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APPROVED
JAN 2-1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: January 4

December 31, 1974

*Posted
1/3
To Archives
1/3*

MEMORANDUM FOR	THE PRESIDENT
FROM:	KEN COLE
SUBJECT:	Enrolled Bill H.R. 7767 <u>Relief of Samuel Cabildo Jose</u>

Attached for your consideration is H.R. 7767, sponsored by Representative Burton, which grants permanent residence to the beneficiary, Samuel Cabildo Jose, a native and citizen of the Philippines.

At the time Mr. Jose was adopted by U.S. citizens, he was over 14 and ineligible to be classified as an immediate relative.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf (Loen) and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 7767 (Tab B)



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

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 3203 - Relief of Nepty Masauo Jones
Sponsor - Rep. Mink (D) Hawaii
- (2) H.R. 3339 - Relief of Delmira DeBow
Sponsor - Rep. Rousselot (R) California
- (3) H.R. 7767 - Relief of Samuel Cabildo Jose
Sponsor - Rep. Burton (D) California
- (4) H.R. 9182 - Relief of Fernando Labrador del Rosario
Sponsor - Rep. Burgener (R) California

Last Day for Action

January 4, 1975

Purpose

Grants permanent residence to adopted children of U.S. citizens.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

H.R. 3203 - Mr. Nepty Masauo Jones, the beneficiary of this bill, is 23 years old, single, and a native and citizen of the Trust Territory of the Pacific. He was adopted in 1966 by a U.S. citizen and resides with his adoptive mother in Hawaii, where he is attending college. His adoptive mother is a single school teacher earning \$12,000 per year.

The beneficiary first entered the U.S. as a visitor in June 1966, and has been in school in Hawaii since 1968. However, he is ineligible to obtain U.S. citizenship as an immediate relative.



because he was already 14 when adopted. (Section 101 of the Immigration and Nationality Act defines a "child" as one under the age of 14 at the time of adoption, for purposes of qualifying for permanent residence as an immediate relative of a citizen.) Also, by the time his mother attempted to naturalize him as an adopted child, this was prohibited because such a child must be under 18 whereas the beneficiary is now 23. Deportation proceedings have not yet been instituted against him.

H.R. 3339 - Miss Delmira DeBow, the beneficiary of this bill, is a 24 year-old native and citizen of El Salvador. She entered the U.S. as a nonimmigrant visitor in November 1970; was adopted in March 1971 by U.S. citizens who met her while they were missionaries in El Salvador; has lived with her adoptive parents in El Salvador and this country since February 1970; and has been reclassified to nonimmigrant student status from May 1971 to the present. She is a student at Pasadena College and is supported by her parents. Her adoptive father is now a real estate salesman earning about \$20,000 per year. Deportation proceedings have not been instituted against her.

H.R. 7767 - Mr. Jose, the beneficiary of this bill, is 19 years old, single, and a native and citizen of the Philippines. He and his 14 year-old sister were admitted to the U.S. as visitors in September 1968; were adopted by a U.S. citizen couple in November 1969; and have resided with their adoptive parents in San Francisco, California since that time. The beneficiary is attending college, employed part-time in a restaurant, and is supported by his adoptive parents. The adoptive father is retired and has moderate assets.

The beneficiary cannot qualify for an immediate relative visa because he was over 14 years old when adopted. His sister was under 14 and such a visa is pending for her. The beneficiary eventually changed his status from temporary visitor to student, but he never requested an extension of stay beyond the authorized limit of August 1970. Deportation proceedings will accordingly be instituted against him in the absence of private relief legislation.

H.R. 9182 - Mr. Fernando Labrador del Rosario, is 21 years old, single, and a native and citizen of the Philippines. He entered the U.S. as a temporary visitor in December 1968. He resides in San Diego, California, with his aunt and uncle (both U.S. citizens), who adopted him and his younger half sister in 1968. He is currently attending college and working part-time as a cook.

The beneficiary apparently never applied for reclassification to student status.

He maintained valid status as a visitor until November 1973, and deportation proceedings will be instituted against him in the absence of private relief legislation. As in the case immediately above (re H.R. 7767), Mr. Rosario could not meet the statutory definition of "child" at the time of adoption, due to his age; but the visa petition of his younger half sister was approved.

All four of the bills would provide that the beneficiaries be classified as "children" under section 101 of the Immigration and Nationality Act; and that they be granted permanent residence in the U.S. as of the date of enactment.

(signed) Wilfred H. Roszol

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

AND REFER TO THIS FILE NO.

DEC 24 1974

A19 170 541

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 7767; Office of Management
and Budget request dated December 23, 1974

Beneficiary or Beneficiaries Samuel Cabildo Jose

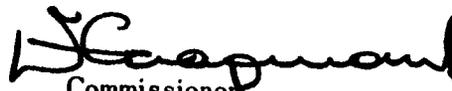
Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

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

DEC 24 1974

Honorable Ray L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

Reference is made to Mr. Rosnel's communication of
December 23, 1974, transmitting for comment enrolled
bills H.R. 3203 "For the relief of Nepty Masauo Jones"
and H.R. 7767 "For the relief of Samuel Cabildo Jose".

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

Sincerely yours,

Linwood Holton
Assistant Secretary for
Congressional Relations

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

DEC 26 1974

MEMORANDUM FOR THE PRESIDENT

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- (1) H.R. 3203 - Relief of Nepty Masauo Jones
Sponsor - Rep. Mink (D) Hawaii
- (2) H.R. 3339 - Relief of Delmira DeBow
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Sponsor - Rep. Burton (D) California
- (4) H.R. 9182 - Relief of Fernando Labrador del Rosario
Sponsor - Rep. Burgener (R) California

Last Day for Action

January 4, 1975

Purpose

Grants permanent residence to adopted children of U.S. citizens.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

H.R. 3203 - Mr. Nepty Masauo Jones, the beneficiary of this bill, is 23 years old, single, and a native and citizen of the Trust Territory of the Pacific. He was adopted in 1966 by a U.S. citizen and resides with his adoptive mother in Hawaii, where he is attending college. His adoptive mother is a single school teacher earning \$12,000 per year.

The beneficiary first entered the U.S. as a visitor in June 1966, and has been in school in Hawaii since 1968. However, he is ineligible to obtain U.S. citizenship as an immediate relative



because he was already 14 when adopted. (Section 101 of the Immigration and Nationality Act defines a "child" as one under the age of 14 at the time of adoption, for purposes of qualifying for permanent residence as an immediate relative of a citizen.) Also, by the time his mother attempted to naturalize him as an adopted child, this was prohibited because such a child must be under 18 whereas the beneficiary is now 23. Deportation proceedings have not yet been instituted against him.

H.R. 3339 - Miss Delmira DeBow, the beneficiary of this bill, is a 24 year-old native and citizen of El Salvador. She entered the U.S. as a nonimmigrant visitor in November 1970; was adopted in March 1971 by U.S. citizens who met her while they were missionaries in El Salvador; has lived with her adoptive parents in El Salvador and this country since February 1970; and has been reclassified to nonimmigrant student status from May 1971 to the present. She is a student at Pasadena College and is supported by her parents. Her adoptive father is now a real estate salesman earning about \$20,000 per year. Deportation proceedings have not been instituted against her.

H.R. 7767 - Mr. Jose, the beneficiary of this bill, is 19 years old, single, and a native and citizen of the Philippines. He and his 14 year-old sister were admitted to the U.S. as visitors in September 1968; were adopted by a U.S. citizen couple in November 1969; and have resided with their adoptive parents in San Francisco, California since that time. The beneficiary is attending college, employed part-time in a restaurant, and is supported by his adoptive parents. The adoptive father is retired and has moderate assets.

The beneficiary cannot qualify for an immediate relative visa because he was over 14 years old when adopted. His sister was under 14 and such a visa is pending for her. The beneficiary eventually changed his status from temporary visitor to student, but he never requested an extension of stay beyond the authorized limit of August 1970. Deportation proceedings will accordingly be instituted against him in the absence of private relief legislation.

H.R. 9182 - Mr. Fernando Labrador del Rosario, is 21 years old, single, and a native and citizen of the Philippines. He entered the U.S. as a temporary visitor in December 1968. He resides in San Diego, California, with his aunt and uncle (both U.S. citizens), who adopted him and his younger half sister in 1968. He is currently attending college and working part-time as a cook.

The beneficiary apparently never applied for reclassification to student status.

He maintained valid status as a visitor until November 1973, and deportation proceedings will be instituted against him in the absence of private relief legislation. As in the case immediately above (re H.R. 7767), Mr. Rosario could not meet the statutory definition of "child" at the time of adoption, due to his age; but the visa petition of his younger half sister was approved.

All four of the bills would provide that the beneficiaries be classified as "children" under section 101 of the Immigration and Nationality Act; and that they be granted permanent residence in the U.S. as of the date of enactment.

(signed) Wilfred H. Rosasi

Assistant Director for
Legislative Reference

Enclosures



ACTION MEMORANDUM

Date: December 28, 1974

To:

FOR ACTION: Geoff Shepard *oh*
Max Friedersdorf *oh*
Phil Areeda *no obj*

cc (for):

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bills:

- H.R. 3202 - Relief of Nepty Masano Jones
 - H.R. 3339 - Relief of Delmira DeBor
 - H.R. 7767 - Relief of Samuel Cabildo Jose
 - H.R. 9182 - Relief of Fernando Labrador del Rosario
- ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 894

Date: December 28, 1974

Time: 7:30 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bills:

- H.R. 3202 - Relief of Nepty Masauo Jones
- H.R. 3339 - Relief of Delmira DeBow
- H.R. 7767 - Relief of Samuel Cabildo Jose
- H.R. 9182 - Relief of Fernando Labrador del Rosario

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

Approval
JCS

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

WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 894
Enrolled Bills: H.R. 3202
H.R. 3339
H.R. 7767
H.R. 9182

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 894

Date: December 28, 1974

Time: 7:30 p.m.

FOR ACTION: Geoff Shepard
Max Friedersdorf
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bills:

- H.R. 3202 - Relief of Nepty Masauo Jones
- H.R. 3339 - Relief of Delmira DeBow
- H.R. 7767 - Relief of Samuel Cabildo Jose
- H.R. 9182 - Relief of Fernando Labrador del Rosario

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

*No Objections
P. Areeda*

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

Calendar No. 1312

93D CONGRESS }
2d Session }

SENATE }

REPORT
No. 93-1391

SAMUEL CABILDO JOSE

DECEMBER 17, 1974.—Ordered to be printed

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

REPORT

[To accompany H.R. 7767]

The Committee on the Judiciary, to which was referred the bill (H.R. 7767), for the relief of Samuel Cabildo Jose, 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 as an immediate relative of the adopted son of U.S. citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 19-year-old native and citizen of the Philippines who entered the U.S. as a visitor on September 28, 1968. His status was subsequently changed to that of student. On November 20, 1969 the beneficiary and his sister were adopted in California by Mr. and Mrs. Alfred N. Jose, U.S. citizens. The beneficiary currently attends college and resides in San Francisco with his adoptive parents. His natural parents are unable to provide for the support of their children.

A letter, with attached memorandum, dated December 21, 1973, to the chairman of the Committee on the Judiciary of the 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., December 21, 1973.

A-19170541.

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. 7767) for the relief of Samuel Cabildo Jose, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. The bill provides for an appropriate visa number deduction.

The beneficiary, a native of the Philippines, is chargeable to the non-preference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 7767

The beneficiary, Samuel Cabildo Jose, who was formerly known as Samuel Cabildo Utleg, a native and citizen of the Philippines, was born on June 15, 1955. He is single and resides in San Francisco, California with the interested parties, Mr. and Mrs. Alfred N. Jose, his adoptive parents. He graduated from high school in January 1973 and is currently attending college. He is employed on a part-time basis as a busboy in a restaurant. He has no assets and is supported by Mr. and Mrs. Jose.

The beneficiary entered the United States as a temporary visitor on September 28, 1968. His status was subsequently changed to that of student and he was authorized to remain until August 4, 1970. He never requested an extension of stay. Deportation proceedings will be instituted against the beneficiary on the ground he has remained in the United States for a longer period than authorized.

The beneficiary's natural parents and six brothers and sisters reside in the Philippines. He and his 14 year old sister, Nancy Jose, who was formerly known as Nancy Utleg, entered the United States together in 1968 and have since resided with Mr. and Mrs. Alfred N. Jose. They were adopted on November 20, 1969, in the Superior Court of the State of California in and for the City and County of San Francisco.

The beneficiary was over 14 years old at the time and therefore cannot qualify for the issuance of an immediate relative visa. His sister was under 14 and is the beneficiary of a pending immediate relative visa petition. A certified copy of the adoption decree is attached.

Mr. Alfred N. Jose was born on September 9, 1905, in the Philippines. He entered this country as a national in 1932 and acquired United States citizenship by naturalization in 1944. His parents are deceased. He has a brother residing in the United States and a sister in the Philippines. He married Catalina Jose in the Philippines in 1957. They do not have children of their own. He is retired and his income is \$327.65 per month which is comprised of Social Security Administration, Veterans Administration and union retirement benefits. His assets include a \$24,000 equity in his home which is valued at \$28,000, a \$2,000 equity in a lot, valued at \$13,000, home furnishings valued at \$1,000 and \$1,000 in savings.

Mrs. Jose was born February 10, 1930, in the Philippines. She entered this country as a permanent resident in 1958 and acquired United States citizenship by naturalization in 1966. Her father is deceased. Her mother and five brothers and sisters reside in the Philippines. She is the beneficiary's paternal aunt. Mrs. Jose is employed as a file clerk at a salary of \$400 per month.

Mr. and Mrs. Alfred N. Jose adopted the beneficiary and his sister because they were childless and to help their relatives, the beneficiary's natural parents, who had more children than they could support. It is their intention to raise and educate the beneficiary and his sister as their own and make them their heirs.

A copy of the adoption decree, referred to in the above report, is contained in the files of the Committee on the Judiciary of the House of Representatives.

Congressman Phillip Burton, the author of the bill, submitted the following letter and statement in support of his bill:

JOSEPH B. BATES,
San Francisco, Calif., March 31, 1973.

Hon. PHILLIP BURTON, M.C.,
San Francisco, Calif.
(Attention: Mrs. Thomas.)

DEAR CONGRESSMAN BURTON: With the thought in mind that it might be of some assistance to you in taking any action you may have contemplated on behalf of Samuel Jose, the young man who has encountered difficulties in enlisting in the air force arising out of adoption proceedings involving himself and his sister, the following information and data is submitted to you.

I was the attorney for the adopting parents in the proceedings which were taken in the Superior Court in San Francisco. A short chronology of pertinent facts follows:

September 28, 1968. The two children came from the Philippines to reside with the petitioners, the proposed adopting parents, in San

Francisco. Samuel was then about thirteen and a half years old and his sister was a year or so younger.

January 14, 1969. The petition for adoption was filed.

June 15, 1969. Samuel became fourteen years of age.

July 29, 1969. Natural parents signed consent to the adoption in the Philippines.

September 17, 1969. California Department of Social Welfare filed request with Court for an extension of time within which to render its report, stating that its failure to render the report within the six month period specified by law was "due to errors and oversight".

September 19, 1969. Court made its order granting the Department 120 days within which to file the report.

October 27, 1969. The department filed its report recommending the adoption.

November 20, 1969. Decree of adoption was signed. Samuel was then 14 years, 5 months and 5 days of age. His difficulties arise out of the fact that the Air Force will not complete his enlistment unless and until he presents to it the so-called "green card", or Alien Registration Identification Card, issued by the Immigration and Naturalization Service, and the service will not issue the card because the adoption decree was made after subject became fourteen years of age. Under these circumstances, it states, the law provides that Samuel cannot become a lawful permanent resident alien by reason of adoption.

There was ample time between the filing of the petition for adoption and subject's fourteenth birthday for the Department of Social Welfare to have filed its report with the Court, and for the adoption hearing. Seldom does the Department take the entire six months given them by law. During the time this matter was pending with them I made numerous telephone calls to various members of the personnel of the Department importuning them to expedite their processing of the case but to no avail.

Feeling that the Superior Court might act favorably on the motion I asked Judge Raymond J. Arata last month to make an order directing that the decree of adoption be entered nunc pro tunc as of June 10, 1969. His rejection of the request was set forth in a letter to me which reads as follows:

"I have obtained the file in the above adoption. I note that the natural parents did not consent to the adoption until July 29, 1969, and that the adopting parents did not agree to the adoption until November 20, 1969.

"In my opinion there is therefore no way that the order of adoption can be nunc pro tunc-ed to the 10th day of June, 1969, because the court did not have jurisdiction to enter any order on that date."

Other pertinent information which you may require is contained in the following documents and papers:

An endorsed filed copy of the Degree of Adoption from my file. (If convenient I would like to have this paper back when you have finished with it.)

Declaration of Samuel C. Jose which was presented to Judge Arata and by him returned to me.

Immigration and Naturalization Service forms G-325A (Biographic Information) and 1-130 (Petition to classify status of alien relative for issuance of immigrant visa).

Some confusion might arise because Samuel has been using "Utleg" as his middle name. This is his real family surname. However, I have pointed out to him that while a person may use any name he chooses so long as no fraud is perpetrated he should follow the terms of the Decree of Adoption for such things as his enlistment and dealings with the immigration service. By the terms of the decree, as you will note, his name is Samuel C. Jose.

If there is anything further that I can do to assist in this matter please do not hesitate to call upon me.

Yours very truly,

JOSEPH B. BATES.

In the Superior Court of the State of California, in and for
the City and County of San Francisco

No. 14421

IN THE MATTER OF THE PETITION OF ALFRED N. JOSE AND
CATALINA JOSE, FOR ADOPTION OF TWO MINORS

DECLARATION OF SAMUEL C. JOSE FOR NUNC PRO TUNC ORDER

STATE OF CALIFORNIA
County of San Mateo, ss

SAMUEL C. JOSE does hereby declare and certify as follows:

That he is one of the minors who became an adopted child of the above-named petitioners by virtue of a Decree of Adoption made by the above-entitled Court on November 20, 1969.

That he enlisted in the Air Force of the United States on February 13, 1973, and took his physical examination on the same day, and passed the same.

That he took his Air Force Qualification Test on March 7, 1973, and was subsequently notified that he had satisfactorily passed the same.

That the air force refuses to process his enlistment further until he furnishes to it Immigration and Naturalization Form I-151, Alien Registration Identification Card.

That the Naturalization and Immigration Service refuses to issue to declarant the said Alien Registration Identification Card ("Green Card") for the reason that declarant was over the age of fourteen years, to-wit, fourteen years, five months and five days, at the aforesaid date of making of the Decree of Adoption.

Executed under the penalty of perjury on this 17th day of March, 1973, at San Mateo, California.

SAMUEL C. JOSE.

The Committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 7767) should be enacted.

SAMUEL CABILDO JOSE

AUGUST 22, 1974.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 7767]

The Committee on the Judiciary to whom was referred the bill (H.R. 7767) for the relief of Samuel Cabildo Jose, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

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

That, in the administration of the Immigration and Nationality Act, Samuel Cabildo Jose 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. Alfred N. Jose, 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.

PURPOSE OF THE BILL

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

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter dated December who was admitted to the United States as a visitor in September of 1968. He was adopted in California on November 20, 1969 by citizens of the United States who have no natural children but who have also adopted the beneficiary's younger sister.

The pertinent facts in this case are contained in a letter dated December 21, 1973 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and enclosures read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., December 21, 1973.

A-19170541.

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. 7767) for the relief of Samuel Cabildo Jose, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. The bill provides for an appropriate visa number deduction.

The beneficiary, a native of the Philippines, is chargeable to the non-preference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
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The beneficiary, Samuel Cabildo Jose, who was formerly known as Samuel Cabildo Utleg, a native and citizen of the Philippines, was born on June 15, 1955. He is single and resides in San Francisco, California with the interested parties, Mr. and Mrs. Alfred N. Jose, his adoptive parents. He graduated from high school in January 1973 and is currently attending college. He is employed on a part-time basis as a busboy in a restaurant. He has no assets and is supported by Mr. and Mrs. Jose.

The beneficiary entered the United States as a temporary visitor on September 28, 1968. His status was subsequently changed to that of student and he was authorized to remain until August 4, 1970. He never requested an extension of stay. Deportation proceedings will be instituted against the beneficiary on the ground he has remained in the United States for a longer period than authorized.

The beneficiary's natural parents and six brothers and sisters reside in the Philippines. He and his 14 year old sister, Nancy Jose, who was formerly known as Nancy Utleg, entered the United States together in 1968 and have since resided with Mr. and Mrs. Alfred N. Jose. They were adopted on November 20, 1969, in the Superior Court of the State of California in and for the City and County of San Francisco.

The beneficiary was over 14 years old at the time and therefore cannot qualify for the issuance of an immediate relative visa. His sister was under 14 and is the beneficiary of a pending immediate relative visa petition. A certified copy of the adoption decree is attached.

Mr. Alfred N. Jose was born on September 9, 1905, in the Philippines. He entered this country as a national in 1932 and acquired United States citizenship by naturalization in 1944. His parents are deceased. He has a brother residing in the United States and a sister in the Philippines. He married Catalina José in the Philippines in 1957. They do not have children of their own. He is retired and his income is \$327.65 per month which is comprised of Social Security Administration, Veterans Administration and union retirement benefits. His assets include a \$24,000 equity in his home which is valued at \$28,000, a \$2,000 equity in a lot, valued at \$13,000, home furnishings valued at \$1,000 and \$1,000 in savings.

Mrs. Jose was born February 10, 1930, in the Philippines. She entered this country as a permanent resident in 1958 and acquired United States citizenship by naturalization in 1966. Her father is deceased. Her mother and five brothers and sisters reside in the Philippines. She is the beneficiary's paternal aunt. Mrs. Jose is employed as a file clerk at a salary of \$400 per month.

Mr. and Mrs. Alfred N. Jose adopted the beneficiary and his sister because they were childless and to help their relatives, the beneficiary's natural parents, who had more children than they could support. It is their intention to raise and educate the beneficiary and his sister as their own and make them their heirs.

In the Superior Court of the State of California in and for the City and County of San Francisco

No. 14421

IN THE MATTER OF THE PETITION OF ALFRED N. JOSE AND CATALINA JOSE, FOR ADOPTION OF TWO MINORS

DECREE OF ADOPTION

The petition of ALFRED N. JOSE and CATALINA JOSE, husband and wife, filed herein, praying permission for petitioners to adopt two minor children who should thereupon and thenceforth have the names and be known as SAMUEL C. JOSE and NANCY CABILDO JOSE, and asking a decree of this Court authorizing and declaring said adoption and designation of said names, coming on for hearing this day, and

It appearing to the Court that the consents of the natural father and mother of said minors to said adoption have been duly signed before a person authorized to perform notarial acts outside the State of California where said natural par-

ents of said minors then resided and were, and filed in the office of the Clerk of this Court, and,

It further appearing to the Court that the consent of the State of California Department of Social Welfare to said adoption has likewise been filed herein, and the said ALFRED N. JOSE and NANCY CABILDO JOSE, the said petitioners herein, and the said minors, having appeared in this Court on this day and having been by the Court separately examined concerning said adoption and the said minors being over the age of twelve years, having signified their respective consents to said adoption, and the Court being satisfied that the interests of said minors will be promoted by said adoption and designation of names, and

The said ALFRED N. JOSE and CATALINA JOSE, petitioners herein, having executed and signed in the presence of this Court an agreement that said minor children shall be treated by them in all respects as their lawful children, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said minors henceforth to be known as SAMUEL C. JOSE, a male of the age of fourteen years, and NANCY CABILDO JOSE, a female of the age of twelve and a half years, shall be and are hereby adopted by ALFRED N. JOSE and CATALINA JOSE as their lawful children, and that the said minors SAMUEL C. JOSE and NANCY CABILDO JOSE shall bear toward the said ALFRED N. JOSE and CATALINA JOSE and the said ALFRED N. JOSE and CATALINA JOSE shall bear toward the said minors the legal relationship of children to parents or parents to children respectively, with the correlative rights, privileges and duties of said relationship including the right of inheritance.

Done in open Court this 20th day of November, 1969.

Judge of the Superior Court.

Mr. Burton submitted the following letter and statement in support of his bill:

JOSEPH B. BATES,
San Francisco, Calif., March 31, 1973.

HON. PHILLIP BURTON, M.C.,
San Francisco, Calif.
 (Attention: Mrs. Thomas.)

DEAR CONGRESSMAN BURTON: With the thought in mind that it might be of some assistance to you in taking any action you may have contemplated on behalf of Samuel Jose, the young man who has encountered difficulties in enlisting in the air force arising out of adoption proceedings involving himself and his sister, the following information and data is submitted to you.

I was the attorney for the adopting parents in the proceedings which were taken in the Superior Court in San Francisco. A short chronology of pertinent facts follows:

September 28, 1968. The two children came from the Philippines to reside with the petitioners, the proposed adopting parents, in San Francisco. Samuel was then about thirteen and a half years old and his sister was a year or so younger.

January 14, 1969. The petition for adoption was filed.

June 15, 1969. Samuel became fourteen years of age.

July 29, 1969. Natural parents signed consent to the adoption in the Philippines.

September 17, 1969. California Department of Social Welfare filed request with Court for an extension of time within which to render its report, stating that its failure to render the report within the six month period specified by law was "due to errors and oversight".

September 19, 1969. Court made its order granting the Department 120 days within which to file the report.

October 27, 1969. The department filed its report recommending the adoption.

November 20, 1969. Decree of adoption was signed. Samuel was then 14 years, 5 months and 5 days of age. His difficulties arise out of the fact that the Air Force will not complete his enlistment unless and until he presents to it the so-called "green card", or Alien Registration Identification Card, issued by the Immigration and Naturalization Service, and the service will not issue the card because the adoption decree was made after subject became fourteen years of age. Under these circumstances, it states, the law provides that Samuel cannot become a lawful permanent resident alien by reason of adoption.

There was ample time between the filing of the petition for adoption and subject's fourteenth birthday for the Department of Social Welfare to have filed its report with the Court, and for the adoption hearing. Seldom does the Department take the entire six months given them by law. During the time this matter was pending with them I made numerous telephone calls to various members of the personnel of the Department importuning them to expedite their processing of the case but to no avail.

Feeling that the Superior Court might act favorably on the motion I asked Judge Raymond J. Arata last month to make an order directing that the decree of adoption be entered nunc pro tunc as of June 10, 1969. His rejection of the request was set forth in a letter to me which reads as follows:

"I have obtained the file in the above adoption. I note that the natural parents did not consent to the adoption until July 29, 1969, and that the adopting parents did not agree to the adoption until November 20, 1969.

"In my opinion there is therefore no way that the order of adoption can be nunc pro tunc-ed to the 10th day of June, 1969, because the court did not have jurisdiction to enter any order on that date."

Other pertinent information which you may require is contained in the following documents and papers:

An endorsed filed copy of the Decree of Adoption from my file. (If convenient I would like to have this paper back when you have finished with it.)

Declaration of Samuel C. Jose which was presented to Judge Arata and by him returned to me.

Immigration and Naturalization Service forms G-325A (Biographic Information) and 1-130 (Petition to classify status of alien relative for issuance of immigrant visa).

Some confusion might arise because Samuel has been using "Utleg" as his middle name. This is his real family surname. However, I have pointed out to him that while a person may use any name he chooses so long as no fraud is perpetrated he should follow the terms of the Decree of Adoption for such things as his enlistment and dealings with the immigration service. By the terms of the decree, as you will note, his name is Samuel C. Jose.

If there is anything further that I can do to assist in this matter please do not hesitate to call upon me.

Yours very truly,

JOSEPH B. BATES.

In the Superior Court of the State of California, in and for
the City and County of San Francisco

No. 14421

IN THE MATTER OF THE PETITION OF ALFRED N. JOSE AND
CATALINA JOSE, FOR ADOPTION OF TWO MINORS

DECLARATION OF SAMUEL C. JOSE FOR NUNC PRO TUNC ORDER

STATE OF CALIFORNIA
County of San Mateo, ss

SAMUEL C. JOSE does hereby declare and certify as follows:

That he is one of the minors who became an adopted child of the above-named petitioners by virtue of a Decree of Adoption made by the above-entitled Court on November 20, 1969.

That he enlisted in the Air Force of the United States on February 13, 1973, and took his physical examination on the same day, and passed the same.

That he took his Air Force Qualification Test on March 7, 1973, and was subsequently notified that he had satisfactorily passed the same.

That the air force refuses to process his enlistment further until he furnishes to it Immigration and Naturalization Form I-151, Alien Registration Identification Card.

That the Naturalization and Immigration Service refuses to issue to declarant the said Alien Registration Identification Card ("Green Card") for the reason that declarant was over the age of fourteen years, to-wit., fourteen years, five months and five days, at the aforesaid date of making of the Decree of Adoption.

Executed under the penalty of perjury on this 17th day of March, 1973, at San Mateo, California.

SAMUEL C. JOSE.

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 7767, as amended, should be enacted and accordingly recommends that the bill do pass.

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

For the relief of Samuel Cabildo Jose.

*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, Samuel Cabildo Jose 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. Alfred N. Jose, 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.*