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APPROVED
AUG 14 1976

82/14/76

THE WHITE HOUSE
WASHINGTON
August 13, 1976

ACTION

Last Day: August 21

Posted
8/16/76

archives
8/16/76

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *JC*

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

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.



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.

A20 371 731

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 7908 ; Office of Management
and Budget request dated August 9, 1976.


Beneficiary or Beneficiaries Edward Drag.

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. 6392, "For the relief of Koveljka C. Clendenen", H.R. 7882, "For the relief of Leonor Young", and H.R. 7908, "For the relief of Edward Drag".

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.

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

AUG 12 1976

To:
J. Casanovi
8-13-76
noon

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. Clenderen
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
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- (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	Approval
Department of State	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.

(Signed) James M. Frey
 Assistant Director for
 Legislative Reference

Enclosures

Calendar No. 1044

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-1110

EDWARD DRAG

AUGUST 4, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 7908]

The Committee on the Judiciary, to which was referred the bill (H.R. 7908) for the relief of Edward Drag, 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 adjustment of status of the adopted child of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 19-year-old native and citizen of Poland who was admitted to the United States as a visitor and was adopted by his aunt and uncle, citizens of the United States, in January of 1974 in New York. The adoptive parents have three natural sons, ages 13, 17, and 25.

A letter, with attached memorandum, dated February 11, 1974, to the chairman of the Committee on the Judiciary, House of Representatives, from the Commissioner of Immigration and Naturalization with reference to H.R. 11574, a similar bill for the relief of the same alien introduced in the 93d Congress, reads as follows:



U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., February 11, 1974.

A20 371 731.

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. 11574) for the relief of Edward Drag, there is attached a memorandum of information concerning the beneficiary. The bill provides that the sixteen-year-old adopted son of Mr. and Mrs. Zigmund Fronczak may be classified as a child and be granted immediate relative status. The bill further provides that other relatives 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 Poland, is 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 FILE RE H.R. 11574

The beneficiary, Edward Drag, who is also known as Edward Joseph Fronczak, a native and citizen of Poland, was born on March 20, 1957. He is single and resides with his adoptive parents in Perry, New York where he is a tenth grade student at Perry High School. The beneficiary has no assets and is supported by his adoptive parents. His natural parents are dead. His step-brother resides in Poland. The beneficiary was adopted by his uncle and aunt, Zigmund and Stella Fronczak on January 16, 1974 in the Family Court of Wyoming County, Warsaw, New York. A certified copy of the adoption order is attached.

The beneficiary does not qualify for immediate relative status as a child under Section 101(b)(1)(F) of the Immigration and Nationality Act because he has attained his 14th birthday.

The beneficiary lived in Poland until he was admitted to the United States at New York, New York on September 6, 1973 as a visitor to October 15, 1973. He received an extension of stay to January 30, 1974. Deportation proceedings have not been instituted.

Mr. Fronczak, a native and citizen of the United States, is employed as a baker at an annual wage of \$8,000. Mrs. Fronczak, a native of Poland, was naturalized a United States citizen on December 5, 1956. She is employed as a machine operator at an annual wage of \$5,000. Their assets consist of \$25,000 in property, \$13,500 in savings, \$2,000 in furniture and two automobiles with a total value of \$4,500. They have three sons ages, 13, 17, and 25.

The beneficiary intends to apply for a nonpreference immigrant visa at Toronto Ontario Canada. The latest information indicates that

numbers under this preference are not available at this time. It is his intention to establish a priority date for the purpose of applying for adjustment of status to that of a permanent resident when his date is reached on the visa availability list.

State of New York—Family Court: County of Wyoming

[Docket No. A-33-73]

In the Matter of the Adoption by ZYGMONT FRONCZAK and STELLA FRONCZAK of EDWARD DRAG, Foster Child

ORDER OF ADOPTION (PRIVATE PLACEMENT)

The petition of Zygmunt Fronczak and Stella Fronczak verified the 26th day of November, 1973, having been duly presented to this Court, together with an agreement on the part of the petitioning foster parents to adopt and treat the above-named foster child as their own lawful child, and together with the affidavits of Helen Johnson, General Guardian of Edward Drag, Zygmunt Fronczak and Stella Fronczak and Richard S. Manz, and the consents required by Section 111 of the Domestic Relations Law.

And the aforesaid petitioning foster parents and the above-named foster child and all other persons whose consents are required as aforesaid having personally appeared before this Court for examination,

And an investigation having been duly ordered and made and the written report of such investigation having been duly filed with this Court, as required by the Domestic Relations Law;

And this Court being satisfied that the moral and temporal interests of the foster child will be promoted by the adoption and that there is no reasonable objection to the proposed change of the name of the foster child,

Now, on motion of Richard S. Manz, attorney for the petitioners herein, and upon all the papers and proceeding herein it is:

Ordered, that the petition of Zygmunt Fronczak and Stella Fronczak for the adoption of Edward Drag a person born on or about March 20, 1957, at Village of Zarzecze, Nisko, Poland, be and the same hereby is allowed and approved; and it is further

Ordered that the said foster child shall henceforth be regarded and treated in all respects as the lawful child of the said foster parents; and it is further

Ordered that the name of the said foster child be and the same hereby is changed to Edward Joseph Fronczak and that the said foster child hereafter be known by that name; and it is further

Ordered that the appropriate Clerk be and she is hereby authorized to prepare, certify and deliver to the petitioners herein or to their attorney three certificates of Adoption; and it is further

Ordered that this Order, together with all other papers pertaining to the adoption, shall be filed and kept as provided in the Domestic Relations Law and shall not be subject to access or inspection except as provided in said Law.

And it is further

Ordered that the waiting period required by statute be and hereby is waived for the reason that the foster child has resided with the petitioners since September 6, 1973, this Court being satisfied that it is in the best interests of the foster child and foster parents that said waiting period be waived, since the appropriate Committee of Congress has asked for an immediate approval of the Adoption before passing a private law permitting said Edward Drag to remain in the Country. Signed this 16th day of January, 1974, at Warsaw, New York.

JOHN S. CONABLE,
Judge of the Family Court,
County of Wyoming.

In testimony whereon I have hereunto set my hand and affixed the seal of said Court, at Warsaw, N.Y., this 16th day of January A.D., 1974:

BETTY E. EBERSOLE, Clerk.

The following letters dated November 14, 1974 and August 11, 1975 to the chairman of the Committee on the Judiciary, House of Representatives, from the Commissioner of Immigration and Naturalization in connection with the case read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 14, 1974.

A20371731.

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

DEAR MR. CHAIRMAN: This refers to H.R. 11574 in behalf of Edward Drag.

The latest information indicates that a nonpreference visa number is now available for the beneficiary. Accordingly, he has been invited to apply for adjustment of status to that of a permanent resident.

The Committee will be informed when relief is granted or denied. Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

A supplemental report from the Immigration and Naturalization Service with reference to the instant bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 11, 1975.

A20371731.

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

DEAR MR. CHAIRMAN: This refers to H.R. 7908 in behalf of Edward Drag, who was also the beneficiary of H.R. 11574, 93rd Congress.

On October 16, 1974 the beneficiary applied for status as a permanent resident under the nonpreference classification. This application was denied by the Buffalo, New York office on May 30, 1975 on the grounds that Mr. Drag did not have labor certification as required by section 212(a)(14) of the Immigration and Nationality Act and had failed to establish that he was exempt therefrom. Mr. Drag claimed exemption from this requirement because he is a student supported by his adoptive parents. However, this was denied since he is 18 years of age, and his entry into the labor market is considered imminent. This decision was certified for review to the Regional Commissioner of this Service at Burlington, Vermont.

The Committee will be further advised when a decision is entered. Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

The Department of State submitted a report on August 14, 1974, with reference to a bill then pending for the relief of the same person. That report reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 14, 1974.

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 Edward Drag, beneficiary of H.R. 11574, 93rd Congress.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Zigmund Fronczak, American citizens. It also provides that other relatives of the beneficiary shall not be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such relationship.

The American Embassy at Warsaw has reported that the beneficiary was born on March 20, 1957 at Nisko, Poland. His application for a visitor visa was approved on May 17, 1973. When he presented his Polish passport, he was issued a visitor visa on August 29, 1973 for the stated purpose of visiting his aunt, Mrs. Stella Fronczak, for four weeks. He claimed that he intended to return to Poland to continue his schooling. The consular officer found that his plans were definite and was convinced that the beneficiary's ties to Poland were adequate.

Absent enactment of H.R. 11574, the beneficiary would be classifiable as nonpreference applicant and would be subject to the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for
Congressional Relations.

Congressman Barber B. Conable, Jr., the author of the bill, submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee No. 1, Judiciary Committee, House of
Representatives, Washington, D.C.

DEAR JOSH: Thank you for your letter of September 12 indicating that your subcommittee is considering my bill, H.R. 7908, for the relief of Edward Drag.

Edward Drag was born on March 20, 1957 in the Village of Zarzecze in the District of Nisko in Poland. He came to the United States on September 6, 1973 on a visitor's visa. The visa was to expire on October 15, 1973, but was extended by the Immigration and Naturalization Service until January 30, 1974. Edward's mother, Emilia Drag, died on August 28, 1973 and his father, Antoni Drag, died on November 25, 1966 in their home village. Edward Drag's only relative in Poland was an aged grandmother who was ill and poverty stricken. On January 16, 1974, he was adopted by his aunt and uncle, Zigmund and Stella Fronczak, American citizens, in the Family Court of Wyoming County, Warsaw, New York. His name is now Edward Joseph Fronczak.

In January of 1974, when Edward was 16 years of age, I introduced a private bill in behalf of Edward Drag, H.R. 11574. Information from the Immigration and Naturalization Service indicated that a nonpreference visa number was available to him and therefore he should apply for adjustment of status to that of a permanent resident. Therefore no action was taken on my bill and it was reintroduced in this session of Congress. The application for a change of status was denied by the Buffalo office of the Immigration Service on May 30, 1975 on the grounds that Edward Drag did not have labor certification and failed to establish that he is exempt therefrom.

Although Edward (Drag) Fronczak is now 18 years of age, he is just a junior in high school. He is supported by his adoptive parents who are both employed and are well established, highly respected members of the community. He has no family in Poland.

It would be a case of extreme hardship if he were required to leave the United States. Your favorable consideration of my bill, H.R. 7908, would be sincerely appreciated.

Very truly yours,

BARBER B. CONABLE, JR.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 7908) 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 Edward Drag.

*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, Edward Drag 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 his behalf by Mr. and Mrs. Zigmund Fronczak, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

Speaker of the House of Representatives.

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