

The original documents are located in Box 34, folder “12/20/75 S55 Relief of Dino Mendoza Pascua” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED
DEC 20 1975

*Signed
12/20/75*

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: December 24

December 20, 1975

*Posted
12/22
To Archives
12/22*

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *[Signature]*

SUBJECT: S. 55 - Relief of Dino Mendoza Pascua
S. 605 - Relief of Heung Soon Kim
S. 1653 - Relief of Sun Yang Kim and
Sun Mi Kim

Attached for your consideration are three enrolled bills to facilitate the entry of the above beneficiaries into the United States as an immediate relative of United States citizen parents by whom they are to be adopted. Each of the above listed minor alien children would be permitted entry into the U.S. as a permanent resident alien without regard to numerical limitations.

Background on each of the enrolled bills is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), NSC and I recommend approval of the three enrolled bills.

RECOMMENDATIONS

That you sign S. 55 at Tab B.

That you sign S. 605 at Tab C.

That you sign S. 1653 at Tab D.





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

DEC 18 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 55 - Relief of Dino Mendoza Pascua
Sponsor - Sen. Inouye (D) Hawaii
- (2) S. 605 - Relief of Heung Soon Kim
Sponsor - Sen. Griffin (R) Michigan
- (3) S. 1653 - Relief of Sun Yang Kim and Sun Mi Kim
Sponsor - Sen. Schweiker (R) Pennsylvania

Last Day for Action

December 24, 1975 - Wednesday

Purpose

To facilitate the entry of minor alien children into the United States for adoption purposes.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

The three enrolled bills would permit certain U.S. citizens to petition for the immediate admission of the beneficiaries, who are alien children, into the United States for adoption purposes. Upon the granting of the respective petitions, each child would be permitted immediate entry into the U.S. as a permanent resident alien without regard to numerical limitations



on immigration. The natural parents, brothers, and sisters of the children are not accorded any benefits under the Immigration and Nationality Act because of their relationship to the beneficiaries. If these three bills were not approved, the alien children's entry into the U.S. would be indefinitely delayed because they would be subject to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from the Eastern Hemisphere.

S. 55 - Dino Mendoza Pascua

Dino Mendoza Pascua is a four year old native and citizen of the Philippines, currently residing with his natural parents in that country, but who is supported by his prospective adopting parents, U.S. Army Staff Sergeant and Mrs. Anthony Garcia. They live in Honolulu, Hawaii and the child is the nephew of Mrs. Garcia. His natural parents, who are impoverished and unable to support him, have signed a Deed of Surrender empowering the Department of Social Welfare in Manila to permit his placement with suitable adoptive parents. The child does not now qualify for immediate relative status under the Immigration and Nationality Act because he has two living parents.

S. 605 - Heung Soon Kim

Heung Soon Kim is a 13 year old Korean girl, currently living in an orphanage in Seoul, who has been irrevocably released for adoption by her natural father. The prospective adopting parents are Mr. and Mrs. James Lyos, who reside in Onsted, Michigan. The Lyos have already adopted three Korean orphans and have information suggesting that the beneficiary is the sister of their two adopted Korean sons. Since the two adopted boys were beneficiaries of approved visa petitions by the Lyos, the Immigration and Nationality Act precludes administrative approval of further petitions by them for adopted children or orphans.

S. 1653 - Sun Yang Kim and Sun Mi Kim

Sun Yang Kim and Sun Mi Kim are sisters, ages 3 and 1, who are natives and citizens of Korea presently residing in an orphanage in Seoul as a result of abandonment by their natural parents. The prospective adopting parents are Mr. and Mrs. Sanders David Newman who have three natural children. In 1969, the Newmans had adopted a Korean girl who died on March 20, 1974.



In addition, Mr. and Mrs. Newman served as foster parents for a Vietnamese male orphan, who resided with them until October 1974, before being adopted by another family. Since both of these children were beneficiaries of approved visa petitions by the Newmans, the Immigration and Nationality Act precludes administrative approval of further petitions by them for adopted alien children.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures



To-
J. Cunningham
12-18-75
4:00 pm

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

DEC 18 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 55 - Relief of Dino Mendoza Pascua
Sponsor - Sen. Inouye (D) Hawaii
- (2) S. 605 - Relief of Heung Soon Kim
Sponsor - Sen. Griffin (R) Michigan
- (3) S. 1653 - Relief of Sun Yang Kim and Sun Mi Kim
Sponsor - Sen. Schweiker (R) Pennsylvania

Last Day for Action

December 24, 1975 - Wednesday

Purpose

To facilitate the entry of minor alien children into the United States for adoption purposes.

Agency Recommendations

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

Discussion

The three enrolled bills would permit certain U.S. citizens to petition for the immediate admission of the beneficiaries, who are alien children, into the United States for adoption purposes. Upon the granting of the respective petitions, each child would be permitted immediate entry into the U.S. as a permanent resident alien without regard to numerical limitations



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1396

1398

1399

Date: December 18

Time: 600pm

FOR ACTION:

NSC/S *oh*
Max Friedersdorf *oh*
Ken Lazarus *oh*
Dick Parsons *oh*

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendershott

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 500pm

SUBJECT:

S. 55-Relief of Nino Mendoza Pascua
S.605-Relief of Heung Soon Kim
S.1653 -Relief of Sun Yang Kim and Sun Mi Kim

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



NATIONAL SECURITY COUNCIL

December 19, 1975

MEMORANDUM FOR: JAMES CAVANAUGH
FROM: *for* Jeanne W. Davis ^{*AMH*}
SUBJECT: S. 55, S. 605 and S. 1653

The NSC Staff concurs in the proposed Enrolled Bills S. 55 - Relief of Dino Mendoza Pascua, S. 55 - Relief of Heung Soon Kim and S. 1653 - Relief of Sun Yang Kim and Sun Mi Kim.



Date: December 18

Time: 600pm

FOR ACTION:

NSC/S
Max Friedersdorf
Ken Lazarus
Dick Parsons

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 500pm

SUBJECT:

S. 55-Relief of Dino Mendoza Pascua
S.605-Relief of Heung Soon Kim
S.1653 -Relief of Sun Yang Kim and Sun Mi Kim

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 objection.

Ken Lazarus

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.



THE WHITE HOUSE

WASHINGTON

December 19, 1975

MEMORANDUM FOR: JIM CAVANAUGH

FROM: MAX L. FRIEDERSDORF *M.L.F.*

SUBJECT: S. 55 - Relief of Dino Mendoze Pascua
S. 605 - Relief of Heung Soon Kim
S. 1653 - Relief of Sun Yang Kim and Sun Mi Kim

The Office of Legislative Affairs concurs with the agencies that the subject bills be signed.

Attachments



ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1396

1398

1399

Date: December 18

Time: 600pm

FOR ACTION:

NSC/S
Max Friedersdorf
Ken Lazarus
Dick Parsons ✓

cc (for information):

Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 500pm

SUBJECT:

S. 55-Relief of Dino Mendoza Pascua
S.605-Relief of Heung Soon Kim
S.1653 -Relief of Sun Yang Kim and Sun Mi Kim

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Approve. RJP

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.

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

DEC 15 1975

AND REFER TO THIS FILE NO.
A20 279 110

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 55 ; Office of Management
and Budget request dated December 12, 1975

Beneficiary or Beneficiaries Dino Mendoza Pascua

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

15 DEC 1975

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of December 12, 1975, transmitting for comment enrolled bills S. 55, "For the relief of Dino Mendoza Pascua", and S. 447, "For the relief of Jesus Cortez Pineda".

This Department's files contain no information identifiable with the above-cited aliens, and in the absence of any derogatory information, this Department has no objection to the enactment of these bills.

Sincerely,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

AND BUDGET
OFFICE OF MANAGEMENT

12 DEC 13 PM 1:34

RECEIVED



Calendar No. 218

94TH CONGRESS }
1st Session }

SENATE

REPORT
No. 94-223

DINO MENDOZA PASCUA

JUNE 24 (legislative day, JUNE 6), 1975.—Ordered to be printed

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

REPORT

[To accompany S. 55]

The Committee on the Judiciary, to which was referred the bill (S. 55) for the relief of Dino Mendoza Pascua, 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 entry of the beneficiary into the United States as an immediate relative of United States citizen parents by whom he is to be adopted.

STATEMENT OF FACTS

The beneficiary of the bill is a 3-year-old native and citizen of the Philippines. He currently resides with his natural parents in Coto, Masinloc, Zambales, Philippines. The beneficiary's natural parents are financially unable to care for him; he is currently being supported by his prospective adoptive parents, Staff Sergeant and Mrs. Anthony Garcia, who reside in Honolulu, Hawaii. Mrs. Garcia is the sister of the beneficiary's natural father.

A letter, with attached memorandum, dated September 21, 1973, to the chairman of the Senate Committee on the Judiciary from the then Acting Commissioner of Immigration and Naturalization with reference to the bill S. 1045, for the relief of the same beneficiary, passed by the Senate in the 93d Congress reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., September 21, 1973.

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

DEAR SENATOR: In response to your request for a report relative to the bill S. 1045 for the relief of Dino Mendoza Pascua, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the two-year-old beneficiary who is to be adopted by United States citizens, may be classified as a child and be granted immediate relative status. The bill further provides that the beneficiary's brothers and sisters shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be 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 S. 1045

Information concerning the case was obtained from Staff Sergeant and Mrs. Anthony Garcia, the prospective adoptive parents of the beneficiary.

The beneficiary, Dino Mendoza Pascua, a native and citizen of the Philippines, was born on August 4, 1971. He lives with his natural parents and minor brother and sister in the Philippines. The latter executed a Deed of Surrender empowering the Department of Social Welfare, Manila to make plans for permanent placement of beneficiary with suitable adoptive parents. They are impoverished and cannot care for beneficiary who is now supported through monthly remittances by Sergeant and Mrs. Garcia.

Dino Pascua does not qualify for immediate relative status as a child under section 101(b)(1)(F) of the Immigration and Nationality Act because he has two living parents.

Staff Sergeant and Mrs. Anthony Garcia who are natives of the Philippines and naturalized citizens of the United States were born on November 19, 1936 and August 3, 1936 respectively. They were married on March 27, 1962 but have no children. They reside in Honolulu, Hawaii.

Sergeant Garcia receives a salary of \$17,500 a year as an officers' club manager. The assets of Sergeant and Mrs. Garcia consist of United States Savings Bonds in the amount of \$8,000, mutual fund stocks in the amount of \$6,300, house-

hold furnishings and personal effects of \$8,000 and an automobile valued at \$5,400.

The beneficiary is the nephew of Mrs. Garcia who has lived with him for one year. Sergeant Garcia has lived with beneficiary over three months.

Staff Sergeant Anthony Garcia has served in the United States Army since 1962. He was awarded the Silver Star for gallantry in action against a hostile force on March 28, 1968; the Bronze Star medal with "V" device on April 30, 1968 for heroism in connection with military operations against a hostile force; the Purple Heart on April 19, 1968 for wounds received in connection with military operations against a hostile force; the Army Commendation medal on April 8, 1969 for meritorious service in connection with military operations against a hostile force; and the Good Conduct metal with three clasps.

A letter dated November 1, 1973, to the chairman of the Senate Committee on the Judiciary, from the Assistant Secretary for Congressional Relations, U.S. Department of State, in further reference to S. 1045, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., November 1, 1973.

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

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the case of Dino Mendoza Pascua, beneficiary of S. 1045, 93d Congress.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Staff Sergeant and Mrs. Anthony Garcia, American citizens. It also provides that the natural brothers and sisters of the beneficiary shall not be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such relationship.

The American Embassy at Manila, Philippines has reported that Dino Mendoza Pascua was born in August 4, 1971 at Coto, Masinloc, Zambales, Philippines to Benedicto Pascua and Norma Mendoza. He is the youngest of three children and his mother is expecting a fourth child. He lives with his sister, Corina and his brother, Benito, with their natural parents at Coto, Masinloc, Zambales. According to the guardian of the child, Dino has been voluntarily released for adoption by Staff Sergeant and Mrs. Anthony Garcia of Fort Shafter, Hawaii. Mrs. Garcia is the sister of Benedicto Pascua. The beneficiary has not been legally adopted.

The beneficiary is chargeable to the foreign state limitation for the Philippines but is not registered as an intending immigrant. A medical examination conducted by a member of the Embassy's panel of physicians showed no defect, disease or disability.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

Senator Daniel K. Inouye, the author of the bill, submitted the following information which was contained in Senate Report 93-1374:

Dino Mendoza Pascua was born on August 4, 1971, in Coto, Masinloc, Zambales, Philippines. His parents were unable to support him and his three siblings. Mr. and Mrs. Pascua, therefore, signed an irrevocable release for emigration and adoption in order that he could be adopted by Mr. Pascua's older sister, Mrs. Anthony M. Garcia.

Staff Sergeant and Mrs. Anthony M. Garcia are naturalized American citizens. Sergeant Garcia has been serving in the U.S. Army since 1962, including active duty in Vietnam, for which he was awarded the Bronze Star, the Purple Heart, the Army Commendation Medal, and others. They are unable to have children of their own, which lends a feeling of emptiness and meaninglessness to their lives. Believing that a child would provide them with more fulfillment and satisfaction, they adopted their nephew, Dino Mendoza Pascua, in May 1972.

Dino lived with the Garcias for less than one year in the Philippines before Sgt. Garcia was transferred to Fort Shafter, Hawaii. They have been unable to secure an immigrant visa for Dino, because he is not considered an orphan under the Immigration and Nationality Act, since both his parents are living. If he had been in the legal custody of the Garcias for two years, and had resided with them during that time, he would be eligible under Section 101(b)(1)(E) of the Immigration and Nationality Act to qualify as an immediate relative. Unfortunately, Sergeant Garcia was transferred, and would be unable to return to the Philippines to live with the child unless he were to receive a new assignment.

I wish to urge that the Committee on the Judiciary act to secure passage of S. 1045 in order that Dino Mendoza Pascua be considered an orphan for purposes of the Immigration and Nationality Act, and be restored to his adoptive parents.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 55), should be enacted.

○

DINO MENDOZA PASCUA

OCTOBER 28, 1975.—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 S. 55]

The Committee on the Judiciary, to whom was referred the bill (S. 55), for the relief of Dino Mendoza Pascua, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows: On page 1, at the end of line 8, insert "*parents and*"

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the admission into the United States of the prospective adoptive child of citizens of the United States. The bill has been amended in accordance with established precedents.

GENERAL INFORMATION

The beneficiary of the bill is a 3-year-old native and citizen of the Philippines. He currently resides with his natural parents in Coto, Masinloc, Zambales, Philippines. The beneficiary's natural parents are financially unable to care for him; he is currently being supported by his prospective adoptive parents, Staff Sergeant and Mrs. Anthony Garcia, who reside in Honolulu, Hawaii. Mrs. Garcia is the sister of the beneficiary's natural father.

A letter, with attached memorandum, dated September 21, 1973, to the chairman of the Senate Committee on the Judiciary from the then Acting Commissioner of Immigration and Naturalization with refer-

ence to the bill S. 1045, for the relief of the same beneficiary, passed by the Senate in the 93d Congress reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., September 21, 1973.

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

DEAR SENATOR: In response to your request for a report relative to the bill S. 1045 for the relief of Dino Mendoza Pascua, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the two-year-old beneficiary who is to be adopted by United States citizens, may be classified as a child and be granted immediate relative status. The bill further provides that the beneficiary's brothers and sisters shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be 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 S. 1045

Information concerning the case was obtained from Staff Sergeant and Mrs. Anthony Garcia, the prospective adoptive parents of the beneficiary.

The beneficiary, Dino Mendoza Pascua, a native and citizen of the Philippines, was born on August 4, 1971. He lives with his natural parents and minor brother and sister in the Philippines. The latter executed a Deed of Surrender empowering the Department of Social Welfare, Manila to make plans for permanent placement of beneficiary with suitable adoptive parents. They are impoverished and cannot care for the beneficiary who is now supported through monthly remittances by Sergeant and Mrs. Garcia.

Dino Pascua does not qualify for immediate relative status as a child under section 101(b)(1)(F) of the Immigration and Nationality Act because he has two living parents.

Staff Sergeant and Mrs. Anthony Garcia who are natives of the Philippines and naturalized citizens of the United States were born on November 19, 1936 and August 3, 1936 respectively. They were married on March 27, 1962 but have no children. They reside in Honolulu, Hawaii.

Sergeant Garcia receives a salary of \$17,500 a year as an officers' club manager. The assets of Sergeant and Mrs. Garcia consist of United States Savings Bonds in the amount of

\$8,000, mutual fund stocks in the amount of \$6,300, household furnishings and personal effects of \$8,000 and an automobile valued at \$5,400.

The beneficiary is the nephew of Mrs. Garcia who has lived with him for one year. Sergeant Garcia has lived with beneficiary over three months.

Staff Sergeant Anthony Garcia has served in the United States Army since 1962. He was awarded the Silver Star for gallantry in action against a hostile force on March 28, 1968; the Bronze Star medal with "V" device on April 30, 1968 for heroism in connection with military operations against a hostile force; the Purple Heart on April 19, 1968 for wounds received in connection with military operations against a hostile force; the Army Commendation medal on April 8, 1969 for meritorious service in connection with military operations against a hostile force; and the Good Conduct medal with three clasps.

A letter dated November 1, 1973, to the chairman of the Senate Committee on the Judiciary, from the Assistant Secretary for Congressional Relations, U.S. Department of State, in further reference to S. 1045, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., November 1, 1973.

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

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the case of Dino Mendoza Pascua, beneficiary of S. 1045, 93d Congress.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Staff Sergeant and Mrs. Anthony Garcia, American citizens. It also provides that the natural brothers and sisters of the beneficiary shall not be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such relationship.

The American Embassy at Manila, Philippines has reported that Dino Mendoza Pascua was born on August 4, 1971, at Coto, Masinloc, Zambales, Philippines to Benedicto Pascua and Norma Mendoza. He is the youngest of three children and his mother is expecting a fourth child. He lives with his sister, Corina and his brother, Benito, with their natural parents at Coto, Masinloc, Zambales. According to the guardian of the child, Dino has been voluntarily released for adoption by Staff Sergeant and Mrs. Anthony Garcia of Fort Shafter, Hawaii. Mrs. Garcia is the sister of Benedicto Pascua. The beneficiary has not been legally adopted.

The beneficiary is chargeable to the foreign state limitation for the Philippines but is not registered as an intending immigrant. A medical examination conducted by a member of the Embassy's panel of physicians showed no defect, disease or disability.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

Senator Daniel K. Inouye, the author of the bill, submitted the following information which was contained in Senate Report 93-1374:

Dino Mendoza Pascua was born on August 4, 1971, in Coto, Masinloc, Zambales, Philippines. His parents were unable to support him and his three siblings. Mr. and Mrs. Pascua, therefore, signed an irrevocable release for emigration and adoption in order that he could be adopted by Mr. Pascua's older sister, Mrs. Anthony M. Garcia.

Staff Sergeant and Mrs. Anthony M. Garcia are naturalized American citizens. Sergeant Garcia has been serving in the U.S. Army since 1962, including active duty in Vietnam, for which he was awarded the Bronze Star, the Purple Heart, the Army Commendation Medal, and others. They are unable to have children of their own, which lends a feeling of emptiness and meaninglessness to their lives. Believing that a child would provide them with more fulfillment and satisfaction, they adopted their nephew, Dino Mendoza Pascua, in May 1972.

Dino lived with the Garcias for less than one year in the Philippines before Sgt. Garcia was transferred to Fort Shafter, Hawaii. They have been unable to secure an immigrant visa for Dino, because he is not considered an orphan under the Immigration and Nationality Act, since both his parents are living. If he had been in the legal custody of the Garcias for two years, and had resided with them during that time, he would be eligible under Section 101(b)(1)(E) of the Immigration and Nationality Act to qualify as an immediate relative. Unfortunately, Sergeant Garcia was transferred, and would be unable to return to the Philippines to live with the child unless he were to receive a new assignment.

I wish to urge that the Committee on the Judiciary act to secure passage of S. 1045 in order that Dino Mendoza Pascua be considered an orphan for purposes of the Immigration and Nationality Act, and be restored to his adoptive parents.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

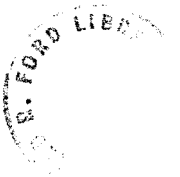
OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 55) as amended, should be enacted.





Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

For the relief of Dino Mendoza Pascua.

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, Dino Mendoza Pascua may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in his behalf by Staff Sergeant and Mrs. Anthony M. Garcia, citizens of the United States, pursuant to section 204 of such Act. The natural parents and brothers and sisters of the said Dino Mendoza Pascua 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.*

8

December 12, 1975

Dear Mr. Director:

The following bills were received at the White House on December 12th:

✓ H.R. 2724	✓ S. 55 ✓
✓ H.R. 8773 ✓	✓ S. 447 ✓
✓ H.R. 9883 ✓	✓ S. 605 ✓
✓ H.R. 9924 ✓	✓ S. 1653 ✓
✓ H.R. 11027 ✓	

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 James T. Lynn
Director
Office of Management and Budget
Washington, D. C.