relationship of parent and child and shall have all the rights and be subject to all the duties of that relationship.

3. This decree shall not become absolute or affect the legal status of the parties until the period for appeal has expired without any appeal having been filed or until any appeal taken shall have been finally disposed of.

4. No costs are assessed in this matter.

E. P. FURBER,
Chief Justice.

Entered : May 16, 1966.

I hereby certify that this is a true copy of decree of adoption entered by the Trial Division of the High Court on May 16, 1966 and that the period for appeal therefrom has expired without any appeal having been filed.

Witness my hand and seal of the High Court this day of June 22, 1966.

SABASTIAN FRANK,
Clerk of Courts, Truk District.

Mrs. Patsy T. Mink, the author of the bill submitted the following letter in support of her bill :

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 17, 1973.

HON. JOSHUA EILBERG,
Chairman, Immigration, Citizenship and International Law Subcommittee, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your favorable consideration of H.R. 3202, private legislation for the relief of Mr. Nepty Masauo Jones, is respectfully requested. The bill would extend United States citizenship to a young Micronesian who has been adopted by a school teacher in the State of Hawaii.

His adoptive mother is Ms. Janet M. Jones, a United States citizen who taught school at Truk, East Caroline Islands, during 1964 to 1968. She met Nepty there. Because his family was poor, they could not support him. Ms. Jones legally adopted him at Truk in 1966, when he was 14 years of age. Nepty first entered the United States as a visitor on June 7, 1966, and he has been in school in Hawaii since 1968.

Nepty has come to accept the United States as his home, but because of the provisions of the immigration laws he has not been eligible for citizenship. He cannot obtain citizenship as an adopted child because he was already 14 when adopted, and 8 U.S.C. 1101(b)(1)(E) defines a "child" as one under the age of 14 when adopted, for purposes of immigration for permanent residence as an immediate relative of a citizen. Similarly, by the time his mother sought to naturalize him as an adopted child, this was barred because under 8 U.S.C. 1433(a) such a child must be under the age of 18 years whereas Nepty is now 22.

The beneficiary of this bill is a native and citizen of the Trust Territory of the Pacific Islands (more commonly known as Micronesia), a little-known group of islands over which the United States has responsibility by a unique trusteeship agreement with the United Nations. Because he is from a more primitive society, he is educationally disadvantaged. Despite this, he has graduated from high school in Hawaii and is now a sophomore at a community college. For his future, he wishes to go on to further schooling, get a job, or join the armed services. He wishes to remain in the United States. Overall, he seeks to become an independent member of our society so that he can participate fully in it and contribute to it.

The achievement of any young person's goals is difficult enough in these troubled times, but with the handicaps Nepty Jones has faced he has already made remarkable progress. It would be disappointing indeed if our immigration laws caused him to be uprooted from his mother and the new life he has known. Except through the adoption of H.R. 3203, there is no way to prevent such a hardship. I ask that this legislation be adopted.

Very truly yours,

PATSY T. MINK,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 3203) should be enacted.

○

NEPTY MASANO JONES

FEBRUARY 28, 1974.—Committed to the Committee of the Whole House and ordered to be printed

Mr. RAILSBACK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 3203]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3203) for the relief of Nepty Masano Jones, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Nepty Masano Jones may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, and a petition filed in his behalf by Janet Middleton Jones, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the adjustment of status to permanent residence of the adopted son of a citizen of the United States. The bill has been amended in accordance with established precedents, and has been further amended to delete section 2 of the bill as introduced.

GENERAL INFORMATION

The beneficiary of this bill is a 22-year-old single male who is a native and citizen of the Trust Territory of the Pacific. He was adopted in Truk, East Caroline Islands on June 22, 1966 by a citizen of the United States and resides with his adoptive mother in Hawaii where he is attending college.

The pertinent facts in this case are contained in a letter dated October 24, 1973, from the Acting Commissioner of Immigration and Nat-

uralization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., October 24, 1973.

A20 279 466.

HON. PETER W. RODINO, JR.,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 3203) for the relief of Nepty Masauo Jones, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required fee. It directs that a visa number deduction be made. The bill also exempts the beneficiary from the usual requirements of residence and physical presence in the United States, after enactment, should he apply immediately for benefits of naturalization.

The beneficiary, a native of the Trust Territory of the Pacific, is chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 3203

The beneficiary, Nepty Masauo Jones, a native and citizen of the Trust Territory of the Pacific, who was born on October 3, 1951. He resides at Kahuku, Hawaii where he has been attending school since August 24, 1968. The beneficiary is a sophomore in college. He is supported by his adoptive mother and by part-time employment which nets him \$20 per week. From birth to 1967 he lived on Truk, East Caroline Islands and attended elementary school. Prior to his schooling in the United States, he attended school in the Philippines for one year. He has no appreciable assets.

The beneficiary is single. His adoptive mother, with whom he resides in Hawaii is a citizen of the United States. She legally adopted him at Truk, East Caroline Islands on June 22, 1966 and has supported him since that date. She taught school at Truk from 1964 to 1968. Her present salary is \$12,000 per annum teaching at Kahuku, Hawaii. She is single and her assets are minimal. The beneficiary's parents are divorced. His mother has remarried. He has three brothers and three sisters ranging in age from twenty-six years to six years old. He has two half-brothers, aged 5 years and 4 years. His entire family resides on Truk.

The beneficiary first entered the United States as a visitor arriving June 7, 1966 and departing in August, 1966. He tran-

sited Guam August 12, 1967 enroute to the Philippines for schooling and returned home via Guam in May, 1968. He subsequently arrived in Honolulu, Hawaii on August 24, 1968 to attend school and departed for a short vacation to Truk in July 1972. He returned to Hawaii September 13, 1972 where he is continuing to attend school. Deportation proceedings have not been instituted against the beneficiary.

H.R. 15567, 92nd Congress, in behalf of the beneficiary was not enacted.

A report on this legislation submitted by the Department of State reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 20, 1973.

HON. PETER W. RODINO, JR.,
*Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Nepty Masauo Jones, beneficiary of H.R. 3203, 93rd Congress.

The bill would grant the beneficiary permanent residence in the United States as of the date of enactment upon payment of the required visa fee. It also provides for the deduction of one number from the total number of immigrants and conditional entrants who may be admitted from the beneficiary's country of birth. It also provides that the beneficiary may be naturalized at any time after enactment of H.R. 3203, notwithstanding the residence and physical presence requirements of the Immigration and Nationality Act.

The District Administrator of Truk, Eastern Caroline Islands, who serves as a consular officer for the purposes of the administration of the Act, has reported that the beneficiary was born on October 3, 1951 on Udot Island in the Truk district. In May 1966 when he was fifteen years old, he was adopted by Miss Janet Middleton Jones, who was employed as a teacher in Truk. The beneficiary resides with Miss Jones in Hawaii. His natural parents and several brothers and sisters live in Udot Island.

The beneficiary was issued a visitor visa in June 1968. The Administrator's recent investigation revealed no derogatory information concerning the beneficiary.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

Enclosure: Adoption decree.

TRUST TERRITORY OF THE PACIFIC ISLANDS TRIAL DIVISION OF THE HIGH COURT

TRUK DISTRICT

Civil Action No. 410 In the Matter of the Adoption of NEPTY MASAUO.

This matter came on to be heard before me this day in the courthouse at Moen Island, Truk District, upon the sworn complaint of Janet

Middleton Jones, the consents of the child's mother, father, stepfather, and the Chief of the child's lineage, and sworn testimony offered in open court. The complainant and the child both appeared personally before the court and gave testimony.

The court finds that the complainant is not married, that the child Nepty Masauo consents to such adoption, and that the interests of the child will be promoted by the adoption.

It is therefore ordered, adjudged, and decreed as follows:

1. Nepty Masauo, born October 3, 1951 on Udot Island in the Truk District of the Trust Territory of the Pacific Islands, is hereby adopted by Janet Middleton Jones, who now lives on said Udot but whose legal domicile is Atlanta, Georgia.

2. After this decree becomes absolute, said child Nepty Masauo and said adopting parent shall hold toward each other the legal relationship of parent and child and shall have all the rights and be subject to all the duties of that relationship.

3. This decree shall not become absolute or affect the legal status of the parties until the period for appeal has expired without any appeal having been filed or until any appeal taken shall have been finally disposed of.

4. No costs are assessed in this matter.

E. P. FURBER,
Chief Justice.

Entered: May 16, 1966.

I hereby certify that this is a true copy of decree of adoption entered by the Trial Division of the High Court on May 16, 1966 and that the period for appeal therefrom has expired without any appeal having been filed.

Witness my hand and seal of the High Court this day of June 22, 1966.

SABASTIAN FRANK,
Clerk of Courts, Truk District.

Mrs. Mink submitted the following letter in support of her bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 17, 1973.

HON. JOSHUA EILBERG,
Chairman, Immigration, Citizenship and International Law Subcommittee, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your favorable consideration of H.R. 3202, private legislation for the relief of Mr. Nepty Masauo Jones, is respectfully requested. The bill would extend United States citizenship to a young Micronesian who has been adopted by a school teacher in the State of Hawaii.

His adoptive mother is Ms. Janet M. Jones, a United States citizen who taught school at Truk, East Caroline Islands, during 1964 to 1968. She met Nepty there. Because his family was poor, they could not support him. Ms. Jones legally adopted him at Truk in 1966, when

he was 14 years of age. Nepty first entered the United States as a visitor on June 7, 1966, and he has been in school in Hawaii since 1968.

Nepty has come to accept the United States as his home, but because of the provisions of the immigration laws he has not been eligible for citizenship. He cannot obtain citizenship as an adopted child because he was already 14 when adopted, and 8 U.S.C. 1101(b) (1) (E) defines a "child" as one under the age of 14 when adopted, for purposes of immigration for permanent residence as an immediate relative of a citizen. Similarly, by the time his mother sought to naturalize him as an adopted child, this was barred because under 8 U.S.C. 1433(a) such a child must be under the age of 18 years whereas Nepty is now 22.

The beneficiary of this bill is a native and citizen of the Trust Territory of the Pacific Islands (more commonly known as Micronesia), a little-known group of islands over which the United States has responsibility by a unique trusteeship agreement with the United Nations. Because he is from a more primitive society, he is educationally disadvantaged. Despite this, he has graduated from high school in Hawaii and is now a sophomore at a community college. For his future, he wishes to go on to further schooling, get a job, or join the armed services. He wishes to remain in the United States. Overall, he seeks to become an independent member of our society so that he can participate fully in it and contribute to it.

The achievement of any young person's goals is difficult enough in these troubled times, but with the handicaps Nepty Jones has faced he has already made remarkable progress. It would be disappointing indeed if our immigration laws caused him to be uprooted from his mother and the new life he has known. Except through the adoption of H.R. 3203, there is no way to prevent such a hardship. I ask that this legislation be adopted.

Very truly yours,

PATSY T. MINK,
Member of Congress.

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 3203, as amended, should be enacted and accordingly recommends that the bill do pass.

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Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

For the relief of Nepty Masauo Jones.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Nepty Masauo Jones may be classified as a child within the meaning of section 101 (b) (1) (F) of the Act, and a petition filed in his behalf by Janet Middleton Jones, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*