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APPROVED
AUG 14 1976

82/14/76

THE WHITE HOUSE
WASHINGTON
August 13, 1976

ACTION
Last Day: August 21

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Jm*

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

Posted
8/16/76

2 copies
8/16/76

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

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

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

RECOMMENDATION

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



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

AUG 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

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

Last Day for Action

August 21, 1976 - Saturday

Purpose

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

Agency Recommendations

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

Discussion

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

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

James M. Frey
 Assistant Director for
 Legislative Reference

Enclosures

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

11 AUG 1976

AND REFER TO THIS FILE NO.

A20 750 962

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 2495 ; Office of Management
and Budget request dated August 9, 1976.

Beneficiary or Beneficiaries Miss Malgorzata Kuzniarek Czapowski.

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

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

- Recommends approval of the bill
- Interposes no objection to approval of the bill

Sincerely,


Commissioner



DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 11 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of August 9, 1976, transmitting for comment enrolled bills, H.R. 2411, "For the relief of Alinor Anvari Adams", H.R. 2495, "For the relief of Malgorzata Kuzniacek Czapowski", and H.R. 2502, "For the relief of Peter Olav Mesikepp".

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

Sincerely yours,

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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

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

AUG 12 1976

To
J. Cavanaugh
8-13-76
noon

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 1507 - Relief of Marisa Marzano
Sponsor - Rep. Danielson (D) California
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Department of State	No objection

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

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

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures



Calendar No. 1028

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 94-1094

MISS MALGORZATA KUZNIAREK CZAPOWSKI

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

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

REPORT

[To accompany H.R. 2495]

The Committee on the Judiciary, to which was referred the bill (H.R. 2495) for the relief of Miss Malgorzata Kuzniarek Czapowski, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status of the adopted daughter of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of this bill is a 20-year-old native and citizen of Poland who was admitted to the United States as a visitor. She was adopted in Massachusetts on November 7, 1974 by her widowed aunt, a citizen of the United States, who has three natural daughters, ages 29, 26 and 8.

A letter, with attached memorandum, dated June 20, 1975 to the chairman of the Committee on the Judiciary, House of Representatives, from the then Acting Commissioner of Immigration and Naturalization with reference to the bill reads as follows:



U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 20, 1975.

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. 2495) for the relief of Miss Malgorzata Kuzniarek Czapowski, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the twenty-year-old beneficiary, who was legally adopted by her United States citizen maternal aunt, may be classified as a child and be granted immediate relative status.

Absent enactment of the bill, the beneficiary, a native of Poland, 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. 2495

The beneficiary, Miss Malgorzata Kuzniarek Czapowski, also known as Margorzata Kuzniarek, a native and citizen of Poland, was born on July 15, 1955. She completed eight years of grammar and three years of secondary schooling in her homeland. The beneficiary is unmarried and lives with her adoptive mother in Hyde Park, Massachusetts. She is employed as a garment worker by a clothing manufacturer, earning \$90 a week. She has no assets and is supported by her adoptive mother. The beneficiary's father and married sister live in Poland.

The interested party, Mrs. Maria Czapowski, nee Kli-mecki, a native of Poland and a citizen of the United States by naturalization, was born February 15, 1924. She is widowed. In addition to the beneficiary, whom she adopted on November 7, 1974 through a decree of the Probate Court of Suffolk County, Boston, Massachusetts, she has three natural daughters, ages 29, 26 and 8. A copy of the adoption decree is attached. The youngest daughter resides with her. She completed seven years of elementary education in her native country. She has assets totaling \$80,000 consisting of a \$10,000 savings account, ten room residence valued at \$40,000 and jewelry, clothing and furniture valued at \$30,000. In addition, she receives an income of \$400 a month from the Social Security Administration.

The beneficiary was admitted to the United States on November 20, 1973 at Boston, Massachusetts as a nonimmigrant visitor for pleasure for a period expiring February 24, 1974. She received extensions of stay to November 20, 1974. Deportation proceedings were instituted against the benefi-

ary on April 18, 1975, on the ground that she had remained in the United States for a longer time than permitted. After a hearing, she was found deportable as charged and was granted the privilege of voluntary departure, with the alternative of deportation if she should fail to depart when required.

(A.C. 153)

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

PROBATE COURT.

I, LOUIS F. MUSCO: Register of Probate Court for said County of Suffolk, having, by law, custody of the seal and all the records, books, documents, and papers of or appertaining to said Court, hereby certify the papers hereto annexed to be true copies of papers appertaining to said Court, and on file and of record in the office of said Court, to wit: the petition filed on October 30, A.D. 1974 by Maria Czapowski, a widow, of Boston (Hyde Park), in the County of Suffolk, for the adoption and change of name of Malgorzata Halina Kuzniarek, of Boston in said County and the decree entered on said petition on November 7, A.D. 1974. And I further certify that it does not appear by said files and records that said decree has been revoked nor an appeal taken therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this ninth day of June in the year of our Lord one thousand nine hundred and seventy-five.



James W. Kennedy, Register.

No. A 10205
Malgorzata H. Kuzniarek.
Register of Probate
Certified Copy.

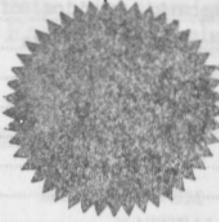
[A.C. 150]

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss. Probate Court.

I, Mary C. Fitzpatrick, Esquire, First Judge of the Probate Court within and for the County of Suffolk, hereby certify that James M. Hennigan, Jr., whose signature is affixed to the annexed certificate and attestation, is the Register and proper certifying officer of said Court, and has, by law, the custody of the seal, and all the records, books, documents, and papers of or appertaining to said Court, and that said certificate and attestation are in due form, and entitled to full faith and credit.

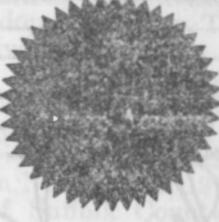
IN WITNESS THEREOF, I have hereunto set my hand, this 15th day of June in the year of our Lord one thousand nine hundred and seventy-five



Mary C. Fitzpatrick, First Judge of Probate Court.

I, James M. Hennigan, Jr., Register of Probate for said County of Suffolk, do hereby certify that Mary C. Fitzpatrick, whose name is subscribed to the above certificate, is the First Judge of said Probate Court, duly appointed, sworn and qualified, and that the signature of said Judge to said certificate is genuine.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of said Court, this 15th day of June in the year of our Lord one thousand nine hundred and seventy-five



James M. Hennigan Jr., Register of Probate.

A 10205 Malgorzata H. Kuzniarek Exemplification Certificate

[If the child is under ten years of age the consent must be attested before a Notary Public or a Justice of the Peace.]

TO THE HONORABLE THE JUDGES OF THE PROBATE COURT IN AND FOR THE COUNTY OF SUFFOLK:

RESPECTFULLY represents Maria Czapowski of 49 Westminister Street of Boston, Hyde Park, in said County of Suffolk and a widow, she is his wife, that they are of the age of twenty-one years or upwards, and are desirous of adopting Malgorzata Halina Kuzniarek, a child of Mieczyslaw and Malgorzata Kuzniarek, in the County of City of Poznan, Poland, which said child was born in Kwidzyn, County of Kwidzyn, Province of Gdanskia in Poland on the 15th day of July 1955; that the child's mother died in 1968 and her father remarried in 1971 and she, the said child, Malgorzata Halina Kuzniarek, desires to make her home with your petitioner, her aunt, who is the sister of the mother of said child

Your petitioner is ready, willing, and able to support and care for the said Malgorzata Halina Kuzniarek, who, being over the age of eighteen, requests that notice to the Division of Child Guardianship be waived. Your petitioner has had her said niece residing at the home of the petitioner for a period of more than six months.

Dated this 15th day of June 1974. MALING ADDRESS 49 Westminister St H.P. Maria Czapowski

The undersigned, being the father of said child, hereby consent to the adoption as above prayed for, this 15th day of October 1974.

PEOPLE'S REPUBLIC OF POLAND DEPARTMENT OF POZNAN REGULATE OF THE UNITED STATES OF AMERICA Mieczyslaw Kuzniarek

Notary Public Justice of the Peace Mary J. Lapinski

I, the child above-named, being above the age of twelve years, hereby consent to the adoption as above prayed for. Dated October 21 1974. Malgorzata Halina Kuzniarek

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

PROBATE COURT.

At a Probate Court held at Boston, in and for said County of Suffolk, on the
7th day of November in the year of our
Lord one thousand nine hundred and seventy-four

ON the petition of Maria Czapowski (a widow)
of Boston (Hyde Park) in said County of Suffolk
Malgorzata Halina Kuzniarek praying for leave to adopt
a child above the age of twelve years
of Mieczyslawa Franciszka Kuzniarek (a widow)
of 33 Podolaska St. in the City of Poznan, POLAND
and Malgorzata Kuzniarek (deceased) former
his wife,
and for a change of said child's name.

It appearing that the said Malgorzata Halina Kuzniarek being above the age
of fourteen years has consented thereto in writing. It further appearing
that the Massachusetts Department of Public Welfare Report and notice to
be accompanied thereto is hereby waived by the Court under the provisions
of Chapter 210, Section 5A as most recently amended, and the father of
said child having consented thereto also,

and the Court being satisfied of the identity and relations of the persons, and that the petitioner
is of sufficient ability to bring up said child and furnish her with suitable nurture and education,
having reference to the degree and condition of her parents; and that it is fit and proper that
such adoption should take place:

It is DECREE that from this day said child shall, to all legal intents and purposes, be the
child of said petitioner, and that her name be changed to that of Malgorzata Czapowski
which she shall hereafter bear, and which shall be her legal name.

Joseph P. Whelan Judge of Probate Court.

MAJGORZATA H. KUZNIAREK
ADOPTOR AND CHANGER OF NAME
Petition - Children - Deceas
OCT 30 1974
Returned NOV 7 1974
Adopted
Filed
Station Indexed
Recorded Vol. Page
For Petitioner:
James J. Twobly, Esq.
396 W. Broadway, So. Bos.
Tel. No. 268-5128
For Respondents:

AFFIDAVIT OF PETITIONERS.

FATHER		MOTHER	
Full Name (Husband of Maria)	Deceased Feb. 13, 1973	Maiden Name	Maria Klimecka
Residence, No.	Street	Present Name	Maria Czapowski
City or Town	State	Residence, No.	49 Westminster Street
Color		City or Town	Hyde Park State Mass.
Age at time of adoption	years	Color	White
Place of Birth	(City or Town) (State or County)	Age at time of adoption	50 years
Date of Birth		Place of Birth	Gniew Poland (City or Town) (State or County)
Occupation	at time of adoption	Date of Birth	Feb. 15, 1924
		Occupation	at home at time of adoption

We hereby request that a certificate of this adoption be sent to the City or Town Clerk of the
place of birth of the child.

Maria Czapowski
Maria Czapowski
Suffolk, ss. Subscribed and sworn to this 9th day of September 1974

Before me, James J. Twobly Notary Public.

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss. At a Probate Court holden at Boston, in and for said County of Suffolk, on the
day of

in the year of our Lord one thousand nine hundred and
ON the foregoing petition, it appearing that no one appears to consent or object thereto
is hereby appointed guardian ad litem of said child, with power to give or withhold consent.

Judge of Probate Court.

No. A 10205

Commonwealth of Massachusetts

SUFFOLK, ss.

PROBATE COURT

Estate of

MALGORZATA H. KUZNIAREK

AUTHENTICATED COPY

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

DEPARTMENT OF STATE,
Washington, D.C., May 19, 1975.

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

DEAR MR. CHAIRMAN: Reference is made to your request for a report concerning the case of Malgorzata Czapowski, beneficiary of H.R. 2495, 94th Congress.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mrs. Maria Czapowski, an American citizen. The bill also provides that the natural brothers and sisters of the beneficiary shall not be accorded any right, privilege or status under the Immigration and Nationality Act by virtue of such relationship.

The American Consulate at Poznan has reported that the beneficiary was born Malgorzata Halina Kuzniarek at Kwidsyn, Poland on July 15, 1955. At the time of her application for a visitor visa the beneficiary was single and a waitress by occupation. She was issued a visitor's visa on August 24, 1974 for the purpose of visiting her aunt, now also her adoptive mother, for a period of three months. In connection with her visa application the consular officer determined that the circumstances of her membership in the Union of Socialist Youth (ZMS) while a student fell within the provisions of section 212(a) (28) (I) (i) of the Act and that her membership, thus, did not render her ineligible to receive a visa.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations.

Congressman James A. Burke, the author of the bill, submitted the following statement in support of this legislation:

STATEMENT OF JAMES A. BURKE OF MASSACHUSETTS

Mr. Chairman, I hereby submit my statement in support of H.R. 2495, for the relief of Miss Margaret Czapowski, Malgorzata Halina Czapowski was born on July 15, 1955, in Kwidsynie, Province of Gdansk in Poland. On November 7, 1974, Malgorzata Halina Kuzniarek, was, by decree of the Probate Court of Suffolk County, Massachusetts, declared the adopted daughter of Maria Czapowski, and her name was changed to Malgorzata Czapowski. Maria Czapowski was born February 15, 1924, in Gniew, Poland, and naturalized in Boston, Massachusetts, as a citizen of the United States in 1962, and is also the maternal aunt of Margaret.

It would cause extreme hardship to Margaret Czapowski and great distress to Maria Czapowski, if Margaret should be required to return to Poland. She is 19 years of age, she has not been trained for any occupation, she has no position in Poland and no prospect of suitable employment there.

Margaret has no home now to which she can return in Poland nor anywhere except with her mother Maria at 48 Westminster Street, Hyde Park, Massachusetts, where she has been living since her entry into the United States.

Margaret's natural mother, Malgorzata Kuzniarek, died March 19, 1968, when Margaret was 13. Her father, Mieczylsawa F. Kuzniarek, remarried soon after her mother's death in the same year. Margaret's position in her father's and stepmother's home became very difficult, and she will not be received there if she returns to Poland. Her stepmother has two children, one a male, 20, and a girl, now 29, who were still living at the Kuzniarek home in Poland when Margaret left for America in November, 1973.

Mrs. Maria Czapowski's husband, Marcelli, died on February 13, 1973. Margaret and Maria have been corresponding since Margaret learned to write.

Maria lives in comfortable circumstances in her own home, a fairly large house and garden, with her 8-year-old daughter, Wanda.

Because of the situation in her father's house, Margaret wrote to Maria late in 1972 requesting that she take her into her home in Hyde Park as a member of her family. Maria's husband was in favor of this, but he was very sick. After his death a few months later, Maria occupied herself with bringing Margaret to America. She sent Margaret the necessary money for the flight and her expenses. She had already, since the death of Maria's sister, been sending money and clothing to the child's father, Mieczyslawa, for the little girl.

Since Margaret's arrival, she and her new mother Maria and little Wanda have been very happy.

Maria can and is willing to care and provide for Margaret not only to support her but educate her as well, and has plans to have Margaret further educated.

It would cause both Maria and Wanda great unhappiness to have Margaret taken from them now and returned to a distant country where she would be homeless and her fate uncertain. There has been much indication of the desire in her home in Poland to keep Margaret from returning.

I would like to thank the committee for permitting me to address them and for the favorable action that I am hopeful will be taken in this regard.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2495) should be enacted.



CORRECTED SHEET

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 Miss Malgorzata Kuzniarek Czapowski.

*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, Miss Malgorzata Kuzniarek Czapowski may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in her behalf by Mrs. Maria Czapowski, a citizen of the United States, may be approved, 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.*