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APPROVED
AUG 14 1976

88/14/76

THE WHITE HOUSE
WASHINGTON
August 13, 1976

ACTION

Last Day: August 21

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 2278 - Relief of Mrs. Mary Saxton (Mary Nuku)

*Posted
8/16/76*

Jai

*archives
8/16/76*

Attached for your consideration is H.R. 2278, sponsored by Representative Brademas, which would grant immediate relative status to the beneficiary, an alien widow of a United States citizen.

Additional information 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 bill.

RECOMMENDATION

That you sign H.R. 2278 at Tab B.





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

AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2278 - Relief of Mrs. Mary Saxton
(Mary Nuku)
Sponsor - Rep. Brademas (D) Indiana

Last Day for Action

August 21, 1976 - Saturday

Purpose

To grant the status of immediate relative to the alien widow of a United States citizen.

Agency Recommendations

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

Discussion

The beneficiary is a 34-year-old native and citizen of Tonga who currently resides in Indiana.

On January 12, 1971, the beneficiary entered the United States on a student visa valid for three years. On December 17, 1973, she married Mr. Chester Saxton, an American citizen, who died on February 9, 1974. At the time of his marriage to the beneficiary, Mr. Saxton filed an immediate relative petition on her behalf. This petition, however, had not been adjudicated at the time of Mr. Saxton's death and deportation proceedings have been instituted against her.



The enrolled bill would permit the classification of the beneficiary as a spouse of an American citizen and the granting to her of immediate relative status. She could thus remain in the United States.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 11 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of August 9, 1976, transmitting for comment enrolled bills, H.R. 1425, "For the relief of Juliet Elizabeth Tozzi", H.R. 2118, "For the relief of Cheryl Lynn V. Camacho", and H.R. 2278, "For the relief of Mrs. Mary Saxton (Mary Nuku)".

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

Sincerely yours,

A handwritten signature in cursive script, reading "Kempton B. Jenkins".

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

11 AUG 1976

AND REFER TO THIS FILE NO.

A19 734 275

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 2278 ; Office of Management
and Budget request dated August 9, 1976.

Beneficiary or Beneficiaries Mrs. Mary Saxton (Mary Nuku).

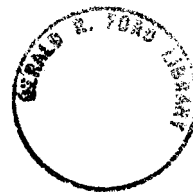
Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service

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





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

To: J. Conroy
8-12-76
6:00 p.m.

AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2278 - Relief of Mrs. Mary Saxton
(Mary Nuku)
Sponsor - Rep. Brademas (D) Indiana

Last Day for Action

August 21, 1976 - Saturday

Purpose

To grant the status of immediate relative to the alien widow of a United States citizen.

Agency Recommendations

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

Discussion

The beneficiary is a 34-year-old native and citizen of Tonga who currently resides in Indiana.

On January 12, 1971, the beneficiary entered the United States on a student visa valid for three years. On December 17, 1973, she married Mr. Chester Saxton, an American citizen, who died on February 9, 1974. At the time of his marriage to the beneficiary, Mr. Saxton filed an immediate relative petition on her behalf. This petition, however, had not been adjudicated at the time of Mr. Saxton's death and deportation proceedings have been instituted against her.

The enrolled bill would permit the classification of the beneficiary as a spouse of an American citizen and the granting to her of immediate relative status. She could thus remain in the United States.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 12

Time: 700pm

FOR ACTION: Hick Parsons *or*
NSC/S
Max Friedersdorf *or*
Ken Lazarus *or*

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

FROM THE STAFF SECRETARY

DUE: Date: August 13

Time: 200pm

SUBJECT:

H.R. 2278 - relief of Mrs. Mary Saxton

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

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: August 12

Time: 700pm

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

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

M. G.

FROM THE STAFF SECRETARY

DUE: Date: August 13

Time: 200pm

SUBJECT:

H.R. 2278 - relief of Mrs. Mary Saxton

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

James M. Cannon

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 12

Time: 700pm

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

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

FROM THE STAFF SECRETARY

DUE: Date: August 13

Time: 200pm

SUBJECT:

H.R. 2278 - relief of Mrs. Mary Saxton

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

x

For Your Comments

Draft Remarks

REMARKS:

Approve. RR

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

Cannon

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 12

Time: 700pm

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

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

FROM THE STAFF SECRETARY

DUE: Date: August 13

Time: 200pm

SUBJECT:

H.R. 2278 - relief of Mrs. Mary Saxton

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

x

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection

Ken Lazarus

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.


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

MEMORANDUM

NATIONAL SECURITY COUNCIL

4617

August 13, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Dav 
SUBJECT: H. R. 2278

The NSC staff concurs with the proposed enrolled bill-H. R. 2278-
relief of Mrs. Mary Saxton.

MRS. MARY SAXTON (MARY NUKU)

JANUARY 22, 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 H.R. 2278]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2278), for the relief of Mrs. Mary Saxton (Mary Nuku), 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 restore immediate relative status to Mrs. Mary Saxton.

GENERAL INFORMATION

The beneficiary of this bill is a 34-year-old native and citizen of Tonga who was admitted to the United States as a student in January of 1971. She married a citizen of the United States on December 17, 1973 who died in February of the following year. She is the beneficiary of a trust fund established by her late husband who had also filed a visa petition in her behalf which had not been adjudicated at the time of his death.

The pertinent facts in this case are contained in a letter dated November 5, 1974 from the Commissioner of the Immigration and Naturalization Service to the chairman of the Committee on the Judiciary, regarding a bill then pending for the relief of the same person. The letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 5, 1974.

A-19734275.

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. 16418) for the relief of Mrs. Mary Saxton (Mary

2
Nuku), there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary, the widow of a citizen of the United States, may be classified as the spouse of a citizen of the United States and be granted immediate relative status.

Absent enactment of the bill, the beneficiary, a native of Tonga, 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. 2278

The beneficiary, Mrs. Mary Saxton (Mary Nuku), a native and citizen of Tonga, was born on October 8, 1941. She lives in Mishawaka, Ind. She completed 12 years of school in her native country and 2 years in a commercial school in the United States. The beneficiary is employed as an inspector and bookkeeper. She has earnings in the amount of \$644 a month from employment and rentals.

The beneficiary married a citizen of the United States who was born on November 15, 1900. They were married on December 17, 1973 and he died on February 9, 1974. A visa petition filed by Mr. Saxton to accord her immediate relative status had not been adjudicated at the time of his death. A trust fund established by Mr. Saxton for the beneficiary is valued at \$150,000. Mrs. Saxton also received real estate worth \$82,000 and personal property valued at \$45,700. Her parents, her brothers, and her sister live in Tonga.

The beneficiary entered the United States on January 12, 1971 as a nonimmigrant student and was authorized to remain until January 11, 1974. Deportation proceedings were instituted against her on October 8, 1974, on the grounds that she had remained longer than permitted.

A report submitted by the Department of State on May 15, 1975, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 15, 1975.

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

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Mrs. Mary Saxton (Mary Nuku), beneficiary of H.R. 2278, 94th Congress.

The bill would classify the beneficiary as an immediate relative without the requirement of an approved petition on her behalf.

The American Embassy at Suva, Fiji, has reported that the beneficiary was born on August 10, 1941 in Tonga. Her visa application indicated her occupation as sales girl and cashier and her marital status as single. She stated that her uncle in the United States would

H.R. 777

defray the cost of her round-trip fare. The beneficiary was issued a student visa on December 30, 1970, to enable her to study bookkeeping at an adult school for 2 years.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

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

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 30, 1975.

Hon. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Washington, D.C.

DEAR MR. CHAIRMAN: I very much appreciate the attention that the Subcommittee on Immigration, Citizenship, and International Law has given to H.R. 2278, a bill for the relief of Mrs. Mary Saxton (Mary Nuku).

It is my understanding that Mary Nuku, a native of Tonga, came to the United States in January 1971, as a nonimmigrant student. During the term of her visa she studied secretarial skills.

In December 1973, she married Mr. Chester Saxton, an American citizen. Mr. Saxton passed away in February 1974.

It is my understanding that the Saxtons' attempted to have the terms of Mrs. Saxton's visa changed following her marriage but that this process was not completed prior to Mr. Saxton's death.

Mrs. Saxton is a highly regarded member of the local community, a fact to which dozens of my constituents have attested, who, but for the untimely death of her husband would have qualified as an immediate relative and thereby become a permanent resident of this country.

It is for this reason that I hope the subcommittee will act favorably on H.R. 2278, classifying Mrs. Saxton as an immediate relative (without the requirement of an approved petition) for purposes of the Immigration and Nationality Act.

Thank you for your attention to this matter.

Sincerely,

JOHN BRADEMAS,
Member of Congress.

BUDGETARY INFORMATION

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

OVERSIGHT STATEMENT

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

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 2278 should be enacted and accordingly recommends that the bill do pass.

H.R. 777

Calendar No. 1025

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 94-1091

MRS. MARY SAXTON (MARY NUKU)

—————
AUGUST 4, 1976.—Ordered to be printed
—————

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

REPORT

[To accompany H.R. 2278]

The Committee on the Judiciary, to which was referred the bill (H.R. 2278), for the relief of Mrs. Mary Saxton (Mary Nuku), 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 an immediate relative to Mrs. Mary Saxton (Mary Nuku) to which status she would be entitled were it not for the death of her husband, a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native and citizen of Tonga who currently resides in Mishawaka, Indiana where she is employed as an inspector and bookkeeper. On December 17, 1973 the beneficiary married a U.S. citizen who filed an immediate relative petition in her behalf. However, the petition had not been adjudicated at the time of her spouse's death on February 9, 1974.

A letter, with attached memorandum, dated November 5, 1974 to the Chairman of the House Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to H.R. 16418, a similar bill introduced in the 93d Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 5, 1974.

A-19734275.

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. 16418) for the relief of Mrs. Mary Saxton (Mary Nuku), there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary, the widow of a citizen of the United States, may be classified as the spouse of a citizen of the United States and be granted immediate relative status.

Absent enactment of the bill, the beneficiary, a native of Tonga, 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. 16148

The beneficiary, Mrs. Mary Saxton (Mary Nuku), a native and citizen of Tonga, was born on October 8, 1941. She lives in Mishawaka, Ind. She completed 12 years of school in her native country and 2 years in a commercial school in the United States. The beneficiary is employed as an inspector and bookkeeper. She has earnings in the amount of \$644 a month from employment and rentals.

The beneficiary married a citizen of the United States who was born on November 15, 1900. They were married on December 17, 1973 and he died on February 9, 1974. A visa petition filed by Mr. Saxton to accord her immediate relative status had not been adjudicated at the time of his death. A trust fund established by Mr. Saxton for the beneficiary is valued at \$150,000. Mrs. Saxton also received real estate worth \$82,000 and personal property valued at \$45,700. Her parents, her brothers, and her sister live in Tonga.

The beneficiary entered the United States on January 12, 1971 as a nonimmigrant student and was authorized to remain until January 11, 1974. Deportation proceedings were instituted against her on October 8, 1974, on the grounds that she had remained longer than permitted.

A report dated May 15, 1975 to the Chairman of the House Committee on the Judiciary from the then Assistant Secretary for Congressional Relations, Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 15, 1975.

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

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Mrs. Mary Saxton (Mary Nuku), beneficiary of H.R. 2278, 94th Congress.

The bill would classify the beneficiary as an immediate relative without the requirement of an approved petition on her behalf.

The American Embassy at Suva, Fiji, has reported that the beneficiary was born on August 10, 1941 in Tonga. Her visa application indicated her occupation as sales girl and cashier and her marital status as single. She stated that her uncle in the United States would defray the cost of her round-trip fare. The beneficiary was issued a student visa on December 30, 1970, to enable her to study bookkeeping at an adult school for 2 years.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

Congressman John Brademas, the author of the bill, submitted the following supporting information:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 30, 1975.

Hon. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Washington, D.C.

DEAR MR. CHAIRMAN: I very much appreciate the attention that the Subcommittee on Immigration, Citizenship, and International Law has given to H.R. 2278, a bill for the relief of Mrs. Mary Saxton (Mary Nuku).

It is my understanding that Mary Nuku, a native of Tonga, came to the United States in January 1971, as a nonimmigrant student. During the term of her visa she studied secretarial skills.

In December 1973, she married Mr. Chester Saxton, an American citizen. Mr. Saxton passed away in February 1974.

It is my understanding that the Saxton's attempted to have the terms of Mrs. Saxton's visa changed following her marriage but that this process was not completed prior to Mr. Saxton's death.

Mrs. Saxton is a highly regarded member of the local community, a fact to which dozens of my constituents have attested, who, but for the untimely death of her husband would have qualified as an immediate relative and thereby become a permanent resident of this country.

It is for this reason that I hope the subcommittee will act favorably on H.R. 2278, classifying Mrs. Saxton as an immediate relative (without the requirement of an approved petition) for purposes of the Immigration and Nationality Act.

Thank you for your attention to this matter.

Sincerely,

JOHN BRADEMAS,
Member of Congress.

The Senate Committee on the Judiciary received the following supplemental information from the Immigration and Naturalization Service:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 4, 1976.

A-19734275

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

DEAR MR. CHAIRMAN: This refers to H.R. 2278 in behalf of Mrs. Mary Saxton (Mary Nuku). The bill passed the House of Representatives on February 3, 1976 and is now before your Committee.

In response to your recent inquiry concerning any immediate relatives of the beneficiary's late spouse, Chester Saxton, the following information was furnished by the beneficiary:

That Mr. Saxton's first wife is deceased; that there were two children from this marriage: a boy and a girl; that the boy lives in Iowa; that the girl is deceased; that the girl had children (exact number unknown); that the beneficiary has never met Mr. Saxton's children or his grandchildren and that she does not know where they reside.

According to the beneficiary, Mr. Saxton's estate has been settled and the will was not contested. The bulk of the estate went to the beneficiary while Mr. Saxton's son and grandchildren received a sizable inheritance.

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2278) should be enacted.

○

JOHN BRADNER,
Member of Congress.

S.R. 1091

S.R. 1091

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 Mrs. Mary Saxton (Mary Nuku).

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, Mrs. Mary Saxton (Mary Nuku), the widow of a citizen of the United States, 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 this case.

Speaker of the House of Representatives.

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