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APPROVED
JAN 2-1974

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: January 4

December 31, 1974

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MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 7684
Relief of Nicola Lomuscio

Attached for your consideration is H.R. 7684, sponsored by Representative Rodino, which would authorize the issuance of a visa and admission to the United States for permanent residence of Nicola Lomuscio, notwithstanding the provisions of the Immigration and Nationality Act which exclude from admission to the U.S. aliens who have been convicted of a crime involving moral turpitude and aliens who have obtained a visa by fraud.

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. 7684 (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 Bill H.R. 7684 - Relief of Nicola Lomuscio
Sponsor - Rep. Rodino (D) New Jersey

Last Day for Action

January 4, 1975

Purpose

Authorizes the issuance of a visa and admission to the U.S. for permanent residence of Nicola Lomuscio, notwithstanding the provisions of the Immigration and Nationality Act which exclude from admission to the U.S. aliens who have been convicted of a crime involving moral turpitude and aliens who have obtained a visa by fraud.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

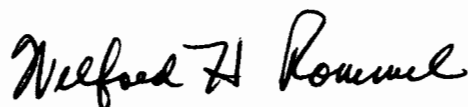
Discussion

Nicola Lomuscio is a single 24 year old native and citizen of Italy who is presently living in Italy. He is an applicant for admission to the U.S. as a permanent resident. Except for one married brother with whom he is currently living in Italy, his entire immediate family is in the U.S. His father and one brother are U.S. citizens, while his mother, two brothers, and four sisters are permanent residents. His brother in Italy is in the process of meeting the visa requirements for himself and his family.



Mr. Lomuscio was admitted to the U.S. as a permanent resident on August 1, 1968, and worked as a sausage maker. While on a trip to Italy in July 1969 for the wedding of his brother, he was drafted into the Italian Army and served until he was honorably discharged in November 1970. Because of the prolonged stay abroad, it was necessary for him to reapply for admission to the U.S. as a permanent resident. At that time, it was discovered that he had been convicted of two counts of theft in Italy in January 1968 when he was 18 years old. Since that time, Mr. Lomuscio has not been charged with any criminal activity. Since he had failed to disclose this information on both his 1968 and his 1971 visa applications, he was guilty of fraud in obtaining a visa, which makes him ineligible for admission to the U.S. under the Immigration and Nationality Act (Act). If he had disclosed this information in 1968, the fact that he was a minor would have made him eligible for an administrative waiver of the Act notwithstanding his criminal record.

This bill would waive the provisions of the Act to authorize the issuance of a visa to him and his admission to the U.S. as a permanent resident, if he meets other visa requirements. These waivers would apply only to grounds for exclusion of which the Departments of State and Justice had knowledge at the time of the bill's enactment.



Assistant Director for
Legislative Reference

Enclosures

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

DEC 26 1974

A18 071 836

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 7684; Office of Management
and Budget request dated December 23, 1974.

Beneficiary or Beneficiaries Nicola Lomuscio.

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





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 bill H.R. 7684 "For the relief of Nicola Lomuscio".

This Department has no objection to the enactment of this bill.

Sincerely yours,

A handwritten signature in black ink, reading "Linwood Holton".

Linwood Holton
Assistant Secretary for
Congressional Relations

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 26 1974

To
Harmon Henderson
12-26-74
7:00 p.m.

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7684 - Relief of Nicola Lomuscio
Sponsor - Rep. Rodino (D) New Jersey

Last Day for Action

January 4, 1975

Purpose

Authorizes the issuance of a visa and admission to the U.S. for permanent residence of Nicola Lomuscio, notwithstanding the provisions of the Immigration and Nationality Act which exclude from admission to the U.S. aliens who have been convicted of a crime involving moral turpitude and aliens who have obtained a visa by fraud.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

Nicola Lomuscio is a single 24 year old native and citizen of Italy who is presently living in Italy. He is an applicant for admission to the U.S. as a permanent resident. Except for one married brother with whom he is currently living in Italy, his entire immediate family is in the U.S. His father and one brother are U.S. citizens, while his mother, two brothers, and four sisters are permanent residents. His brother in Italy is in the process of meeting the visa requirements for himself and his family.



Mr. Lomuscio was admitted to the U.S. as a permanent resident on August 1, 1968, and worked as a sausage maker. While on a trip to Italy in July 1969 for the wedding of his brother, he was drafted into the Italian Army and served until he was honorably discharged in November 1970. Because of the prolonged stay abroad, it was necessary for him to reapply for admission to the U.S. as a permanent resident. At that time, it was discovered that he had been convicted of two counts of theft in Italy in January 1968 when he was 18 years old. Since that time, Mr. Lomuscio has not been charged with any criminal activity. Since he had failed to disclose this information on both his 1968 and his 1971 visa applications, he was guilty of fraud in obtaining a visa, which makes him ineligible for admission to the U.S. under the Immigration and Nationality Act (Act). If he had disclosed this information in 1968, the fact that he was a minor would have made him eligible for an administrative waiver of the Act notwithstanding his criminal record.

This bill would waive the provisions of the Act to authorize the issuance of a visa to him and his admission to the U.S. as a permanent resident, if he meets other visa requirements. These waivers would apply only to grounds for exclusion of which the Departments of State and Justice had knowledge at the time of the bill's enactment.

Nelford H. Rowmel

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 878

Date: December 30, 1974

Time: 8:00 p.m.

FOR ACTION: Geoff Shepard *oh*
Phil Areeda *75 oh*
Max Friedersdorf *oh*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H.R. 7684 - Relief of Nicola Lomuscio

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- 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.: 878

Date: December 30, 1974

Time: 8:00 p.m.

FOR ACTION: Geoff Shepard
Phil Areeda
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FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H.R. 7684 - Relief of Nicola Lomuscio

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
H.C.S.*

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.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 878

Date: December 30, 1974

Time: 8:00 p.m.

FOR ACTION: Geoff Shepard
Phil Areeda ✓
Max Friedersdorf

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H.R. 7684 - Relief of Nicola Lomuscio

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

X For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No Objection
p Areeda OK*



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.

Warren A. Hendriks
For the President

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS

FROM: *Van Leer for* MAX L. FRIEDERSDORF

SUBJECT: Action Memorandum - Log No. 878
Enrolled Bill H.R. 7684 - Relief of Nicola Lomuscio

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

Attachment

NICOLA LOMUSCIO

DECEMBER 17, 1974.—Ordered to be printed

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

REPORT

[To accompany H.R. 7684]

The Committee on the Judiciary, to which was referred the bill (H.R. 7684) for the relief of Nicola Lomuscio, 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 waive the excluding provisions of existing law relating to one who has been convicted of crimes involving mortal turpitude and willfully concealed this information when he applied for a visa.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Italy who resides there with his brother, an applicant for admission to the United States. All the other members of his family reside in the United States. His father and one brother are United States citizens and his mother, two brothers and four sisters are permanent residents of the United States. The beneficiary was admitted to the United States for permanent residence on August 1, 1968 and returned to Italy to attend the wedding of his brother in July 1969. While there he was drafted into the Italian Army where he served until his honorable discharge on November 4, 1970. Because of protracted residence abroad the beneficiary had to obtain another visa to return to the United States and it was then learned that he had been convicted on January 22, 1968 on two counts of theft. His willful concealment of this

information at the time he executed his first application for a visa on July 22, 1968, resulted in a finding of ineligibility under section 212(a) (19) of the Immigration and Nationality Act. Had he admitted the crimes at the time of his first application he would have been eligible for an administrative waiver because he was still a minor. Since he is now over 21 there is no administrative relief available and without the enactment of this legislation he will not be permitted to join his family in this country.

A letter, with attached memorandum, dated August 9, 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,
OFFICE OF THE COMMISSIONER,
Washington, D.C.; August 9, 1973.

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. 7684) for the relief of Nicola Lomuscio there is attached a memorandum of information concerning the beneficiary.

The bill would waive provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have procured a visa by fraud and would authorize the issuance of a visa to the alien and his admission to the United States for permanent residence if he is found to be otherwise admissible. The bill provides that these exemptions shall apply only to grounds of exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 7664

Information concerning this case was obtained from the beneficiary's parents Mr. and Mrs. Pietro Lomuscio.

The beneficiary, Nicola Lomuscio a native and citizen of Italy was born on April 8, 1949. He completed eight years of elementary school in his native country where he presently resides with a brother who supports him. He is single and has no known assets. His parents, three brothers, and four sisters reside in the United States. His father and one of his brothers are naturalized United States citizens. The remaining family members are natives and citizens of Italy who have been lawfully admitted for permanent residence. An additional two brothers of the beneficiary reside in their native Italy.

The beneficiary was admitted to the United States for permanent residence on August 1, 1968, and departed to Italy on July 28, 1969 accompanying his parents on a visit to attend the wedding of his brother Francesco. His parents claim he was drafted into the Italian Army August 5, 1969 and honorably discharged November 4, 1970. On November 30, 1971 the officer in charge of this Service Office at Naples, Italy advised that the beneficiary had been denied a visa because he had been convicted, of housebreaking and theft on more than one occasion, by the Tribunal of Bari, Italy on January 22, 1968. The beneficiary also failed to disclose his criminal record at the time of applying for a visa. While residing in the United States with his parents the beneficiary was employed as a sausage maker. Upon departing to Italy he failed to notify Selective Service authorities of his departure after being registered and classified 1-A. A visa petition to accord the beneficiary second preference status in the issuance of an immigration visa was filed by his father on February 7, 1973 and approved. The petition was forwarded to the American Consulate at Naples, Italy and the petitioner was advised of this action and his son's excludability.

The interested parties Pietro and Angela Lomuscio both natives of Italy were born July 16, 1906, and February 18, 1913 respectively. They were admitted to the United States for lawful permanent residence on January 5, 1968 and February 23, 1968, respectively. Pietro Lomuscio was naturalized a citizen of the United States February 27, 1973 in the United States District Court at Newark, New Jersey. His spouse remains a citizen of her native Italy. They reside in Newark, New Jersey where Mr. Lomuscio was employed as a member of the International Bookbinders Union until his retirement in February of 1973. He receives Social Security benefits of \$130 per month. His spouse has always been a housewife during their marriage. Their assets are minimal.

A report, dated August 24, 1973, from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 24, 1973.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Nicola Lomuscio, beneficiary of H.R. 7684, 93d Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate General at Naples, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding his ineligibility to receive a visa as an alien who has been convicted of a crime involving moral turpitude and as an alien who seeks to procure, or has sought

to procure, or has procured, a visa or other documentation by fraud, or by wilfully misrepresenting a material fact, if he is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to grounds for exclusion known to the Department of State or the Department of Justice prior to enactment.

Two copies of a translation of the court record of the beneficiary's convictions are enclosed for the Committee's information.

Sincerely yours,

STANTON D. ANDERSON,
*Acting Assistant Secretary
for Congressional Relations.*

Enclosures: Memorandum and court records.

[SUBMITTED BY THE AMERICAN CONSULATE GENERAL AT
NAPLES, ITALY]

MEMORANDUM OF INFORMATION CONCERNING H.R. 7684, 93RD
CONGRESS, FOR THE RELIEF OF NICOLA LOMUSCIO

The beneficiary was born on April 8, 1949 at Troitto, Bari, Italy. He is single and presently residing with a married brother and his family in Toritto. He has completed five years of school and is employed as a laborer. He resided in the United States from August 1968 to July 1969 and during this period he was employed in a meat processing plant and in a pizzeria. He has completed 15 months of military service in the Italian Army and has been given an honorable discharge. The beneficiary's parents, and seven brothers and sisters reside in the United States. His only immediate relative in Italy is the brother with whom he is living and this brother is now in the process of meeting the requirements for immigrant visas for himself and his family.

Mr. Lomuscio was found ineligible to receive a visa on November 2, 1971 under Section 212(a)(9) and (19) of the Immigration and Nationality Act. The refusal was based on a review of court records which showed he had been charged and convicted on January 22, 1968 on two counts of theft. The first count involved the theft of 44,000 lire obtained on three separate occasions from a coffee bar. The second count involved the theft of 350,000 lire obtained as a result of illegal entry of a private residence. The beneficiary sought and obtained an immigrant visa on July 22, 1968. On his application for the visa he stated under oath that he had never been arrested, charged or convicted of any crime. The beneficiary was over 18 years old at the time of his trial and conviction for theft. He personally attended the trial and was fully aware of the nature of the proceedings. His willful concealment of this information at the time he executed a visa application on July 22, 1968 resulted in a finding of ineligibility under Section 212(a)(19) of the Immigration and Nationality Act when he applied for a new visa on November 2, 1971.

The beneficiary is chargeable to the foreign state limitation for Italy. He is the beneficiary of a petition filed on March 15, 1971 and approved the same day by United States Immigration and Naturalization Service, Newark, N.J., which accords him second preference immigrant status. According to the beneficiary, his father has now been naturalized a United States citizen, therefore, the petition can be converted to accord Mr. Lomuscio first preference immigrant status.

The Consulate General's investigation has revealed no additional derogatory information concerning the beneficiary.

Mr. Lomuscio was medically examined on two previous occasions and found eligible for an immigrant visa, therefore, he was not re-examined for this report. There is no reason to assume that he would not be eligible for a visa under the medical provisions of the Immigration and Nationality Act.

This is a faithful translation from Italian into English language of a sentence issued by Tribunal of Bari against Mr. Nicola Lomuscio from Toritto (Bari-Italy). This translation has been made by me under request and for interest of same—Mr. *Lomuscio Nicola*—n°987/67—1280/67 Gen. Reg.—Sentence n°33 Executive: Feb. 21st. 1968.—no. 90932 Gen. Collection—Note: Feb. 22nd, 1968—Filed at Voting Office: Feb. 22nd, 1968.

TRIBUNAL of BARI (Italy)—Section no. 3—composed by the Magistrates: 1) Doctor Fortunato D'Auria, 2) Doctor Ferdinando Di Cagno, 3) Doctor Francesco Gallo; all three being Judges; with presence of Doctor Primo Mei, Attorney General of Republic, and assistance of Mr. Enrico Prezioso, Chancellor, has pronounced the following:

Sentence, ending the Cause against Mr. Nicola Lomuscio, son of Peter, born at Toritto (Bari-Italy) on April 8th, 1949, and dwelling there at Travarsa Forgarizzo no. 23, free and present here—defended by the Lawyers Gaetano Carlucci and Antonio Albenzio, both being his defenders of confidence. This is a first grade Sentence.

Mr. Nicola Lomuscio is an accused person (no. 987/67 Gen. Reg.) with the crime foreseen by article 81, paragraph, articles 624, 625 n.2, because, in order to take advantage of, with more actions executive of one culpable purpose, he hid himself into a small room of a bar placed at No. 222 of Via Pugliese in Toritto and got possession of the complexive amount of 44.000-italian lire robbing it from an open drawer of same bar which pertained to Mr. Antonio Nunchitelli.

At Toritto, August 14th and before.—No 1280/67 Gen. Reg.—The same accused person has been charged with crime foreseen by art. 624.625 No 1 paragraph because he, in order to take advantage of, got possession of the amount of 350.000-italian lire robbing it from Tartuli Rocco after entering into his flat with a traitorous action.—Torrito, Nov. 10th, 1967.

THE FACT: With a report dated Aug. 16th, 1967 the headquarters of Section of Italian Gendarmes in Toritto, referred that, at about 16.00 hours of Aug. 14th, 1967, went into bar-

racks Mr. Antonio Muschitelli who denounced as follows: He declared that Mr. Nicola Lomuscio, at the moment of his bar closing, at via G. A. Pugliese, had hidden himself into the subterraneous place near magazine and taking advantage of fact that the bar was closed, went out from his hiding-place and got possession of the amount of 14.000-italian lire. Mr. Muschitelli observes that, when he reopened his bar, he went into the cellar in order to take away one case full of bottles of beer and saw there a person hiding himself. Being afraid, he called at his help two friends of his: Mr. Damiano Lozito and Mr. Vito Giordano so that they helped him in order to unveil the petty thief. Mr. Muschitelli added, then, that the young man, unveiled, returned to him the subtracted amount of money allowing also that, before, he had committed two more thefts respectively of 16.000- and 14.000-italian lire with a similar system and promised to give back to him the robbed money so that he was not denounced. Mr. Damiano Lozito and Vito Giordano, as witnesses, confirm Mr. Muschitelli's declaration. Mr. Nicola Lomuscio, during the interrogatory, allowed that imputation, adding that within a period of 50 days, he had committed two more thefts in damage of Mr. Muschitelli, robbing respectively 12.000- and 14.000-it. lires.

He affirmed that, besides the amount yet given back by him to Mr. Muschitelli, he had provided for the refunding of lire 28.000 robbed before by him. With another report dated Nov. 11th, 1967 the same headquarters denounced again as arrested person Mr. Lomuscio who, on Nov. 10th, 1967, had got possession of a sum of 350.000-italian lire robbing it from Mr. Rocco Turtoli's flat. This plundered person, under interrogation, referred that in that occasion the only front-door of his flat was half-shut, because his sick child Vincenzo remained at home. He declared also not to have any suspicion about the thief. After an inquiry, Italian Gendarms ascertained that Mr. Lomuscio had been the author of that theft. Mr. Lomuscio, under interrogation, declared acknowledged himself allowing to have robbed that sum of 350.000-italian lire from Mr. Turtoli's flat. He provided spontaneously for refunding of the sum which, on his declaration and indication, was found into the stable, hidden under a large bottle. After a regular penal proceeding, after a summary legal/inquiry, the denounced person was summoned by this Tribunal in order to reply to the crimes specified at the epigraph. During the legal inquiry the accused person denied any accusation recanting everything allowed by him during the preliminary ascertainment; on the contrary the offended persons and witnesses confirmed their depositions. At to-day debate, in a preliminary way, on the request of defence and not-opposition of Public Prosecutor, the Tribunal ordered the collection of two proceedings, because of the evident reasons of connession between them, subjectively and objectively also. Mr. Lomuscio protested his own innocence confirming what he had declared during the inquiry. He declared also to have

indemnified both damaged persons. The damaged parties confirmed their denouncement and declarations fixing exactly that they have been indemnified at all. The witnesses Damiano Lozito, Vito Giordano, Mauro Cirillo and Turtoli Anna were all confirming their depositions, so that report was confirmed. At the end of debate, Public Prosecutor requested that accused person were condemned with a punishment of 10 months of imprisonment and 60.000-italian lire of fine. Defence bar participated in P.P.'s request, asking for the benefit of punishment suspension.

The Law:Tribunal observes that results deriving from the suit leave no doubt about the guilt of warned person according to crime ascribed to him. Particularly it is to make evident that Mr. Lomuscio, while during the inquiry had fully allowed, with many details, the imputations contested to him, successively, both during the legal/inquiry and process, he recanted his declaration. But his recantations cannot have any foundation, so that the same are to be rejected. In fact, concerning the theft in damage of Mr. Muschitelli, he has been contradicted not only by the precise declaration of damaged person, who had caught him in flagrancy also in the cellar of the bar, but also by witnesses, Lozito, Giordano and Cirillo. About the theft in damage of Mr. Rocco Turtoli, just this person has been contradicted by his daughter Anna, who affirmed under an oath that what accused person had declared was false, because on the day of theft she had gone to country for some works with her father. She declared also that Mr. Lomuscio was not her fiancée, whom she had never given the robbed sum. As proof of his responsibility, warned person, during the debate, declared to have indemnified all damages to the parties. It is to demonstrate that, if he had not committed the thefts ascribed to him and were verily an innocent person, he would have never indemnified the damaged persons. Therefore, Mr. Lomuscio has to reply of lasting augmented theft, for two unified imputation objects, being evident that his crimes were committed for the execution of one culpable purpose. Besides, for "fictio juris", accused person is to be punished, considering the greater punishment augmented by continuity. Conduct of accused person during the debate (in order to adequate punishments to crime) and reparation of damage made by him to damaged persons, legitimate the concession foreseen by the articles 62 bis and 62 n.6 of Penal Code, so that it is to judge as equitable the following punishment:

Aggravated theft: 1(one) year of imprisonment and 90.000=italian lire of fine—art.62 bis: 8(eight) months of imprisonment and 60.000=italian lire of fine—art.62 n.6 of Penal Code: 5(five) months and 10(ten) days of imprisonment and 40.000=italian lire of fine—art.81 of Penal Code: 8(eight) months of imprisonment and 50.000=italian lire of fine. To condemnation Tribunal adds the charge of payment of all expenses for process.

Considering the good penal foregoings of accused person, bar is of the opinion that same person can obtain the benefit of conditional suspension of the punishments for 5 (five) years, according to law.

For these reason: The Tribunal declares that Mr. Nicola Lomuscio is guilty of an aggravated lasting theft, so that unifying the imputations ascribed to him and for the general extenuatings and reparation of damages, after seeing the articles 81 paragraph, 624, 625 n.1, 625, n.2, 62 n.6, 62 bis.

Congressman Peter W. Rodino, Jr., the author of the bill has submitted the following information in connection with the case:

ST. FRANCIS XAVIER SCHOOL,
Newark, N.J., May 28, 1971.

Re: Nicolo Lomuscio, 288 Second Avenue, Newark, N.J.

To Whom It May Concern:

The Lomuscio family has been known to me for about three years.

I have found them to be sincere, cooperative and of high moral character. They are at Mass and the reception of the Sacraments frequently. Their family reputation is of high quality.

I met Nicolo Lomuscio which he was here in the United States and he certainly manifests his family's qualities. He applied himself at a working position and was an asset to the community.

It is of highest importance that we have Nicolo Lomuscio back in the United States because of his sincere interest and belief in our form of democracy—of which all Americans should be proud; and his return is necessary for his mother's health.

Mrs. Lomuscio has emotionally felt the separation from her son. The separation has caused her depression and at points almost a mental breakdown. I sincerely urge any attempts that can be made for their problem.

Thank you for your complete cooperation and immediate assistance. I am certain that you will assist me with this family's problem. We certainly will assist them in their hope in our nation as that where there is the "pursuit of happiness".

Respectfully yours,

REV. EUGENE F. MARCONE.

IDEAL FROZEN FOODS, INC.,
South Hackensack, N.J., May 27, 1971.

To Whom It May Concern:

Please be advised that Nicholas Lomuscio has worked for me from August 12, 1968, to July 17, 1969, and have found him to be an individual whose character and integrity are unquestionable and of the highest order.

He has not missed any days at work and gets along very well with other employees of my organization.

I will personally guarantee employment if and when he returns to the United States.

Your kindest consideration in this matter shall be greatly appreciated not only by me but by his family as well.

Sincerely,

Luciano TONINO,
President.

JOHN HANCOCK PRESIDENT'S CLUB,
Passaic, N.J., May 31, 1971.

HON. HOMER M. BYINGTON, JR.,
*American Consul General,
Naples, Italy.*

DEAR CONSUL GENERAL: As the sponsor for the Lomuscio family entering the United States for permanent residency, I am deeply concerned about the problem son Nicholas has encountered.

I am sure that part of his misdemeanor acts should be attributed to his youth and limited education.

In the one year that he lived in this country he has proven himself to be a very responsible and capable adult. This is evidenced by his employer and priest.

As his previous sponsor I will take full responsibility as to his conduct and good citizenship. As an American citizen I would not make the above statement or vouch for this young man if I did not have full confidence in his integrity.

Your immediate assistance on this problem shall be greatly appreciated not only by me but for this young man's Mother and Father who are heartbroken from their separation.

Respectfully Yours,

JOSEPH GIANCASPRO.

NEWARK, N.J., *August 1, 1973.*

Re: Mrs. Lo Muscio, Angela, mother of Nicola.

To Whom It May Concern:

Patient is under care for severe anxiety neurosis with acute bouts of depression requiring constant medical and nursing care.

This lady, mother of nine children, seven of whom working and law abiding citizens in U.S., is in precarious state of health because of worry over unmarried son left in Italy. She has tried every avenue to have son join family in America, but so far unsuccessfully.

As her doctor and one who takes care of most members of the family (both married and unmarried ones) and having detailed knowledge of their problems and of their standard of living—ethical and honest—I find it medically impossible to cure the ills of this lady without having her main concern solved.

It would furthermore be a human and humane thing to have the unmarried son left behind in Italy to join the rest of the family in America and contribute to saving the health of the mother, whose condition has reached a critical stage.

Dr. LUIGI RIZZOLI.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 7684) should be enacted.

NICOLA LOMUSCIO

OCTOBER 9, 1973.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 7684]

The Committee on the Judiciary, to whom was referred the bill (H.R. 7684) for the relief of Nicola Lomuscio, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to waive the provisions of sections 212(a) (9) and (19) of the Immigration and Nationality Act in behalf of Nicola Lomuscio. The bill also provides that these exemptions shall apply only to grounds for exclusion known to the Departments of State or Justice prior to the enactment of this Act.

GENERAL INFORMATION

The beneficiary of this bill is a 24-year-old native and citizen of Italy who resides there with his brother, an applicant for admission to the United States. All the other members of his family reside in the United States. His father and one brother are United States citizens and his mother, two brothers and four sisters are permanent residents of the United States. The beneficiary was admitted to the United States for permanent residence on August 1, 1968 and returned to Italy to attend the wedding of his brother in July 1969. While there he was drafted into the Italian Army where he served until his honorable discharge on November 4, 1970. Because of protracted residence abroad the beneficiary had to obtain another visa to return to the United States and it was then learned that he had been convicted on January 22, 1968 on two counts of theft. His willful concealment of this information at the time he executed his first application for a visa on July 22, 1968, resulted in a finding of ineligibility under section 212(a)(19) of the Immigration and Nationality Act. Had he

admitted the crimes at the time of his first application he would have been eligible for an administrative waiver because he was still a minor. Since he is now over 21 there is no administrative relief available and without the enactment of this legislation he will not be permitted to join his family in this country.

The pertinent facts in this case are contained in a letter dated August 9, 1973 from the Acting Commissioner of Immigration and Naturalization 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,
OFFICE OF THE COMMISSIONER,
Washington, D.C., August 9, 1973.

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. 7684) for the relief of Nicola Lomuscio there is attached a memorandum of information concerning the beneficiary.

The bill would waive provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have procured a visa by fraud and would authorize the issuance of a visa to the alien and his admission to the United States for permanent residence if he is found to be otherwise admissible. The bill provides that these exemptions shall apply only to grounds of exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 7664

Information concerning this case was obtained from the beneficiary's parents Mr. and Mrs. Pietro Lomuscio.

The beneficiary, Nicola Lomuscio a native and citizen of Italy was born on April 8, 1949. He completed eight years of elementary school in his native country where he presently resides with a brother who supports him. He is single and has no known assets. His parents, three brothers, and four sisters reside in the United States. His father and one of his brothers are naturalized United States citizens. The remaining family members are natives and citizens of Italy who have been lawfully admitted for permanent residence. An additional two brothers of the beneficiary reside in their native Italy.

The beneficiary was admitted to the United States for permanent residence on August 1, 1968 and departed to Italy

on July 28, 1969 accompanying his parents on a visit to attend the wedding of his brother Francesco. His parents claim he was drafted into the Italian Army August 5, 1969 and honorably discharged November 4, 1970. On November 30, 1971 the officer in charge of this Service Office at Naples, Italy advised that the beneficiary had been denied a visa because he had been convicted, of housebreaking and theft on more than one occasion, by the Tribunal of Bari, Italy on January 22, 1968. The beneficiary also failed to disclose his criminal record at the time of applying for a visa. While residing in the United States with his parents the beneficiary was employed as a sausage maker. Upon departing to Italy he failed to notify Selective Service authorities of his departure after being registered and classified 1-A. A visa petition to accord the beneficiary second preference status in the issuance of an immigration visa was filed by his father on February 7, 1973 and approved. The petition was forwarded to the American Consulate at Naples, Italy and the petitioner was advised of this action and his son's excludability.

The interested parties Pietro and Angela Lomuscio both natives of Italy were born July 16, 1906 and February 18, 1913 respectively. They were admitted to the United States for lawful permanent residence on January 5, 1968 and February 23, 1968, respectively. Pietro Lomuscio was naturalized a citizen of the United States February 27, 1973 in the United States District Court at Newark, New Jersey. His spouse remains a citizen of her native Italy. They reside in Newark, New Jersey where Mr. Lomuscio was employed as a member of the International Bookbinders Union until his retirement in February of 1973. He receives Social Security benefits of \$130 per month. His spouse has always been a housewife during their marriage. Their assets are minimal.

A report, dated August 24, 1973, from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE.
Washington, D.C., August 24, 1973.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Nicola Lomuscio, beneficiary of H.R. 7684, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate General at Naples, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding his ineligibility to receive a visa as an alien who has been convicted of a crime involving moral turpitude and as an alien who seeks to procure, or has sought to procure, or has procured, a visa or other documentation by

fraud, or by wilfully misrepresenting a material fact, if he is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to grounds for exclusion known to the Department of State or the Department of Justice prior to enactment.

Two copies of a translation of the court record of the beneficiary's convictions are enclosed for the Committee's information.

Sincerely yours,

STANTON D. ANDERSON,
*Acting Assistant Secretary
for Congressional Relations.*

Enclosures: Memorandum and court records.

[SUBMITTED BY THE AMERICAN CONSULATE GENERAL AT
NAPLES, ITALY]

MEMORANDUM OF INFORMATION CONCERNING I.L.R. 7684, 93RD
CONGRESS, FOR THE RELIEF OF NICOLA LOMUSCIO

The beneficiary was born on April 8, 1949 at Troitto, Bari, Italy. He is single and presently residing with a married brother and his family in Toritto. He has completed five years of school and is employed as a laborer. He resided in the United States from August 1968 to July 1969 and during this period he was employed in a meat processing plant and in a pizzeria. He has completed 15 months of military service in the Italian Army and has been given an honorable discharge. The beneficiary's parents, and seven brothers and sisters reside in the United States. His only immediate relative in Italy is the brother with whom he is living and this brother is now in the process of meeting the requirements for immigrant visas for himself and his family.

Mr. Lomuscio was found ineligible to receive a visa on November 2, 1971 under Section 212(a)(9) and (19) of the Immigration and Nationality Act. The refusal was based on a review of court records which showed he had been charged and convicted on January 22, 1968 on two counts of theft. The first count involved the theft of 44,000 lire obtained on three separate occasions from a coffee bar. The second count involved the theft of 350,000 lire obtained as a result of illegal entry of a private residence. The beneficiary sought and obtained an immigrant visa on July 22, 1968. On his application for the visa he stated under oath that he had never been arrested, charged or convicted of any crime. The beneficiary was over 18 years old at the time of his trial and conviction for theft. He personally attended the trial and was fully aware of the nature of the proceedings. His willful concealment of this information at the time he executed a visa application on July 22, 1968 resulted in a finding of ineligibility under Section 212(a)(19) of the Immigration and Nationality Act when he applied for a new visa on November 2, 1971.

The beneficiary is chargeable to the foreign state limitation for Italy. He is the beneficiary of a petition filed on March 15, 1971 and approved the same day by United States Immigration and Naturalization Service, Newark, N.J., which accords him second preference immigrant status. According to the beneficiary, his father has now been naturalized a United States citizen, therefore, the petition can be converted to accord Mr. Lomuscio first preference immigrant status.

The Consulate General's investigation has revealed no additional derogatory information concerning the beneficiary.

Mr. Lomuscio was medically examined on two previous occasions and found eligible for an immigrant visa, therefore, he was not re-examined for this report. There is no reason to assume that he would not be eligible for a visa under the medical provisions of the Immigration and Nationality Act.



THIS IS A FAITHFUL TRANSLATION FROM ITALIAN INTO ENGLISH
LANGUAGE OF A SENTENCE ISSUED BY TRIBUNAL OF BARI AGAINST
MR NICOLA LOMUSCIO FROM FOREBRO (BARI-ITALY). THIS TRANSLATION
HAS BEEN MADE BY ME UNDER REQUEST AND FOR INTEREST

----- OF SAME MR. LOMUSCIO NICOLA -----
n°987/67 - 1280/67 Gen.Reg. - Sentence n°33 Executive: Feb.
21st, 1968. - no.90932 Gen.Collection - Note: Feb.22nd, 1968-1
Filed at Voting Office: Feb. 22nd, 1968.-----

T R I B U N A L of BARI (Italy) - Section no.3-composed
by the Magistrates: 1)Doctor Fortunato D'Auria, 2)Doctor
Ferdinando Di Cagno, 3)Doctor Francesco Gallo; all three
being Judges; with presence of Doctor Primo Mei, Attorney
General of Republic, and assistance of Mr Enrico Prezioso,
Chancellor, has pronounced the following:-----
SENTENCE, ending the Cause against: Mr NICOLA LOMUSCIO, son
of Peter, born at Toritto (Bari-Italy) on April 8th, 1949,
and dwelling there at Traversa Fogarizzo no.23, free and
present here - defended by the Lawyers Gaetano Carlucci and
Antonio Albenzio, both being his defenders of confidence .-
This is a first grade Sentence.-----

Mr. NICOLA LOMUSCIO is an accused person (no.987/67 Gen.Reg)
with the crime foreseen by article 81, paragraph, articles
624, 625 n.2, because, in order to take advantage of, with
more actions executive of one culpable purpose, he hid him-
self into a small room of a bar placed at no.222 of Via Pu-
/./.



gliese in Toritto and got possession of the complexive amount of 44.000= italian lire robbing it from an open drawer of same bar which pertained to Mr Antonio Muschitelli.-----

At Toritto, August 14th and before.- N° 1280/67 Gen. Reg.-

The same accused person has been charged with crime foreseen by art.624,625 n°1 paragraph because he, in order to take advantage of, got possession of the amount of 350.000= italian lire robbing it from Tartuli Rocco after entering into his flat with a traitorous action.-Toritto,Nov.10th,1967.-

THE FACT: With a report dated Aug.16th,1967 the headquarters of Section of Italian Gendarmes in Toritto, referred that, at about 16.00 hours of Aug.14th 1967, went into barracks

Mr Antonio Muschitelli who denounced as follows: He declared that Mr Nicola Lomuscio, at the moment of his bar closing, at via G.A.Pugliese, had hidden himself into the subterraneous place near magazine and taking advantage of fact that the bar was closed, went out from his hiding-place and got possession of the amount of 14.000= italian lire. Mr Muschitelli observes that,when he reopened his bar,he went into the cellar in order to take away one case full of bottles of beer and saw there a person hiding himself. Being afraid, he called at his help two friends of his: Mr Damiano Lozito and Mr Vito Giordano so that they helped him in order to unveil the petty thief. Mr.Muschitelli added, then, that the young man, unveiled, returned to him the subtracted amount

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of money allowing also that, before, he had committed two more thefts respectively of 16.000= and 14.000= italian lire with a similar system and promised to give back to him the robbed money so that he was not denounced. Mr. Damiano Lozi to and Vito Giordano, as witnesses, confirm Mr Muschitelli's declaration. Mr. Nicola Lomuscio, during the interrogatory, allowed that imputation, adding that within a period of 50 days, he had committed two more thefts in damage of Mr Muschitelli, robbing respectively 12.000= and 14.000= it. lire.-

He affirmed that, besides the amount yet given back by him to Mr Muschitelli, he had provided for the refunding of 28.000= robbed before by him. With another report dated Nov. 11th 1967 the same headquarters denounced again as arrested person Mr Lomuscio who, on Nov. 10th 1967, had got possession of a sum of 350.000= italian lire robbing it from Mr Rocco Turtoli's flat. This plundered person, under interrogation, referred that in that occasion the only front-door of his flat was half-shut, because his sick child Vincenzo remained at home. He declared also not to have any suspicion about the thief. After an inquiry, Italian Gendarms ascertained that Mr Lomuscio had been the author of that theft. Mr Lomuscio, under interrogation, declared acknowledged himself allowing to have robbed that sum of 350.000= italian lire from Mr Turtoli's flat. He provided spontaneously for refunding of the sum which, on his declaration and indication, was found

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into the stable, hidden under a large bottle. After regular penal proceeding, after a summary legal inquiry, the denounced person was summoned by this Tribunal in order to reply to the crimes specified at the epigraph. During the legal inquiry the accused person denied any accusation recanting everything allowed by him during the preliminary ascertainment; on the contrary the offended persons and witnesses confirmed their depositions. At to-day debate, in a preliminary way, on the request of defence and not-opposition of Public Prosecutor, the Tribunal ordered the collection of two proceedings, because of the evident reasons of connession between them, subjectively and objectively also. Mr. Losmuscio protested his own innocence confirming what he had declared during the inquiry. He declared also to have indemnified both damaged persons. The damaged parties confirmed their denouncement and declarations fixing exactly that they have been indemnified at all. The witnesses Damiano Lo sito, Vito Giordano, Mauro Cirillo and Turtoli Anna were all confirming their depositions, so that report was confirmed. At the end of debate, Public Prosecutor requested that accused person were condemned with a punishment of 10 months of imprisonment and 60.000= italian lire of fine. Defence participated in P.P.'s request, asking for the benefit of punishment suspension.

THE LAW: Tribunal observes that results deriving from the
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suit leave no doubt about the guilt of warned person according to crime ascribed to him. Particularly it is to make evident that Mr Lomuscio, while during the inquiry had fully allowed, with many details, the imputations contested to him, successively, both during the legal/inquiry and process, he recanted his declarations. But his recantations cannot have any foundation, so that the same are to be rejected. In fact, concerning the theft in damage of Mr Muschitelli, he has been contradicted not only by the precise declaration of damaged person, who had caught him in flagrancy also in the cellar of the bar, but also by witnesses Lozito, Giordano and Cirillo. About the theft in damage of Mr. Rocco Turtoli, just this person has been contradicted by his daughter Anna, who affirmed under an oath that what accused person had declared was false, because on the day of theft she had gone to country for some works with her father. She declared also that Mr Lomuscio was not her fiancé, whom she had never given the robbed sum. As proof of his responsibility, warned person, during the debate, declared to have indemnified all damages to the parties. It is to demonstrate that, if he had not committed the thefts ascribed to him and were verily an innocent person, he would ^{have} never indemnified the damaged persons. Therefore Mr Lomuscio has to reply of lasting augmented theft, for two unified imputation objects, being evident that his crimes were committed for the execution of one culpable /

purpose. Besides, for "fictio juris", accused person is to be punished, considering the greater punishment augmented by continuity. Conduct of accused person during the debate (in order to adequate punishments to crime) and reparation of damage made by him to damaged persons, legitimate the concession foreseen by the articles 62 bis and 62 n.6 of Penal Code, so that it is to judge as equitable the following punishment:-----

Aggravated theft: 1(one) year of imprisonment and 90.000= Italian lire of fine - art.62 bis: 8(eight) months of imprisonment and 60.000= Italian lire of fine - art.62 n.6 of Penal Code: 5(five) months and 10(ten) days of imprisonment and 40.000= Italian lire of fine - art.81 of Penal Code : 8(eight) months of imprisonment and 50.000= Italian lire of fine. To condemnation Tribunal adds the charge of payment of all expenses for process.-----

Considering the good penal foregoings of accused person, bar is of the opinion that same person can obtain the benefit of conditional suspension of the punishments for 5(five) years, according to law.-----

FOR THESE REASONS; The TRIBUNAL declares that Mr Nicola Lomuscio is guilty of an aggravated lasting theft, so that unifying the imputations ascribed to him and for the general extenuating and reparation of damages, after seeing the articles 81 paragraph, 624, 625 n.1, 625 n.2, 62 n.6, 62bis
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Mr. Rodino recommended the enactment of his bill and submitted the following letters in support of this legislation:

ST. FRANCIS XAVIER SCHOOL,
Newark, N.J., May 28, 1971.

Re: Nicolo Lomuscio, 288 Second Avenue, Newark, N.J.

To Whom It May Concern:

The Lomuscio family has been known to me for about three years.

I have found them to be sincere, cooperative and of high moral character. They are at Mass and the reception of the Sacraments frequently. Their family reputation is also of high quality.

I met Nicolo Lomuscio while he was here in the United States and he certainly manifests his family's qualities. He applied himself at a working position and was an asset to the community.

It is of highest importance that we have Nicolo Lomuscio back in the United States because of his sincere interest and belief in our form of democracy—of which all Americans should be proud; and his return is necessary for his mother's health.

Mrs. Lomuscio has emotionally felt the separation from her son. The separation has caused her depression and at points almost a mental breakdown. I sincerely urge any attempts that can be made for their problem.

Thank you for your complete cooperation and immediate assistance. I am certain that you will assist me with this family's problem. We certainly will assist them in their hope in our nation as that where there is the "pursuit of happiness".

Respectfully yours,

REV. EUGENE F. MARCONE.

IDEAL FROZEN FOODS, INC.,
South Hackensack, N.J., May 27, 1971.

To Whom It May Concern:

Please be advised that Nicholas Lomuscio has worked for me from August 12, 1968 to July 17, 1969, and have found him to be an individual whose character and integrity are unquestionable and of the highest order.

He has not missed any days at work and gets along very well with other employees of my organization.

I will personally guarantee employment if and when he returns to the United States.

Your kindest consideration in this matter shall be greatly appreciated not only by me but by his family as well.

Sincerely,

LUCIANO TONINO,
President.

JOHN HANCOCK PRESIDENT'S CLUB,
Passaic, N.J., May 31, 1971.

HON. HOMER M. BYINGTON, Jr.,
American Consul General,
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DEAR CONSUL GENERAL: As the sponsor for the Lomuscio family entering the United States for permanent residency, I am deeply concerned about the problem son Nicholas has encountered.

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JOSEPH GIANCASPRO.

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As her doctor and as one who takes care of most members of the family (both married and unmarried ones) and having detailed knowledge of their problems and of their standard of living—ethical and honest—I find it medically impossible to cure the ills of this lady without having her main concern solved.

It would furthermore be a human and humane thing to have the unmarried son left behind in Italy join the rest of the family in America and contribute to saving the health of the mother, whose condition has reached a critical stage.

Dr. LUIGI RIZZOLI.

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 7684 should be enacted and accordingly recommends that the bill do pass.

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 Nicola Lomuscio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a) (9) and (19) of the Immigration and Nationality Act, Nicola Lomuscio may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.*

Speaker of the House of Representatives.

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