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5/5/76

APPROVED
MAY 22 1976

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: May 24

May 19, 1976

Posted
5/22/76
to Archives
5/24/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 5227 - Relief of Frank
Mark Russell

Attached for your consideration is H.R. 5227, sponsored by Representative Stanton, which would grant retroactive permanent residence status to an alien adopted as an infant by U.S. citizens 27 years ago and raised in the United States.

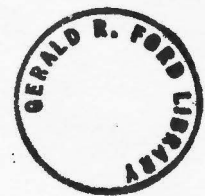
The beneficiary is married to a U.S. citizen and was unaware of his alien birth until he applied for a passport in 1973.

Additional information 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 enrolled bill.

RECOMMENDATION

That you sign H.R. 5227 at Tab B.



WVA 57 218



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

MAY 18 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5227 - Relief of Frank Mark Russell
Sponsor - Rep. Stanton (R) Ohio

Last Day for Action

May 24, 1976 - Monday

Purpose

To grant retroactive permanent resident status to an alien adopted as an infant by U.S. citizens 27 years ago and raised in the United States.

Agency Recommendations

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

Discussion

The enrolled bill would grant permanent residence status retroactive to September 1, 1948 and immediate eligibility for naturalization to Mr. Frank M. Russell, a 27 year old native and citizen of Canada, who has resided in the United States since infancy as the adopted son of U.S. citizens. Mr. Russell is married to a U.S. citizen and is employed as a juvenile officer for the State of Ohio.

At the age of one week on September 1, 1948, Mr. Russell was released for adoption by his natural mother and entered the U.S. without a visa in the care of his prospective parents who adopted him in Cleveland, Ohio, on March 4, 1949. The beneficiary was unaware of his alien birth until he applied for a



passport in 1973. On March 1, 1974, the Immigration and Naturalization Service determined that Mr. Russell had never been granted an immigrant visa and directed him to depart the country within one year; however, deportation proceedings have not been instituted and INS has permitted him to stay in the U.S. pending the outcome of this legislation.

Finally, on August 27, 1975, INS approved an immediate relative visa petition submitted in behalf of Mr. Russell by his wife. However, current law precludes Mr. Russell from adjustment of status while in the U.S., and he must return to Canada to apply for an immigrant visa. Upon receipt of an immigrant visa, Mr. Russell would have to wait five years before he is eligible for naturalization.

Approval of the enrolled bill would authorize the adjustment of Mr. Russell's immigration status to that of permanent resident alien retroactive to September 1, 1948 without him having to return to Canada. He would then be eligible to apply for immediate naturalization.



Assistant Director for
Legislative Reference

Enclosure

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

MAY 18 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5227 - Relief of Frank Mark Russell
Sponsor - Rep. Stanton (R) Ohio

Last Day for Action

May 24, 1976 - Monday

Purpose

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Agency Recommendations

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

Discussion

The enrolled bill would grant permanent residence status retroactive to September 1, 1948 and immediate eligibility for naturalization to Mr. Frank M. Russell, a 27 year old native and citizen of Canada, who has resided in the United States since infancy as the adopted son of U.S. citizens. Mr. Russell is married to a U.S. citizen and is employed as a juvenile officer for the State of Ohio.

At the age of one week on September 1, 1948, Mr. Russell was released for adoption by his natural mother and entered the U.S. without a visa in the care of his prospective parents who adopted him in Cleveland, Ohio, on March 4, 1949. The beneficiary was unaware of his alien birth until he applied for a

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 19

Time: 845am

FOR ACTION:

NSC/S *ph*Max Friedersdorf *oh* cc (for information):Ken Lazarus *ah*

Jack Marsh

Jim Cavanaugh

Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

May 19

Time:

500pm

SUBJECT:

H.R. 2776 - Relief of Candido Badua

H.R. 4038 - Relief of Jennifer Ann Blum

H.R. 8863 - Relief of Randy E. Crismundo

H.R. 2776 - Relief of Candido Badua

ACTION REQUESTED: H.R. 5227 - Relief of Frank Mark Russell

 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: May 19

Time: 845am

FOR ACTION: NSC/S
 Max Friedersdorf
 Ken Lazarus

cc (for information): Jack Marsh
 Jim Cavanaugh
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: May 19

Time: 500pm

SUBJECT:

H.R. 2776 - Relief of Candido Badua

H.R. 4038 - Relief of Jennifer Ann Blum

H.R. 8863 - Relief of Randy E. Crismundo

ACTION REQUESTED: H.R. 5227 - Relief of Frank Mark Russell

 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

No objection -- Ken Lazarus 5/19/76

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.

James M. Cannon
 For the President

May 19, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: JEANNE W. DAVIS *JWD*
SUBJECT: H.R. 2776 - H.R. 4038
H.R. 8863 - H.R. 5227

The NSC Staff has no objection to the President's approval of enrolled bills 2776, 4038, 8863 and 5227.

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

13 MAY 1976

AND REFER TO THIS FILE NO.

A20 137 694

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 5227; Office of Management
and Budget request dated May 12, 1976.

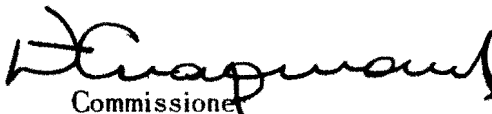
Beneficiary or Beneficiaries Frank M. Russell

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

MAY 14 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of May 12, 1976, transmitting for comment enrolled bill H.R. 5227, "For the relief of Frank M. Russell".

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

Sincerely yours,

A handwritten signature in cursive script that reads "Robert J. McCloskey".

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

The Honorable
James T. Lynn
Director,
Office of Management
and Budget.

FRANK M. RUSSELL

JANUARY 22, 1976.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 5227]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5227) for the relief of Frank M. Russell, 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 7, after "visa fee." strike out the remainder of the bill.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant the status of permanent residence to Frank M. Russell as of September 1, 1948. The bill has been amended to delete the language relating to deduction of a number from the ceiling on Western Hemisphere immigration since the beneficiary is married to a United States citizen and is exempt from that requirement.

GENERAL INFORMATION

The beneficiary of this bill is a 27-year-old native and citizen of Canada who was released for adoption the day after his birth and was brought to the United States a week later by citizens of the United States who adopted him in Ohio. He was unaware of his alien birth until he applied for a passport to travel abroad in the summer of 1973. The beneficiary is married to a United States citizen and a visa petition submitted by his wife was approved on August 27, 1975.

The pertinent facts in this case are contained in letters dated July 8, 1975 and September 16, 1975 from the Commissioner of Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary which reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 18, 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. 5227) for the relief of Frank M. Russell, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of September 1, 1948, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Canada, is chargeable to the numerical limitation for immigrants from the Western Hemisphere. He is statutorily ineligible to adjust his status while in the United States and will be required to apply for a visa outside of this country.

Sincerely,

LEONARD F. CHAPMAN, JR.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 5227

The beneficiary, whose full name is Frank Mark Russell, is a native and citizen of Canada. He was born on August 24, 1948, and his birth registered under the name of Frank Mark Morrow. He is married and resides in Hartville, Ohio, with his United States citizen wife. The beneficiary attended grade and high school in Ohio and Indiana. He received a bachelor of arts degree in sociology from Mount Union College in Ohio. He is employed as a juvenile officer for the State of Ohio, earning a salary of \$12,668 annually.

The beneficiary was released for adoption by his natural mother on September 1, 1948, and entered the United States on that date with Frank and Ann Russell who adopted him in Cleveland, Ohio, on March 4, 1949. His family name was changed to Russell. The location of his natural parents is unknown.

Mr. Russell has made occasional trips to Canada and visited Europe in 1973 and 1974. He was issued a temporary alien registration card in August 1973, pending verification of his claimed admission for permanent residence in 1948, to facilitate a skiing vacation in Europe. On March 1, 1974, a determination was made that the beneficiary had never been admitted to the United States for permanent residence. He was granted until March 1, 1975, to depart the United States. He subsequently traveled to Europe for a vacation and, upon his return on July 29, 1974, he was erroneously admitted to the United States as a returning resident alien. Mr. Russell was granted an extension of his departure time until May 1, 1975. The beneficiary's wife has indicated that she will file a petition to accord him immediate relative status for issuance of an immigrant visa. Upon approval of the petition, the beneficiary would be eligible to apply for an immigrant visa. Deportation proceedings have not been instituted.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
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: This refers to H.R. 5227, a private immigration bill for the relief of Frank Mark Russell.

An immediate relative visa petition submitted in Mr. Russell's behalf by his spouse was approved on August 27, 1975, and forwarded to the United States Consulate in Toronto, Canada. Mr. Russell will apply for an immigrant visa there, and the Committee will be appropriately advised.

Sincerely,

LEONARD F. CHAPMAN, JR., Commissioner.

Mr. J. William Stanton submitted the following letter in support of his bill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 10, 1975.

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

DEAR JOSH: Thank you for your letter of December 4. I, of course, am very pleased to have the opportunity to write in support of H.R. 5227 the bill I have introduced seeking retro-active permanent residence for Frank M. Russell.

This is one of the most unusual of the immigration problems which have been brought to my attention. Mr. Russell was born in Toronto, Canada, August 24, 1948, and was brought to the United States on September 1, 1948, when he was one week old, by Mr. and Mrs. Frank M. Russell. He was legally adopted by them and his birth was registered in Columbus, Ohio.

Mr. Russell has spent most of his 26 years in Painesville, Ohio, attending pre-school at Lake Erie College and graduating from Riverside High School and Union College. He has worked for the Ohio Youth Commission as a parole officer for about 5 years. He knows of no relatives in Canada.

During the summer of 1973 Mr. Russell applied for a passport to go to Europe and was advised he was not a citizen due to a change in the law two months prior to his birth. A year and a half ago he received a deportation notice to be executed March 1, 1975, at which time he was advised he would have to start at the bottom to seek admission to the United States and that the quota was filled three years in advance. Further, he was advised the law would not permit him to work while waiting for admission.

Being faced with leaving the United States, the only home he has had, fearing that his employment was in jeopardy and due to the fact that his mother had recent cancer surgery, Mr. Russell contacted me on

February 15, 1975, for assistance. Mr. Russell's father passed away 15 years ago.

In addition to the introduction of H.R. 5227, as advised, an immediate relative visa petition was filed by Mr. Russell's wife in his behalf and this was approved on August 27, 1975, and forwarded to the U.S. Consulate in Toronto, Canada.

Considering these circumstances, I urge that H.R. 5227 be reported favorably to the full Committee so that action can be taken and retroactive residence can be established permitting Frank M. Russell to proceed promptly with his naturalization.

Thanking you in advance for your consideration, I remain

Sincerely yours,

WILLIAM STANTON.

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. 5227, amended, should be enacted and accordingly recommends that the bill do pass.



FRANK M. RUSSELL

MAY 6, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 5227]

The Committee on the Judiciary, to which was referred the bill (H.R. 5227), for the relief of Frank M. Russell, 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 grant the status of permanent residence in the United States to Frank M. Russell as of September 1, 1948. The bill provides for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Canada. He was brought into the United States at the age of 1 week by U.S. citizens who later adopted him. The beneficiary was unaware of his alien birth until he applied for a passport in 1973. His U.S.-citizen spouse filed a visa petition in his behalf which was approved on August 27, 1975.

A letter, with attached memorandum, dated July 18, 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 18, 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. 5227) for the relief of Frank M. Russell, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of September 1, 1948, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Canada, is chargeable to the numerical limitation for immigrants from the Western Hemisphere. He is statutorily ineligible to adjust his status while in the United States and will be required to apply for a visa outside of this country.

Sincerely,

LEONARD F. CHAPMAN, JR.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 5227

The beneficiary, whose full name is Frank Mark Russell, is a native and citizen of Canada. He was born on August 24, 1948, and his birth registered under the name of Frank Mark Morrow. He is married and resides in Hartville, Ohio, with his U.S. citizen wife. The beneficiary attended grade and high school in Ohio and Indiana. He received a bachelor of arts degree in sociology from Mount Union College in Ohio. He is employed as a juvenile officer for the State of Ohio, earning a salary of \$12,668 annually.

The beneficiary was released for adoption by his natural mother on September 1, 1948, and entered the United States on that date with Frank and Ann Russell who adopted him in Cleveland, Ohio, on March 4, 1949. His family name was changed to Russell. The location of his natural parents is unknown.

Mr. Russell has made occasional trips to Canada and visited Europe in 1973 and 1974. He was issued a temporary alien registration card in August 1973, pending verification of his claimed admission for permanent residence in 1948, to facilitate a skiing vacation in Europe. On March 1, 1974, a determination was made that the beneficiary had never been admitted to the United States for permanent residence. He was granted until March 1, 1975, to depart the United States. He subsequently traveled to Europe for a vacation and, upon his return on July 29, 1974, he was erroneously admitted to the United States as a returning resident alien. Mr. Russell was granted an extension of his departure time until May 1, 1975. The beneficiary's wife has indicated that she will file a petition to accord him immediate relative status for issuance of an immigrant visa. Upon approval of the petition, the

beneficiary would be eligible to apply for an immigrant visa. Deportation proceedings have not been instituted.

A supplemental report dated September 16, 1975 from the Commissioner of Immigration and Naturalization reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
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: This refers to H.R. 5227, a private immigration bill for the relief of Frank Mark Russell.

An immediate relative visa petition submitted in Mr. Russell's behalf by his spouse was approved on August 27, 1975, and forwarded to the U.S. consulate in Toronto, Canada. Mr. Russell will apply for an immigrant visa there, and the committee will be appropriately advised.

Sincerely,

LEONARD F. CHAPMAN, JR., Commissioner.

Congressman William Stanton, the author of the bill, has submitted the following supporting information:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 10, 1975.

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

DEAR JOSH: Thank you for your letter of December 4. I, of course, am very pleased to have the opportunity to write in support of H.R. 5227 the bill I have introduced seeking retroactive permanent residence for Frank M. Russell.

This is one of the most unusual of the immigration problems which have been brought to my attention. Mr. Russell was born in Toronto, Canada, August 24, 1948, and was brought to the United States on September 1, 1948, when he was 1 week old, by Mr. and Mrs. Frank M. Russell. He was legally adopted by them and his birth was registered in Columbus, Ohio.

Mr. Russell has spent most of his 26 years in Painesville, Ohio, attending preschool at Lake Erie College and graduating from Riverside High School and Union College. He has worked for the Ohio Youth Commission as a parole officer for about 5 years. He knows of no relatives in Canada.

During the summer of 1973, Mr. Russell applied for a passport to go to Europe and was advised he was not a citizen due to a change in the law 2 months prior to his birth. A year and a half ago he received a deportation notice to be executed March 1, 1975, at which time he was advised he would have to start at the bottom to seek admission to the United States and that the quota was filled 3 years in advance. Further,

he was advised the law would not permit him to work while waiting for admission.

Being faced with leaving the United States, the only home he has had, fearing that his employment was in jeopardy and due to the fact that his mother had recent cancer surgery, Mr. Russell contacted me on February 15, 1975, for assistance. Mr. Russell's father passed away 15 years ago.

In addition to the introduction of H.R. 5227, as advised, an immediate relative visa petition was filed by Mr. Russell's wife in his behalf and this was approved on August 27, 1975, and forwarded to the U.S. consulate in Toronto, Canada.

Considering these circumstances, I urge that H.R. 5227 be reported favorably to the full committee so that action can be taken and retroactive residence can be established permitting Frank M. Russell to proceed promptly with his naturalization.

Thanking you in advance for your consideration, I remain

Sincerely yours,

WILLIAM STANTON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5227) should be enacted.

○

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 Frank M. Russell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Frank M. Russell shall be held and considered to have been lawfully admitted to the United States for permanent residence on September 1, 1948, upon payment of the required visa fee.

Speaker of the House of Representatives.

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

May 12, 1976

Dear Mr. Director:

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

S. 2619 ✓	H.R. 2776 ✓
S. 2620 ✓	H.R. 4038 ✓
S. 3031	H.R. 5227 ✓
S. 3107 ✓	H.R. 8863 ✓

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.