

The original documents are located in Box 34, folder “12/20/75 S1653 Relief of Sun Yang Kim and Sun Mi Kim” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
DEC 20 1975

Signed
12/20/75

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: December 24

December 20, 1975

Posted
12/22
to archive
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
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

DEC 15 1975

AND REFER TO THIS FILE NO.

A20 848 914
A20 848 915

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 1653; Office of Management
and Budget request dated December 12, 1975

Beneficiary or Beneficiaries Sun Yang Kim and Sun Mi Kim

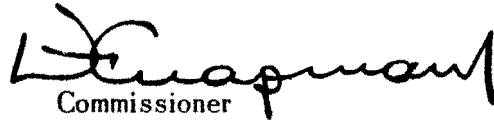
Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

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

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

AND BUDGET
OFFICE OF MANAGEMENT

12 DEC 11 PM 1:34

RECEIVED

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

Calendar No. 389

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 94-397

SUN YANG KIM AND SUN MI 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. 1653]

The Committee on the Judiciary, to which was referred the bill (S. 1653) for the relief of Sun Yang Kim and Sun Mi Kim, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved. The bill has been amended in accordance with established precedents.

STATEMENT OF FACTS

The beneficiaries of the bill are sisters, aged 3 and 1 who are natives and citizens of Korea presently residing in an orphanage in Seoul. They were found as abandoned children in November 1974 and were observed in Korea by the prospective adoptive father in March 1975. Information is to the effect that the adoptive parents are financially able to care for the beneficiaries.

A letter, with attached memorandum, dated July 18, 1975, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 18, 1975.

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. 1653 for the relief of Sun Yang Kim and Sun Mi Kim there is attached a memorandum of information concerning the beneficiaries.

The bill would provide that the beneficiaries, ages three and one respectively, who are to be adopted by United States citizens, may be classified as children and granted immediate relative status upon approval of petitions filed in their behalf by Mr. and Mrs. Sanders D. Newman. It further provides that the natural parents, brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any immigration benefits. The bill further provides that the provision of the Immigration and Nationality Act, which limits the number of petitions that may be approved for adopted children, shall not be applicable in this case.

Absent enactment of the bill, the beneficiaries, natives and citizens 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. 1653

Information concerning the case was obtained from Sanders David Newman, the prospective adoptive father of the beneficiaries, Sun Yang Kim and Sun Mi Kim.

The beneficiaries, Sun Yang Kim and Sun Mi Kim, who are natural sisters, were born in Korea on February 29, 1972 and February 11, 1974, respectively. They were found as abandoned children in November 1974 and presently reside in an orphanage in Seoul, Korea.

The interested party, Sanders David Newman, a United States citizen and the prospective adoptive father of the beneficiaries, was born on November 28, 1930 in Brooklyn, New York. After graduating from the University of Miami in 1952, he served two years as an officer in the United States Air Force. Commencing in 1954 he attended New York Law School and was awarded a Bachelor of Laws degree from that institution in 1956. Upon graduation from law school he was employed with law firms in New York, New York and

S.R. 397

since November 1970 has been connected with a Philadelphia, Pennsylvania law firm, of which he is presently a full partner earning \$60,000 per annum. His assets consist of a home valued at \$85,000, on which there is a mortgage of \$45,000, checking and savings accounts of \$2,000 and \$1,500 respectively, and other personal property valued at \$78,000.

Mr. Newman married the former Joan Margaret Goodwin, a United States citizen, on June 14, 1952 in New York, New York. His spouse, age 43, is unemployed. They have three natural children, a daughter and twin sons. The interested party is the director of Welcome House, an adoptive parents' group located in Doylestown, Pennsylvania, and he is the former director of the Philadelphia Chapter, Friends of Children of Vietnam. Both he and his wife have travelled to Korea and served as escorts for children coming to the United States for adoption. On his most recent journey to Korea, in March 1975, the interested party observed the two beneficiaries.

Mr. and Mrs. Newman have previously adopted a seven month old female Korean orphan. This child, who became a citizen of the United States through naturalization, died on March 20, 1974, after a series of operations for internal disorders. Mr. and Mrs. Newman also served as foster parents for a seven year old 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, Section 204(c) of the Immigration and Nationality Act precludes the approval of further petitions by them for adopted children or orphans as defined in Section 101(b)(1)(E) or (F) of the Act.

The Kim children are also the beneficiaries of H.R. 3369, 94th Congress.

Senator Richard S. Schweiker, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 16, 1975.

HON. JAMES O. EASTLAND,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: Reference is made to S. 1653, a bill for the relief of Sun Yang Kim and Sun Mi Kim which I introduced on May 6.

I wish to call to the attention of the Subcommittee on Immigration and Naturalization the unusual circumstances of this situation which I believe merits special legislation by the Congress.

Mr. and Mrs. Sanders D. Newman of Yardley, Pennsylvania in 1969 sponsored for immigration, and later adopted, a young Korean girl. In December of 1968 Mr. and Mrs. Newman sponsored for immigration a paralyzed Vietnamese boy. The unexpected death of their first adopted child several months later was a traumatic experience

S.R. 397

A letter, with attached memorandum, dated July 18, 1975, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 18, 1975.

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. 1653 for the relief of Sun Yang Kim and Sun Mi Kim, there is attached a memorandum of information concerning the beneficiaries.

The bill would provide that the beneficiaries, ages three and one respectively, who are to be adopted by United States citizens, may be classified as children and granted immediate relative status upon approval of petitions filed in their behalf by Mr. and Mrs. Sanders D. Newman. It further provides that the natural parents, brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any immigration benefits. The bill further provides that the provision of the Immigration and Nationality Act, which limits the number of petitions that may be approved for adopted children, shall not be applicable in this case.

Absent enactment of the bill, the beneficiaries, natives and citizens 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. 1653

Information concerning the case was obtained from Sanders David Newman, the prospective adoptive father of the beneficiaries, Sun Yang Kim and Sun Mi Kim.

The beneficiaries, Sun Yang Kim and Sun Mi Kim, who are natural sisters, were born in Korea on February 29, 1972 and February 11, 1974, respectively. They were found as abandoned children in November 1974 and presently reside in an orphanage in Seoul, Korea.

The interested party, Sanders David Newman, a United States citizen and the prospective adoptive father of the beneficiaries, was born on November 28, 1930 in Brooklyn, New York. After graduating from the University of Miami in 1952, he served two years as an officer in the United States Air Force. Commencing in 1954 he attended New York Law School and was awarded a Bachelor of Laws degree from that institution in 1956. Upon graduation from law school he was employed with law firms in New York, New York and

S.R. 397

since November 1970 has been connected with a Philadelphia, Pennsylvania law firm, of which he is presently a full partner earning \$60,000 per annum. His assets consist of a home valued at \$85,000, on which there is a mortgage of \$45,000, checking and savings accounts of \$2,000 and \$1,500 respectively, and other personal property valued at \$78,000.

Mr. Newman married the former Joan Margaret Goodwin, a United States citizen, on June 14, 1952 in New York, New York. His spouse, age 43, is unemployed. They have three natural children, a daughter and twin sons. The interested party is the director of Welcome House, an adoptive parents' group located in Doylestown, Pennsylvania, and he is the former director of the Philadelphia Chapter, Friends of Children of Vietnam. Both he and his wife have travelled to Korea and served as escorts for children coming to the United States for adoption. On his most recent journey to Korea, in March 1975, the interested party observed the two beneficiaries.

Mr. and Mrs. Newman have previously adopted a seven month old female Korean orphan. This child, who became a citizen of the United States through naturalization, died on March 20, 1974, after a series of operations for internal disorders. Mr. and Mrs. Newman also served as foster parents for a seven year old 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, Section 204(c) of the Immigration and Nationality Act precludes the approval of further petitions by them for adopted children or orphans as defined in Section 101(b)(1)(E) or (F) of the Act.

The Kim children are also the beneficiaries of H.R. 3369, 94th Congress.

Senator Richard S. Schweiker, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 16, 1975.

HON. JAMES O. EASTLAND,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: Reference is made to S. 1653, a bill for the relief of Sun Yang Kim and Sun Mi Kim which I introduced on May 6.

I wish to call to the attention of the Subcommittee on Immigration and Naturalization the unusual circumstances of this situation which I believe merits special legislation by the Congress.

Mr. and Mrs. Sanders D. Newman of Yardley, Pennsylvania in 1969 sponsored for immigration, and later adopted, a young Korean girl. In December of 1968 Mr. and Mrs. Newman sponsored for immigration a paralyzed Vietnamese boy. The unexpected death of their first adopted child several months later was a traumatic experience

S.R. 397

for the Newman family. The second child was not adopted but placed by the adoption agency with, and later adopted by, another family.

Mr. and Mrs. Newman are statutorily prohibited from sponsoring immigration for an eligible orphan for the purpose of adoption. I believe it was not the intent of the Congress to bar adoption of alien children under circumstances such as these.

Enclosed is a letter from Mr. Newman and a report from the Immigration and Naturalization Service providing additional details regarding this matter.

Please feel free to contact me, or have your staff contact my Staff Assistant, John Casciotti, at 244-8187 for any further information or assistance you may desire.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., April 1, 1975.

HON. RICHARD S. SCHWEIKER,
U.S. Senate
Washington, D.C.

DEAR SENATOR SCHWEIKER: Further reference is made to your letter of February 24, 1975 concerning Mr. Sanders D. Newman's desire to adopt two Korean children.

Service file A18 583 678 reveals that Song Hee Cho, born on December 17, 1968 in Seoul, Korea, was admitted to the United States on July 4, 1969, as a lawful permanent resident following the Service's approval of a visa petition filed by Mr. Newman according to the child immediate relative immigrant classification as an eligible orphan as defined by section 101(b)(1)(F) of the Immigration and Nationality Act. She was adopted by Mr. and Mrs. Newman on February 5, 1970 in Doylestown, Penn., was naturalized as a United States citizen on March 7, 1973, and died on March 20, 1974.

Our file A20 611 580 shows that Phan Van Hong, born on December 4, 1968 in Vietnam, was admitted to the United States on November 24, 1973 as a lawful permanent resident following approval of a petition filed by Mr. Newman according to the child immediate relative classification as defined by section 101(b)(1)(F). The child underwent extensive surgery at the expense of Mr. and Mrs. Newman while residing with them until October 1974. The child was not adopted and has since been placed by the adoption agency involved in the visa petition proceeding with Mr. and Mrs. Dean Chapman in Concord, Calif.

Section 204(c) of the Act provides in part that no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(F) unless necessary to prevent the separation of brothers and sisters. Accordingly, Mr. and Mrs. Newman were recently advised by Service officers in Philadelphia that no additional petitions filed by them on behalf of alien orphans may be approved.

Mr. and Mrs. Newman were furnished correct information by the Philadelphia office. There is no way for the Service to administratively waive the limitation imposed by the above-cited statute.

Sincerely,

CORNELIUS J. LEARY,
Executive Assistant
(For the Commissioner).

BLANK, ROME, KLAUS AND COMISKY,
Philadelphia, Pa., March 17, 1975.

Re adoption of Korean girls.

DEAR SENATOR SCHWEIKER: In July, 1969 CHO, Song Hee, a little 6½ months old Korean girl whom we named Jennifer Newman, came into our home. At that time our three natural children, one daughter and twin sons were 12, 10 and 10. Jenny lit up our lives (all of us) and brought us into a world we never knew existed. As Jenny grew up, my wife Joan and I began to work with charitable organizations dedicated to helping orphan children in Asia, particularly in Vietnam.

About 4 months before Jenny's death in March, 1974, we brought a little boy, about 6 years old, named Matthew, into our home from Vietnam. Matthew was paralyzed from the waist down. He required an operation and extensive therapy for him to be able to walk with crutches and braces. Matthew also had no bladder or bowel control.

In March, 1974 our daughter Jenny was in the hospital for tests and suddenly, as a result of a doctor's mistake, died. Our family was completely devastated, especially my wife. During the months that followed it became increasingly clear that we were unable to properly care for Matthew.

Among other things, he unfortunately, became psychologically involved in my wife's mind with the death of Jenny. While I believe this could probably be worked out in time, we thought it just wasn't fair to Matthew. After several sessions with doctors and psychologists, I reluctantly came to the conclusion that it was in Matthew's best interests to find another home. Fortunately, we were able to do this through the Agency from which we were planning to adopt Matthew. He is now secure and happy in a wonderful home in California with 7 other brothers and sisters, three of whom are adopted children from Korea and Vietnam and one of whom is handicapped as he. In fact, they share a room together.

As we began to recover from Jenny's death and learn to cope with life again on a daily basis, we again became active in charitable work. This time directed to the children of Korea.

Joan and I joined the Board of Directors of Welcome House Adoptive Parents Group, Inc. which is the "parent" organization affiliated with Welcome House, the adoptive agency through whom we adopted Jenny. More healing time passed, and we had an opportunity to visit Korea as escorts for 12 orphans who were being adopted by American parents. It was a sentimental journey but the trip went a long way toward helping with the healing process.

In January, 1975 the Executive Director of Welcome House asked if we would undertake to adopt two abandoned Korean children who

are sisters, age 3 and 1. She explained that these children were difficult to adopt because they were two and most parents only wanted one. The time seemed to be ripe to reenter that magical world that seemed to be denied to us when Jenny died.

In our hearts we were committed but had to face the realities of the law. We discovered that the Immigration and Naturalization laws made no allowance for the death of a child or the transfer of a child to another home because of extenuating circumstances. You are entitled to adopt two Asian children under preference visas and that was it. We inquired into the possibility of using the non-preference visa and discovered that the waiting list was in excess of two years.

It seems that the only recourse available to us is in a private bill. As a lawyer I can understand a legislator's aversion to a private bill. I have that feeling myself. I also know that is why the courts of equity were created—to try to provide a remedy where none exists at law. I sincerely believe that a private bill is the equitable remedy in our situation.

This has been an extremely difficult letter for me to write. It brought back a flood of painful memories. I also found it hard to try and find the words to portray our feelings.

We truly hope that you will be able to find your way clear to join with Congressman Biester in supporting a private bill to allow my wife Joan and I to adopt the two little Korean sisters.

Sincerely,

SANDERS D. NEWMAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1653), as amended, should be enacted.

SUN YANG KIM AND SUN MI 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. 1653]

The Committee on the Judiciary, to whom was referred the bill (S. 1653) for the relief of Sun Yang Kim and Sun Mi 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, line 9, after the word "natural" insert "parents and".

PURPOSE OF THE BILL

The purpose of the bill as, amended, is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved. The bill has been amended in accordance with established precedents.

GENERAL INFORMATION

The beneficiaries of the bill are sisters, aged 3 and 1 who are natives and citizens of Korea presently residing in an orphanage in Seoul. They were found as abandoned children in November 1974 and were observed in Korea by the prospective adoptive father in March 1975. Information is to the effect that the adoptive parents are financially able to care for the beneficiaries.

A letter, with attached memorandum, dated July 16, 1975, from the chairman of the Senate Committee on the Judiciary from the State of New York, in connection with the consideration of the bill S. 1653 for the relief of Sun Yang Kim and Sun Mi Kim, reads as follows:

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington, D.C., July 16, 1975

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

DEAR MR. CHAIRMAN: In response to your request for information relative to the bill S. 1653 for the relief of Sun Yang Kim and Sun Mi Kim, there is attached a memorandum of information concerning the bill.

The bill would provide that the beneficiaries, ages 18 and 19, respectively, who are to be adopted by United States citizens and classified as children and granted immediate relative status, approval of petitions filed in their behalf by Mr. and Mrs. David Newman. It further provides that the natural parents and sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any immigration benefits. The bill further provides that the provision of the Immigration and Nationality Act, which limits the number of petitions that may be approved for adopted children, shall not be applicable in this case.

Absent enactment of the bill, the beneficiaries, native born citizens of Korea, would be chargeable to the nonpreference category of immigrants and conditional immigrants from countries in the Eastern Hemisphere.

Sincerely,

L. F. CHAPMAN

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 1653

Information concerning the case was obtained from the files of the prospective adoptive father, David Newman, and the prospective adoptive mother, Mrs. David Newman, and the beneficiaries, Sun Yang Kim and Sun Mi Kim.

The beneficiaries, Sun Yang Kim and Sun Mi Kim, natural sisters, were born in Korea on February 20 and February 11, 1974, respectively. They were found abandoned children in November 1974 and presently reside in an orphanage in Seoul, Korea.

The interested party, Sanders David Newman, a United States citizen and the prospective adoptive father of the beneficiaries, was born on November 28, 1930 in Brooklyn, New York. After graduating from the University of Pennsylvania in 1952, he served two years as an officer in the United States Air Force, commencing in 1954 he attended New York University School and was awarded a Bachelor of Laws from that institution in 1956. Upon graduation from law school he was employed with law firms in New York, New York.

November 1970 has been connected with a Philadelphia, Pennsylvania law firm, of which he is presently a full partner. His assets consist of a home in Philadelphia valued at \$60,000 per annum. His assets consist of a home in Philadelphia valued at \$85,000, on which there is a mortgage of \$45,000, and savings accounts of \$2,000 and \$1,500 respectively, and other personal property valued at \$78,000.

Mr. Newman married the former Joan Margaret Goodwin, a United States citizen, on June 14, 1952 in New York, New York. His spouse, age 43, is unemployed. They have three children, a daughter and twin sons. The interested party is the director of Welcome House, an adoptive parents' organization located in Doylestown, Pennsylvania, and he is the director of the Philadelphia Chapter, Friends of Vietnam. Both he and his wife have travelled to Vietnam and served as escorts for children coming to the United States for adoption. On his most recent journey to Korea, in November 1975, the interested party observed the two beneficiaries.

Mr. and Mrs. Newman have previously adopted a seven year old female Korean orphan. This child, who became a naturalized citizen of the United States through naturalization, died on November 20, 1974, after a series of operations for internal disfigurement. Mr. and Mrs. Newman also served as foster parents for a seven year old Vietnamese male orphan, who resided with them until October 1974, before being adopted by another family. Since both of these children were beneficiaries of the bill, approved visa petitions by the Newmans, Section 204(c) of the Immigration and Nationality Act precludes the approval of further petitions by them for adopted children or orphans as defined in Section 101(b)(1)(E) or (F) of the Act.

The Kim children are also the beneficiaries of H.R. 3369, introduced in the House of Representatives.

Richard S. Schweiker, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 16, 1975.

JAMES O. EASTLAND,
Chairman, Committee on Appropriations,
U.S. Senate,
Washington, D.C.

SENATOR EASTLAND: Reference is made to S. 1653, a bill for the relief of Sun Yang Kim and Sun Mi Kim which I introduced in the Senate.

I call to the attention of the Subcommittee on Immigration and Naturalization the unusual circumstances of this situation which warrants special legislation by the Congress.

Mrs. Sanders D. Newman of Yardley, Pennsylvania introduced the bill for immigration, and later adopted, a young Korean orphan. In 1968 Mr. and Mrs. Newman sponsored for immigration a paralyzed Vietnamese boy. The unexpected death of their adopted child several months later was a traumatic experience.

A letter, with attached memorandum, dated July 18, 1975, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 18, 1975.

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. 1653 for the relief of Sun Yang Kim and Sun Mi Kim, there is attached a memorandum of information concerning the beneficiaries.

The bill would provide that the beneficiaries, ages three and one respectively, who are to be adopted by United States citizens, may be classified as children and granted immediate relative status upon approval of petitions filed in their behalf by Mr. and Mrs. Sanders D. Newman. It further provides that the natural parents, brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any immigration benefits. The bill further provides that the provision of the Immigration and Nationality Act, which limits the number of petitions that may be approved for adopted children, shall not be applicable in this case.

Absent enactment of the bill, the beneficiaries, natives and citizens 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. 1653

Information concerning the case was obtained from Sanders David Newman, the prospective adoptive father of the beneficiaries, Sun Yang Kim and Sun Mi Kim.

The beneficiaries, Sun Yang Kim and Sun Mi Kim, who are natural sisters, were born in Korea on February 29, 1972 and February 11, 1974, respectively. They were found as abandoned children in November 1974 and presently reside in an orphanage in Seoul, Korea.

The interested party, Sanders David Newman, a United States citizen and the prospective adoptive father of the beneficiaries, was born on November 28, 1930 in Brooklyn, New York. After graduating from the University of Miami in 1952, he served two years as an officer in the United States Air Force. Commencing in 1954 he attended New York Law School and was awarded a Bachelor of Laws degree from that institution in 1956. Upon graduation from law school he was employed with law firms in New York, New York and

since November 1970 has been connected with a Philadelphia, Pennsylvania law firm, of which he is presently a full partner earning \$60,000 per annum. His assets consist of a home valued at \$85,000, on which there is a mortgage of \$45,000, checking and savings accounts of \$2,000 and \$1,500 respectively, and other personal property valued at \$78,000.

Mr. Newman married the former Joan Margaret Goodwin, a United States citizen, on June 14, 1952 in New York, New York. His spouse, age 43, is unemployed. They have three natural children, a daughter and twin sons. The interested party is the director of Welcome House, an adoptive parents' group located in Doylestown, Pennsylvania, and he is the former director of the Philadelphia Chapter, Friends of Children of Vietnam. Both he and his wife have travelled to Korea and served as escorts for children coming to the United States for adoption. On his most recent journey to Korea, in March 1975, the interested party observed the two beneficiaries.

Mr. and Mrs. Newman have previously adopted a seven month old female Korean orphan. This child, who became a citizen of the United States through naturalization, died on March 20, 1974, after a series of operations for internal disorders. Mr. and Mrs. Newman also served as foster parents for a seven year old 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, Section 204(c) of the Immigration and Nationality Act precludes the approval of further petitions by them for adopted children or orphans as defined in Section 101(b)(1)(E) or (F) of the Act.

The Kim children are also the beneficiaries of H.R. 3369, 94th Congress.

Senator Richard S. Schweiker, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 16, 1975.

Hon. JAMES O. EASTLAND,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: Reference is made to S. 1653, a bill for the relief of Sun Yang Kim and Sun Mi Kim which I introduced on May 6.

I wish to call to the attention of the Subcommittee on Immigration and Naturalization the unusual circumstances of this situation which I believe merits special legislation by the Congress.

Mr. and Mrs. Sanders D. Newman of Yardley, Pennsylvania in 1969 sponsored for immigration, and later adopted, a young Korean girl. In December of 1968 Mr. and Mrs. Newman sponsored for immigration a paralyzed Vietnamese boy. The unexpected death of their first adopted child several months later was a traumatic experience

for the Newman family. The second child was not adopted but placed by the adoption agency with, and later adopted by, another family.

Mr. and Mrs. Newman are statutorily prohibited from sponsoring immigration for an eligible orphan for the purpose of adoption. I believe it was not the intent of the Congress to bar adoption of alien children under circumstances such as these.

Enclosed is a letter from Mr. Newman and a report from the Immigration and Naturalization Service providing additional details regarding this matter.

Please feel free to contact me, or have your staff contact my Staff Assistant, John Casciotti, at 244-8187 for any further information or assistance you may desire.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., April 1, 1975.

Hon. RICHARD S. SCHWEIKER,
U.S. Senate
Washington, D.C.

DEAR SENATOR SCHWEIKER: Further reference is made to your letter of February 24, 1975 concerning Mr. Sanders D. Newman's desire to adopt two Korean children.

Service file A18 583 678 reveals that Song Hee Cho, born on December 17, 1968 in Seoul, Korea, was admitted to the United States on July 4, 1969, as a lawful permanent resident following the Service's approval of a visa petition filed by Mr. Newman according to the child immediate relative immigrant classification as an eligible orphan as defined by section 101(b)(1)(F) of the Immigration and Nationality Act. She was adopted by Mr. and Mrs. Newman on February 5, 1970 in Doylestown, Penn., was naturalized as a United States citizen on March 7, 1973, and died on March 20, 1974.

Our file A20 611 580 shows that Phan Van Hong, born on December 4, 1968 in Vietnam, was admitted to the United States on November 24, 1973 as a lawful permanent resident following approval of a petition filed by Mr. Newman according to the child immediate relative classification as defined by section 101(b)(1)(F). The child underwent extensive surgery at the expense of Mr. and Mrs. Newman while residing with them until October 1974. The child was not adopted and has since been placed by the adoption agency involved in the visa petition proceeding with Mr. and Mrs. Dean Chapman in Concord, Calif.

Section 204(c) of the Act provides in part that no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(F) unless necessary to prevent the separation of brothers and sisters. Accordingly, Mr. and Mrs. Newman were recently advised by Service officers in Philadelphia that no additional petitions filed by them on behalf of alien orphans may be approved.

Mr. and Mrs. Newman were furnished correct information by the Philadelphia office. There is no way for the Service to administratively waive the limitation imposed by the above-cited statute.

Sincerely,

CORNELIUS J. LEARY,
Executive Assistant
(For the Commissioner).

BLANK, ROME, KLAUS AND COMISKY,
Philadelphia, Pa., March 17, 1975.

Re adoption of Korean girls.

DEAR SENATOR SCHWEIKER: In July, 1969 CHO, Song Hee, a little 6½ months old Korean girl whom we named Jennifer Newman, came into our home. At that time our three natural children, one daughter and twin sons were 12, 10 and 10. Jenny lit up our lives (all of us) and brought us into a world we never knew existed. As Jenny grew up, my wife Joan and I began to work with charitable organizations dedicated to helping orphan children in Asia, particularly in Vietnam.

About 4 months before Jenny's death in March, 1974, we brought a little boy, about 6 years old, named Matthew, into our home from Vietnam. Matthew was paralyzed from the waist down. He required an operation and extensive therapy for him to be able to walk with crutches and braces. Matthew also had no bladder or bowel control.

In March, 1974 our daughter Jenny was in the hospital for tests and suddenly, as a result of a doctor's mistake, died. Our family was completely devastated, especially my wife. During the months that followed it became increasingly clear that we were unable to properly care for Matthew.

Among other things, he unfortunately, became psychologically involved in my wife's mind with the death of Jenny. While I believe this could probably be worked out in time, we thought it just wasn't fair to Matthew. After several sessions with doctors and psychologists, I reluctantly came to the conclusion that it was in Matthew's best interests to find another home. Fortunately, we were able to do this through the Agency from which we were planning to adopt Matthew. He is now secure and happy in a wonderful home in California with 7 other brothers and sisters, three of whom are adopted children from Korea and Vietnam and one of whom is handicapped as he. In fact, they share a room together.

As we began to recover from Jenny's death and learn to cope with life again on a daily basis, we again became active in charitable work. This time directed to the children of Korea.

Joan and I joined the Board of Directors of Welcome House Adoptive Parents Group, Inc. which is the "parent" organization affiliated with Welcome House, the adoptive agency through whom we adopted Jenny. More healing time passed, and we had an opportunity to visit Korea as escorts for 12 orphans who were being adopted by American parents. It was a sentimental journey but the trip went a long way toward helping with the healing process.

In January, 1975 the Executive Director of Welcome House asked if we would undertake to adopt two abandoned Korean children who

are sisters, age 3 and 1. She explained that these children were difficult to adopt because they were two and most parents only wanted one. The time seemed to be ripe to reenter that magical world that seemed to be denied to us when Jenny died.

In our hearts we were committed but had to face the realities of the law. We discovered that the Immigration and Naturalization laws made no allowance for the death of a child or the transfer of a child to another home because of extenuating circumstances. You are entitled to adopt two Asian children under preference visas and that was it. We inquired into the possibility of using the non-preference visa and discovered that the waiting list was in excess of two years.

It seems that the only recourse available to us is in a private bill. As a lawyer I can understand a legislator's aversion to a private bill. I have that feeling myself. I also know that is why the courts of equity were created—to try to provide a remedy where none exists at law. I sincerely believe that a private bill is the equitable remedy in our situation.

This has been an extremely difficult letter for me to write. It brought back a flood of painful memories. I also found it hard to try and find the words to portray our feelings.

We truly hope that you will be able to find your way clear to join with Congressman Biester in supporting a private bill to allow my wife Joan and I to adopt the two little Korean sisters.

Sincerely,

SANDERS D. NEWMAN.

Mr. Biester, the author of a companion bill (H.R. 3369) submitted the following statement in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate your invitation to provide a statement in support of H.R. 3369, a private bill for the relief of Sun Yang Kim and Sun Mi Kim which I have introduced.

This legislation has been requested to address the special circumstances with which Mr. and Mrs. Sanders Newman, the petitioners, are faced in their desire to adopt Sun Yang and Sun Mi. The children, ages 3 and 1, respectively, were abandoned by their parents in Suwon City, Korea, in 1974. The Newmans have already used the two approved preference visa petitions allowed them under section 204(c) of the Immigration and Nationality Act and thus are requesting that this section of the Act be waived in this case and that the sisters be defined as children upon approval of the Newman's petition.

In 1969 the Newmans adopted a female Korean they named Jenny who became naturalized and later died as the result of complications arising from an operation. Prior to the young girl's death, the Newmans had become foster parents for a six year old Vietnamese orphan, Matthew, who was paralyzed from the waist down. The combined im-

H.R. 585

pact of Jenny's death and the problems involved in properly caring for Matthew overwhelmed them, especially Mrs. Newman. After consultation with professionals, it was concluded that Matthew best be placed in another home, and he now lives with a family in California along with seven brothers and sisters including three who are adopted Asians, one of whom is also handicapped.

The passage of time was salutary. In the months that passed the Newmans became active in Welcome House, the international orphan sponsoring agency located in Bucks County near their home. Mr. Newman also served as a director of the Philadelphia chapter of Friends of Children of Vietnam. As part of their involvement in this humanitarian work, they visited Korea as escorts for 12 orphans being adopted by American parents. Mr. Newman has since returned to Korea and at that time met the two young sisters whom he and his wife had applied to adopt.

When Welcome House approached the Newmans regarding this adoption, the petitioners felt, emotionally and psychologically, that they were once again in a position to adopt children and initiated efforts to do so. They had been advised that it would be difficult to place the two in the same home as they are sisters and most prospective adopters only wish one child. But, since they had already adopted one child and served as foster parents for another, they had exhausted the two petitions available to them under section 204(c).

During my nine years in Congress I have introduced only a very few private bills; H.R. 3369 is the only one I have introduced in the 94th Congress. While such an avenue of legislative remedy is needed for those special situations, I feel it should be used most sparingly. Mr. Newman, who is an attorney as am I, has stated he recognizes a legislator's "aversion" to the private bill. In this instance, though, I feel that the Newmans have presented a case demonstrating extenuating circumstances and one which warrants legislative relief.

Again, I appreciate the attention you and your Subcommittee have given to this matter.

Very sincerely yours,

EDWARD G. BIESTER, Jr.,
Member of Congress.

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. 1653), as amended, should be enacted.

○

H.R. 585

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 Sun Yang Kim and Sun Mi Kim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(c) of the Immigration and Nationality Act limiting the number of petitions which may be approved for children shall be inapplicable to a petition filed by Mr. and Mrs. Sanders D. Newman, United States citizens, to classify Sun Yang Kim and Sun Mi Kim as children within the meaning of section 101(b)(1)(F) of that Act. The natural parents and brothers and sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

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 Sun Yang Kim and Sun Mi Kim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(c) of the Immigration and Nationality Act limiting the number of petitions which may be approved for children shall be inapplicable to a petition filed by Mr. and Mrs. Sanders D. Newman, United States citizens, to classify Sun Yang Kim and Sun Mi Kim as children within the meaning of section 101(b)(1)(F) of that Act. The natural parents and brothers and sisters of the beneficiaries 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.