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APPROVED
FEB 13 1976

Signed
2/13/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: February 14

February 10, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *(initials)*

SUBJECT:

Enrolled Bills

- H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
- H.R. 1758 - Relief of Terrence Jarome Caguiat
- H.R. 4939 - Relief of Manuel Bonotan
- H.R. 5750 - Relief of Chu Wol Kim
- H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

Attached for your consideration are the above referenced enrolled bills, all which would authorize preferential treatment under the Immigration and Nationality Act for the admission of alien children into the United States for adoption purposes.

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

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

RECOMMENDATION

That you sign the enrolled bills at Tabs B through G.

Pasted
2/13
To Archive
2/13





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
Sponsor - Rep. Hastings (R) New York
- (2) H.R. 1758 - Relief of Terrence Jarome Caguiat
Sponsor - Rep. Mink (D) Hawaii
- (3) H.R. 4939 - Relief of Manuel Bonotan
Sponsor - Rep. Leggett (D) California
- (4) H.R. 5750 - Relief of Chu Wol Kim
Sponsor - Rep. Bergland (D) Minnesota
- (5) H.R. 8451 - Relief of Jung Shik Yang
Sponsor - Rep. McHugh (D) New York
- (6) H.R. 8907 - Relief of Yong Won Lee
Sponsor - Rep. Cleveland (R) New Hampshire

Last Day for Action

February 14, 1976 - Saturday

Purpose

To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain 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

Summary of Legislation

These bills facilitate the immigration of children to the U.S.

for adoption purposes. In each case, the beneficiary children are barred from being accorded preferential treatment under various provisions of the Immigration and Nationality Act dealing with eligibility for classification as immediate relative children of petitioning adopting parents. If certain conditions of that Act are not waived, these children would be chargeable to the nonpreference foreign State limitation of Eastern Hemisphere countries, and, consequently, their admission into the United States for permanent residence could be delayed for years.

Each of the enrolled bills would authorize the classification of each alien child, respectively, as an immediate relative child and permit the approval of immigration visa petitions filed by the adopted or prospective adopting parents. Upon approval of such petitions, the children would be admitted to the United States for permanent residence. In addition, the natural parents and siblings of the beneficiaries are declared ineligible for similar preferential treatment for immigration to the United States

H.R. 1399 - Maria Del Carmen Alvarado Martinez

The beneficiary is a 1 1/2 year old Mexican girl, who was paroled into the United States in October 1975 and now resides in Elmira, New York with her prospective adopting parents, Mr. and Mrs. John Stein, a U.S. citizen and permanent resident alien, respectively. Her natural parents and siblings live in Mexico. Mrs. Stein is the sister of the child's mother, and she and Mr. Stein wish to adopt their niece because they are unable to have any children of their own. Because her parents are living, the beneficiary does not qualify for immediate relative status as a child under the Immigration and Nationality Act.

H.R. 1758 - Terrence Jarome Caguiat

The beneficiary is a 3-year old Filipino boy, who is the adopted son of Mr. and Mrs. Romeo Caguiat of Honolulu, Hawaii, a naturalized U.S. citizen and a permanent resident alien, respectively -- Mr. Caguiat is the boy's natural uncle. Although his natural parents are living, Terrence currently lives with his maternal grandmother in the Philippines, and is supported by the Caguiats, who adopted him in the Philippines on July 11, 1973. The beneficiary does not qualify for immediate relative child status under the Immigration and Nationality Act because his natural parents are living.

H.R. 4939 - Manuel Bonotan

The beneficiary is a 12 year old Filipino boy, who is living in the Philippines with his natural parents and two sisters. He was adopted in the Philippines on June 5, 1970, by Mr. and Mrs. Paulino Bonotan of Vallejo, California, a U.S. citizen and permanent resident alien, respectively. Manuel is the nephew of Mrs. Bonotan. Mr. and Mrs. Bonotan adopted Manuel because they are unable to have children and because the child's natural parents are poor. Because Manuel was not in the legal custody of Mr. and Mrs. Bonotan for two years after the adoption, he is ineligible for preferential treatment as an immediate relative under the Immigration and Nationality Act, notwithstanding the validity of his adopted status.

H.R. 5750 - Chu Wol Kim

The beneficiary is a two year old Korean orphan girl currently living with a foster family in that country. Her natural parents are unknown. She will be adopted upon her admission into the United States by Mr. and Mrs. Ralph Solem, both U.S. citizens, residing in Oslo, Minnesota. Mr. and Mrs. Solem already have four children, two of their own and two adopted Canadian-born children. The Immigration and Nationality Act normally limits approval of visa petitions for the prospective adoption of alien children to two per petitioner. Because the Solem's have had two such petitions approved for the Canadian-born orphans, they are ineligible to similarly petition in behalf of Chu Wol Kim.

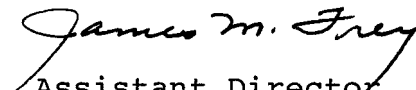
H.R. 8451 - Jung Shik Yang

The beneficiary is a one year old Korean girl currently living in an orphanage in Seoul. Her natural parents are unknown and she is coming to the United States for adoption by Mr. and Mrs. Herbert Barth Ray of Binghamton, New York. Mr. and Mrs. Ray already have four young children, two of whom are adopted Korean orphans. The Immigration and Nationality Act normally limits the number of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner. Because the Rays have had two such petitions approved for their adopted Korean children, they are ineligible to similarly petition on behalf of Jung Shik Yang.

H.R. 8907 - Yong Won Lee

The beneficiary is a 4-year old Korean boy living in an orphanage in Seoul. His natural parents abandoned him at birth. Upon admission into the United States, he will be adopted by Mr. and Mrs. Melvin Haas, both U.S. citizens, residing in Cabin John, Maryland. Mr. and Mrs. Haas have no natural children and

have already adopted three alien children, two of whom are siblings. The Immigration and Nationality Act normally limits approval of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner. Inasmuch as Mr. and Mrs. Haas have already had at least two such petitions approved, they are ineligible to file an immediate relative visa petition in behalf of Yong Won Lee.


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

5 FEB 1976

AND REFER TO THIS FILE NO.

A21 028 417

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 1399 ; Office of Management
and Budget request dated February 4, 1976


Beneficiary or Beneficiaries Maria Del Carmen Alvarado Martinez

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

4 FEB 1976

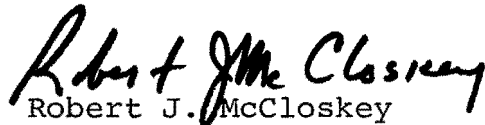
Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:


Reference is made to Mr. Frey's communication of February 3, 1976, transmitting for comment enrolled bills H.R. 1399, "For the relief of Maria Del Carmen Alvarado Martinez", and H.R. 4939, "For the relief of Manuel Bonton".

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

Sincerely,


Robert J. McCloskey
Assistant Secretary for
Congressional Relations

To
J. Casper
2-9-76



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

FEB 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- ✓(1) H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
Sponsor - Rep. Hastings (R) New York
- ✓(2) H.R. 1758 - Relief of Terrence Jarome Caguiat
Sponsor - Rep. Mink (D) Hawaii
- ✓(3) H.R. 4939 - Relief of Manuel Bonotan
Sponsor - Rep. Leggett (D) California
- ✓(4) H.R. 5750 - Relief of Chu Wol Kim
Sponsor - Rep. Bergland (D) Minnesota
- ✓(5) H.R. 8451 - Relief of Jung Shik Yang
Sponsor - Rep. McHugh (D) New York
- ✓(6) H.R. 8907 - Relief of Yong Won Lee
Sponsor - Rep. Cleveland (R) New Hampshire

Last Day for Action

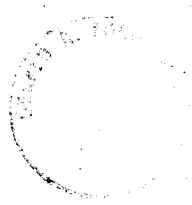
February 14, 1976 - Saturday

Purpose

To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain 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

Summary of Legislation

These bills facilitate the immigration of children to the U.S.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 9

Time: 745pm

FOR ACTION: Dick Parsons *dh*
NSC/S *dh*
Max Friedersdorf
Ken Lazarus *dh*

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE Date: February 11

Time: 200pm

SUBJECT:

Enrolled Bill:

- H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
- H.R. 1758 - Relief of Terrence Jarome Caquiat
- H.R. 4939 - Relief of Manuel Bonotan
- H.R. 5750 - Relief of Chu Wol Kim
- H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 9

Time: 745pm

FOR ACTION: Dick Parsons
 NSC/S
 Max Friedersdorf
 Ken Lazarus

cc (for information): Jack Marsh
 Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 200pm

SUBJECT:

Enrolled Bill:

H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez

H.R. 1758 - Relief of Terrence Jarome Caquiat

H.R. 4939 - Relief of Manuel Bonotan

H.R. 5750 - Relief of Chu Wol Kim

ACTION REQUESTED: H.R. 8451 - Relief of Jung Shik Yang

H.R. 8907 - Relief of Yong Won Lee

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Approval of all. [Signature]

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.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 9

Time: 745pm

FOR ACTION: Dick Parsons
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 Max Friedersdorf
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cc (for information): Jack Marsh
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FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 200pm

SUBJECT:

Enrolled Bill:

- H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
- H.R. 1758 - Relief of Terrence Jarome Caquiat
- H.R. 4939 - Relief of Manuel Bonotan
- H.R. 5750 - Relief of Chu Wol Kim
- H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

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 2/10/76

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

February 11, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M. L.*
SUBJECT: Enrolled Bills H. R. 1399, H. R. 1758, H. R. 4939
H. R. 5750, H. R. 8451 and H. R. 8907

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

Attachments

NATIONAL SECURITY COUNCIL

February 10, 1976

MEMORANDUM FOR: JAMES CAVANAUGH

FROM: *for* Jeanne W. Davis *ALT*

SUBJECT: *for* Enrolled Bills: H. R. 1399
H. R. 1758, H. R. 4939, H. R. 5750
H. R. 8451 and H. R. 8907

The NSC Staff concurs in Enrolled Bills, H. R. 1399 - Relief of Maria Del Carmen Alvarado Martinez; H. R. 1758 - Relief of Terrence Jarome Caquiat; H. R. 4939 - Relief of Manuel Bonotan; H. R. 5750 - Relief of Chu Wol Kim; H. R. 8451 - Relief of Jung Shik Yang; and H. R. 8907 - Relief of Yong Won Lee.

MARIA DEL CARMEN ALVARADO MARTINEZ

JANUARY 30, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 1399]

The Committee on the Judiciary, to which was referred the bill, (H.R. 1399), for the relief of Maria Del Carmen Alvarado Martinez, 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 adjustment of status as an immediate relative of the child to be adopted by a United States citizen and a lawfully resident alien.

STATEMENT OF FACTS

The beneficiary of the bill is a one-year-old native and citizen of Mexico who currently resides in New York with her prospective adoptive parents, Mr. and Mrs. John D. Stein, a United States citizen and lawfully resident alien, respectively. The beneficiary was paroled into the United States in October, 1975. Her natural parents, two sisters and two brothers reside in Mexico. The beneficiary's natural mother is the sister of her prospective adoptive mother.

A letter, with attached memorandum, dated July 29, 1975 to the Chairman of the Committee on the Judiciary of the House of Representatives, 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 29, 1975.

A-21028417.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 1399) for the relief of Maria Del Carmen Alvarado-Martinez, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the 1-year-old beneficiary, who is to be adopted by Mr. and Mrs. John D. Stein, may be classified as a child and be granted immediate relative status. The bill further provides that other relatives of the beneficiary, shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act, and the the provision which limits the number of petitions that may be approved for adopted children shall not be applicable in this case.

It is noted that the bill refers to Mrs. Stein as a U.S. citizen. Mrs. Stein is an alien who has been lawfully admitted to the United States for permanent residence.

Absent enactment of the bill, the beneficiary, a native of Mexico, is chargeable to the numerical limitation for immigrants from the Western Hemisphere.

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 1399

Information concerning this case was obtained from Mr. and Mrs. John D. Stein, the prospective adoptive parents of the beneficiary.

The beneficiary, Maria Del Carmen Alvarado-Martinez, a native and citizen of Mexico, was born on July 16, 1974. Her natural parents, two sisters, and two brothers live in Mexico.

Permission to adopt the beneficiary was granted Mr. and Mrs. Stein in accordance with the Civil Code of the State of Durango, Mexico, on October 23, 1974. The beneficiary will not qualify for immediate relative status as a child under the Immigration and Nationality Act because both of her natural parents are living.

Mrs. Maria Esperanza Stein, a permanent resident of the United States, born on April 27, 1937, in Mexico, is the sister of the beneficiary's natural mother. Her husband, John David Stein, a native and citizen of the United States, was born on November 1, 1944. They were married on January 9,

1965, reside in Elmira, N.Y. and desire to adopt the beneficiary because they are unable to have any children of their own. Mr. Stein is employed as a patrolman with the Elmira Police Department at an annual salary of \$11,700. Mrs. Stein is not employed. Their assets consist of \$2,000 in bank savings, \$1,600 in a private business, \$5,000 in household goods, an automobile valued at \$2,000 and \$6,000 equity in a \$15,000 house.

Adoption proceedings in behalf of the beneficiary have not been instituted.

A letter dated September 16, 1975 to the Chairman of the House Judiciary Committee from the Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to the bill reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 16, 1975.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the case of Maria del Carmen Alvarado Martinez, beneficiary of H.R. 1399, 94th 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 John David Stein, an American citizen and Maria Esperanza Alvarado Atilano de Stein. It further provides that the natural parents or brothers and sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

The bill would also waive the provisions of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans.

The American Consulate General at Monterrey, Mexico, in whose consular jurisdiction the beneficiary resides, has reported that the beneficiary was born on July 16, 1974 at Guadalupe Victoria, Durango, Mexico. She is being adopted by John Stein and Maria Esperanza Alvarado Atilano de Stein, who currently reside at Elmira, N.Y.

Mr. Stein visited the Consulate on December 1974 and at that time requested that the child be registered for an immigrant visa.

Absent the enactment of this bill, the beneficiary would be subject to the numerical limitation for immigrants from the Western Hemisphere. In this case, the child's priority date was established as of December 16, 1974.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

Congressman James F. Hastings, the author of the bill, has submitted the following supporting information:

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

CO-703.999.

Hon. JAMES F. HASTINGS,
House of Representatives,
Washington, D.C.

DEAR MR. HASTINGS: Reference is made to your letter of September 22, 1975, concerning Maria Del Carmen Alvarado Martinez, the beneficiary of your private bill H.R. 1399.

Because of the condition of the child, her parole into the United States for medical treatment and health reasons has been authorized. The Department of State has been requested to notify the appropriate United States consulate of this authorization.

It would be helpful if you will advise me of the date and port of entry and the mode of travel of the child to the United States. This information provided in advance of her travel will enable us to notify the port of entry of the parole authorization and conditions thereof.

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1975.

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

DEAR CHAIRMAN EILBERG: This is in response to your letter of October 23rd regarding my private bill, H.R. 1399, for the relief of Maria Del Carmen Alvarado Martinez.

I was glad to learn that the bill was reported favorably from your subcommittee and greatly appreciate your support in this regard.

The passage of this bill is of significant importance as I believe the welfare of a small child is at stake. Maria comes from a large Mexican family whose father is desperately trying to support the family on an annual income of \$250. My constituents, Mr. and Mrs. John Stein have expressed the desire to legally adopt Maria, Mrs. Stein's natural niece, in order that they may more adequately care for her physical and emotional needs.

The Steins have already submitted the necessary requirements for such a procedure through their local Family Services Agency; pre-adoption status has been granted in this case. They are, I believe, both financially and socially able to undertake the care of the child.

At the present time, Maria is undergoing repeated visits to the local doctor in an effort to treat evidences of malnutrition. The Steins are anxious to expedite the adoption proceedings in order that they might secure proper medical attention for the baby here in the United States. There is the possibility that any further lack of proper attention by

competent individuals might greatly impair the future well-being of the child.

My bill would provide that the beneficiary may be classified as a child and be granted immediate relative status.

Thank you for your time and consideration in this matter. I look forward to hearing of a favorable report from the full committee.

Sincerely,

JAMES F. HASTINGS,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1339) should be enacted.

○

MARIA DEL CARMEN ALVARADO MARTINEZ

NOVEMBER 6, 1975.—Committed to the Committee of the Whole House and
ordered to be printed

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

REPORT

[To accompany H.R. 1399]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1399), for the relief of Maria Del Carmen Alvarado Martinez, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 1, lines 8 and 9, strike out the language "citizens of the United States, pursuant to section 204 of the Act:" and insert in lieu thereof the language:

a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act, and the provisions of section 245(c) of the Act shall be inapplicable in this case:

On page 2, line 2, after the word "Act." strike out the remainder of the bill.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the adjustment of status in the United States of the prospective adoptive child of a U.S. citizen and his wife, a lawfully resident alien. The bill has been amended to reflect the prospective adoptive mother's status in the United States, and has been further amended to exempt the beneficiary from the provisions of section 245(c) of the Immigration and Nationality Act. The last sentence of the bill has been deleted because it is unnecessary.

GENERAL INFORMATION

The beneficiary of this bill is a 1-year-old native and citizen of Mexico who resides in New York with her prospective adoptive parents. She was paroled into the United States in October of 1975. The

preadoption requirements of the State of New York have been met and the favorable recommendation of the appropriate authorities in that State was submitted to the committee.

Certain pertinent facts in this case are contained in a letter dated July 24, 1975, from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

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

A-21028417.

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 1399) for the relief of Maria Del Carmen Alvarado-Martinez, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the 1-year-old beneficiary, who is to be adopted by Mr. and Mrs. John D. Stein, may be classified as a child and be granted immediate relative status. The bill further provides that other relatives of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act, and that the provision which limits the number of petitions that may be approved for adopted children shall not be applicable in this case.

It is noted that the bill refers to Mrs. Stein as a U.S. citizen. Mrs. Stein is an alien who has been lawfully admitted to the United States for permanent residence.

Absent enactment of the bill, the beneficiary, a native of Mexico, is chargeable to the numerical limitation for immigrants from the Western Hemisphere.

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 1399

Information concerning this case was obtained from Mr. and Mrs. John D. Stein, the prospective adoptive parents of the beneficiary.

The beneficiary, Maria Del Carmen Alvarado-Martinez, a native and citizen of Mexico, was born on July 16, 1974. Her natural parents, two sisters, and two brothers live in Mexico.

Permission to adopt the beneficiary was granted Mr. and Mrs. Stein in accordance with the Civil Code of the State of Durango, Mexico, on October 23, 1974. The beneficiary will not qualify for immediate relative status as a child under the

Immigration and Nationality Act because both of her natural parents are living.

Mrs. Maria Esperanza Stein, a permanent resident of the United States, born on April 27, 1937, in Mexico, is the sister of the beneficiary's natural mother. Her husband, John David Stein, a native and citizen of the United States, was born on November 1, 1944. They were married on January 9, 1965, reside in Elmira, N.Y. and desire to adopt the beneficiary because they are unable to have any children of their own. Mr. Stein is employed as a patrolman with the Elmira Police Department at an annual salary of \$11,700. Mrs. Stein is not employed. Their assets consist of \$2,000 in bank savings, \$1,600 in a private business, \$5,000 in household goods, an automobile valued at \$2,000 and \$6,000 equity in a \$15,000 house.

Adoption proceedings in behalf of the beneficiary have not been instituted.

On September 16, 1975, the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 16, 1975.

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

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the case of Maria del Carmen Alvarado Martinez, beneficiary of H.R. 1399, 94th 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 John David Stein, an American citizen and Maria Esperanza Alvarado Atilano de Stein. It further provides that the natural parents or brothers and sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

The bill would also waive the provisions of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans.

The American Consulate General at Monterrey, Mexico, in whose consular jurisdiction the beneficiary resides, has reported that the beneficiary was born on July 16, 1974 at Guadalupe Victoria, Durango, Mexico. She is being adopted by John Stein and Maria Esperanza Alvarado Atilano de Stein, who currently reside at Elmira, N. Y.

Mr. Stein visited the Consulate on December 1974 and at that time requested that the child be registered for an immigrant visa.

Absent the enactment of this bill, the beneficiary would be subject to the numerical limitation for immigrants from the Western Hemisphere. In this case, the child's priority date was established as of December 16, 1974.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

Mr. Hastings, the author of this bill, submitted the following letters in support of this legislation:

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

CO-703.999.

HON. JAMES F. HASTINGS,
House of Representatives,
Washington, D.C.

DEAR MR. HASTINGS: Reference is made to your letter of September 22, 1975, concerning Maria Del Carmen Alvarado Martinez, the beneficiary of your private bill H.R. 1399.

Because of the condition of the child, her parole into the United States for medical treatment and health reasons has been authorized. The Department of State has been requested to notify the appropriate United States consulate of this authorization.

It would be helpful if you will advise me of the date and port of entry and the mode of travel of the child to the United States. This information provided in advance of her travel will enable us to notify the port of entry of the parole authorization and conditions thereof.

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1975.

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

DEAR CHAIRMAN EILBERG: This is in response to your letter of October 23rd regarding my private bill, H.R. 1399, for the relief of Maria Del Carmen Alvarado Martinez.

I was glad to learn that the bill was reported favorably from your subcommittee and greatly appreciate your support in this regard.

The passage of this bill is of significant importance as I believe the welfare of a small child is at stake. Maria comes from a large Mexican family whose father is desperately trying to support the family on an annual income of \$250. My constituents, Mr. and Mrs. John Stein have expressed the desire to legally adopt Maria, Mrs. Stein's natural niece, in order that they may more adequately care for her physical and emotional needs.

The Steins have already submitted the necessary requirements for such a procedure through their local Family Services Agency; pre-adoption status has been granted in this case. They are, I believe, both financially and socially able to undertake the care of the child.

At the present time, Maria is undergoing repeated visits to the local doctor in an effort to treat evidences of malnutrition. The Steins are anxious to expedite the adoption proceedings in order that they might secure proper medical attention for the baby here in the United States. There is the possibility that any further lack of proper attention by competent individuals might greatly impair the future well-being of the child.

My bill would provide that the beneficiary may be classified as a child and be granted immediate relative status.

Thank you for your time and consideration in this matter. I look forward to hearing of a favorable report from the full committee.

Sincerely,

JAMES F. HASTINGS,
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.

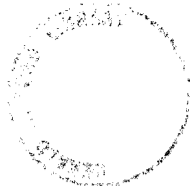
OVERSIGHT STATEMENT

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

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the committee is of the opinion that H.R. 1399, amended, should be enacted and accordingly recommends that the bill do pass.

H. R. 1399



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Maria Del Carmen Alvarado Martinez.

*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, Maria Del Carmen Alvarado Martinez may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by John David Stein and Maria Esperanza Alvarado Atilano de Stein, a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act, and the provisions of section 245(c) of the Act shall be inapplicable in this case: *Provided*, That the natural parents or 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.*

Speaker of the House of Representatives.

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

February 3, 1976

Dear Mr. Director:

The following bills were received at the White House on February 3rd:

✓ H.R. 1399	✓ H.R. 5750
✓ H.R. 1758	✓ H.R. 8451
✓ H.R. 4046	✓ H.R. 8555
✓ H.R. 4113	✓ H.R. 8907
✓ H.R. 4939	

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.