

The original documents are located in Box 34, folder “12/20/75 S605 Relief of Heung Soon Kim” 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

ACTION

WASHINGTON

Last Day: December 24

December 20, 1975

Polld

12/22

To Archie

12/22

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON ~~✗~~

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

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

DEC 15 1975

AND REFER TO THIS FILE NO.

A20 925 122

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 605 ; Office of Management
and Budget request dated December 12, 1975

Beneficiary or Beneficiaries Heung Soon Kim


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

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. 605, "For the relief of Heung Soon Kim", and S. 1653, "For the relief of Sun Yang Kim and Sun Mi Kim".

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

Sincerely,


Robert J. McCloskey
Assistant Secretary for
Congressional Relations

To-
J. Cunningham
12-18-75
4:00 P.M.

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
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- (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

HEUNG SOON KIM

SEPTEMBER 25 (legislative day, SEPTEMBER 12), 1975.—Ordered to be printed

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

REPORT

[To accompany S. 605]

The Committee on the Judiciary, to which was referred the bill (S. 605), for the relief of Heung Soon Kim, 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 into the United States as an immediate relative of the child to be adopted by U.S. citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 13-year-old native and citizen of Korea. She currently resides in an orphanage in Ilsan, Seoul, Korea. The beneficiary has been irrevocably released for adoption by her natural father; no other information concerning her family is available.

The beneficiary's prospective parents, Mr. and Mrs. James Lyos, reside in Onsted, Michigan. They have four natural children and three adopted children. They intend to adopt the beneficiary in the United States.

A letter, with attached memorandum, dated May 29, 1975 to the Chairman of the Senate Committee on the Judiciary from the Com-

missioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 29, 1975.

A20 925 122.

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill S. 605 for the relief of Heung Soon Kim, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the twelve-year-old beneficiary, who is to be adopted by United States citizens, may be classified as a child and granted immediate relative status upon approval of a petition upon her behalf, notwithstanding the fact that the petitioners have had petitions approved in behalf of other alien children. The bill further provides that the natural parents, brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 605

Information concerning the case was obtained from Mr. and Mrs. James Lyos, the prospective adoptive parents of the beneficiary.

The beneficiary, Heung Soon Kim, a native and citizen of Korea, was born on August 15, 1962. She has been irrevocably released for adoption by her natural father and no other information concerning her parents or other members of her family is available. She resides in Ilsan, Seoul, Korea, in an orphanage operated by the Holt Adoption Agency.

James Lyos, a native of Greece, was born on September 25, 1934, and is a naturalized United States citizen. He is a high school graduate and is self-employed as a restaurateur with an annual income of \$50,000. His wife, Patricia, is a United States citizen by birth in Michigan on July 27, 1938. She is a high school graduate and is not employed outside of their home. They were married on April 11, 1959, reside in Onsted, Michigan, and have four natural children. Mr. and Mrs. Lyos have also adopted three other foreign orphans, ages eleven, nine and seven. They own their own home which is valued at \$85,000, three restaurants and attached commercial property valued at \$527,000, life insurance in the amount of \$200,000,

treasury bonds in the amount of \$20,000 and furniture and personal effects worth \$15,000.

Mr. and Mrs. Lyos learned of the beneficiary through the Holt Adoption Agency. They intend to adopt the beneficiary in the United States. They advised that the beneficiary is being registered for a nonpreference immigrant visa at the American Embassy, Seoul, Korea. However, such visa numbers are not currently available to natives of Korea.

Senator Robert P. Griffin, the author of the bill, has submitted the following supporting information:

U.S. SENATE,
Washington, D.C., June 6, 1975.

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

DEAR MR. CHAIRMAN: This is in reference to your recent letter concerning S. 605, a private immigration bill for the relief of Heung Soon Kim.

As you requested, I am enclosing information to support this bill. Your earliest consideration of this legislation will be appreciated.

With kindest regards, I am
Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

Enclosures.

Mrs. JAMES LYOS,
Onsted, Mich., May 29, 1975.

Re bill S-605, Kim, Heung Soon.

DEAR SENATOR GRIFFIN: Enclosed is the latest report that I have from the orphanage where our daughter is in Korea. If you read it you certainly can see how urgent it is that you process our bill as soon as possible. If there is to be any hope for this child she must be put into an environment where she can begin to develop as soon as possible or it will certainly be too late for her. She is almost a child no longer but will soon be developing into a young lady, and will be becoming self-conscious about the second grade education. Please help her before it is too late.

I have great faith in the American government and I am certain that there are other Senators that have belief in humanity, and will help you to get the bill through as soon as possible. These children belong together, where they can grow and learn to believe in the human race again. The mistakes that have been made with these kids shouldn't have been made, that is true. But they have been, we can't change that fact! We can correct it and give them faith, and hope for the future.

However, remember that they are children, these last 4 months have seemed like an eternity to her brothers and we can begin to see the look in their eyes. "Just another lie". Please follow the bill through, we are praying and we know that if you do it will pass with great speed.

Sincerely,

Mrs. JAMES LYOS.

Mrs. JAMES LYOS,
Onsted, Mich., November 8, 1974.

DEAR SENATOR GRIFFIN: Would you please sponsor a special bill so that we might adopt and bring Kim Hong Soon, approximately 13 years of age into the U.S.A.?

In May 1970 we adopted a Korean girl then 2 years of age. In August 1970, two of our natural born children were killed in an automobile accident in Canada. July 1972 we adopted two Korean brothers 6 and 8 years old. These boys had been abandoned by their father and mother, and later the same year they witnessed the murder of their grandmother by the local barber of their town. Between this period and 1972 when they arrived in the U.S.A., they had been in five different orphanages. In the first orphanage their older sister was given or sold as a servant. (See copy of letter)

Last year at Thanksgiving the oldest boy said "It would have been a perfect day if my sister could have been here." We decided he did understand what the word sister meant and that we should definitely check out the possibility. I wrote the last orphanage, New Hope Boy's Home in Korea, and after much checking and backtracking they have found her. See copy of telegram.

However due to the fact that the boys legal documents state they have no living relatives in Korea she cannot enter this country as their sister (see letter copy). Because we have already brought in three children we cannot apply to bring in another. A Non Preference visa is out according to Mr. Cheetee of Immigration—Detroit office.

You are absolutely our last hope of rewriting these three little victims of misfortune. I have tried to keep this letter as brief as possible, I know how busy you are. If there is any more information that you need call collect.

All three Korean Children are very intelligent and I know that they will be very good citizens.

Thank you for any help that you might be able to give us.

Sincerely,

Mrs. JAMES LYOS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 605) should be enacted.

○

HEUNG SOON KIM

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. 605]

The Committee on the Judiciary to whom was referred the bill (S. 605) for the relief of Heung Soon Kim, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 1, at the end of line 10, after the word "natural" insert "*parents and*".

PURPOSE OF THE BILL

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

GENERAL INFORMATION

The beneficiary of the bill is a 13-year-old native and citizen of Korea. She currently resides in an orphanage in Ilsan, Seoul, Korea. The beneficiary has been irrevocably released for adoption by her natural father; no other information concerning her family is available.

The beneficiary's prospective parents, Mr. and Mrs. James Lyos, reside in Onsted, Michigan. They have four natural children and three adopted children. They intend to adopt the beneficiary in the United States.

A letter, with attached memorandum, dated May 29, 1975 to the Chairman of the Senate Committee on the Judiciary from the Com-

missioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 29, 1975.

A20 925 122.

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill S. 605 for the relief of Heung Soon Kim, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the twelve-year-old beneficiary, who is to be adopted by United States citizens, may be classified as a child and granted immediate relative status upon approval of a petition upon her behalf, notwithstanding the fact that the petitioners have had petitions approved in behalf of other alien children. The bill further provides that the natural parents, brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 605

Information concerning the case was obtained from Mr. and Mrs. James Lyos, the prospective adoptive parents of the beneficiary.

The beneficiary, Heung Soon Kim, a native and citizen of Korea, was born on August 15, 1962. She has been irrevocably released for adoption by her natural father and no other information concerning her parents or other members of her family is available. She resides in Ilsan, Seoul, Korea, in an orphanage operated by the Holt Adoption Agency.

James Lyos, a native of Greece, was born on September 25, 1934, and is a naturalized United States citizen. He is a high school graduate and is self-employed as a restaurateur with an annual income of \$50,000. His wife, Patricia, is a United States citizen by birth in Michigan on July 27, 1938. She is a high school graduate and is not employed outside of their home. They were married on April 11, 1959, reside in Onsted, Michigan, and have four natural children. Mr. and Mrs. Lyos have also adopted three other foreign orphans, ages eleven, nine and seven. They own their own home which is valued at \$85,000, three restaurants and attached commercial property

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Mr. and Mrs. Lyos learned of the beneficiary through the Holt Adoption Agency. They intend to adopt the beneficiary in the United States. They advised that the beneficiary is being registered for a nonpreference immigrant visa at the American Embassy, Seoul, Korea. However, such visa numbers are not currently available to natives of Korea.

Senator Robert P. Griffin, the author of the bill, has submitted the following supporting information:

U.S. SENATE,
Washington, D.C., June 6, 1975.

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

DEAR MR. CHAIRMAN: This is in reference to your recent letter concerning S. 605, a private immigration bill for the relief of Heung Soon Kim.

As you requested, I am enclosing information to support this bill. Your earliest consideration of this legislation will be appreciated.

With kindest regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

Enclosures.

Mrs. JAMES LYOS,
Onsted, Mich., May 29, 1975.

Re bill S-605, Kim, Heung Soon.

DEAR SENATOR GRIFFIN: Enclosed is the latest report that I have from the orphanage where our daughter is in Korea. If you read it you certainly can see how urgent it is that you process our bill as soon as possible. If there is to be any hope for this child she must be put into an environment where she can begin to develop as soon as possible or it will certainly be too late for her. She is almost a child no longer but will soon be developing into a young lady, and will be becoming self-conscious about the second grade education. Please help her before it is too late.

I have great faith in the American government and I am certain that there are other Senators that have belief in humanity, and will help you to get the bill through as soon as possible. These children belong together, where they can grow and learn to believe in the human race again. The mistakes that have been made with these kids shouldn't have been made, that is true. But they have been, we can't change that fact! We can correct it and give them faith, and hope for the future.

However, remember that they are children, these last 4 months have seemed like an eternity to her brothers and we can begin to see the look in their eyes. "Just another lie". Please follow the bill through, we are praying and we know that if you do it will pass with great speed.

Sincerely,

Mrs. JAMES LYOS.

Mrs. JAMES LYOS,
Onsted, Mich., November 8, 1974.

DEAR SENATOR GRIFFIN: Would you please sponsor a special bill so that we might adopt and bring Kim Hong Soon, approximately 13 years of age into the U.S.A.?

In May 1970 we adopted a Korean girl then 2 years of age. In August 1970, two of our natural born children were killed in an automobile accident in Canada. July 1972 we adopted two Korean brothers 6 and 8 years old. These boys had been abandoned by their father and mother, and later the same year they witnessed the murder of their grandmother by the local barber of their town. Between this period and 1972 when they arrived in the U.S.A., they had been in five different orphanages. In the first orphanage their older sister was given or sold as a servant. (See copy of letter)

Last year at Thanksgiving the oldest boy said "It would have been a perfect day if my sister could have been here." We decided he did understand what the word sister meant and that we should definitely check out the possibility. I wrote the last orphanage, New Hope Boy's Home in Korea, and after much checking and backtracking they have found her. See copy of telegram.

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You are absolutely our last hope of rewriting these three little victims of misfortune. I have tried to keep this letter as brief as possible, I know how busy you are. If there is any more information that you need call collect.

All three Korean Children are very intelligent and I know that they will be very good citizens.

Thank you for any help that you might be able to give us.

Sincerely,

Mrs. JAMES LYDOS.

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. 605), 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 Heung Soon Kim.

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, Heung Soon Kim shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James Lyos, citizens of the United States, pursuant to section 204 of such Act, except that section 204(c) of such Act, relating to the number of petitions which may be approved on behalf of children, shall not apply. The natural parents and brothers or sisters of Heung Soon Kim shall not, thereafter, 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.*

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.