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APPROVED  
JAN 2-1975

ACTION

THE WHITE HOUSE      Last Day: January 4  
WASHINGTON  
December 30, 1974

Postal  
1/3  
to archive  
1/3

MEMORANDUM FOR      THE PRESIDENT  
FROM:                    KEN COLE  
SUBJECT:                Enrolled Bill H.R. 14461  
                              Relief of Judith Sterling

Attached for your consideration is H.R. 14461, sponsored by Representative Young, which would permit the beneficiary, Mrs. Judith Sterling, to reenter the United States from Australia as a returning resident alien, despite her absence for more than two years.

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. 14461 (Tab B).





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 27 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 14461 - Relief of Judith  
Sterling  
Sponsor - Rep. Young (R) Florida

Last Day for Action

*January 4, 1975*

Purpose

Provides that the beneficiary be considered to be a returning resident alien.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization  
Service

Approval

Department of State

No objection

Discussion

The beneficiary of this bill is a 35-year-old native and citizen of Australia who was admitted to the United States for permanent residence in November 1963. She resided here until 1970 when she went to Australia with her U.S. citizen son and failed to obtain a reentry permit. Since she remained in Australia more than two years, she is considered to have abandoned her U.S. residence.

Mrs. Sterling desires to have her son educated in the United States. It appears that she and her son will be supported by her mother-in-law who has an ample income and an estate which she intends to leave to her grandson.



The beneficiary was married to William Thomas Sterling in 1963 in Australia. They entered the U.S. in 1963 and had a son in 1967. They separated at an unknown date; and in 1970 she returned to Australia with her son. Sometime before her return to Australia, Mr. Sterling disappeared. She has never heard anything concerning a divorce and assumes she is still married. She could only reenter if her husband filed an application which is not possible under the circumstances.

The enrolled bill would permit Mrs. Sterling to reenter the U.S. as a returning resident alien despite her absence for more than two years.

*Wilfred H. Rowland*

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. 9182 "For the relief of Fernando Labrador del Rosario", H.R. 14461 "For the relief of Judith E. Sterling" and H.R. 3339 "For the relief of Delmira Martinez Sandoval".

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

Sincerely yours,

Linwood Holton  
Assistant Secretary for  
Congressional Relations

AND BUDGET  
OFFICE OF MANAGEMENT

DEC 24 1974 3:08 PM

RECEIVED



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.

A13 837 592

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 14461 ; Office of Management  
and Budget request dated December 23, 1974.

Beneficiary or Beneficiaries Judith E. Sterling.

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

THE WHITE HOUSE  
WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS  
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF  
SUBJECT: Action Memorandum - Log No. 855 B  
Enrolled Bill H.R. 14461

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

Attachment



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

DEC 27 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 14461 - Relief of Judith  
Sterling  
Sponsor - Rep. Young (R) Florida

Last Day for Action

January 4, 1975

Purpose

Provides that the beneficiary be considered to be a returning resident alien.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization  
Service

Approval

Department of State

No objection

Discussion

The beneficiary of this bill is a 35-year-old native and citizen of Australia who was admitted to the United States for permanent residence in November 1963. She resided here until 1970 when she went to Australia with her U.S. citizen son and failed to obtain a reentry permit. Since she remained in Australia more than two years, she is considered to have abandoned her U.S. residence.

Mrs. Sterling desires to have her son educated in the United States. It appears that she and her son will be supported by her mother-in-law who has an ample income and an estate which she intends to leave to her grandson.





THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 855

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Geoff Shepard *O.K.*  
Max Friedersdorf *ok*  
Phil Areeda *no obj*

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. 14461 - Relief of Judith Sterling

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.: 855

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Geoff Shepard  
Max Friedersdorf  
Phil Areeda

cc (for information): Warren Hendriks  
Jerry Jones

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Time: 1:00 p.m.

SUBJECT:

Enrolled Bill H.R. 14461 - Relief of Judith Sterling

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

*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 K. Hendriks  
For the President

JUDITH E. STERLING

DECEMBER 10, 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. 14461]

The Committee on the Judiciary, to whom was referred the bill (H.R. 14461) for the relief of Judith E. Sterling, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

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

That, for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Judith E. Sterling shall be held and considered to be a returning resident alien.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to provide that Judith E. Sterling be held and considered to be a returning resident alien within the meaning of section 101(a)(27)(B) of the Immigration and Nationality Act. The bill has been amended in accordance with established precedents.

GENERAL INFORMATION

The beneficiary of this bill is a 35-year-old native and citizen of Australia who was admitted to the United States for permanent residence in November of 1963 and resided in this country until 1970 when she went to Australia with her United States citizen son. Since she remained for more than two years she is considered to have abandoned her residence. She desires to return to the United States to have her child receive his education in this country. The whereabouts of the beneficiary's husband is unknown. The beneficiary and her son will be supported by her mother-in-law, a citizen of the United States, who intends to leave a substantial estate to her grandson.

The pertinent facts in this case are contained in a letter dated September 10, 1974 from the 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,  
Washington, D.C., September 10, 1974.

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. 14461) for the relief of Judith E. Sterling, there is attached a memorandum of information concerning the beneficiary.

The bill would confer immediate relative status upon the beneficiary. Absent enactment of the bill, the beneficiary, a native of Australia, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

D. F. CHAPMAN, JR., *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 14461

Information concerning this case was obtained from Mrs. Emma Sterling, the beneficiary's mother-in-law and interested party and from the Immigration and Naturalization Service file relating to the beneficiary.

The beneficiary, Judith E. Sterling, a native and citizen of Australia, was born Judith Elizabeth McDonald on October 12, 1939 in Melbourne, Australia. Her father, Alexander McDonald, was born in 1910 in Scotland, and her mother, May Elizabeth Doide, was born in 1911 in England. Beneficiary is a graduate of Methodist Girls College, Mews, Australia. She was married on September 28, 1963 to William Thomas Sterling in Melbourne, Australia. He was born August 8, 1931 in New York City, and is a citizen of the United States. On November 30, 1963 the beneficiary was admitted to the United States at New York City as a lawful permanent resident alien.

The beneficiary gave birth to a son, Andrew, on June 15, 1967 in Morristown, New York. On an unknown date, the beneficiary separated from her spouse and she returned to Australia with her son sometime in 1970.

The interested party, Emma Sterling, was born Emma Smith, August 3, 1900 in Brooklyn, New York. On September 20, 1930 she married William Thomas Sterling, born September 18, 1870 in Connecticut. One son, William Thomas, Jr. was born August 8, 1931 in New York. She was divorced on

October 22, 1935. She advised that her son, the beneficiary's spouse, had disappeared about four years ago prior to the beneficiary's return to Australia. Her assets are over \$100,000 and she intends to leave a substantial estate to her grandson with the beneficiary as Executrix. She desires to have the the beneficiary reenter the United States as a permanent resident alien and return her grandson to the United States.

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

DEPARTMENT OF STATE,  
Washington, D.C., August 23, 1974.

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 Judith E. Sterling, beneficiary of H.R. 14461, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate General at Melbourne, Australia, in whose consular jurisdiction the beneficiary resides.

The bill would classify the beneficiary as an immediate relative and provide for visa issuance and her admission for permanent residence if she is otherwise admissible under the Immigration and Nationality Act.

Cordially,

LINWOOD HOLTON,  
*Assistant Secretary for Congressional Relations.*

Enclosure.

MEMORANDUM OF INFORMATION CONCERNING H. R. 14461 FOR THE RELIEF OF JUDITH E. STERLING

The beneficiary was born on December 10, 1939, at Richmond, Victoria, Australia. She attended the Melbourne Methodist Ladies College until 1954, when she obtained her Intermediate Certificate. She completed 12 months of work at the Dacomb Business College, Melbourne, and was employed in Melbourne as a secretary by Mobil Oil until her marriage on September 28, 1963, to an American citizen, William Thomas Sterling.

Following her marriage, the beneficiary obtained an immigrant visa and entered the United States at New York on November 30, 1963. She resided in the United States with her husband until August, 1970, when she returned to Australia with her young son, Andrew William Sterling. Andrew is an American citizen. The beneficiary states that she last heard from her husband in January, 1971, and that she has not been able to locate him since.

At present the beneficiary lives at Brighton Beach, Victoria. She has never been informed of any divorce action taken by her husband and believes that she is still married

to him. Her mother-in-law, Mrs. Emma Jane Sterling, resides at Largo, Florida. The beneficiary has no other relatives by blood or marriage in the United States.

The beneficiary is chargeable to the foreign state limitation for Australia. She is unable to qualify as an immediate relative of a United States citizen because her husband cannot be found to file the required petition. Because of her protracted residence abroad, she is not classifiable as a returning resident alien.

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

The beneficiary appears to be in good health and is in the process of obtaining a medical examination. A further report will be submitted if the medical examination should reveal any grounds for ineligibility.

Mr. Young of Florida submitted the following letters in support of his bill:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., July 1, 1974.*

HON. PETER W. RODINO, JR.,  
*Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.*

DEAR CHAIRMAN RODINO: On April 29th I introduced H.R. 14461, private relief legislation on behalf of Mrs. Judith E. Sterling, in an effort to permit her to return to the United States with her son, a natural born U.S. citizen. The attached file relates to her particular case, but the following is a brief explanation of the situation.

Mrs. Sterling entered the United States as an alien resident in December, 1963. Her son, Andrew, was born in the United States on June 15, 1967. In 1970, Mrs. Sterling and her son returned to Australia for a visit but, upon doing so, failed to obtain a re-entry permit. Thus, the Consul feels that by not showing her intent to return to the United States [via a reentry permit], she had abandoned her residence and must now prove to the Consul's satisfaction that she did intend to return. The law states that if she remains out of the country past three years, she cannot return unless she either has her husband file a new I-130 form for her as his wife [which would be impossible to get since he hasn't been heard from since 1970] or if she obtains a labor certification for a job and returns under the quota system.

Mrs. Emma Sterling, Judith Sterling's mother-in-law, intends to support her daughter-in-law and grandson and is willing to document her financial status and attest to the fact that neither her daughter-in-law or grandson would have any financial worries.

I respectfully request that my letter and the attached information be placed with the Committee's file on H.R. 14461, and that I be kept advised of the progress of this legislation. With best wishes and personal regards, I am

Very truly yours,

C. W. BILL YOUNG., *Member of Congress.*

Enclosures.

LARGO, FLA., *April 4, 1974.*

Congressman C. W. BILL YOUNG,  
*Federal Building,  
St. Petersburg, Fla.*

DEAR CONGRESSMAN YOUNG: On Sept. 20th 1963 in Australia my son William T. Sterling married Judith E. McDonald of 103 Were Street, Brighton Beach, Melbourne, Vic., Australia, arriving in the United States in December 1963. They made their home in New York City and later in Parsippany, New Jersey, on June 15th 1967 a son Andrew W. was born. On Sept. 23rd 1970 my daughter-in-law (an Australian citizen) and my grand-son (U.S. citizen) went to Australia on a visit. Since being in Australia my daughter-in-law has written my son and sent gifts, but for the past two years has not heard from him or had her mail acknowledged or returned.

My daughter-in-law would like to return with her son to the United States on the S.S. Australis on the May 1974 sailing so he can be educated in this country. I am not wealthy but have ample and will assume all financial responsibility for them and they will be making their home with me.

I returned to New Jersey last year and while there tried to locate my son as I have not heard or seen him in five years but was unsuccessful in contacting him. Judith applied for re-entry on Sept. 27th 1973 and was advised to have her husband sign Form-1-130, but is unable to locate him.

I sincerely hope you will be able to help us as Judith is a fine young lady, a graduate of Methodist Ladies College, Melbourne, and her son a good Yankee boy.

Thanking you for your trouble.

Very truly yours,

EMMA STERLING.

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 14461, as amended, should be enacted and accordingly recommends that the bill do pass.

○

H. R. 14461

# 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 Judith E. Sterling.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled, That, for the pur-  
poses of section 101(a)(27)(B) of the Immigration and Nationality  
Act, Judith E. Sterling shall be held and considered to be a returning  
resident alien.*

*Speaker of the House of Representatives.*

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

December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

S.J. Res. 40 ✓	S. 3481 ✓	H.R. 8958 ✓	H.R. 14600 ✓
S.J. Res. 133 ✓	S. 3548 ✓	H.R. 8981 ✓	H.R. 14689 ✓
S.J. Res. 262 ✓	S. 3934 ✓	H.R. 9182 ✓	H.R. 14718 ✓
✓S. 251 ✓	✓S. 3943 ✓	✓H.R. 9199 ✓	✓H.R. 15173 ✓
S. 356 ✓	S. 3976 ✓	✓H.R. 9588 ✓	✓H.R. 15223 ✓
S. 521 ✓	S. 4073 ✓	✓H.R. 9654 ✓	✓H.R. 15229 ✓
S. 544 ✓	✓S. 4206 ✓	✓H.R. 10212 ✓	✓H.R. 15322 ✓
S. 663 ✓	H.J. Res. 1178 ✓	✓H.R. 10701 ✓	✓H.R. 15977 ✓
✓S. 754 ✓	✓H.J. Res. 1180 ✓	✓H.R. 10710 ✓	✓H.R. 16045 ✓
S. 1017 ✓	✓H.R. 421 ✓	✓H.R. 10827 ✓	✓H.R. 16215 ✓
S. 1083 ✓	✓H.R. 1715 ✓	✓H.R. 11144 ✓	✓H.R. 16596 ✓
✓S. 1296 ✓	✓H.R. 1820 ✓	✓H.R. 11273 ✓	✓H.R. 16925 ✓
S. 1418 ✓	✓H.R. 2208 ✓	✓H.R. 11796 ✓	✓H.R. 17010 ✓
S. 2149 ✓	✓H.R. 2933 ✓	✓H.R. 11802 ✓	✓H.R. 17045 ✓
S. 2446 ✓	✓H.R. 3203 ✓	✓H.R. 11847 ✓	✓H.R. 17085 ✓
S. 2807 ✓	✓H.R. 3339 ✓	✓H.R. 11897 ✓	✓H.R. 17468 ✓
S. 2854 ✓	✓H.R. 5264 ✓	✓H.R. 12044 ✓	✓H.R. 17558 ✓
S. 2888 ✓	✓H.R. 5463 ✓	✓H.R. 12113 ✓	✓H.R. 17597 ✓
S. 2994 ✓	✓H.R. 5773 ✓	✓H.R. 12427 ✓	✓H.R. 17628 ✓
✓S. 3022 ✓	✓H.R. 7599 ✓	✓H.R. 12884 ✓	✓H.R. 17655 ✓
S. 3289 ✓	✓H.R. 7684 ✓	✓H.R. 13022 ✓	
S. 3358 ✓	✓H.R. 7767 ✓	✓H.R. 13296 ✓	
S. 3359 ✓	✓H.R. 8214 ✓	✓H.R. 13869 ✓	
S. 3394 ✓	✓H.R. 8322 ✓	✓H.R. 14449 ✓	
✓S. 3433 ✓	✓H.R. 8591 ✓	✓H.R. 14461 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

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