

The original documents are located in Box 58, folder “1976/10/01 S2481 Relief of Oscar Rene Hernandez Rustrian” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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8/10/1/76

APPROVED

OCT 1 - 1976

THE WHITE HOUSE
WASHINGTON
October 1, 1976

ACTION

Last Day: October 5

Pasted
10/2/76

archives
10/4/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *J.C.*

SUBJECT:

S. 2481 - Relief of Oscar
Rene Hernandez Rustrian

Attached for your consideration is S. 2481, sponsored by Senator Helms.

The purpose of S. 2481 is to facilitate granting permanent resident immigration status to the beneficiary, the adopted alien son of permanent residents of the United States. As the beneficiary had not been formally adopted before his 14th birthday, he is statutorily ineligible to obtain an immigrant visa as the adopted orphan child of permanent resident aliens.

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

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

RECOMMENDATION

That you sign S. 2481 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2481 - Relief of Oscar Rene
Hernandez Rustrian
Sponsor - Sen. Helms (R) North Carolina

Last Day for Action

October 5, 1976 - Tuesday

Purpose

To facilitate granting permanent resident immigration status to the adopted alien son of permanent residents of the United States.

Agency Recommendations

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

Discussion

The beneficiary, Oscar Rene Hernandez Rustrian, is a 20-year-old native and citizen of Guatemala, who was formally adopted by U.S. citizens on September 26, 1975 in North Carolina. He currently resides with his adopted parents, Mr. and Mrs. Jose Antonio Rustrian, and attends Guilford Technical Institute in High Point, North Carolina.

When he was about 40 days old, Oscar Rene was abandoned by his natural mother and was placed in the custody of Mr. and Mrs. Rustrian, then citizens of and residing in Guatemala. When the Rustrians immigrated to the United States, Oscar Rene was ultimately granted the status of a child of a nonimmigrant industrial trainee which expired on July 1, 1972. Mr. Rustrian, upon whom Oscar Rene's status was dependent, was later granted permanent residence on September 21, 1972. Mrs. Rustrian and three of their four natural children were granted permanent residence in 1973; the fourth child was born in the United States and is a U.S. citizen.

Because Oscar Rene had not been formally adopted before his 14th birthday, he is statutorily ineligible to obtain an immigrant visa as the adopted orphan child of permanent resident aliens. In addition, current law provides that natives of the Western Hemisphere holding temporary visas are ineligible to apply for an immigrant visa while in the United States. S. 2481 would waive both the age limitation and the prohibition against adjustment of status by Western Hemisphere natives in Oscar Rene's behalf. This would enable Mr. and Mrs. Rustrian to petition INS for an immigrant visa for him; INS approval of the petition would grant him permanent resident status. Absent approval of the enrolled bill, Oscar Rene would be subject to deportation.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 28

Time: 830pm

FOR ACTION:

Dick Parsons *MP*
NSC/S *MP*
Max Friedersdorf *MP*
Bobbie Kilberg *MP*

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 30

Time: 200pm

SUBJECT:

S. 2481-Relief of Oscar Rene Hernandex Rustrian

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, groundffloor 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

24 SEP 1976

AND REFER TO THIS FILE NO.

A20 221 600

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 2481 ; Office of Management
and Budget request dated September 23, 1976

Beneficiary or Beneficiaries Oscar Rene Hernandez Rustrian

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

SEP 28 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 22, 1976, transmitting for comment enrolled bills, S. 2770, "For the relief of Anthony Augustus Daley and Beverly Evelyn Daley", S. 2668, "For the relief of Arturo Morena Hernandez", and S. 2481, "For the relief of Oscar Rene Hernandez Rustrian".

This Department's files contain no information identifiable with the above cited bills, and in the absence of any derogatory information, 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.

MEMORANDUM

NATIONAL SECURITY COUNCIL

5441

September 30, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis 
SUBJECT: S. 2481

The NSC Staff concurs in the enrolled bill S. 2481-Relief of Oscar Rene Hernandez Rustrian.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 28

Time: 830pm

FOR ACTION:

Dick Parsons
NSC/S
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 30

Time: 200pm

SUBJECT:

S. 2481-Relief of Oscar Rene Hernandez ~~v~~ Rustrian

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

*approved
Kilberg 9/30/76*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 28

Time: 830pm

FOR ACTION: Dick Parsons
NSC/S
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: September 30

Time: 200pm

SUBJECT:

S. 2481-Relief of Oscar Rene Hernandez Rustrian

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

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 telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

September 29, 1976

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF *M.L.F.*

SUBJECT:

S.1787 - Relief of Maria Lisa Manalo ✓
S.2668 - Relief of Arturo Moreno Hernandez ✓
S.2770 - Relief of Anthony Augustus Daley ✓
S.2956 - Relief of Teresa Marie Salman ✓
→ S.2481 - Relief of Oscar Rene Hernandex Rustrian
S.1404 - Relief of Mrs. Kyong Chu Stout
S.1477 - Relief of Beatric Serrano-Toledo
S.2830 - Relief of Gary Broyles ✓

The Office of Legislative Affairs concurs with the agencies

that the subject bill be signed.

Attachments

OSCAR RENE HERNANDEZ RUSTRIAN

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

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

REPORT

[To accompany S. 2481]

The Committee on the Judiciary, to which was referred the bill (S. 2481), for the relief of Oscar Rene Hernandez Rustrian, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On line 7, strike the words "brothers and sisters" and insert in lieu thereof the words "natural parents or brothers or sisters".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the adjustment of status as an immediate relative of the adopted child of United States citizens. The bill has been amended in accordance with established precedents.

STATEMENTS OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Guatemala. He was formally adopted by United States citizens on September 26, 1975 in North Carolina. The beneficiary currently resides with his adoptive parents and attends the Guilford Technical Institute in High Point, North Carolina.

A letter, with attached memorandum, dated April 30, 1976 to the Chairman of the Senate Judiciary Committee 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., April 30, 1976.

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2481) for the relief of Oscar Rene Hernandez Rustrian, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary, who has been adopted, shall be classified as the child of Mr. and Mrs. Jose Antonio Rustrian within the meaning of Section 101(b)(1)(E) of the Immigration and Nationality Act and further provides that the brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Act. The bill also provides that notwithstanding the provision of Section 245(c) of the Act, an application for adjustment of status may be approved for the beneficiary, if he is otherwise eligible.

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

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 2481

The beneficiary, Oscar Rene Hernandez Rustrian, a native and citizen of Guatemala, was born on March 17, 1956. He attended school in Guatemala City and in North Carolina, and he is currently enrolled in the Adult High School Diploma Program of Guilford Technical Institute, High Point, North Carolina. The beneficiary is unmarried and lives with his adoptive parents in High Point, North Carolina. He has never been employed and has no assets. The beneficiary's father is unknown. The beneficiary was abandoned by his natural mother, Maria Luz Hernandez, in Guatemala when he was about forty days old. He has no other known living relatives outside the United States.

After he was abandoned, the beneficiary was placed in the custody of Jose Antonio Rustrian and his wife, Maria C. Garcia Rustrian. They formally adopted the beneficiary on September 26, 1975 in Superior Court, High Point, North

Carolina and evidence of the adoption is attached. Mr. and Mrs. Rustrian have four natural children, three of whom are natives and citizens of Guatemala and lawful permanent residents of the United States. Their fourth child was born in High Point, North Carolina and is a United States citizen. Mr. Rustrian is employed as a welder. The family has an income of \$17,729 per year and assets of \$1,225 in savings and checking accounts plus an equity in their home.

The beneficiary arrived in the United States on June 25, 1970 and was admitted as a nonimmigrant visitor for pleasure. His status was changed to that of a child of a nonimmigrant industrial trainee on January 18, 1971, and he was granted extensions of stay until July 1, 1972. The beneficiary's adoptive father, upon whom his status was dependent, became a lawful permanent resident upon his admission to the United States with an immigrant visa on September 21, 1971. The remainder of the family became permanent residents on January 19, 1973. Since the beneficiary had not been adopted before the age of fourteen years, he was ineligible to qualify as an orphan and thus was unable to obtain an immigrant visa. The beneficiary has been granted the privilege of voluntary departure from the United States.

Senator Jesse Helms, the author of the bill, submitted the following supporting information:

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., May 24, 1976.

HON. JAMES O. EASTLAND,
Chairman, Immigration Subcommittee, Committee on Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: I strongly recommend that the subcommittee act favorably on S. 2481, a bill which I introduced on behalf of Oscar Rene Hernandez Rustrian.

Oscar Rene has lived with his adopted parents since he was 40 days old. He was adopted in accordance with typical Guatemalan procedure, which pattern did not conform to ours. Subsequently, last September, Mr. and Mrs. Rustrian proceeded to adopt the young man in the State of North Carolina and the adoption order was signed on September 26, 1975.

The Rustrians are the only family this young man has ever known and favorable action on S. 2481 will give him equal status, I believe, with the rest of his family.

Thank you.

Sincerely,

JESSE HELMS.

The following supporting information has also been received in connection with S. 2481:

THOMAS BUILT BUSES, INC.,
High Point, N.C., May 17, 1976.

Re Bill Number S-2481 on behalf of Oscar Rene Rustrian.

Senator JAMES O. EASTLAND,
Chairman of the Immigration Subcommittee, Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: In April of 1969, our company was able to assist Mr. Jose Rustrian to come to the United States to work with our company here in High Point. He had worked with one of our overseas assembly crews, and our people assisted him because of his exemplary performance on the job, and because we felt that he would make a positive contribution here in our plant. We went through the immigration procedure, not only with Mr. Rustrian, but a year later, with his family. Our original estimation of the family was correct, and they have been hard-working, productive people in the community.

Rev. Woodrow Robbins, here in High Point, has spearheaded the effort to assist this family with their immigration and naturalization procedures, and I believe that there is now some correspondence in Senator Jesse Helms' files relative to the problems they have encountered with the status of their adopted son, Oscar Rene Hernandez.

Oscar Rene Hernandez has lived with the Rustrians since he was 40 days old. At that time he was adopted in accordance with typical Guatemalan procedure, which pattern does not conform to ours. The fact that he was not adopted under procedures suitable to Immigration and Naturalization Service apparently presents a qualification problem which is, to them, insurmountable. However, as a matter of fact, Mr. Rustrian and his wife formally adopted Oscar Rene on September 26, 1975 in Superior Court, High Point, North Carolina in accordance with the laws of the United States. In order to resolve this matter, there have been trips made to Guatemala by the father, cables and phone calls to the Consulate in Guatemala, as well as numerous letters from all of us who are trying to assist. The family, Rev. Robbins, and I have been frustrated on this point at every turn, and we are therefore coming to you for assistance.

Oscar Rene is 20 years old, and is attending Guilford Technical Institute in order to finalize his high school education. He is determined to finish his high school education, but has the handicap of mastering a foreign language and studying at the same time. Recently, I must confess, we threw up our hands, when we were advised that the conditions of his immigration status would prevent him from working after school hours. It would occur to me that a young man who has the ambition to attain his high school diploma in a language in which he is not totally fluent, and yet work after school, would be well worth some special consideration—especially in this day and age, when hard work no longer seems to be considered a virtue by the younger set.

I have spoken with Mrs. Mary Tucker in Senator Jesse Helms' office, who is aware of Oscar Rene's case, and has been most helpful in locating the pertinent files of Senator Sam Ervin. Considering the situation, we have requested that Senator Helms assist this young man by introducing bill S-2481, private relief legislation to grant Oscar Rene SA-1 immigration status, in order to put him on the same footing as the rest of his family.

I am including copy of a letter dated April 22, 1975 to Rev. Robbins, wherein they refer to Oscar Rene's "desire to gain permanent residence in order to seek employment in the U.S.", and as you can see they have totally missed the mark, since the purpose of the exercise is to permit Oscar Rene to achieve equivalent status with his family. This may be the problem that is causing so much difficulty, since you will see that this theme is carried forward in a good bit of the correspondence on file.

The Rustrian family are all desirous of working to attain American citizenship. They are concerned, however, that with Oscar Rene being in a different status, that he will be unable to become a naturalized citizen. With this problem before them, they have agreed that, rather than leave Oscar Rene behind, they would return to Guatemala.

I would appreciate it if you and your sub-committee would give Bill S-2481 fair consideration and grant Oscar Rene Rustrian SA-1 immigration status.

Sincerely,

P. A. THOMAS,
Vice President, International Operations.

610 MARTHA PLACE, HIGH POINT, N.C.,
May 20, 1976.

TO WHOM IT MAY CONCERN:

This letter is to let you know that I like living in America because I have many friends. And I'd like the way that people live here in America. I have most of the things I want to have.

I look forward to working when I get my social security card. I want to work and make my own way.

I am thankful for all that has been done for me and I hope that soon I will be a citizen.

Sincerely yours,

OSCAR R. RUSTRIAN.

(This is a true copy of the original letter (attached) in Mr. Rustrian's own handwriting.)

May 20, 1976.

ALICE L. WHITEHORNE,
Notary Public, Guilford County, N.C.,
Commission Expires Nov. 14, 1976.

LEXINGTON AVENUE BAPTIST CHURCH,
High Point, N.C., May 20, 1976.

TO WHOM IT MAY CONCERN:

I am writing on behalf of Oscar Rustrian. I hope that all that has been done on his behalf will not be in vain. Here is why:

His parents are hard-working, honest people, who will make good citizens for this country. There are many who come to our land who have no desire to do for themselves. The Rustrians are working people, making their own way. I admire them very much.

In fact, they are members of this church, and faithful in attendance. I like them personally; I am their friend, and they are friends of Mrs. Robbins and me.

And Oscar is a fine boy. He has talked to me time and time again about wanting to work, to make his own way, to be financially independent, and not be dependent upon his parents.

Please do everything possible to get this bill through Congress. And if I can be of any help beyond what I have tried to do, please let me know.

Thank you.

Sincerely yours,

WOODROW W. ROBBINS.

P.S. The record shows that I helped get the family into this country, working through Senator Ervin. And their record is a very good one since being here.

The committee, after consideration of all the facts in the case, is of the opinion that the bill, S. 2481, as amended, should be enacted.



OSCAR RENE HERNANDEZ RUSTRIAN

SEPTEMBER 13, 1976.—Committed to the Committee on the Whole House and ordered to be printed

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

REPORT

[To accompany S. 2481]

The Committee on the Judiciary, to whom was referred the bill (S. 2481) for the relief of Oscar Rene Hernandez Rustrian, 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 facilitate the adjustment of status of the adopted child of lawfully resident aliens in the United States.

GENERAL INFORMATION

The beneficiary of this bill is a 20-year-old native and citizen of Guatemala. He was formally adopted by permanent residents in North Carolina on September 26, 1975, and has resided with them since infancy.

A letter, with attached memorandum, dated April 30, 1976, to the Chairman of the Senate Judiciary Committee 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., April 30, 1976.

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2481) for the relief of Oscar Rene Hernandez Rustrian, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary, who has been adopted, shall be classified as the child of Mr. and Mrs. Jose Antonio Rustrian within the meaning of Section 101(b)(1)(E) of the Immigration and Nationality Act and further provides that the brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Act. The bill also provides that notwithstanding the provision of Section 245(c) of the Act, an application for adjustment of status may be approved for the beneficiary, if he is otherwise eligible.

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

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L. F. CHAPMAN, JR.,
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After he was abandoned, the beneficiary was placed in the custody of Jose Antonio Rustrian and his wife, Maria C. Garcia Rustrian. They formally adopted the beneficiary on September 25, 1975 in Superior Court, High Point, North Carolina and evidence of the adoption is attached. Mr. and Mrs. Rustrian have four natural children, three of whom are natives and citizens of Guatemala and lawful permanent residents of the United States. Their fourth child was born in High Point, North Carolina and is a United States citizen. Mr. Rustrian is employed as a welder. The family has an income of \$17,729 per year and assets of \$1,225 in savings and checking accounts plus an equity in their home.

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the United States with an immigrant visa on September 21, 1971. The remainder of the family became permanent residents on January 19, 1973. Since the beneficiary had not been adopted before the age of fourteen years, he was ineligible to qualify as an orphan and thus was unable to obtain an immigrant visa. The beneficiary has been granted the privilege of voluntary departure from the United States.

Senator Jesse Helms, the author of the bill, submitted the following supporting information:

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., May 24, 1976.

HON. JAMES O. EASTLAND,
Chairman, Immigration Subcommittee, Committee on Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: I strongly recommend that the subcommittee act favorably on S. 2481, a bill which I introduced on behalf of Oscar Rene Hernandez Rustrian.

Oscar Rene has lived with his adopted parents since he was 40 days old. He was adopted in accordance with typical Guatemalan procedure, which pattern did not conform to ours. Subsequently, last September, Mr. and Mrs. Rustrian proceeded to adopt the young man in the State of North Carolina and the adoption order was signed on September 26, 1975.

The Rustrians are the only family this young man has ever known and favorable action on S. 2481 will give him equal status, I believe, with the rest of his family.

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Senator JAMES O. EASTLAND,
Chairman of the Immigration Subcommittee, Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: In April of 1969, our company was able to assist Mr. Jose Rustrian to come to the United States to work with our company here in High Point. He had worked with one of our overseas assembly crews, and our people assisted him because of his exemplary performance on the job, and because we felt that he would make a positive contribution here in our plant. We went through the immigration procedure, not only with Mr. Rustrian, but a year later, with his family. Our original estimation of the family was correct, and they have been hard-working, productive people in the community.

Rev. Woodrow Robbins, here in High Point, has spearheaded the effort to assist this family with their immigration and naturalization procedures, and I believe that there is now some correspondence in Senator Jesse Helms' files relative to the problems they have encountered with the status of their adopted son, Oscar Rene Hernandez.

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I have spoken with Mrs. Mary Tucker in Senator Jesse Helms' office, who is aware of Oscar Rene's case, and has been most helpful in locating the pertinent files of Senator Sam Ervin. Considering the situation, we have requested that Senator Helms assist this young man by introducing bill S-2481, private relief legislation to grant Oscar Rene SA-1 immigration status, in order to put him on the same footing as the rest of his family.

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The Rustrian family are all desirous of working to attain American citizenship. They are concerned, however, that with Oscar Rene being in a different status, that he will be unable to become a naturalized citizen. With this problem before them, they have agreed that, rather than leave Oscar Rene behind, they would return to Guatemala.

I would appreciate it if you and your sub-committee would give Bill S-2481 fair consideration and grant Oscar Rene Rustrian SA-1 immigration status.

Sincerely,

P. A. THOMAS,
Vice President, International Operations.

610 MARTHA PLACE, HIGH POINT, N.C.,
May 20, 1976.

TO WHOM IT MAY CONCERN:

This letter is to let you know that I like living in America because I have many friends. And I'd like the way that people live here in America. I have most of the things I want to have.

I look forward to working when I get my social security card. I want to work and make my own way.

I am thankful for all that has been done for me and I hope that soon I will be a citizen.

Sincerely yours,

OSCAR R. RUSTRIAN.

(This is a true copy of the original letter (attached) in Mr. Rustrian's own handwriting.)

May 20, 1976.

ALICE L. WHITEHORNE,
Notary Public, Guilford County, N.C.,
Commission Expires Nov. 14, 1976.

LEXINGTON AVENUE BAPTIST CHURCH,
High Point, N.C., May 20, 1976.

TO WHOM IT MAY CONCERN:

I am writing on behalf of Oscar Rustrian. I hope that all that has been done on his behalf will not be in vain. Here is why:

His parents are hard-working, honest people, who will make good citizens for this country. There are many who come to our land who have no desire to do for themselves. The Rustrians are working people, making their own way. I admire them very much.

In fact, they are members of this church, and faithful in attendance. I like them personally; I am their friend, and they are friends of Mrs. Robbins and me.

And Oscar is a fine boy. He has talked to me time and time again about wanting to work, to make his own way, to be financially independent, and not be dependent upon his parents.

Please do everything possible to get this bill through Congress. And if I can be of any help beyond what I have tried to do, please let me know.

Thank you.

Sincerely yours,

WOODROW W. ROBBINS.

P.S. The record shows that I helped get the family into this country, working through Senator Ervin. And their record is a very good one since being here.

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 S. 2481 should be enacted and accordingly recommends that the bill do pass.

○

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 Oscar Rene Hernandez Rustrian.

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, Oscar Rene Hernandez Rustrian shall be classified as the child of Mr. and Mrs. Jose Antonio Rustrian within the meaning of section 101(b)(1)(E) of such 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.

Sec. 2. Notwithstanding the provisions of section 245(c) of the Act, an application for adjustment of status may be approved for Oscar Rene Hernandez Rustrian if the Attorney General finds he is otherwise eligible.

Speaker of the House of Representatives.

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



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 28 1976

To: J. Johnston
9-28-76
6:00 p.m.

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2481 - Relief of Oscar Rene Hernandez Rustrian
Sponsor - Sen. Helms (R) North Carolina

Last Day for Action

October 5, 1976 - Tuesday

Purpose

To facilitate granting permanent resident immigration status to the adopted alien son of permanent residents of the United States.

Agency Recommendations

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

Discussion

The beneficiary, Oscar Rene Hernandez Rustrian, is a 20-year-old native and citizen of Guatemala, who was formally adopted by U.S. citizens on September 26, 1975 in North Carolina. He currently resides with his adopted parents, Mr. and Mrs. Jose Antonio Rustrian, and attends Guilford Technical Institute in High Point, North Carolina.

When he was about 40 days old, Oscar Rene was abandoned by his natural mother and was placed in the custody of Mr. and Mrs. Rustrian, then citizens of and residing in Guatemala. When the Rustrians immigrated to the United States, Oscar Rene was ultimately granted the status of a child of a nonimmigrant industrial trainee which expired on July 1, 1972. Mr. Rustrian, upon whom Oscar Rene's status was dependent, was later granted permanent residence on September 21, 1972. Mrs. Rustrian and three of their four natural children were granted permanent residence in 1973; the fourth child was born in the United States and is a U.S. citizen.