The original documents are located in Box 8, folder "1974/10/11 S2382 For the Relief of Coridad R. Balonan" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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Exact duplicates within this folder were not digitized.

WASHINGTON

ACTION

Last Day - October 15

October 10, 1974

Pestal MEMOR 10/12/74 FROM:

MEMORANDUM FOR

THE PRESIDENT

KEN COL

Jo Ordine SUBJECT:

Enrolled Bill S. 2382 - For the Relief

of Caridad R. Balonan

Attached for your consideration is Senate bill, S. 2382 sponsored by Senator Cranston which grants second-preference immigrant status to Mr. Balonan.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman) and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign Senate bill S. 2382 (Tab B).





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2382 - For the relief of Caridad

R. Balonan

Sponsor - Sen. Cranston (D) California

Last Day for Action

October 15, 1974 - Tuesday

Purpose

To grant second-preference immigrant status to the beneficiary.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service Department of State

Approval No objection

Discussion

The beneficiary is a 19-year-old native and citizen of the Philippines. She was adopted by her aunt and uncle in 1971. She has lived with her adoptive parents for twelve years and presently resides with her adoptive mother who has an approved second-preference petition. The beneficiary's adoptive father is a lawful permanent resident of the United States who resides in San Francisco and is employed as a crewman for an American oil company. He earns about \$7,500 a year and has savings of about \$1,000. The beneficiary's mother has not entered the United States yet since she prefers to enter with her adopted daughter. However, because the beneficiary was not formally adopted until she was over 14 years old, she is not eligible to enter as a lawfully adopted child.



The enrolled bill would enable the beneficiary to enter the United States as a second-preference immigrant and would enable the family to be reunited and the beneficiary to be educated in the United States which is her adoptive parents wish.

Assistant Director for Legislative Reference

Enclosures



To War 12/2/24. w P. m.

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2382 - For the relief of Caridad

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Immigration and Naturalization Service
Department of State

Approval No objection

Discussion

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ACTION MEMORANDUM

WASHINGTON

LOG NO.: 632

Date:

October 7, 1974

Time:

4:30 p.m.

FOR ACTION:

Gooff Shepard Phil Buchen Bill Timmons cc (for information):

Warren K. Hendriks

Jerry Jones Paul Theis

FROM THE STAFF SECRETARY

DUE: Date:

Wednesday, October 9, 1974

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S. 2382 - For the relief of Caridad

R. Batonan

ACTION REQUESTED:

For Necessary Action

XX For Your Recommendations

Prepare Agenda and Brief

__ Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - 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

	10/7/74	•
TO:	WARREN HENDRIKS	ay
·		

Robert D. Linder

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

OCT 3 1974

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 C

Sincerely,

Commissioner

CO Form 18

(REV. 1-17-72)



DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 3 - 1974

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

Dear Mr. Ash:

Reference is made to Mr. Rommel's communication of October 2, 1974, transmitting for comment enrolled bills S. 2337, "For the relief of Dulce Pilar Castin" and S. 2382, "For the relief of Caridad R. Balonan."

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

Sincerely yours,

Linwood Holton Assistant Secretary for Congressional Relations

GCT 3 4 US PH 1974 OFFICE OF HANAGEMENTS BUDGET

ACTION MEMORANDUM

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For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

No objection

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Warren K. Hendriks For the President

ACTION MEMORANDUM

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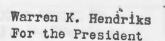
REMARKS:

Please return to Kathy Tindle - West Wing

no objection- 10/8

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 October 9, 1974

MEMORANDUM FOR:

MR. WARREN HENDRIKS

FROM:

WILLIAM E. TIMMONS

SUBJECT:

Action Memorandum - Log No. 632 - Enrolled Bill S. 2382 - For the Relief of

Caridad R. Balonan

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

Attachment



ACTION MEMORANDUM

WASHINGTON

LOG NO.: 632

Date:

October 7, 1974

Time:

4:30 p.m.

FOR ACTION:

Geoff Shepard

Geoff Shepard Phil Buchen Pill Timmons cc (for information):

Warren K. Hendriks

Jerry Jones Paul Theis

FROM THE STAFF SECRETARY

DUE: Date:

Wednesday, October 9, 1974

Time: 2:00 p.m.

SUBJECT:

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R. Balonan

ACTION REQUESTED:

____ For Necessary Action

XX For Your Recommendations

____ Prepare Agenda and Brief

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____For Your Comments

Draft Remarks

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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.

Warren K. Hendriks For the President

CARIDAD R. BALONAN

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

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

REPORT

[To accompany S. 2382]

The Committee on the Judiciary, to whom was referred the bill (S. 2382) for the relief of Caridad R. Balonan, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as a second-preference immigrant of the adopted child of a lawful permanent resident of the United States.

GENERAL INFORMATION

The beneficiary of the bill is a 19-year-old native and citizen of the Philippines who was adopted there on January 28, 1971, by her aunt and uncle. She has lived with her adoptive parents for 12 years and presently resides with her adoptive mother who has an approved second-preference petition. A visa has not been issued to her as yet, since she would prefer to enter the United States with her adopted daughter. The adoptive father, a lawful permanent resident of the United States, resides in San Francisco and is employed as a crewman.

A letter, with attached memorandum, dated November 9, 1973, to the chairman of the Senate Committee on the Judiciary 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., November 9, 1973.

A-20305676.

Hon. James O. Eastland, Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2382) for relief of Caridad R. Balonan, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the beneficiary shall be held and considered to be the natural born alien daughter of Felix O. Balonan, a lawful

permanent resident of the United States.

The bill would confer second preference status on the 19-year-old adopted daughter of a lawful permanent resident alien and his wife, who are her uncle and aunt. The bill further provides that no natural parent, brother or sister of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

Absent enactment of the bill, the beneficiary, a native of the Philippines, 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.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE 8. 2382

Information concerning this case was obtained from the interested party, Mr. Felix O. Balonan, the beneficiary's

adoptive father.

The beneficiary, Caridad R. Balonan, who was formerly known as Caridad R. Pernes, a native and citizen of the Philippines, was born on October 16, 1954. She lives with her adoptive mother, Julia Ramirez Balonan in the Philippines. She was adopted by Mr. and Mrs. Felix O. Balonan in the Municipal Court of Palompon, Leyte, Philippines on January 28, 1971. The beneficiary is the niece of Mrs. Balonan. The court decreed that the adopted child's name be changed to Caridad R. Balonan. The beneficiary has resided continuously with her adoptive parents since she was seven years of age, but was not formally adopted until she was 16 years old. The adoptive parents have raised her as their own child, supporting and educating her. She graduated from high school in 1972. The beneficiary's natural parents and six brothers and sisters reside in the Philippines.

Mr. Felix O. Balonan was born in the Philippines on July 23, 1923, and is a citizen of that country. He married Julia Ramirez on March 10, 1952. They have no children of their own. Mr. Balonan graduated from high school in the Philippines. He was employed as a crewman for the United States Corps of Engineers for more than 20 years and was issued a special immigrant visa based upon this employment. He was admitted to the United States as a permanent resident on February 26, 1971. His widowed mother and four brothers and sisters reside in the Philippines.

Mr. Balonan is currently employed as a crewman with an American oil company and resides in San Francisco. He earns approximately \$650 a month and has savings of approximately \$1,000. His wife is the beneficiary of a second preference visa petition, but as yet, an immigrant visa has not been issued. It is the Balonan's desire that the beneficiary be allowed to immigrate at the same time as Mrs. Balonan. A request has been denied that the beneficiary be paroled into the United States so that she could accompany Mrs. Balonan to this country.

The interested party stated that he and his wife adopted the beneficiary because they did not have children of their own. He wishes to bring his wife and the beneficiary to the United States to reunite their family. It is his intention that the beneficiary continue her education in the United States.

A letter, with enclosure, dated April 24, 1974 to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to the bill reads as follows:

> DEPARTMENT OF STATE, Washington, D.C., April 24, 1974.

Hon. James O. Eastland, Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In reference to your request for a report concerning the case of Caridad R. Balonan, beneficiary of S. 2382, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate at Cebu, Philippines, in whose consular jurisdiction the beneficiary resides. The beneficiary's correct surname is Baluman.

The bill would provide for the beneficiary's classification as the daughter of a permanent resident alien and for granting of second preference status upon approval of a petition filed by Felix O. Balonan. It also provides that the natural parents, brothers, or sisters of the beneficiary shall not be accorded any right, privilege, or status under the Immigration and Nationality Act by virtue of such relationship.

Sincerely yours,

Linwood Holton,
Assistant Secretary for Congressional Relations.

Enclosure:

[Submitted by the American Consulate at Cebu, Philippines]

MEMORANDUM OF INFORMATION

Caridad Ramirez Pernes, now known as Caridad R. Balunan, was born October 16, 1954 at Barrio San Miguel, Palompon, Levte, Republic of the Philippines. She is single and presently residing at San Miguel, Palompon, Leyte. Her father, Hermogenes Pernes and her mother, Eugenia Ramirez live in Sitio Agbanga, part of Barrio San Miguel, Palompon, Levte. She is the fifth of eight children, all of whom are residing in the Philippines. The beneficiary's adoptive father, Felix Balunan, is a permanent resident alien residing in San Francisco.

The beneficiary finished Grade Six at San Miguel Elementary School and graduated from high school at Colegio de San Francisco Javier, Palompon, Leyte on April 26, 1971. She has not attended any educational institution since then. The beneficiary is chargeable to the foreign state limitation for the Philippines but is not registered as an intending

immigrant.

A check with the Police Department at Palompon, Leyte revealed no derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on February 6, 1974 by the Consulate's panel of physicians and was

found to have no defect, disease or disability.

There are attached two certified copies of the adoption decree issued by the Municipal Court of Palompon, Leyte concerning the adoption of the beneficiary.

REPUBLIC OF THE PHILIPPINES IN THE MUNICIPAL COURT OF PALOMPON, LEYTE

In re: Petition for the adoption of the minor Caridad R. Pernes, Special Proceedings No. 136, Adoption.

FELIX BALUNAN and JULIA RAMIREZ,

Petitioners.

ORDER

At the hearing of this petition on January 28, 1971 at 8:00 A.M., as scheduled, the following facts were established to the satisfaction of the court: That petitioners Felix Balunan and Julia Ramirez are Filipinos, aged 48 and 43, respectively, both residents of B. San Miguel, Palompon, Levte, both without any legitimate, legitimated, acknowledged natural children or natural children by legal fiction, and have been in the care and custody of the minor Caridad R. Pernes, whom they have been supporting, maintaining and rearing as their own child since about seven years old; that petitioners are capable morally and financially to support, maintain and educate the child; in fact from Grade I up to 4th year high school wherein Caridad Pernes is presently enrolled, the petitioners have been spending for the support,

maintenance and education of the child; that Felix Balunan is presently employed as Mechanic in San Francisco, California, United States of America, earning \$300 a month enough to support his family including Caridad Pernes and to pay for the education of said minor; that Caridad Pernes was born on October 16, 1954; that she consents to the adoption (Exhibit "B"); that her parents by nature, Hermogenes Pernes and Eugenia Ramirez consent to the adoption of their child Caridad by Felix Balunan and Julia Ramirez (Exhibit "A"); that the parents by nature of Caridad Pernes cannot provide for the educational and moral upbringing of the child by reason of poverty; that the petitioners have all the qualifications and none of the disqualification to adopt, as provided for in the Civil Code of the Philippines; that the order of this court dated December 28, 1970 fixing the date of hearing of the petition was posted in the Bulletin Board of the Session Hall of this Court and at the Barrie Hall of Be. San Miguel, Palompen, Leyte, where the adopting parents and the natural parents of the minor are residing; that said order was likewise published in the Reporter, a newspaper published in the Province of Levte and of general circulation in the Provinces of Leyte, Gebu, Sumar and Behel, as shown in Exhibit "C"—first publication, Exhibit "D" second publication, Exhibit "E"—third and last consecutive publication and Exhibit "F", affidavit of the Editor of the Reporter showing that the said order was published consecutively for three weeks in the Reporter, particularly on January 1, January 8, and January 15, 1971, as required in the order.

Wherefore, in view of the foregoing and there having been no opposition to the petition and that this being a proper case for adoption, the court hereby grants the petition and orders that the minor Caridad R. Pernes shall henceforth be freed from all legal obligations of obedience and maintenance with respect to her natural parents, Hermogenes Pernes and Eugenia Ramirez, and, to all intents and purposes, shall henceforth be the child of Felix Balunan and Julia Ramirez; likewise the said Caridad R. Pernes shall enjoy all the rights and perform all duties as if she were the legitimate child of Felix Balunan and Julia Ramirez; that the parental authority of Hermogenes Pernes and Eugenia Ramirez over Caridad Pernes is hereby dissolved; the surname of Caridad Pernes is hereby ordered changed to Caridad R. Balunan; it is further ordered that Caridad Pernes be the legal heir of her parents by adoption.

So ordered.

Palompon, Leyte, January 28, 1971.

s/Lorenzo G. Robel, Jr. t/Lorenzo G. Robel, Jr.

Auxiliary and Acting Municipal Judge. Note: This is a true copy from the original. Issued this 5th day of February 1974.

> GERMINIO DECIO, Clerk-Stenographer.

Senator Alan Cranston, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE, Washington, D.C., November 26, 1973.

Hon. James O. Eastland,

Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: On September 6, 1973, I introduced a private bill, S. 2382 for the relief of Caridad R. Pernes Balonan, the adopted daughter of Mr. and Mrs. Felix O. Balonan. Mr. Balonan resides at 170 St. Shotwell, San Francisco, California, 94103.

Caridad is a native of the Philippines. She has lived with her adoptive parents since the age of seven. Mr. Balonan, an American citizen, proceed to the United States to work in order to provide for his family. However, Mrs. Balonan felt it necessary to remain in the Philippines so that her teenage daughter would not be left alone. Under immigration law the child was inadmissable not having been formally adopted until over the age of fourteen.

The case was first brought to my attention by Mr. E. H. Heredia, Director of the Filipino-American Political Association. As he points out in the attached letter dated July 20, 1973, this separation is a great hardship to the family. It is both a financial and emotional drain to all concerned.

I am enclosing a copy of Caridad's birth certificate and a letter addressed to the "Department of State/Immigration Service" describing Mr. Balonan's problem in relation to Caridad. Also enclosed is the petition for the adoption.

I hope your Committee will find it possible to permit this family

to be reunited in this country.

Sincerely,

ALAN CRANSTON.

Enclosures.

FILIPINO-AMERICAN POLITICAL ASSOCIATION, San Francisco, Calif., July 20, 1973.

Hon. ALAN CRANSTON, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: A member of our organization is asking for assistance. He is Mr. Felix O. Balonan, residing at 170 Shotwell Street, San Francisco, CA. 94103 (phone 863–8080). He has been in Federal service from 1947 to 1969.

I am attaching a copy of letter dated January 30, 1973 that Mr. Balonan wrote to the Department of State, Immigration Service, Washington, D.C. which is self explanatory. It concerns his adopted child, formerly named Caridad R. Pernes. The child was legally adopted in January 1971.

Mr. Balonan's wife, Julia Ramirez Balonan is presently in the Philippines with their adopted child, residing at San Miguel, Palonpon, Leyte. He was ready to file a petition for his wife and adopted child to come to the United States as permanent residents, however there is an immigration law referring to sec. 101(b)1 of the Immigra-

tion and Nationality Act which reads in part: "The term 'child' means an unmarried person under twenty-one years of age who is—(E) a child adopted while under the age of fourteen years if the child has thereafter been in the legal custody of, and has resided with, the adopting parent or parents for at least two years..." You will see from this Act that the adopted child will not qualify for entry into the United States since she was already 16 or 17 when adopted at age of 7.

I will appreciate it very much if you can check with the Immigration and Naturalization Service in Washington to determine if there is any other Act which would help Mr. Balonan to bring his wife and adopted child into the U.S. I sincerely hope there is as he is very anxious to have them both here with him. If there is not, is there any possibility of a Special Bill being enacted for the purpose of helping Mr. Balonan resolve his problem. I believe there is very good cause for this in view of the fact that Mr. Balonan has been working for the Federal Government for 22 years, he is already settled in the U.S. and the separation from his wife and child is a great hardship.

Mr. Balonan is in the process of filing for his U.S. citizenship. Will appreciate your early reply giving the information requested above, and any remedy that can be found to help this family.

Sincerely,

E. H. HEREDIA,
Founder and Director.

San Francisco, Calif., January 30, 1973.

THE DEPARTMENT OF STATE, IMMIGRATION SERVICE, Washington, D.C.

DEAR SIRS: I am pleased to inform you that I am a Special Immigrant to the United States having landed in the United States on February 25, 1971 as evidenced by my green card No. A30654825.

In addition, I am also pleased to inform you that I have served the United States Federal Service for 22 years from 1947 to 1969 inclusive which entitled me to aforesaid status.

Since my marriage to my wife sometime in 1951, we are childless and in 1961, we adopted a niece of my wife, Caridad R. Pernes, who was then 7 years old and took care of her since then as our own daughter up to the present time.

Because I was sea-going from 1947 to 1969 all over the Pacific Ocean in connection with my employment with the U.S. Army Map Service and could only visit my wife and daughter only once a year for about a month during my vacations, I did not have the material time then to legalize our adoption of our said daughter until 1969 when I went out of service. Adoption proceedings in the Philippines takes at least six (6) months and I have to be personally present during the proceedings in the court. I finally was able to file the petition for the legal adoption of my said daughter sometime in 1970 and the final order of the Municipal Court of Palompon, Leyte, who had the jurisdiction on the said case, a photocopy is hereto attached, was issued on January 28, 1971 declaring Caridad R. Pernes as my legally adopted child and her name was changed to Caridad Balonan.

Having been gainfully employed now in San Francisco, California where I immigrated alone and could very well support my family if

living in the United States, it is my ardent desire to have my wife and aforesaid daughter join me in San Francisco where I now reside. May I have the honor to request your good office for the approval of the petitions in their behalf to enable them to join me in the United States, especially that of our daughter who has known no other parents but us.

I fervently pray that my request shall meet with your favorable consideration for which we shall all be much obliged.

With the assurance of my highest esteem, I remain,

Sincerely yours,

FELIX O. BALONAN.

Parish of St. Francis Xavier Palompon, Leyte	№ 2108			
CERTIFICATE OF BAPTISM				
Name of Child Carudad Pernes!	(Sex) (Leg)			
Date of Birth October 16, 1954				
Place of Birth San Miguel, Palempon, Light				
Father Mirmogines Pernes	(Birthplace)			
Mother Eugenia Ramirez	(Birthplace)			
Date of Baptism November 10, 1954				
Minister of Baptism—Rev. Fr. Fablo B. Lola'				
Sponsors: Julia Ramvez				
Brake No. 53 Page No. 105				
Issued on march 5,1971	***************			
Ru Pa Rev. Pas	ator & Cultangeo tor E. Cotiangeo crish Priest			
9114 Pa	vrish Priest			
IMPORTANT				
To Parents or Guardians,				
Any incorrect information appearing in this certificate should be reported to the Parish Registrar's Office for correction within three (3) days from date of Baptism.				
AND	N PRIN TEST TON THE E'R SHOT THE THIN SHIP THE			

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2382) should be enacted.



Minety-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 Caridad R. Balonan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Caridad R. Balonan shall be held and considered to be the natural-born alien daughter of Felix O. Balonan, a lawful resident alien of the United States. No natural parent, brother, or sister of the said Caridad R. Balonan, by virtue of such relationship, shall 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. Dear Mr. Director:

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

S. 2382 H.R. 4861 H.R. 10088 H.R. 11546 H.R. 16102

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 Roy L. Ash Director Office of Management and Budget Washington, D. C.