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8/6/10/76

THE PRESIDENT HAS SEEN....

APPROVED
JUN 10 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: June 14

June 9, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

S. 223 - Relief of Angela Garza and her son Manuel Aguilar

Attached for your consideration is S. 223, sponsored by Senator Mondale, which would grant permanent resident status to Mrs. Angela Garza, an alien widow of a U.S. citizen and her son.

Additional information is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign S. 223 at Tab B.

Posted 6/11/76
to Archives 6/11/76



700 1 018



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 7 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 223 - Relief of Angela Garza and
her son Manuel Aguilar
Sponsor - Sen. Mondale (D) Minnesota

Last Day for Action

June 14, 1976 - Monday

Purpose

To grant permanent resident status to the alien widow of a U.S. citizen and her son.

Agency Recommendations

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

Discussion

The beneficiaries of the enrolled bill, 52-year-old Mrs. Angela Garza and her 13-year-old son Manuel Aguilar (also known as Manuel Garza), who are natives and citizens of Mexico, entered the United States on February 21, 1972, on nonimmigrant visitors visas permitting them to remain in the country for up to six months. On April 23, 1972, Mrs. Garza married the late Mr. Trinidad Garza, a U.S. citizen, and she and her son resided with him in St. Paul, Minnesota until his death on April 21, 1973.

Mrs. Garza and her son continue to reside in St. Paul, in their home, which they own, and are supported by both Mr. Garza's pension and her earnings from employment in a local convent.

Prior to his death, Mr. Garza had filed an immediate relative petition for Mrs. Garza and Manuel in order to obtain immigrant visas for them and permit them to remain in the United States, because their nonimmigrant visas had not been renewed. However, INS action on Mr. Garza's immediate relative petition automatically terminated upon his death, and deportation proceedings were instituted against Mrs. Garza and her son on January 28, 1974, but not completed because of the introduction of private relief legislation in their behalf in the 93rd Congress, as well as in the current Congress.

The enrolled bill would restore immediate relative status under the Immigration and Nationality Act to the beneficiaries, exempt them from the routine procedures for granting immigrant status, and, thus, grant them permanent residence. Absent approval of this measure, Mrs. Garza and her son would be subject to deportation.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 7

Time: 530pm

FOR ACTION: Dick Parsons *oh* cc (for information): Jack Marsh
 Max Friedersdoff *oh* Jim Cavanaugh
 Ken Lazarus *oh* Ed Schmults
 Robert Hartmann *NSC oh*

FROM THE STAFF SECRETARY

DUE: Date:

June 8

Time:

300pm

SUBJECT:

S. 223 - Relief of Angela Garza and her son Manuel Aquilar

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

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

JUN 1976

AND REFER TO THIS FILE NO.

A19 801 048

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 223 ; Office of Management
and Budget request dated June 1, 1976

Beneficiary or Beneficiaries Angela Garza and her son Manuel Aguilar
(aka Manuel Garza).

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 re-
lating 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

JUN 3 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of June 1, 1976, transmitting for comment enrolled bill, S. 223, "For the relief of Angela Garza and her son Manuel Aguilar (aka Manuel Garza)".

This Department's files contain no information identifiable with the above cited bill, 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.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 7

Time: 530pm

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

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

FROM THE STAFF SECRETARY

DUE: Date:

June 8

Time:

300pm

SUBJECT:

S. 223 - Relief of Angela Garza and her son Manuel Aquilar

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Approval. RD

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

James M. Cannon
President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 7

Time: 530pm

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

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

FROM THE STAFF SECRETARY

DUE: Date:

June 8

Time:

300pm

SUBJECT:

S. 223 - Relief of Angela Garza and her son Manuel Aquilar

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

No objection -- Ken Lazarus 6/8/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

James M. Cannon
 President

THE WHITE HOUSE

WASHINGTON

June 8, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M-L*
SUBJECT: S.223 - Relief of Angela Garza and her son
Manuel Aguilar

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

Attachments



NATIONAL SECURITY COUNCIL

June 8, 1976

MEMORANDUM FOR: JAMES CANNON
FROM: *fn* Jeanne W. Davis *WJD*
SUBJECT: S. 223

The NSC Staff concurs in the proposed enrolled bill S. 223 -
Relief of Angela Garza and her son Manuel Aquilar.



To: J. Conaway
6-7-76
4:30 p.m.



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

JUN 7 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 223 - Relief of Angela Garza and
her son Manuel Aguilar
Sponsor - Sen. Mondale (D) Minnesota

Last Day for Action

June 14, 1976 - Monday

Purpose

To grant permanent resident status to the alien widow of a U.S. citizen and her son.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

No objection
No objection

Discussion

The beneficiaries of the enrolled bill, 52-year-old Mrs. Angela Garza and her 13-year-old son Manuel Aguilar (also known as Manuel Garza), who are natives and citizens of Mexico, entered the United States on February 21, 1972, on nonimmigrant visitors visas permitting them to remain in the country for up to six months. On April 23, 1972, Mrs. Garza married the late Mr. Trinidad Garza, a U.S. citizen, and she and her son resided with him in St. Paul, Minnesota until his death on April 21, 1973.

Mrs. Garza and her son continue to reside in St. Paul, in their home, which they own, and are supported by both Mr. Garza's pension and her earnings from employment in a local convent.



ANGELA GARZA

MARCH 16, 1976.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany S. 223]

The Committee on the Judiciary, to whom was referred the bill (S. 223), for the relief of Angela Garza, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Angela Garza, the widow of a citizen of the United States, and her son, Manuel Aguilar, (also known as Manuel Garza) shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in their cases.

Amend the title so as to read:

For the relief of Angela Garza and her son Manuel Aguilar (aka Manuel Garza).

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to restore immediate relative status to the widow of a United States citizen and her minor son.

GENERAL INFORMATION

The beneficiaries of the bill are 53-year-old widow, native and citizen of Mexico and her 13-year-old son, also a native and citizen of Mexico. The adult beneficiary married a United States citizen on April 23, 1972 and resided with him until his death on April 21, 1973. An immediate relative petition filed in the beneficiary's behalf was not approved prior to her husband's death.

A letter, with attached memorandum, dated March 1, 1974, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 2423, a similar bill for the relief of the same beneficiary passed by the Senate in the 93rd Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 1, 1974.

A-19801048.

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

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2423) for the relief of Angela Garza, there is attached a memorandum of information concerning the beneficiary.

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

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

L. F. CHAPMAN, JR., *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 2423

The beneficiary, Mrs. Angela Garza, a native and citizen of Mexico, was born on November 7, 1923. She resided with her 11-year-old son in St. Paul, Minn. She completed 6 years of school in Mexico. She is a housewife and has not been employed. She receives \$375 per month from her deceased spouse's pension. Her assets consist of \$3,000 in a checking account, \$3,200 in pension payments and \$7,000 in life insurance endowments. The beneficiary's parents are deceased. Her three adult children reside in Mexico.

The beneficiary and her son were admitted to the United States as nonimmigrant visitors on February 21, 1972, for a period of time not to exceed 6 months. They neither applied for nor received extensions of their stay. On April 23, 1972, the beneficiary married a U.S. citizen and resided with him in St. Paul until his death on April 21, 1973. The immediate relative visa petition filed by the citizen spouse on behalf of the beneficiary was automatically terminated upon his death. She was thereafter granted until January 15, 1974, to effect settlement of her husband's estate and depart from the United States.

Deportation proceedings were instituted against the beneficiary on January 28, 1974, on the ground that she had remained in the United States for a longer time than permitted.

Senator Walter F. Mondale, the author of the bill, submitted the following information with reference to S. 2423 which was contained in Senate Report 93-1150.

H.R. 909

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., April 23, 1974.

Re S. 2423, Angela Garza, A-19801048.

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

DEAR MR. CHAIRMAN: Mrs. Angela Garza is a widow of Mr. Trinidad Garza, a U.S. born citizen. They were married on February, 1972, and Mr. Garza took over the care of his wife's minor son by a previous marriage.

Mr. Garza passed away on April 21, 1973, but shortly before this, he filed an "Immediate Relative Visa Petition" for his wife. A month later, the Immigration and Naturalization Service informed Mrs. Garza that the Immediate Relative Petition automatically terminated on Mr. Garza's death and that therefore, she must leave the United States.

Mrs. Garza is a home owner, and has been left a sufficient income so that she is self-sustaining. Part of this income is in the form of a Railroad pension. There is also a lawsuit pending against the Burlington Northern Railroad because of Mr. Trinidad Garza's death which is believed to have been job-related. Therefore Mrs. Garza's presence in the United States would certainly be required for an indefinite period of time.

It has been pointed out to me that the reason Mr. Garza did not file the petition in behalf of his wife earlier was that he was illiterate and was not aware of this requirement until his relatives and friends brought it to his attention.

In view of the fact that Mrs. Garza was entitled to immediate relative status prior to the death of her U.S. citizen husband, it is requested that the Committee consider amending the Bill to preserve such immediate relative status.

Sincerely,

WALTER F. MONDALE.

SAX, DOVE & STENSON,
St. Paul, Minn., March 25, 1974.

In re Mrs. Angela Garza, widow of Mr. Trinidad Garza, Immigration and Naturalization Service No. A19-801-048.

Senator WALTER F. MONDALE,
443 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am representing Mrs. Angela Garza in her efforts to reside in the United States. I'll give you a short history of the situation and why I think the passing of a private bill on Mrs. Garza's behalf is the right thing to do.

Mrs. Angela Garza entered the United States in February, 1972 from Mexico on a three-day visa. While the three-day visa was still in effect she married Mr. Trinidad Garza. Angela Garza was accompanied by her minor son who entered on a similar visa and who continued to live with Mr. and Mrs. Garza until Mr. Garza's death.

On April 21, 1973, Mr. Garza passed away. Approximately three weeks before his death he filed an "immediate relative visa petition" for Mrs. Garza and her son. After the petition had been acted on Mr.

H.R. 909

and Mrs. Garza and the son planned to travel to Canada and there take the necessary action to allow her to return to the United States permanently. Unfortunately, Mr. Garza died before this petition was acted on by the INS. The INS informed Mrs. Garza that the petition that her husband had filed automatically terminated at the time of Mr. Garza's death and they refused to process it any further.

In talking with friends and relatives of Mr. Garza, it appears that the delay in filing the petition was due to his inability to read or write English. Even though Mr. Garza was a United States citizen by virtue of being born on September 10, 1922 in Laredo, Texas and lived all of his life in the United States, he was still unable to read or write the English language. While his contemporaries were receiving an education, Mr. Garza was busily working in the fields to support his family. Mr. Garza was unable to complete any kind of forms or even to write his personal checks and had to have the assistance of friends and relatives in doing so. This is what caused delay in completing the forms required to obtain an immediate relative visa.

Mr. Garza was employed at the Dale Street Shop of the Burlington Northern Railroad in Saint Paul, Minnesota. Because of this employment, Mrs. Garza is the recipient of a pension from the railroad in the approximate amount of \$375.00 per month. This money, along with the \$200.00 per month she makes working as a nurse's aid and housekeeper in a convent in St. Paul, is more than adequate to support her and her son and they do not require any assistance from welfare and should not have to in the future. There seems to be enough assets, along with the pension and earnings, to comfortably provide for Mrs. Garza and her son.

On March 12, 1974, a hearing on an Order to Show Cause why Mrs. Garza and her son should not be deported was held in St. Paul. The result of that hearing was the issuance of an Order by the Immigration Judge that Mrs. Garza be allowed to depart voluntarily in lieu of an Order of Deportation. This decision will not be enforced until the adjournment of this Congress since there is a private bill pending on Mrs. Garza's behalf which you were so kind as to introduce for her when I wrote to you earlier about this matter.

I represented Mrs. Garza at the March 12th hearing and had an opportunity to have a lengthy discussion with the trial attorney for the government and with the Immigration Judge. Both of them agree, and I think convinced me, that within the law and within their regulations, it is impossible for Mrs. Garza to stay on the facts that I have presented. We also agreed that there were certainly equities here which should allow Mrs. Garza to remain in the United States. However, the trial attorney and the Immigration Judge indicated that it was out of their hands and that any relief would have to come from the Congress in the form of a private bill.

There are also two practical reasons why Mrs. Garza should be allowed to remain in the United States although these reasons would be a temporary solution to the problem. We, therefore, still feel strongly that a private bill should be passed. The first reason is that the estate of Mr. Garza is now in the process of being administered by the law firm of Sween and Salazar of Minneapolis. They have indicated to me that there is a need for Mrs. Garza to remain until this

matter is terminated. There is some dispute in the handling of this estate in that several of the adult children from Mr. Garza's earlier marriage are contesting the right of Mrs. Angela Garza to receive any funds or property from the estate of her late husband. There is also the possibility of a lawsuit against Burlington Northern Railroad because of Mr. Trinidad Garza's death which is believed to have been job-related. It is expected that an action will be brought under the Federal Employees Liability Act in the near future and Mrs. Garza would have to be the plaintiff in such an action and her presence would be necessary.

There are several people who have come to know Mrs. Garza while she has resided in St. Paul. These people would be more than willing to testify that she is a person of good moral character and integrity and that she is an asset to the community of St. Paul as well as the United States.

We certainly are hopeful that the private bill which was introduced by you on behalf of Mrs. Garza can be enacted during this session of the Congress. I know that it is very difficult to get these private bills enacted but I feel that the merits of this one deserve action by the Congress. I further believe that it is the kind of situation that calls for remedies that only a private bill can provide.

Sincerely,

GARY L. STEVENSON.

SAX, DOVE & STENSON,
St. Paul, Minn., May 8, 1974.

In re Mrs. Angela Garza, widow of Mr. Trinidad Garza, S. 2423,
Immigration and Naturalization Service No. A19-801-048.

Senator WALTER F. MONDALE,
443 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: You have requested additional information concerning Mrs. Angela Garza on whose behalf you have introduced a private bill. The Garzas were married on February 23, 1972. Trinidad Garza was not in poor health and was not ill at all during this marriage until he suffered what was apparently a heart attack at work. He was in the hospital for several weeks before he passed away in April of 1973.

Mr. Garza had been divorced approximately six years before his second marriage and the divorce took place in Ramsey County, Minnesota. Prior to the divorce he had been married for more than twenty years although there had been several times when he and his wife were separated. Apparently his first wife ran around and that is why he finally divorced her.

Mr. Garza met his second wife, Angela, through Mr. Garza's niece who is living in Texas. Mr. Garza had indicated to her that he would like to marry a person from that area.

The children that were born of the first marriage all are of the age of majority; thus, I don't think there are any legal rights that we have to be concerned with. If you should need more information about these children, I can obtain their names and exact ages.

The possible legal action that we are contemplating is a suit under the Federal Employees Liability Act against Burlington Northern Railroad. The suit would be based upon negligence on the part of Burlington Northern in that they had, or should have had, knowledge of Mr. Garza's heart condition because he had physicals at their own hospital and they were negligent in assigning him to very heavy work. No action has been filed at this time but the matter is still being investigated. At this point, all hospital records have been examined and some interviews have been conducted with fellow workers of Mr. Garza. This investigation should conclude in the very near future and, at that point, a decision will be made on the possibility of a lawsuit.

If there's any further information that I can provide, please get back in touch with me.

Sincerely,

GARY L. STENSON.

Mr. Karth, author of a companion bill, H.R. 1755, supplied the Committee with numerous letters recommending the adult beneficiary which are a part of the Committee files. Mr. Karth also supplied additional information concerning the beneficiary and her son, which reads as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 20, 1976.

Re H.R. 1755, for the relief of Angela Garza.

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

DEAR CHAIRMAN EILBERG: Enclosed please find copies of correspondence I have received in further support of my bill for the relief of Angela Garza.

I would appreciate your including these materials in the file on the bill.

With best wishes, I am
Sincerely,

JOSEPH E. KARTH,
Member of Congress.

HOLMES, EUSTIS, KIRCHER & GRAVEN,
Minneapolis, Minn., January 14, 1976.

Re Angela Garza.

HON. JOSEPH E. KARTH,
Congress of the United States, House of Representative, Rayburn House Office Building, Washington, D.C.

In recent correspondence you asked me to provide you information concerning Mrs. Garza's son Manuel. I transmitted that request to the interpreter for Mrs. Garza and received information that I have had typed up on the attached sheet of paper. I hope that this information will be of some help and if there is anything else that we can do, or any additional information that we can supply, please let me know.

H.R. 909

Again thank you for your efforts in getting this matter reconsidered. I certainly hope that we can convince the committee this time to allow Mrs. Garza to stay in this country. If we can, I know it will be through the great effort that you have put into this matter.

GARY L. STENSON.

Enclosure.

INFORMATION REGARDING MANUEL GARZA AS TOLD TO AN INTERPRETER
BY MRS. GARZA

Besides Mrs. Garza's request to remain in the United States, it is imperative to understand the main reason she so badly wants to stay and become a citizen.

The reason is her son Manuel Aguilar (aka Manuel Garza). He was born in Mexico City, September 18, 1962. He is now learning the English language very well and attends Humboldt Jr. High School and is in the 7th grade. Should he have to return to Mexico, he would forfeit the opportunity of a good education and the freedom that American citizens enjoy. He has made friends here and is learning and participating in sports such as hockey, etc.

Manuel's father is Manuel Aguilar and he lives in Mexico City and is remarried.

Mrs. Garza is studying English at Bethany Convent and also attends night school at Our Lady of Guadalupe School. She has been employed at Bethany Convent for 27 months and is a good employee. She is a member of Summit Avenue Assembly of God Church.

Mrs. Garza would make a fine citizen and certainly would be an asset to our community.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

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

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 223, amended, should be enacted and accordingly recommends that the bill do pass.

○

Calendar No. 220

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 94-225

ANGELA GARZA

JUNE 24 (legislative day, JUNE 6), 1975.—Ordered to be printed

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

REPORT

[To accompany S. 223]

The Committee on the Judiciary, to which was referred the bill (S. 223) for the relief of Angela Garza, 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 Angela Garza. The bill provides for the payment of the required visa and an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native and citizen of Mexico who entered the United States as a visitor on February 21, 1972, with her 11-year-old son. They presently reside in St. Paul, Minn. On April 23, 1972, the beneficiary married a U.S. citizen and resided with him until his death on April 21, 1973. An immediate relative petition filed in the beneficiary's name was not approved prior to her husband's death.

A letter, with attached memorandum, dated March 1, 1974, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to

S. 2423, a similar bill for the relief of the same beneficiary passed by the Senate in the 93d Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 1, 1974.

A-19801048.

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

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2423) for the relief of Angela Garza, there is attached a memorandum of information concerning the beneficiary.

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

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

Sincerely,

L. F. CHAPMAN, Jr., *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 2423

The beneficiary, Mrs. Angela Garza, a native and citizen of Mexico, was born on November 7, 1923. She resided with her 11-year-old son in St. Paul, Minn. She completed 6 years of school in Mexico. She is a housewife and has not been employed. She receives \$375 per month from her deceased spouse's pension. Her assets consist of \$3,000 in a checking account, \$3,200 in pension payments and \$7,000 in life insurance endowments. The beneficiary's parents are deceased. Her three adult children reside in Mexico.

The beneficiary and her son were admitted to the United States as nonimmigrant visitors on February 21, 1972, for a period of time not to exceed 6 months. They neither applied for nor received extensions of their stay. On April 23, 1972, the beneficiary married a U.S. citizen and resided with him in St. Paul until his death on April 21, 1973. The immediate relative visa petition filed by the citizen spouse on behalf of the beneficiary was automatically terminated upon his death. She was thereafter granted until January 15, 1974, to effect settlement of her husband's estate and depart from the United States.

Deportation proceedings were instituted against the beneficiary on January 28, 1974, on the ground that she had remained in the United States for a longer time than permitted.

Senator Walter F. Mondale, the author of the bill, submitted the following information with reference to S. 2423 which was contained in Senate Report 93-1150.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., April 23, 1974.

Re S. 2423, Angela Garza, A-19801048.

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

DEAR MR. CHAIRMAN: Mrs. Angela Garza is a widow of Mr. Trinidad Garza, a U.S. born citizen. They were married on February, 1972, and Mr. Garza took over the care of his wife's minor son by a previous marriage.

Mr. Garza passed away on April 21, 1973, but shortly before this, he filed an "Immediate Relative Visa Petition" for his wife. A month later, the Immigration and Naturalization Service informed Mrs. Garza that the Immediate Relative Petition automatically terminated on Mr. Garza's death and that therefore, she must leave the United States.

Mrs. Garza is a home owner, and has been left a sufficient income so that she is self-sustaining. Part of this income is in the form of a Railroad pension. There is also a lawsuit pending against the Burlington Northern Railroad because of Mr. Trinidad Garza's death which is believed to have been job-related. Therefore Mrs. Garza's presence in the United States would certainly be required for an indefinite period of time.

It has been pointed out to me that the reason Mr. Garza did not file the petition in behalf of his wife earlier was that he was illiterate and was not aware of this requirement until his relatives and friends brought it to his attention.

In view of the fact that Mrs. Garza was entitled to immediate relative status prior to the death of her U.S. citizen husband, it is requested that the Committee consider amending the Bill to preserve such immediate relative status.

Sincerely,

WALTER F. MONDALE.

SAX, DOVE & STENSON,
St. Paul, Minn., March 25, 1974.

In re Mrs. Angela Garza, widow of Mr. Trinidad Garza, Immigration and Naturalization Service No. A19-801-048.

Senator WALTER F. MONDALE,
443 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am representing Mrs. Angela Garza in her efforts to reside in the United States. I'll give you a short history of the situation and why I think the passing of a private bill on Mrs. Garza's behalf is the right thing to do.

Mrs. Angela Garza entered the United States in February, 1972 from Mexico on a three-day visa. While the three-day visa was still in effect she married Mr. Trinidad Garza. Angela Garza was accompanied by her minor son who entered on a similar visa and who continued to live with Mr. and Mrs. Garza until Mr. Garza's death.

On April 21, 1973, Mr. Garza passed away. Approximately three weeks before his death he filed an "immediate relative visa petition" for Mrs. Garza and her son. After the petition had been acted on Mr. and Mrs. Garza and the son planned to travel to Canada and there take the necessary action to allow her to return to the United States permanently. Unfortunately, Mr. Garza died before this petition was acted on by the INS. The INS informed Mrs. Garza that the petition that her husband had filed automatically terminated at the time of Mr. Garza's death and they refused to process it any further.

In talking with friends and relatives of Mr. Garza, it appears that the delay in filing the petition was due to his inability to read or write English. Even though Mr. Garza was a United States citizen by virtue of being born on September 10, 1922 in Laredo, Texas and lived all of his life in the United States, he was still unable to read or write the English language. While his contemporaries were receiving an education, Mr. Garza was busily working in the fields to support his family. Mr. Garza was unable to complete any kind of forms or even to write his personal checks and had to have the assistance of friends and relatives in doing so. This is what caused delay in completing the forms required to obtain an immediate relative visa.

Mr. Garza was employed at the Dale Street Shop of the Burlington Northern Railroad in Saint Paul, Minnesota. Because of this employment, Mrs. Garza is the recipient of a pension from the railroad in the approximate amount of \$375.00 per month. This money, along with the \$200.00 per month she makes working as a nurse's aid and housekeeper in a convent in St. Paul, is more than adequate to support her and her son and they do not require any assistance from welfare and should not have to in the future. There seems to be enough assets, along with the pension and earnings, to comfortably provide for Mrs. Garza and her son.

On March 12, 1974, a hearing on an Order to Show Cause why Mrs. Garza and her son should not be deported was held in St. Paul. The result of that hearing was the issuance of an Order by the Immigration Judge that Mrs. Garza be allowed to depart voluntarily in lieu of an Order of Deportation. This decision will not be enforced until the adjournment of this Congress since there is a private bill pending on Mrs. Garza's behalf which you were so kind as to introduce for her when I wrote to you earlier about this matter.

I represented Mrs. Garza at the March 12th hearing and had an opportunity to have a lengthy discussion with the trial attorney for the government and with the Immigration Judge. Both of them agree, and I think convinced me, that within the law and within their regulations, it is impossible for Mrs. Garza to stay on the facts that I have presented. We also agreed that there were certainly equities here which should allow Mrs. Garza to remain in the United States. However, the

trial attorney and the Immigration Judge indicated that it was out of their hands and that any relief would have to come from the Congress in the form of a private bill.

There are also two practical reasons why Mrs. Garza should be allowed to remain in the United States although these reasons would be a temporary solution to the problem. We, therefore, still feel strongly that a private bill should be passed. The first reason is that the estate of Mr. Garza is now in the process of being administered by the law firm of Sween and Salazar of Minneapolis. They have indicated to me that there is a need for Mrs. Garza to remain until this matter is terminated. There is some dispute in the handling of this estate in that several of the adult children from Mr. Garza's earlier marriage are contesting the right of Mrs. Angela Garza to receive any funds or property from the estate of her late husband. There is also the possibility of a lawsuit against Burlington Northern Railroad because of Mr. Trinidad Garza's death which is believed to have been job-related. It is expected that an action will be brought under the Federal Employees Liability Act in the near future and Mrs. Garza would have to be the plaintiff in such an action and her presence would be necessary.

There are several people who have come to know Mrs. Garza while she has resided in St. Paul. These people would be more than willing to testify that she is a person of good moral character and integrity and that she is an asset to the community of St. Paul as well as the United States.

We certainly are hopeful that the private bill which was introduced by you on behalf of Mrs. Garza can be enacted during this session of the Congress. I know that it is very difficult to get these private bills enacted but I feel that the merits of this one deserve action by the Congress. I further believe that it is the kind of situation that calls for remedies that only a private bill can provide.

Sincerely,

GARY L. STEVENSON.

SAX, DOVE & STENSON,
St. Paul, Minn., May 8, 1974.

In re Mrs. Angela Garza, widow of Mr. Trinidad Garza, S. 2423,
Immigration and Naturalization Service No. A19-801-048.

Senator WALTER F. MONDALE,
443 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: You have requested additional information concerning Mrs. Angela Garza on whose behalf you have introduced a private bill. The Garzas were married on February 23, 1972. Trinidad Garza was not in poor health and was not ill at all during this marriage until he suffered what was apparently a heart attack at work. He was in the hospital for several weeks before he passed away in April of 1973.

Mr. Garza had been divorced approximately six years before his second marriage and the divorce took place in Ramsey County, Minnesota. Prior to the divorce he has been married for more than twenty

years although there had been several times when he and his wife were separated. Apparently his first wife ran around and that is why he finally divorced her.

Mr. Garza met his second wife, Angela, through Mr. Garza's niece who is living in Texas. Mr. Garza had indicated to her that he would like to marry a person from that area.

The children that were born of the first marriage all are of the age of majority; thus, I don't think there are any legal rights that we have to be concerned with. If you should need more information about these children, I can obtain their names and exact ages.

The possible legal action that we are contemplating is a suit under the Federal Employees Liability Act against Burlington Northern Railroad. The suit would be based upon negligence on the part of Burlington Northern in that they had, or should have had, knowledge of Mr. Garza's heart condition because he had physicals at their own hospital and they were negligent in assigning him to very heavy work. No action has been filed at this time but the matter is still being investigated. At this point, all hospital records have been examined and some interviews have been conducted with fellow workers of Mr. Garza. This investigation should conclude in the very near future and, at that point, a decision will be made on the possibility of a lawsuit.

If there's any further information that I can provide, please get back in touch with me.

Sincerely,

GARY L. STENSON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 223) 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 Angela Garza and her son Manuel Aguilar (aka Manuel Garza).

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, Angela Garza, the widow of a citizen of the United States, and her son, Manuel Aguilar (also known as Manuel Garza), shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in their cases.

Speaker of the House of Representatives.

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

June 2, 1976

Dear Mr. Director:

The following bills were received at the White House on June 2nd:

S. 52 ✓
S. 223 ✓

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.