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APPROVED
AUG 14 1976

82/14/76

THE WHITE HOUSE
WASHINGTON
August 13, 1976

ACTION
Last Day: August 21

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Jm*

- SUBJECT:
- H.R. 1507 - Relief of Marisa Marzano
 - H.R. 2411 - Relief of Alinor Anvari Adams
 - H.R. 2502 - Relief of Peter Olav Mesikepp
 - H.R. 6392 - Relief of Koviljka C. Clendenen
 - H.R. 7908 - Relief of Edward Drag
 - H.R. 5500 - Relief of Rafael Strochlitz Wurzel
 - H.R. 5648 - Relief of Violetta Cebreros
 - H.R. 3372 - Relief of Tze Tsun Li
 - H.R. 2940 - Relief of Maria Sylvia Macias Elliott
 - H.R. 2495 - Relief of Malgorzata Kuzniarek Czapowski
 - H.R. 2118 - Relief of Cheryl V. Camacho
 - H.R. 7882 - Relief of Miss Leonor Young

*posted
8/16/76*

*2 copies
8/16/76*

Attached for your consideration are twelve enrolled bills all with the common purpose of granting immediate relative status to aliens who have been or are in the process of being adopted by United States citizens. All of the beneficiaries are over the age of 14, and do not qualify for exception to the immigration waiting list.

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 the enrolled bills at Tabs B through M.



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

AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1507 - Relief of Marisa Marzano
Sponsor - Rep. Danielson (D) California
- (2) H.R. 2411 - Relief of Alinor Anvari Adams
Sponsor - Rep. Sisk (D) California
- (3) H.R. 2502 - Relief of Peter Olav Mesikepp
Sponsor - Rep. Sisk (D) California
- (4) H.R. 6392 - Relief of Koviljka C. Clendenen
Sponsor - Rep. Blouin (D) Iowa
- (5) H.R. 7908 - Relief of Edward Drag
Sponsor - Rep. Conable (R) New York
- (6) H.R. 5500 - Relief of Rafael Strochlitz Wurzel
Sponsor - Rep. Dodd (D) Connecticut
- (7) H.R. 5648 - Relief of Violetta Cebreros
Sponsor - Rep. Burgener (R) California
- (8) H.R. 3372 - Relief of Tze Tsun Li
Sponsor - Rep. Burke (D) California
- (9) H.R. 2940 - Relief of Maria Sylvia Macias Elliott
Sponsor - Rep. Burgener (R) California
- (10) H.R. 2495 - Relief of Miss Malgorzata Kuzniarek
Czapowski
Sponsor - Rep. Burke (D) Massachusetts
- (11) H.R. 2118 - Relief of Cheryl V. Camacho
Sponsor - Rep. Talcott (R) California
- (12) H.R. 7882 - Relief of Miss Leonor Young
Sponsor - Rep. Meyner (D) New Jersey

Last Day for Action

August 21, 1976 - Saturday

Purpose

To grant immediate relative status to aliens who have been or are in the process of being adopted by United States citizens.

Agency Recommendations

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

Discussion

These 12 enrolled bills would define their beneficiaries as "children" under the Immigration and Nationality Act (INA) and grant them immediate relative status upon approval of a petition filed by their adopted or prospective adopting parents, all of whom are U.S. citizens. The bills also provide that the natural parents or siblings shall not be accorded any right, privilege or status under the INA by virtue of their relationship to the beneficiaries.

The INA provides an exception to the immigration waiting list for children adopted by U.S. citizens who are 14 years of age or younger. Because the beneficiaries of these bills are over 14, they do not qualify for this exemption. Accordingly, absent enactment of these bills, those beneficiaries now living outside the U.S. would have to remain on the regular immigration waiting list (with consequent uncertainty as to when they would be admitted); those beneficiaries now in the U.S. would have to leave and begin the process of returning to the U.S. under the regular immigration procedures.

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

11 AUG 1976

AND REFER TO THIS FILE NO.

A21 013 357

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 2940; Office of Management
and Budget request dated August 9, 1976.

Beneficiary or Beneficiaries Maria Sylvia Macias Elliott.

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

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. 2565, "For the relief of Luisa Marillac Hughes, Marco Antonio Hughes, Maria del Cisne Hughes, Maria Augusta Hughes, Miguel Vicente Hughes, Veronica del Rocio Hughes, and Ivan Hughes", H.R. 2940, "For the relief of Maria Sylvia Macias Elliott", and H.R. 2941, "For the relief of Susan Rosemary Harwood".

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

Sincerely yours,

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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



AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1507 - Relief of Marisa Marzano
Sponsor - Rep. Danielson (D) California
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August 21, 1976 - Saturday

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To grant immediate relative status to aliens who have been or are in the process of being adopted by United States citizens.

Agency Recommendations

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

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These 12 enrolled bills would define their beneficiaries as "children" under the Immigration and Nationality Act (INA) and grant them immediate relative status upon approval of a petition filed by their adopted or prospective adopting parents, all of whom are U.S. citizens. The bills also provide that the natural parents or siblings shall not be accorded any right, privilege or status under the INA by virtue of their relationship to the beneficiaries.

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(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

Calendar No. 1031

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-1097

MARIA SYLVIA MACIAS ELLIOTT

August 4, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 2940]

The Committee on the Judiciary, to which was referred the bill (H.R. 2940) for the relief of Maria Sylvia Macias Elliott, 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 admission into the United States for permanent residence of the adopted daughter of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Mexico who is the adopted child of citizens of the United States. She has resided with them since 1963 when she was first admitted to the U.S. as a student and was adopted in California on March 7, 1974. The adoptive parents have an adult son and two adult daughters who are self-supporting.

A letter, with attached memorandum, dated June 27, 1975 to the chairman of the Committee on the Judiciary, 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., June 27, 1975.

A21 013 357.

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

DEAR MR. CHAIRMAN: In response to your request to a report relative to the bill (H.R. 2940) for the relief of Maria Sylvia Macias Elliott, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the 19-year-old beneficiary may be classified as a child and be granted immediate relative status upon approval of a petition filed by Mr. and Mrs. Raymond A. Elliott, citizens of the United States. It further provides that the natural parents, 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.

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

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 2940

The beneficiary, Maria Sylvia Macias Elliott, a native of Mexico, was born on February 11, 1956 and is single. She resides with her adoptive parents, Raymond and Alyce Elliott in Lakeside, California. She is attending her first year of college at Grossmont College, La Mesa, California. She is unemployed and has negligible assets. Her natural mother, two brothers, and one sister reside in Tijuana, Baja California, Mexico. Her natural father is deceased.

Raymond A. Elliott, a 61-year-old native citizen of the United States, with his wife, adopted the beneficiary on March 7, 1974, at San Diego, California. A copy of the relating adoption decree is attached. He and his wife enjoy an annual combined income of \$17,500. Their daughters who are self-supporting. He is a retired computer engineer. He and his wife enjoy an annual combined income of \$17,500. Their assets consist of real property valued at \$60,000, savings of \$30,000 and personal property they value at \$6,000.

Alyce Buffard Elliott, a 59-year-old native citizen of the United States, is the adoptive mother of the beneficiary. The beneficiary began residence with her adoptive parents in 1963 when she came to the United States as a student. Mr. and Mrs. Elliott state that they have come to love the beneficiary as a natural daughter and desire that she be educated and live in the United States. Mrs. Elliott is employed as a

social worker by the County of San Diego and has no assets other than those shared with her husband.

The beneficiary first entered the United States in 1963 as a nonimmigrant student. She returned to her native country on many occasions in order to visit her natural mother and was, after each visit, re-admitted to the United States as a returning nonimmigrant student. On September 2, 1974, the beneficiary again sought reentry to this country after a visit in Mexico and was found not to be in possession of required documentation to support her admission as a nonimmigrant. She was paroled into the United States in order to continue her education and residence with her adoptive parents. The beneficiary will be accorded a hearing to determine her admissibility.

Private Bill H.R. 15286, 93rd Congress, introduced in behalf of the beneficiary, was not enacted.

Superior Court of California, County of San Diego

No. A 17640, DECREE OF ADOPTION OF AN ADULT PERSON

ADOPTION OF MARIA SILVIA CARLATA ELLIOTT, AKA, MARIA SILVIA CARLATA MACIAS RAMIREZ, AN ADULT PERSON

Donald L. Bendixen, attorney at law, attorney for Petitioners.

The petition of Raymond A. Elliott and Alyce B. Elliott for adoption came on regularly to be heard on March 7, 1974, in Department 1 of this court before Honorable James L. Focht, Judge presiding. Petitioners and their attorney, Donald L. Bendixen, appeared, and the petitioners were examined by the court, each separately. The court found that each petitioner has attained majority and that petitioners, Raymond A. Elliott and Alyce B. Elliott are older than Maria Silvia Carlata Macias Ramirez, whom they seek to adopt; petitioners, Raymond A. Elliott and Alyce B. Elliott are residents of San Diego County, California; petitioners have heretofore and on or about February 14, 1974 entered into an agreement in writing wherein and whereby petitioners, Raymond A. Elliott and Alyce B. Elliott agreed to adopt Maria Silvia Carlata Macias Ramirez and the latter agreed to be adopted by the former, and the petitioners, Raymond A. Elliott and Alyce B. Elliott and Maria Silvia Carlata Macias Ramirez agreed to assume toward each other the relation of parents and child; and the court, after hearing the evidence is satisfied and finds that the adoption will be for the best interest of the parties and in the public interest, and that there is no reason why the petition should not be granted.

It is hereby ordered, adjudged, and decreed that the petition herein be and hereby is granted and that said agreement of adoption is hereby approved and that said Maria Silvia Carlata Macias Ramirez shall be and is hereby adopted by petitioners, Raymond A. Elliott and Alyce B. Elliott and that said Maria Silvia Carlata Macias Ramirez shall hereafter be regarded and treated in all respects as the child of Raymond A. Elliott and Alyce B. Elliott and hereafter bear the name of Maria Silvia Carlata Elliott.

Dated: March 7, 1974.

JAMES L. FOCHT,
Judge of the Superior Court.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest March 18, 1974, Jesse Osuna, County Clerk and Clerk of the Superior Court of the State of California, in and for the County of San Diego.

By VIRGINIA URBAS, Deputy.

A report from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., November 25, 1974.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Maria Sylvia Macias Elliott, beneficiary of H.R. 15286, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate General at Tijuana, Mexico, where the beneficiary was issued a nonimmigrant visa.

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 Mr. and Mrs. Raymond A. Elliott, American citizens. It would also provide that the natural parents, brothers or sisters of the beneficiary shall not be accorded any right, privilege or status under the Immigration and Nationality Act by virtue of such relationship.

Cordially,

LINWOOD HOLTON,
Assistant Secretary
for Congressional Relations.

Enclosure: Memorandum.

SUBMITTED BY THE AMERICAN CONSULATE GENERAL AT TIJUANA

Memorandum of Information Concerning H.R. 15286, 93rd Congress
For the Relief of Maria Sylvia Macias Elliott

The beneficiary was born on February 10, 1956, at San Marcos, Jalisco, Mexico. She is single. She is living at Lakeside, California, and has resided there with her adoptive parents since November 1971. Although born as Maria Sylvia Carlota Macias Ramirez, she was adopted by Mr. Raymond A. Elliott and his wife, Alyce B. Elliott, and assumed the name of Elliott. She was adopted in Superior Court of California, County of San Diego, on March 7, 1974, under Decree of Adoption No. A.17640. Her mother, two brothers and a sister reside in Tijuana, Baja California, Mexico. Her natural father died in Guadalajara when she was six years old. The beneficiary attended her first year of school in the town where she was born in Jalisco, Mexico. From 1963 to 1971 she attended schools in Tijuana, Mexico. In June 1971 she began school in Lakeside, California, and has continued her schooling there to the present time. She is currently attending Grossmont College in California. Although she was interviewed in Tijuana, the beneficiary returned to

her residence in Lakeside, California, having been granted a parole by the Immigration and Naturalization Service.

The beneficiary applied for and received student visas on June 6, 1971, September 12, 1972, and August 16, 1973. However, when she applied for a student visa on August 13, 1974, it was denied because the consular believed that the beneficiary is classifiable as an intending immigrant. The beneficiary is not entitled to immigrant status and hence is ineligible for an immigrant visa under section 212(a)(14) of the Immigration and Nationality Act until she obtains a labor certification. She is chargeable to the Western Hemisphere numerical limitation.

The Consulate General has checked all available sources and no other information has been developed which would render the beneficiary ineligible to receive a visa. She has not undergone a medical examination.

Congressman Clair W. Burgener, the author of the bill, submitted the following statement in support of this legislation:

SEPTEMBER 17, 1975.

STATEMENT OF REP. CLAIR W. BURGNER IN SUPPORT OF H.R. 2940, FOR THE RELIEF OF MARIA SYLVIA MACIAS ELLIOTT

Mr. CHAIRMAN: I appreciate having an opportunity to present the merits of this bill to the Subcommittee. The beneficiary of this bill, Miss Maria Sylvia Macias Elliott, is the adopted daughter of my constituents, Mr. and Mrs. Ray Elliott, of Lakeside, California. She has lived with the Elliotts since 1970, and they became very fond of her and adopted her in 1974, as she had become as dear to them as a natural daughter would be. Maria attended high school in San Diego for four years, graduating in 1974, and she is now attending Grossmont College in San Diego.

Maria was the youngest in a family of 16 children. Her natural father was killed in an accident when she was quite small. Two brothers and one sister still live with her natural mother in Tijuana.

The Elliotts are American citizens. They have three grown children who are now self-supporting. They consider Maria as much a part of the family as their natural children. It would be quite a hardship if she had to return to Mexico, and I respectfully request that the Subcommittee give favorable consideration to my bill, H.R. 2940, as it will serve to keep this family together.

Respectfully submitted,

CLAIR W. BURGNER,
Member of Congress.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2940) 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 Maria Sylvia Macias Elliott.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Sylvia Macias Elliott 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 Mr. and Mrs. Raymond A. Elliott, citizens of the United States, pursuant to section 204 of this 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.*

Speaker of the House of Representatives.

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