

The original documents are located in Box 40, folder “1976/02/13 HR8451 Relief of Jung Shik Yang” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
FEB 13 1976

Signed
2/13/76

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: February 14

February 10, 1976

Postal
2/13
To archive
2/13

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *(Signature)*

SUBJECT:

Enrolled Bills

H.R. 1399 - Relief of Maria Del
Carmen Alvarado Martinez

H.R. 1758 - Relief of Terrence
Jarome Caguiat

H.R. 4939 - Relief of Manuel Bonotan

H.R. 5750 - Relief of Chu Wol Kim

H.R. 8451 - Relief of Jung Shik Yang

H.R. 8907 - Relief of Yong Won Lee

Attached for your consideration are the above referenced enrolled bills, all which would authorize preferential treatment under the Immigration and Nationality Act for the admission of alien children into the United States for adoption purposes.

An explanation of each of the enrolled bills 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 bills.

RECOMMENDATION

That you sign the enrolled bills at Tabs B through G.





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

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
Sponsor - Rep. Hastings (R) New York
- (2) H.R. 1758 - Relief of Terrence Jarome Caguiat
Sponsor - Rep. Mink (D) Hawaii
- (3) H.R. 4939 - Relief of Manuel Bonotan
Sponsor - Rep. Leggett (D) California
- (4) H.R. 5750 - Relief of Chu Wol Kim
Sponsor - Rep. Bergland (D) Minnesota
- (5) H.R. 8451 - Relief of Jung Shik Yang
Sponsor - Rep. McHugh (D) New York
- (6) H.R. 8907 - Relief of Yong Won Lee
Sponsor - Rep. Cleveland (R) New Hampshire

Last Day for Action

February 14, 1976 - Saturday

Purpose

To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain alien children into the United States for adoption purposes.

Agency Recommendations

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

Discussion

Summary of Legislation

These bills facilitate the immigration of children to the U.S.

for adoption purposes. In each case, the beneficiary children are barred from being accorded preferential treatment under various provisions of the Immigration and Nationality Act dealing with eligibility for classification as immediate relative children of petitioning adopting parents. If certain conditions of that Act are not waived, these children would be chargeable to the nonpreference foreign State limitation of Eastern Hemisphere countries, and, consequently, their admission into the United States for permanent residence could be delayed for years.

Each of the enrolled bills would authorize the classification of each alien child, respectively, as an immediate relative child and permit the approval of immigration visa petitions filed by the adopted or prospective adopting parents. Upon approval of such petitions, the children would be admitted to the United States for permanent residence. In addition, the natural parents and siblings of the beneficiaries are declared ineligible for similar preferential treatment for immigration to the United States

H.R. 1399 - Maria Del Carmen Alvarado Martinez

The beneficiary is a 1 1/2 year old Mexican girl, who was paroled into the United States in October 1975 and now resides in Elmira, New York with her prospective adopting parents, Mr. and Mrs. John Stein, a U.S. citizen and permanent resident alien, respectively. Her natural parents and siblings live in Mexico. Mrs. Stein is the sister of the child's mother, and she and Mr. Stein wish to adopt their niece because they are unable to have any children of their own. Because her parents are living, the beneficiary does not qualify for immediate relative status as a child under the Immigration and Nationality Act.

H.R. 1758 - Terrence Jarome Caguiat

The beneficiary is a 3-year old Filipino boy, who is the adopted son of Mr. and Mrs. Romeo Caguiat of Honolulu, Hawaii, a naturalized U.S. citizen and a permanent resident alien, respectively -- Mr. Caguiat is the boy's natural uncle. Although his natural parents are living, Terrence currently lives with his maternal grandmother in the Philippines, and is supported by the Caguiats, who adopted him in the Philippines on July 11, 1973. The beneficiary does not qualify for immediate relative child status under the Immigration and Nationality Act because his natural parents are living.

H.R. 4939 - Manuel Bonotan

The beneficiary is a 12 year old Filipino boy, who is living in the Philippines with his natural parents and two sisters. He was adopted in the Philippines on June 5, 1970, by Mr. and Mrs. Paulino Bonotan of Vallejo, California, a U.S. citizen and permanent resident alien, respectively. Manuel is the nephew of Mrs. Bonotan. Mr. and Mrs. Bonotan adopted Manuel because they are unable to have children and because the child's natural parents are poor. Because Manuel was not in the legal custody of Mr. and Mrs. Bonotan for two years after the adoption, he is ineligible for preferential treatment as an immediate relative under the Immigration and Nationality Act, notwithstanding the validity of his adopted status.

H.R. 5750 - Chu Wol Kim

The beneficiary is a two year old Korean orphan girl currently living with a foster family in that country. Her natural parents are unknown. She will be adopted upon her admission into the United States by Mr. and Mrs. Ralph Solem, both U.S. citizens, residing in Oslo, Minnesota. Mr. and Mrs. Solem already have four children, two of their own and two adopted Canadian-born children. The Immigration and Nationality Act normally limits approval of visa petitions for the prospective adoption of alien children to two per petitioner. Because the Solem's have had two such petitions approved for the Canadian-born orphans, they are ineligible to similarly petition in behalf of Chu Wol Kim.

H.R. 8451 - Jung Shik Yang

The beneficiary is a one year old Korean girl currently living in an orphanage in Seoul. Her natural parents are unknown and she is coming to the United States for adoption by Mr. and Mrs. Herbert Barth Ray of Binghamton, New York. Mr. and Mrs. Ray already have four young children, two of whom are adopted Korean orphans. The Immigration and Nationality Act normally limits the number of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner. Because the Rays have had two such petitions approved for their adopted Korean children, they are ineligible to similarly petition on behalf of Jung Shik Yang.

H.R. 8907 - Yong Won Lee

The beneficiary is a 4-year old Korean boy living in an orphanage in Seoul. His natural parents abandoned him at birth. Upon admission into the United States, he will be adopted by Mr. and Mrs. Melvin Haas, both U.S. citizens, residing in Cabin John, Maryland. Mr. and Mrs. Haas have no natural children and

have already adopted three alien children, two of whom are siblings. The Immigration and Nationality Act normally limits approval of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner. Inasmuch as Mr. and Mrs. Haas have already had at least two such petitions approved, they are ineligible to file an immediate relative visa petition in behalf of Yong Won Lee.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures



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

FEB 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
Sponsor - Rep. Hastings (R) New York
- (2) H.R. 1758 - Relief of Terrence Jarome Caguiat
Sponsor - Rep. Mink (D) Hawaii
- (3) H.R. 4939 - Relief of Manuel Bonotan
Sponsor - Rep. Leggett (D) California
- (4) H.R. 5750 - Relief of Chu Wol Kim
Sponsor - Rep. Bergland (D) Minnesota
- (5) H.R. 8451 - Relief of Jung Shik Yang
Sponsor - Rep. McHugh (D) New York
- (6) H.R. 8907 - Relief of Yong Won Lee
Sponsor - Rep. Cleveland (R) New Hampshire

Last Day for Action

February 14, 1976 - Saturday

Purpose

To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain alien children into the United States for adoption purposes.

Agency Recommendations

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

Discussion

Summary of Legislation

These bills facilitate the immigration of children to the U.S.

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.

5 FEB 1976

A20 742 569

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 8451 ; Office of Management
and Budget request dated February 3, 1976

Beneficiary or Beneficiaries Jung Shik Yang

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

4 - FEB 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of February 3, 1976, transmitting for comment enrolled bills H.R. 1758, "For the relief of Terrence Jarome Caguiat", H.R. 8907, "For the relief of Yong Won Lee", and H.R. 8451, "For the relief of Jung Shik Yang".

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

Sincerely,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 9

Time: 745pm

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

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 200pm

SUBJECT:

Enrolled Bill:

- H.R. 1399 - Relief of Maria Del Carmen Alvarado Martinez
- H.R. 1758 - Relief of Terrence Jarome Caquiat
- H.R. 4939 - Relief of Manuel Bonotan
- H.R. 5750 - Relief of Chu Wol Kim
- ACTION REQUESTED: H.R. 8451 - Relief of Jung Shik Yang
- H.R. 8907 - Relief of Yong Won Lee

- 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

No objection -- Ken Lazarus 2/10/76



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.

THE WHITE HOUSE
WASHINGTON

February 11, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M. L.*
SUBJECT: Enrolled Bills H. R. 1399, H. R. 1758, H. R. 4939
H. R. 5750, H. R. 8451 and H. R. 8907

The Office of Legislative Affairs concurs with the agencies
that the subject bills be signed.

Attachments



NATIONAL SECURITY COUNCIL

February 10, 1976

MEMORANDUM FOR: JAMES CAVANAUGH

FROM: *AW*
Jeanne W. Davis

SUBJECT: *for*
Enrolled Bills: H. R. 1399
H. R. 1758, H. R. 4939, H. R. 5750
H. R. 8451 and H. R. 8907

The NSC Staff concurs in Enrolled Bills, H. R. 1399 - Relief of Maria Del Carmen Alvarado Martinez; H. R. 1758 - Relief of Terrence Jarome Caquiat; H. R. 4939 - Relief of Manuel Bonotan; H. R. 5750 - Relief of Chu Wol Kim; H. R. 8451 - Relief of Jung Shik Yang; and H. R. 8907 - Relief of Yong Won Lee.

JUNG SHIK YANG

NOVEMBER 7, 1975.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 8451]

The Committee on the Judiciary, to whom was referred the bill (H.R. 8451) for the relief of Jung Shik Yang, 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 admission into the United States of the prospective adoptive child of citizens of the United States.

GENERAL INFORMATION

The beneficiary of this bill is a 10-month-old child, a native and citizen of Korea who resides there in an orphanage. Her natural parents are unknown and she is coming to the United States for adoption by United States citizens who have four other adopted children.

The pertinent facts in this case are contained in a letter dated October 10, 1975 from the Acting Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., October 16, 1975.

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

DEAR MR. CHAIRMAN: This refers to your request for a report relative to the bill (H.R. 8451), 94th Congress, for the relief of Jung Shik Yang. There is attached a memorandum of information concerning the beneficiary.

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 United States citizens, Herbert Barth Ray and Sharyn Eileen Ray, notwithstanding the fact that they have already had approved petitions for two other alien children. It would also provide that the natural parents, or brothers and sisters of the beneficiary, shall not by virtue of such relationship be accorded any right, privilege or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 8451

Information concerning this case was obtained from Mr. and Mrs. Herbert Barth Ray, the prospective adoptive parents of the beneficiary.

The beneficiary, Jung Shik Yang, a native and citizen of Korea, was born on January 14, 1975 to unknown parents who abandoned the child. She lives in an orphanage in Seoul, Korea. No information is available concerning her parents or other members of her family.

Under Section 204(c) of the Immigration and Nationality Act, Mr. and Mrs. Ray are not eligible to file a petition to classify the beneficiary as an immediate relative child under Section 101(b) (1) (F) of the Act as two such petitions filed by them have already been approved.

Mr. and Mrs. Ray, who are natives and citizens of the United States, were born on October 1, 1934 and June 30, 1943, respectively. They were married on June 30, 1972 and reside in Chenango, New York with their four children, ages eight, four, two and one.

Mr. Ray is employed as an attorney with an annual wage of \$30,000. Mrs. Ray is not employed. Their assets consist of \$25,000 property, \$21,000 in savings, \$7,500 in personal property and a \$10,000 equity in a law partnership.

Adoption proceedings in behalf of the beneficiary, instituted in New York State by Mr. and Mrs. Ray, are pending.

On August 26, 1975, the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 26, 1975.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Jung Shik Yang, beneficiary of H.R. 8451, 94th

Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum of information has been submitted by the American Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides.

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 Herbert Barth Ray and Sharyn Eileen Ray, American citizens. It would also provide that the natural parents or brothers and sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act, and would waive the provisions of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for
Congressional Relations.

Enclosure.

AUGUST 11, 1975.

SUBMITTED BY THE AMERICAN EMBASSY AT SEOUL, KOREA—
MEMORANDUM OF INFORMATION CONCERNING H.R. 8451 FOR
THE RELIEF OF YANG JUNG SHIK

The beneficiary was born on January 14, 1975, in Seoul, Korea. The child is considered an orphan and is presently residing in and under the jurisdiction of the Korea Social Service center located in Seoul.

The beneficiary is registered as an intending immigrant chargeable to the nonpreference category of the numerical limitation for Korea, with a registration priority date of April 24, 1975.

A check of the visa files of the Embassy failed to reveal any record of derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on May 18, 1975, and was found to be suffering from malnutrition—a Class C disability.

Mr. McHugh, the author of this bill, submitted the following letters in support of this legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1975.

Re H.R. 8451 for the relief of Jung Shik Yang.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to take this opportunity to express my support of legislation to allow Mr. and Mrs. Herbert Barth Ray of Binghamton, New York to adopt Jung Shik Yang of Korea. The beneficiary cannot qualify for entrance to the United States under the definition of child since Mr. and Mrs. Ray have already filed two

petitions for alien children. These two children are not yet citizens; however, it is anticipated they will be naturalized as soon as they have fulfilled the residency requirements.

Mr. and Mrs. Ray are fine, respected members of the community. Mr. Ray is a well-known attorney in Binghamton. Both are excellent parents, devoted and conscientious, who maintain a warm and happy atmosphere for their young children. I respectfully request that this bill receive early and favorable action by the Committee so that the prospective new member of the family may join Mr. and Mrs. Ray as soon as possible. It is my understanding that favorable action has been given to similar bills of this nature.

Because the early years of a child are crucial ones, both for emotional and physical development; and as Mr. Ray had indicated to me that the physical condition of the two adopted Korean orphans was very poor upon their arrival to the United States, I would like to stress the urgency of the situation and would appreciate whatever the Committee might do to expedite the enactment of this private bill for Jung Shik Yang.

Sincerely,

MATTHEW F. McHUGH.

THOMAS & RAY,
Binghamton, N.Y., June 27, 1975.

Attn: Eleanor Cahill.
HON. MATTHEW McHUGH,
Congressman,
Washington, D.C.

DEAR CONGRESSMAN McHUGH: Thank you very much for your interest in my problem in getting my son, that we are adopting, Yang, Jung Shik, into the country.

For informational purposes I am enclosing a copy of all the papers that I have submitted to Welcome House, which has numerous material about myself and my family and Yang, Jung Shik including a I600 immigration form I do not believe has been submitted to the Immigration Department.

Also enclosed is a copy of a picture of our family all of whom are excitedly awaiting the arrival of Yang, Jung Shik.

The reason we are not able to proceed in the normal fashion with a I600 form is because we have already used our 2 preference visas when we brought in a son and a daughter, brother and sister, from Korea last year. Although I believe they may have been possibly on the same petition (I600), I am told that this accounts for the 2 preference visas to which we are entitled.

Although we had been aware at the time we selected our child, Yang, Jung Shik, that we were only entitled to 2 preference visas, we relied upon what appeared to be the most reliable information that on June 15th the non preference visas would be opened up in Korea. I cannot emphasize strongly enough that the source was of the most reliable character. However, the non preference visas did not open up and unless we have your help, I am advised that it would be at least six years of waiting to get our new son, Yang, Jung Shik. Our son was born on January 14, 1975 and found abandoned on the streets in Seoul immediately after his birth and is presently in the home of the

Korea Social Services Inc. in Seoul, Korea. This is a sister agency of Welcome House, our adoption agency. The child was registered with the consulate in Seoul, Korea on April 24, 1975 for non preference visas.

I cannot emphasize strongly enough to you the urgency of the problem. Most of the children that we have known that came from Korea and particularly our own, frankly are in very poor physical shape, suffering from malnutrition and rickets and the many diseases associated therewith combined with all sorts of other health problems. However, within a month after they get to this country, there is an absolute transformation and the bloated bellies and skelton looking faces seem to disappear quickly. I am sure the home in Korea does everything possible by their standards but we do fear that our new son, Yang, Jung Shik, is living in the same conditions that our two previous children lived in and presumably may have the same problems. The child has lived there since the day of his birth and is now six months old. Malnutrition among a child of this tender age can be devastating and we already feel that he is ours and accordingly are quite disturbed about his welfare. We feel that the Korea Social Services is doing a wonderful job and we do not want to cast aspersions on them least their services to others be affected, but we mention it to you because it is the reason for our great concern and request for urgency.

My wife and I previously had the pleasure of caring for 66 Vietnamese orphans that were housed in Media, Pennsylvania and were in the last plane that successfully got off the air base in Saigon. Although these children were thin, I did not see any signs of malnutrition and there is no comparison with the health situation of the Korean orphans. In fact, the instructions that our agency gives when Korean children are involved is to either take them to a pediatrician on the day of arrival or the emergency ward. Such is their condition.

Our concern for our new adopted son, Yang, Jung Shik, is very great and we thank you for whatever you can do to help him join our family.

Very truly yours,

HERBERT B. RAY.

BUDGETARY INFORMATION

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

OVERSIGHT STATEMENT

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

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 8451 should be enacted and accordingly recommends that the bill do pass.

JUNG SHIK YANG

JANUARY 30, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 8451]

The Committee on the Judiciary, to which was referred the bill (H.R. 8451), for the relief of Jung Shik Yang, 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 entry into the United States as an immediate relative of a child to be adopted by United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is an 11-month-old native and citizen of Korea, who currently resides in an orphanage in Seoul. The beneficiary was abandoned by his parents and no information is available concerning his family. The prospective adoptive parents, Mr. and Mrs. Herbert Barth Ray, are natives and citizens of the United States. They have previously had two orphan petitions approved in behalf of alien children.

A letter, with attached memorandum, dated October 16, 1975 to the Chairman of the Committee on the Judiciary of the House of Representatives from the then Acting Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., October 16, 1975.

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

DEAR MR. CHAIRMAN: This refers to your request for a report relative to the bill (H.R. 8451), 94th Congress, for the relief of Jung Shik Yang. There is attached a memorandum of information concerning the beneficiary.

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 United States citizens, Herbert Barth Ray and Sharyn Eileen Ray, notwithstanding the fact that they have already had approved petitions for two other alien children. It would also provide that the natural parents, or brothers and sisters of the beneficiary, shall not be 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 Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,
Acting Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 8451

Information concerning this case was obtained from Mr. and Mrs. Herbert Barth Ray, the prospective adoptive parents of the beneficiary.

The beneficiary, Jung Shik Yang, a native and citizen of Korea, was born on January 14, 1975 to unknown parents who abandoned the child. She live in an orphanage in Seoul, Korea. No information is available concerning her parents or other members of her family.

Under Section 204(c) of the Immigration and Nationality Act, Mr. and Mrs. Ray are not eligible to file a petition to classify the beneficiary as an immediate relative child under Section 101(b)(1)(F) of the Act as two such petitions filed by them have already been approved.

Mr. and Mrs. Ray, who are natives and citizens of the United States, were born on October 1, 1934 and June 30, 1943, respectively. They were married on June 30, 1972 and reside in Chenango, New York with their four children, ages eight, four, two and one.

Mr. Ray is employed as an attorney with an annual wage of \$30,000. Mrs. Ray is not employed. Their assets consist of \$25,000 property, \$21,000 in savings, \$7,500 in personal property and a \$10,000 equity in a law partnership.

Adoption proceedings in behalf of the beneficiary, instituted in New York State by Mr. and Mrs. Ray, are pending.

A letter dated August 26, 1975 to the Chairman of the House Judiciary Committee from the Assistant Secretary for Congressional Relations, U.S. Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 26, 1975.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Jung Shik Yang, beneficiary of H.R. 8451, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum of information has been submitted by the American Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides.

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 Herbert Barth Ray and Sharyn Eileen Ray, American citizens. It would also provide that the natural parents or brothers and sisters of the beneficiary shall not by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act, and would waive the provisions of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for
Congressional Relations.

Enclosure.

AUGUST 11, 1975.

SUBMITTED BY THE AMERICAN EMBASSY AT SEOUL, KOREA—
MEMORANDUM OF INFORMATION CONCERNING H.R. 8451 FOR
THE RELIEF OF YANG JUNG SHIK

The beneficiary was born on January 14, 1975, in Seoul, Korea. The child is considered an orphan and is presently residing in and under the jurisdiction of the Korea Social Service center located in Seoul.

The beneficiary is registered as an intending immigrant chargeable to the nonpreference category of the numerical limitation for Korea, with a registration priority date of April 24, 1975.

A check of the visa files of the Embassy failed to reveal any record of derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on May 18, 1975, and was found to be suffering from malnutrition—a Class C disability.

Congressman Matthew F. McHugh, the author of the bill, has submitted the following supporting information:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1975.

Re H.R. 8451 for the relief of Jung Shik Yang.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMANS I would like to take this opportunity to express my support of legislation to allow Mr. and Mrs. Herbet Barth Ray of Binghamton, New York to adopt Jung Shik Yang of Korea. The beneficiary cannot qualify for entrance to the United States under the definition of child since Mr. and Mrs. Ray have already filed two petitions for alien children. These two children are not yet citizens; however, it is anticipated they will be naturalized as soon as they have fulfilled the residency requirements.

Mr. and Mrs. Ray are fine, respected members of the community. Mr. Ray is a well-known attorney in Binghamton. Both are excellent parents, devoted and conscientious, who maintain a warm and happy atmosphere for their young children. I respectfully request that this bill receive early and favorable action by the Committee so that the prospective new member of the family may join Mr. and Mrs. Ray as soon as possible. It is my understanding that favorable action has been given to similar bills of this nature.

Because the early years of a child are crucial ones, both for emotional and physical development; and as Mr. Ray had indicated to me that the physical condition of the two adopted Korean orphans was very poor upon their arrival to the United States, I would like to stress the urgency of the situation and would appreciate whatever the Committee might do to expedite the enactment of this private bill for Jung Shik Yang.

Sincerely,

MATTHEW F. MCHUGH.

THOMAS & RAY,
Binghamton, N.Y., June 27, 1975.

Atten: Eleanor Cahill.

HON. MATTHEW MCHUGH,
Congressman,
Washington, D.C.

DEAR CONGRESSMAN MCHUGH: Thank you very much for your interest in my problem in getting my son, that we are adopting, Yang, Jung Shik, into the country.

For informational purposes I am enclosing a copy of all the papers that I have submitted to Welcome House, which has numerous material about myself and my family and Yang, Jung Shik including a I600 immigration form I do not believe has been submitted to the Immigration Department.

Also enclosed is a copy of a picture of our family all of whom are excitedly awaiting the arrival of Yang, Jung Shik.

The reason we are not able to proceed in the normal fashion with a I600 form is because we have already used our 2 preference visas when

we brought in a son and a daughter, brother and sister, from Korea last year. Although I believe they may have been possibly on the same petition (I600), I am told that this accounts for the 2 preference visas to which we are entitled.

Although we had been aware at the time we selected our child, Yang, Jung Shik, that we were only entitled to 2 preference visas, we relied upon what appeared to be the most reliable information that on June 15th the non preference visas would be opened up in Korea. I cannot emphasize strongly enough that the source was of the most reliable character. However, the non preference visas did not open up and unless we have your help, I am advised that it would be at least six years of waiting to get our new son, Yang, Jung Shik. Our son was born on January 14, 1975 and found abandoned on the streets in Seoul immediately after his birth and is presently in the home of the Korea Social Services, Inc. in Seoul, Korea. This is a sister agency of Welcome House, our adoption agency. The child was registered with the consulate in Seoul, Korea on April 24, 1975 for non preference visas.

I cannot emphasize strongly enough to you the urgency of the problem. Most of the children that we have known that came from Korea and particularly our own, frankly are in very poor physical shape, suffering from malnutrition and rickets and the many diseases associated therewith combined with all sorts of other health problems. However, within a month after they get to this country, there is an absolute transformation and the bloated bellies and skelton looking faces seem to disappear quickly. I am sure the home in Korea does everything possible by their standards but we do fear that our new son, Yang, Jung Shik, is living in the same conditions that our two previous children lived in and presumably may have the same problems. The child has lived there since the day of his birth and is now six months old. Malnutrition among a child of this tender age can be devastating and we already feel that he is ours and accordingly are quite disturbed about his welfare. We feel that the Korea Social Services is doing a wonderful job and we do not want to cast aspersions on them least their services to others be affected, but we mention it to you because it is the reason for our great concern and request for urgency.

My wife and I previously had the pleasure of caring for 66 Vietnamese orphans that were housed in Media, Pennsylvania and were in the last plane that successfully got off the air base in Saigon. Although these children were thin, I did not see any signs of malnutrition and there is no comparison with the health situation of the Korean orphans. In fact, the instructions that our agency gives when Korean children are involved is to either take them to a pediatrician on the day of arrival or the emergency ward. Such is their condition.

Our concern for our new adopted son, Yang, Jung Shik, is very great and we thank you for whatever you can do to help him join our family.

Very truly yours,

HERBERT B. RAY.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 8451) 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 Jung Shik Yang.

*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, Jung Shik Yang 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 Herbert Barth Ray and Sharyn Eileen Ray, 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. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.*

Speaker of the House of Representatives.

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

February 3, 1976

Dear Mr. Director:

The following bills were received at the White House on February 3rd:

- | | |
|-------------|-------------|
| ✓ H.R. 1399 | ✓ H.R. 5750 |
| ✓ H.R. 1758 | ✓ H.R. 8451 |
| ✓ H.R. 4046 | ✓ H.R. 8555 |
| ✓ H.R. 4113 | ✓ H.R. 8907 |
| ✓ H.R. 4939 | |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

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

Dear Mr. Director:

The following bills were received at the White House on February 3rd:

- | | |
|-----------|------|
| H.R. 1399 | H.R. |
| H.R. 1758 | H.R. |
| H.R. 4046 | H.R. |
| H.R. 4113 | H.R. |
| H.R. 4939 | H.R. |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

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