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APPROVED  
FEB 13 1976

*Signed  
2/13/76*

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day: February 14

February 10, 1976

*Posted  
2/13  
Jo. Arkins  
2/13*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

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.





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.

*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

5 FEB 1976

AND REFER TO THIS FILE NO.

A20 944 153

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 5750 ; Office of Management  
and Budget request dated February 3, 1976

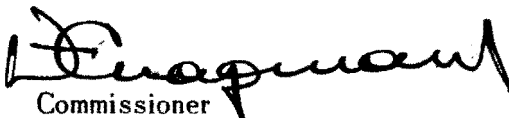
Beneficiary or Beneficiaries Chu Wol Kim

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

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. 4046, "For the relief of Valerie Ann Phillips, nee Chambers", H.R. 4113, "For the relief of Mitsue Karimata Stone", and H.R. 5750, "For the relief of Chu Wol Kim".

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

Sincerely,

Robert J. McCloskey  
Assistant Secretary for  
Congressional Relations



To: J. Cunningham  
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 *mk*  
 NSC/S *ch*  
 Max Friedersdorf  
 Ken Lazarus *ak*

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

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- 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

X

For Your Comments

Draft Remarks

REMARKS:

*Approval of all. [Signature]*

Please return to Judy Johnston, Ground Floor West Wing

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THE WHITE HOUSE

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- ACTION REQUESTED: H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

- |   |   |
|---|---|
| <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.

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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 *AWH*

SUBJECT: 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.

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 9

Time: 745pm

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

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:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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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
- H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

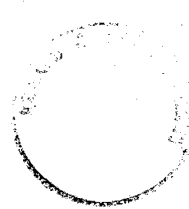
ACTION REQUESTED:

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

REMARKS:

*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.



CHU WOL KIM

---

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

---

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

REPORT

[To accompany H.R. 5750]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5750), for the relief of Chu Wol Kim, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to facilitate the admission into the United States of the adopted child of citizens of the United States.

GENERAL INFORMATION

The beneficiary of this bill is a 2-year-old native and citizen of Korea who resides in that country in a foster home. She is coming to the United States for adoption by citizens of the United States who have two natural children and two adopted Canadian-born children who are all citizens of the United States.

The pertinent facts in this case are contained in a letter dated September 4, 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., September 4, 1975.*

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. 5750) for the relief of Chu Wol Kim, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the two-year-old beneficiary, who is to be adopted by United States citizens, may be classified as a child and granted immediate relative status subject to the provisions of the Immigration and Nationality Act relating to adoption requirements. The bill contains the usual provision 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 H.R. 5750

Information concerning this case was obtained from Mr. and Mrs. Ralph Solem, the interested parties.

The beneficiary, Chu Wol Kim, a native and citizen of Korea, was born on February 21, 1973. She resides in Korea with a foster family. Her natural parents are unknown. She is the ward of Holt Children's Services, Seoul, Korea, and has been released for adoption by that agency. The Department of Public Welfare of Minnesota has approved the bringing of the beneficiary into the state for adoption. The beneficiary has a dysfunction of the leg which is correctable through surgery.

Mr. and Mrs. Ralph Solem, natives and citizens of the United States, were born on January 14, 1935 and February 1, 1940, respectively. They were married June 28, 1959 and reside in Oslo, Minnesota. Two children have been born to this marriage. The children reside with their parents. Mr. and Mrs. Solem are the adoptive parents of two Canadian-born children, a brother and sister. Both children were naturalized on November 22, 1974. Mr. Solem attended high school for 3½ years and served four years in the Air Force. He has been selfemployed as a farmer since 1960. Mrs. Solem is a high school graduate and completed a year and two scholastic quarters in college. She is not employed outside the home. Their income is about \$20,000 per year. They completely own their home, worth \$25,000, eighty acres of farm land and three automobiles. They own, in partnership with Mr. Solem's brother, four trucks and various items of farm equipment. They have no savings. Their net worth is estimated at \$200,000.

A petition to classify orphan as an immediate relative filed on behalf of the beneficiary was denied on February 11, 1975. The denial was based on the fact that the Solem's had previously filed visa petitions in behalf of the two orphans who are now their adoptive children. It was further based on the fact that, pursuant to Section 204(c) of the Immigration and Nationality Act, no more than two such petitions may be approved for one petitioner unless necessary to prevent the separation of brothers and sisters. Notice of appeal from the denial was filed February 27, 1975. The Solem's attorney has requested and received several extensions of time, the last to August 7, 1975, within which to submit a brief. When the brief is received the case will be forwarded to the Regional Commissioner for decision on the appeal. Visa numbers under the nonpreference category are currently unavailable to natives of Korea.

S. 2130, 94th Congress, introduced in behalf of the beneficiary, is also pending.

On August 13, 1975, the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,  
Washington, D.C., August 13, 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 Chu Wol Kim, beneficiary of H.R. 5750, 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 Ralph and Darlyne Solem, American citizens. It also 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 American Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides, has reported that Kim Chu Wol was born on February 21, 1973, at Seoul, Korea. She is in the care of Holt Children's Services, an adoption agency located in Seoul, Korea, and presently residing in a foster home.

The beneficiary is registered as an intended immigrant chargeable to the nonpreference category of the numerical limitation for Korea, with a registration priority date of May 23, 1975.

A check of the Embassy's visa files failed to reveal any record of derogatory information pertaining to the beneficiary.

The beneficiary underwent a medical examination on May 2, 1975, and was found to be suffering from rickets, and classified as Class B.

Sincerely,

ROBERT J. McCLOSKEY,  
*Assistant Secretary for*  
*Congressional Relations.*

Mr. Bergland submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., October 29, 1975.

Congressman JOSHUA EILBERG,  
*Chairman, Subcommittee on Immigration, Citizenship and International Law.*

DEAR CHAIRMAN EILBERG: This is in reference to H.R. 5750, a bill for the relief of Chu Wol Kim.

I feel this bill has sufficient merit and I introduced it and will support it for the following reasons:

1. The original denial of the immediate relative petition was based on the fact that the Solems had previously filed visa petitions in behalf of two Canadian orphans who are now their adoptive children and they now wish to share the same benefits with another child who needs immediate medical attention.

2. Visa numbers for nonpreference category are currently unavailable to Korean natives indicating that there is no way to tell when she would be able to obtain this type of visa.

3. Both the State Department and Justice Department have investigated and have found no derogatory information.

4. The Solems have two Canadian children and were told by the Immigration and Naturalization Service that if the situation were reversed, that is, if they would have adopted the Korean child first and then the two Canadian children, two visas for these children would probably have been granted.

I would also like to add that I know the Solems and their capacity to serve as parents. They are kind and generous people and would give the care to this child that only parents could provide. This has been demonstrated with their two adopted children and they now wish to share their love again with Chu Wol Kim.

Thank you for your kind consideration in this matter.

Sincerely,

BOB BERGLAND.

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. 5750 should be enacted and accordingly recommends that the bill do pass.



## CHU WOL KIM

---

JANUARY 30, 1976.—Ordered to be printed

---

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

### REPORT

[To accompany H.R. 5750]

The Committee on the Judiciary, to which was referred the bill (H.R. 5750) for the relief of Chu Wol 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 alien child to be adopted by citizens of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill is a two-year-old native and citizen of Korea who is currently residing there with a foster family. Her natural parents are unknown. The prospective adoptive parents reside in Oslo, Minnesota, and are the natural parents of two children, and the adoptive parents of two sibling Canadian-born children.

A letter, with attached memorandum, dated September 4, 1975, to the chairman of the Committee on the Judiciary, House of Representatives, with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., September 4, 1975.

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. 5750) for the relief of Chu Wol Kim, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the two-year-old beneficiary, who is to be adopted by United States citizens, may be classified as a child and granted immediate relative status subject to the provisions of the Immigration and Nationality Act relating to adoption requirements. The bill contains the usual provision 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.

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Information concerning this case was obtained from Mr. and Mrs. Ralph Solem, the interested parties.

The beneficiary, Chu Wol Kim, a native and citizen of Korea, was born on February 21, 1973. She resides in Korea with a foster family. Her natural parents are unknown. She is the ward of Holt Children's Services, Seoul, Korea, and has been released for adoption by that agency. The Department of Public Welfare of Minnesota has approved the bringing of the beneficiary into the state for adoption. The beneficiary has a dysfunction of the leg which is correctable through surgery.

Mr. and Mrs. Ralph Solem, natives and citizens of the United States, were born on January 14, 1935 and February 1, 1940, respectively. They were married June 28, 1959 and reside in Oslo, Minnesota. Two children have been born to this marriage. The children reside with their parents. Mr. and Mrs. Solem are the adoptive parents of two Canadian-born children, a brother and sister. Both children were naturalized on November 22, 1974. Mr. Solem attended high school for 3½ years and served four years in the Air Force. He has been selfemployed as a farmer since 1960. Mrs. Solem is a high school graduate and completed a year and two scholastic quarters in college. She is not employed outside the

home. Their income is about \$20,000 per year. They completely own their home, worth \$25,000, eighty acres of farm land and three automobiles. They own, in partnership with Mr. Solem's brother, four trucks and various items of farm equipment. They have no savings. Their net worth is estimated at \$200,000.

A petition to classify orphan as an immediate relative filed on behalf of the beneficiary was denied on February 11, 1975. The denial was based on the fact that the Solem's had previously filed visa petitions in behalf of the two orphans who are now their adoptive children. It was further based on the fact that, pursuant to Section 204(c) of the Immigration and Nationality Act, no more than two such petitions may be approved for one petitioner unless necessary to prevent the separation of brothers and sisters. Notice of appeal from the denial was filed February 27, 1975. The Solem's attorney has requested and received several extensions of time, the last to August 7, 1975, within which to submit a brief. When the brief is received the case will be forwarded to the Regional Commissioner for decision on the appeal. Visa numbers under the nonpreference category are currently unavailable to natives of Korea.

S. 2130, 94th Congress, introduced in behalf of the beneficiary, is also pending.

A letter dated August 13, 1975 to the chairman of the Committee on the Judiciary, House of Representatives, from the Assistant Secretary for Congressional Relations, U.S. Department of State, reads as follows:

DEPARTMENT OF STATE,  
Washington, D.C., August 13, 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 Chu Wol Kim, beneficiary of H.R. 5750, 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 Ralph and Darlyne Solem, American citizens. It also 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 American Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides, has reported that Kim Chu Wol was born on February 21, 1973, at Seoul, Korea. She is in the care of Holt Children's Services, an adoption agency located in Seoul, Korea, and presently residing in a foster home.

The beneficiary is registered as an intended immigrant chargeable to the nonpreference category of the numerical limitation for Korea, with a registration priority date of May 23, 1975.

A check of the Embassy's visa files failed to reveal any record of derogatory information pertaining to the beneficiary.

The beneficiary underwent a medical examination on May 2, 1975, and was found to be suffering from rickets, and classified as Class B.  
Sincerely,

ROBERT J. McCLOSKEY,  
*Assistant Secretary for  
Congressional Relations.*

The Congressman Bob Bergland, the author of the bill, submitted the following letter in support of the legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., October 29, 1975.*

Congressman JOSHUA EILBERG,  
*Chairman, Subcommittee on Immigration, Citizenship and International Law.*

DEAR CHAIRMAN EILBERG: This is in reference to H.R. 5750, a bill for the relief of Chu Wol Kim.

I feel this bill has sufficient merit and I introduced it and will support it for the following reasons:

1. The original denial of the immediate relative petition was based on the fact that the Solems had previously filed visa petitions in behalf of two Canadian orphans who are now their adoptive children and they now wish to share the same benefits with another child who needs immediate medical attention.

2. Visa numbers for nonpreference category are currently unavailable to Korean natives indicating that there is no way to tell when she would be able to obtain this type of visa.

3. Both the State Department and Justice Department have investigated and have found no derogatory information.

4. The Solems have two Canadian children and were told by the Immigration and Naturalization Service that if the situation were reversed, that is, if they would have adopted the Korean child first and then the two Canadian children, two visas for these children would probably have been granted.

I would also like to add that I know the Solems and their capacity to serve as parents. They are kind and generous people and would give the care to this child that only parents could provide. This has been demonstrated with their two adopted children and they now wish to share their love again with Chu Wol Kim.

Thank you for your kind consideration in this matter.

Sincerely,

BOB BERGLAND.

Senator Walter F. Mondale has introduced a similar bill S. 2130 for the relief of the same beneficiary. In view of the fact that the instant bill is being reported favorably, the bill S. 2130 will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5750) should be enacted.

H. R. 5750

# 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 Chu Wol 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, Chu Wol Kim 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 Ralph Solem and Darlyne Solem, citizens of the United States, pursuant to section 204 of the Act: *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.*

Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

*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.