The original documents are located in Box 31, folder "10/8/75 HR1757 Relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED OCT 8- 1975

THE WHITE HOUSE

WASHINGTON

October 4, 1975

ACTION

Last Day: October 13

Postel 10/8 To archive

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 1757 - For the Relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng

Attached for your consideration is H.R. 1757, sponsored by Representative Mink, which would permit the immigration of the adopted alien daughters of Louis Pascual Bareng, a U.S. citizen.

Background on the enrolled bill is provided in OMB's enrolled bill report at Tab A.

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

## RECOMMENDATION

That you sign H.R. 1757 at Tab B.



## EXECUTIVE OFFICE OF THE PRESIDENT

#### OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 2 1975

## MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1757 - For the relief of Plotemia

Mabanag Bareng and Bastiana Lilian Mabanag Bareng

Sponsor - Rep. Mink (D) Hawaii

## Last Day for Action

October 13, 1975 - Monday

## Purpose

To permit the immigration of the adopted alien daughters of a U.S. citizen.

## Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval No objection

## Discussion

The beneficiaries of the enrolled bill are twin sisters age 28 who are natives and citizens of the Philippines, and are the natural children of Louis Pascual Bareng, a U.S. citizen residing in Hawaii, and Petra Mabanag, a citizen of the Philippines. Mr. Bareng was born in Hawaii and moved to the Philippines with his parents when he was a child. He returned to Hawaii in 1948, 9 months after the birth of his daughters. Since birth, the beneficiaries have resided with Mr. Bareng's parents but have been supported by Mr. Bareng. In 1962, Mr. Bareng legally adopted the beneficiaries in the Philippines.

Under current law, the beneficiaries cannot be considered "children" because they were not under the age 14 at adoption and have not lived with their parent for two years after

adoption. The enrolled bill would permit classification of the beneficiaries as "children," thereby permitting both approval of an orphan petition in their behalf and the issuance of immigrant visas to them. In addition, the enrolled bill would expressly deny conferral of similar right, privilege, or status upon their natural mother and other brothers and sisters.

> James m. Frey Assistant Director for Legislative Reference

Enclosures

## DOMESTIC COUNCIL CLEARANCE SHEET

	DATE: October 4
	JMC action required by: October 10
ro:	JIM CANNON
VIA:	DICK DUNHAM
	JIM CAVANAUGH
FROM:	JUDY JOHNSTON
	JMC action required by: October 10  JMC action required by: October 10  JIM CANNON  A: DICK DUNHAM  or  JIM CAVANAUGH  DM: JUDY JOHNSTON  BJECT:  .R. 1757 - For the Relief of Plotemia Mabanag areng and Bastiana Lilian Mabanag Bareng  MMENTS:  AST DAY: October 13
COMMENTS LAST DA	
	DATE:
RETURN T	0:
Material	has been:
S	igned and forwarded
C	hanged and signed (copy attached)
R	eturned per our conversation
N	oted
and the second s	
	Jim Cannon

ACTION MEMORANDUM

WASHINGTON

LOG NO :

Date: October 3

Time: 103oam

FOR ACTION:

Dick Parsons

cc (for information):

Max Friedersdorf Ken Lazarus M

Jim Cavanaugh
Jack Marsh

NSC/S

Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date:

October 3

Time:

400pm

SUBJECT:

H.R. 1757-For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng

## 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

## UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 🗯 D.C.

OFFICE OF THE COMMISSIONER

OCT 1 1975

AND REFER TO THIS FILE NO.

A20 279 464 A20 279 465

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 1757; Office of Management and Budget request dated September 30, 1975.

Beneficiary or Beneficiaries Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng.

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

007 1 - 1975

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 September 30, 1975, transmitting for comment enrolled bill H.R. 1757, "For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng.

This Department has no objection to the enactment of this bill.

Sincerely,

Assistant Secretary for Congressional Relations

ACTION MEMORANDUM

WASHINGTON

LOG NO .:

Date: October 3

Time: 103oam

FOR ACTION:

Dick Parsons

Max Friedersdorf

Ken Lazarus

cc (for information):

Jim Cavanaugh

Jack Marsh

Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 3

Time: 400pm

SUBJECT:

H.R. 1757-For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng

## 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

No comment. -- Ken Lazarus 10/3/75

## 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.



ACTION MEMORANDUM

WASHINGTON

LOG NO .:

Date: October 3

Time: 103oam

FOR ACTION:

Dick Parsons

Max Friedersdorf

Ken Lazarus

cc (for information):

Jim Cavanaugh

Jack Marsh

Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date

October 3

400pm

SUBJECT:

H.R. 1757-For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng

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.

WASHINGTON

October 3, 1975

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF // /

SUBJECT:

H.R. 1757 - For the relief of Plotemia

Mabanag Bareng and Bastiana Lilian Mabanag Bareng

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

Attachments



# OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 2 1975

## MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1757 - For the relief of Plotemia

Mabanag Bareng and Bastiana Lilian Mabanag Bareng

Sponsor - Rep. Mink (D) Hawaii

## Last Day for Action

October 13, 1975 - Monday

## Purpose

To permit the immigration of the adopted alien daughters of a U.S. citizen.

## Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service Department of State

Approval No objection

## Discussion

The beneficiaries of the enrolled bill are twin sisters age 28 who are natives and citizens of the Philippines, and are the natural children of Louis Pascual Bareng, a U.S. citizen residing in Hawaii, and Petra Mabanag, a citizen of the Philippines. Mr. Bareng was born in Hawaii and moved to the Philippines with his parents when he was a child. He returned to Hawaii in 1948, 9 months after the birth of his daughters. Since birth, the beneficiaries have resided with Mr. Bareng's parents but have been supported by Mr. Bareng. In 1962, Mr. Bareng legally adopted the beneficiaries in the Philippines.

Under current law, the beneficiaries cannot be considered "children" because they were not under the age 14 at adoption and have not lived with their parent for two years after

adoption. The enrolled bill would permit classification of the beneficiaries as "children," thereby permitting both approval of an orphan petition in their behalf and the issuance of immigrant visas to them. In addition, the enrolled bill would expressly deny conferral of similar right, privilege, or status upon their natural mother and other brothers and sisters.

Assistant Director for Legislative Reference

Enclosures

## PLOTEMIA MABANAG BARENG AND BASTIANA LILIAN MABANAG BARENG

April 8, 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. 1757]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1757) for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 1, line 5, after the name "Bareng" strike out the word "each".

On page 1, line 5, after the words "classified as" strike out the words "a child" and substitute the word "children".

On page 1, beginning on line 6, after the words "of the Act, and" strike out the words "a petition" and substitute in lieu thereof the word "petitions".

On page 1, line 9, strike out "Act." and substitute in lieu thereof the following:

Act: Provided, That the natural mother, or brothers or sisters of the beneficiaries 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 admission into the United States of the adopted daughters of a citizen of the United States. The bill has been amended in accordance with established precedents.

#### GENERAL INFORMATION

The beneficiaries of this bill are twin sisters age 27 who are natives and citizens of the Philippines who reside there with their paternal

grandparents, and are supported by their natural father, a citizen of the United States, who legally adopted them in the Philippines on

May 7, 1962.

The pertinent facts in this case are contained in a letter dated November 29, 1973, from the Acting Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary, regarding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, Washington, D.C., November 29, 1973.

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. 3199) for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, there is attached a memorandum of information concerning the beneficiaries.

The bill provides that the twenty-six year old adopted daughters of Louis Bareng, a citizen of the United States, may be classified as chil-

dren and be granted immediate relative status.

Absent enactment of the bill, the beneficiaries, natives of the Philippines, are 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. 3199

Information concerning the cases was obtained from Mr. Louis Pascual Bareng, the adoptive parent of the beneficiaries.

The beneficiaries, Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, natives and citizens of the Philippines are twins and were born on September 15, 1947. The beneficiaries are the daughters of Louis Pascual Bareng and Petra Mabanag. Petra Mabanag was then the spouse of another person. The beneficiaries have resided since birth with the parents of Louis Pascual Bareng in the Philippines, and are supported by the latter. He also legally adopted them in the Philippines on May 7, 1962.

The beneficiaries do not qualify for immediate relative status as children under Section 101(b)(1)(F) of the Immigration and Nationality Act because their adoption was after

they attained their 14th birthday.

Louis Pascual Bareng was born on June 20, 1927 in Hawaii and was taken to the Philippines in 1928. He returned to Hawaii on May 11, 1948. Mr. Bareng made two subsequent trips to the Philippines in 1958 and 1962. He is single and re-

sides in Honolulu, Hawaii. He served in the United States Army from 1952 to 1956.

Mr. Bareng is a carpenter journeyman earning \$6.63 per

hour. His assets consist of \$2,845 in savings.

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

DEPARTMENT OF STATE, Washington, D.C. March 22, 1974.

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 cases of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, beneficiaries of H.R. 3199, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiaries. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiaries reside.

The bill would provide for the beneficiaries' classification as a child and for granting of immediate relative status upon approval of a petition filed by Louis P. Bareng, an American citizen.

Sincerely yours,

Linwood Holton,
Assistant Secretary for Congressional Relations.

[Submitted by American Embassy at Manila, Philippines]

MEMORANDUM OF INFORMATION CONCERNING H.R. 3199, 93D CONGRESS, FOR THE RELIEF OF PLOTEMIA MABANAG BARENG AND BASTIANA LILIAN MABANAG BARENG

Plotemia and Lilian Mahanag Bareng are twins who were born on September 15, 1947 at Laoag City, Philippines. They both reside at Laoag City, Philippines. They have no brothers or sisters and their natural mother, Petra Mahanag is living in Vintar, Ilocos Norte. According to the beneficiaries they are the natural children of Louis Bareng and Petra Mahanag.

Plotemia Bareng finished a Bachelor of Science degree in Home Economics in 1969 at the Divine Word College at Laoag City. She had a sari-sari (variety) store in Pasay City for one and a half years but has since been unemployed. She has a child, Maria Cristina Cantos, who was born out of wedlock on August 2, 1972 at Pasay City and who resides with her in Laoag City. Bastiana Bareng finished a two-year secretarial course at the Divine Word College but has not been employed. Both are entirely dependent on their natural father, who sends money irregularly.

Both beneficiaries would be chargeable to the foreign state limitation for the Philippines but are not registered as intending immigrants. A routine security check showed no derogatory information, while medical examinations which both recently had under a member of the Embassy's panel of

physicians showed no defect, disease or disability.

Mrs. Mink submitted the following letters and affidavit in support of her bill:

Congress of the United States, House of Representatives, Washington, D.C., March 10, 1975.

Hon. Joshua Eilberg,

10 m 10 m

Chairman, Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I have the honor to present pertinent information regarding this private bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, the legally adopted twin daughters of United States citizen Mr. Louis P. Bareng.

The beneficiaries are the natural children of Mr. Bareng, who seeks to bring them to Hawaii to live with him. They meet the requirements as to the health and security check, according to the appropriate departmental report. Yet they are barred from entry because of the law's requirement that they cannot be considered "children" unless they are under the age of 14 at adoption and unless they lived with their parent for two years after adoption.

It is apparent that 14 is an arbitrary age, chosen perhaps to suit the administrative convenience of those who determine who may immigrate and who may not. It may be that some such rigid cutoff is necessary, but the point is that whatever age limit may be established, it will at times create hardships in specific cases involving individuals. Thus, there should be some mechanism by which exceptions may be considered. In all likelihood, many persons who adopt children do not hear of the law's provisions until it is too late.

In the case of Mr. Bareng, he was the father of two children born on September 15, 1947. Due to his parents' opposition, he did not marry the mother, instead left them with his mother in the Philippines while he returned to Hawaii where he had been born. He did provide financial support for them from birth until the present.

In 1962, because his affection for the children had grown to where he desired reunification with them, Mr. Bareng returned to the Philippines and adopted them. He was unaware of the age limitation of 14 in the immigration and nationality law. Only later was he told they could not return to the United States with him.

Since administrative remedies are foreclosed, the only way to achieve the basic purpose of the Act as passed by Congress is through the adoption of this private legislation. The facts of the case have been established through legal documents presented to this Subcommittee, and I can assure you that Mr. Bareng's desire to be reunited with his family has not diminished. Our frequent contacts with him date back several years, and I cite his continuing financial support of his daughters to the present day as further faith in the laws of his country that right will be done.

I urge favorable consideration of H.R. 1757 by the Subcommittee. Very truly yours,

> Patsy T. Mink, Member of Congress.

Congress of the United States, House of Representatives, Washington, D.C., October 29, 1974.

Hon. Joshua Eilberg, Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 11 advising that the Subcommittee will review this bill at the next meeting on private immigration bills. I understand from the Subcommittee staff that this will not be until Congress returns on November 18.

You mentioned obtaining an affidavit that Mr. Bareng, the father of the intended beneficiaries, as to his continued interest in having them admitted to the United States. Enclosed is such an affidavit.

I hope the Subcommittee will be able to take favorable action on this legislation.

Very truly yours,

Patsy T. Mink, Member of Congress.

Enclosure.

United States of America
State of Hawaii
City and County of Honolulu

#### AFFIDAVIT OF INTEREST

I, Louis P. Bareng, of legal age, single and presently residing at 308 A-1 Puuhui Place, Honolulu, Hawaii, being duly sworn, depose and say:

1. That I was born on June 20, 1927 in Koloa, Kauai, Hawaii;

2. That I am 47 years of age and have resided in the United States since birth except the years 1928 to May 1948 where I resided in Laoag City, Philippines;

3. That while I was in the Philippines, I have two illegitimate children, Plotemia Mabanag Bareng, 27 years of age and Bastiana Lilian Mabanag, 27 years of age (Twins) and were borne in the Philippines;

4. That because of my fatherly love and affection, I have been sup-

porting them since birth up to present;

5. That I wish them to come to the United States and join me permanently.

FURTHER, AFFIANT SAYEHT NAUGHT

Done at the City and County of Honolulu, State of Hawaii, U.S.A. this 19th day of October, 1974 A.D.

Louis P. Bareng.

Subscribed and Sworn to Before me this 19th day of October, 1974 A.D. at the City and County of Honolulu, State of Hawaii, U.S.A.

DIOSDADO GANADEN AVECILLA,

Notary Public First Judicial Circuit, State of Hawaii, U.S.A.

My commission expires Jan. 31, 1976.

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, Honolulu, Hawaii, May 26, 1971.

Hon. Patsy T. Mink, House of Representatives, Washington, D.C.

DEAR MRS. MINK: This is in further reply to your letter of May 12, 1971, concerning Mr. Louis P. Bareng. He was interviewed on May 21, 1971 at this office. It was ascertained that the adoption of his twins took place after they had attained the age of 14 years, and they had not resided with him for two years after the adoption. Therefore, they would be unable to derive any benefits under the Immigration and Nationality Act through Mr. Bareng.

You can be assured that every aspect of the circumstances in this case was considered in order to bestow any possible benefits under the

Act.

Sincerely,

John F. O'Shea, District Director.

March 26, 1971.

Hon. Patsy T. Mink, U.S. House of Representatives, Cannon Building, Washington, D.C.

DEAR MRS. MINK: I would like to thank you for your promptness in

behalf of my two adopted twins.

To begin with, they were my natural children, they were born on Sept. 15, 1947 adopted them on May 7, 1962. Due to my parents disagreement, I did not marry their mother. But I continue my full support right after they were born until now. I left them with my mother when I came back to Hawaii, I thank God that to my guidance and endurance were fulfilled, they graduated thru college.

And for my U.S. Citizenship, I was born on the Island of Kauai, town of Koloa, on June 20, 1927 went to the Philippines with my parents when I was a child, raise up there and came back to Hawaii on

May 1948.

Because of my full affection to them has build up more, I wished they could be with me. So in 1962, I went to the Philippines to adopt them, I heard that is the only way of bringing them here, but unaware of the age limit for adoption. When I inquired to the Immigration Office for assistance, I was told that they were over the 14 years age limit for adoption.

I was so disappointed, but I just prayed that someday there will be some change on the Immigration Law. Finally, I read an article on the newspaper about your bill to Congress that has been approved, then you aided a 15 years old Vietnamese boy to lived with his adopt-

ing parents in this Country.

To my relieve, I went again to the Immigration Office and show them the newspaper clipping, but I was told that it is a special Law. So I had been thinking for quite sometimes to get in touch with you personally for your assistance. But thank you for Mr. Ralph Nakanishi and your Staff for my inquiry possible.

As for my instruction to file an application to the Immigration office, I went but to no avail, they still given me the same answer. I understand that you are the only one who could help me in bringing my children over here. Please Mrs. Mink, may I ask your full assistance in helping me?

I shall be very thankful for your great help and kindness, thank

you again.

Very respectfully yours,

Louis P. Bareng.

#### 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 RECOMMENDATION

Upon consideration of all of the facts in this case, the Committee is of the opinion that H.R. 1757, as amended, should be enacted and accordingly recommends that the bill do pass.

Report No. 94-394

## PLOTEMIA MABANAG BARENG AND BASTIANA LILIAN MABANAG BARENG

SEPTEMBER 25 (legislative day, SEPTEMBER 12), 1975.—Ordered to be printed

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

## REPORT

[To accompany H.R. 1757]

The Committee on the Judiciary, to which was referred the bill (H.R. 1757), for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, 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 admission into the United States of the adopted daughters of a citizen of the United States.

#### STATEMENT OF FACTS

The beneficiaries of the bill are 27-year-old natives and citizens of the Philippines They are the twin daughters of Louis Pascual Bareng, a United States citizen, and Petra Mabanag. The beneficiaries have resided since their birth with Mr. Bareng's parents in the Philippines, and have been supported by Mr. Bareng, who also legally adopted them on May 7, 1962.

A letter, with attached memorandum, dated November 29, 1973 to the Chairman of the Committee on the Judiciary of the House of Representatives from the then Acting Commissioner of Immigration

3

and Naturalization with reference to H.R. 3199, a similar bill introduced in the 93rd Congress, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 29, 1973.

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. 3199) for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, there is attached a memorandum of information concerning the beneficiaries.

The bill provides that the twenty-six year old adopted daughters of Louis Bareng, a citizen of the United States, may be classified as chil-

dren and be granted immediate relative status.

Absent enactment of the bill, the beneficiaries, natives of the Philippines, are 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 R.H. 3199

Information concerning the cases was obtained from Mr. Louis Pascual Bareng, the adoptive parent of the beneficiaries.

The beneficiaries, Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, natives and citizens of the Philippines are twins and were born on September 15, 1947. The beneficiaries are the daughters of Louis Pascual Bareng and Petra Mabanag. Petra Mabanag was then the spouse of another person. The beneficiaries have resided since birth with the parents of Louis Pascual Bareng in the Philippines, and are supported by the latter. He also legally adopted them in the Philippines on May 7, 1962.

The beneficiaries do not qualify for immediate relative status as children under Section 101(b)(1)(F) of the Immigration and Nationality Act because their adoption was after

they attained their 14th birthday.

Louis Pascual Bareng was born on June 20, 1927 in Hawali and was taken to the Philippines in 1928. He returned to Hawali on May 11, 1948. Mr. Bareng made two subsequent trips to the Philippines in 1958 and 1962. He is single and resides in Honolulu, Hawali. He served in the United States Army from 1952 to 1956.

Mr. Bareng is a carpenter journeyman earning \$6.63 per hour. His assets consist of \$2,845 in savings.

A letter dated March 22, 1974 to the Chairman of the Committee on the Judiciary of the House of Representatives from the then Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to H.R. 3199 reads as follows:

> DEPARTMENT OF STATE, Washington, D.C., March 22, 1974.

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 cases of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, beneficiaries of H.R. 3199, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiaries. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiaries reside.

The bill would provide for the beneficiaries' classification as a child and for granting of immediate relative status upon approval of a petition filed by Louis P. Bareng, an American citizen.

Sincerely yours,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

[Submitted by American Embassy at Manila, Philippines]

MEMORANDUM OF INFORMATION CONCERNING H.R. 3199, 93D CONGRESS, FOR THE RELIEF OF PLOTEMIA MABANAG BARENG AND BASTIANA LILIAN MABANAG BARENG

Plotemia and Lilian Mabanag Bareng are twins who were born on September 15, 1947 at Laoag City, Philippines. They both reside at Laoag City, Philippines. They have no brothers or sisters and their natural mother, Petra Mabanag is living in Vintar, Ilocos Norte. According to the beneficiaries they are the natural children of Louis Bareng and Petra Mabanag.

Plotemia Bareng finished a Bachelor of Science degree in Home Economics in 1969 at the Divine Word College at Laoag City. She had a sari-sari (variety) store in Pasay City for one and a half years but has since been unemployed. She has a child, Maria Cristina Cantos, who was born out of wedlock on August 2, 1972 at Pasay City and who resides with her in Laoag City. Bastiana Bareng finished a two-year secretarial course at the Divine Word College but has not been employed. Both are entirely dependent on their natural father, who sends money irregularly.

Both beneficiaries would be chargeable to the foreign state limitation for the Philippines but are not registered as intending immigrants. A routine security check showed no derogatory information, while medical examinations which both recently had under a member of the Embassy's panel of

physicians showed no defect, disease or disability.

Congresswoman Patsy Mink, the author of the bill, submitted the following supporting information:

Congress of the United States, House of Representatives, Washington, D.C., March 10, 1975.

Hon. Joshua Eilberg,

Chairman, Subcommittee on Immigration, Citizenship and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have the honor to present pertinent information regarding this private bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng, the legally adopted twin daughters of United States citizen Mr. Louis P. Bareng.

The beneficiaries are the natural children of Mr. Bareng, who seeks to bring them to Hawaii to live with him. They meet the requirements as to the health and security check, according to the appropriate departmental report. Yet they are barred from entry because of the law's requirement that they cannot be considered "children" unless they are under the age of 14 at adoption and unless they lived with their parent for two years after adoption.

It is apparent that 14 is an arbitrary age, chosen perhaps to suit the administrative convenience of those who determine who may immigrate and who may not. It may be that some such rigid cutoff is necessary, but the point is that whatever age limit may be established, it will at times create hardships in specific cases involving individuals. Thus, there should be some mechanism by which exceptions may be considered. In all likelihood, many persons who adopt children do not hear of the law's provisions until it is too late.

In the case of Mr. Bareng, he was the father of two children born on September 15, 1947. Due to his parents' opposition, he did not marry the mother, instead left them with his mother in the Philippines while he returned to Hawaii where he had been born. He did provide financial support for them from birth until the present.

In 1962, because his affection for the children had grown to where he desired reunification with them, Mr. Bareng returned to the Philippines and adopted them. He was unaware of the age limitation of 14 in the immigration and nationality law. Only later was he told they could not return to the United States with him.

Since administrative remedies are foreclosed, the only way to achieve the basic purpose of the Act as passed by Congress is through the adoption of this private legislation. The facts of the case have been established through legal documents presented to this Subcommittee, and I can assure you that Mr. Bareng's desire to be reunited with his family has not diminished. Our frequent contacts with him date back several years, and I cite his continuing financial support of his daughters to the present day as further faith in the laws of his country that right will be done.

I urge favorable consideration of H.R. 1757 by the Subcommittee. Very truly yours,

> Patsy T. Mink, Member of Congress.

Congress of the United States, House of Representatives, Washington, D.C., October 29, 1974.

Hon. JOSHUA EILBERG,

Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 11 advising that the Subcommittee will review this bill at the next meeting on private immigration bills. I understand from the Subcommittee staff that this will not be until Congress returns on November 18.

You mentioned obtaining an affidavit that Mr. Bareng, the father of the intended beneficiaries, as to his continued interest in having them admitted to the United States. Enclosed is such an affidavit.

I hope the Subcommittee will be able to take favorable action on this legislation.

Very truly yours,

Patsy T. Mink, Member of Congress.

Enclosure.

UNITED STATES OF AMERICA
STATE OF HAWAII
CITY AND COUNTY OF HONOLULU
SS

#### AFFIDAVIT OF INTEREST

I, Louis P. Bareng, of legal age, single and presently residing at 308 A-1 Puuhui Place, Honolulu, Hawaii, being duly sworn, depose and say:

1. That I was born on June 20, 1927 in Koloa, Kauai, Hawaii;
2. That I am 47 years of age and have resided in the United States since birth except the years 1928 to May 1948 where I resided in Laoag City, Philippines;

3. That while I was in the Philippines, I have two illegitimate children, Plotemia Mabanag Bareng, 27 years of age and Bastiana Lilian Mabanag, 27 years of age (Twins) and were borne in the Philippines;

4. That because of my fatherly love and affection, I have been supporting them since birth up to present;

5. That I wish them to come to the United States and join me permanently.

#### FURTHER, AFFIANT SAYETH NAUGHT

Done at the City and County of Honolulu, State of Hawaii, U.S.A. this 19th day of October, 1974 A.D.

Louis P. Bareng.

Subscribed and Sworn to Before me this 19th day of October, 1974 A.D. at the City and County of Honolulu, State of Hawaii, U.S.A.

Diosdado Ganaden Avecilla, Notary Public First Judicial Circuit, State of Hawaii, U.S.A.

My commission expires Jan. 31, 1976.

CONGRESS OF THE UNITED STATES, House of Representatives, Washington, D.C., October 29, 1974.

Hon. JOSHUA EILBERG,

Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

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Very truly yours,

PATSY T. MINK, Member of Congress.

Enclosure.

United States of America STATE OF HAWAII CITY AND COUNTY OF HONOLULU

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Diosdado Ganaden Avecilla, Notary Public First Judicial Circuit, State of Hawaii, U.S.A.

My commission expires Jan. 31, 1976.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE, Honolulu, Hawaii, May 26, 1971.

Hon. Patsy T. Mink,

House of Representatives,

Washington, D.C.

Dear Mrs. Mink: This is in further reply to your letter of May 12, 1971, concerning Mr. Louis P. Bareng. He was interviewed on May 21, 1971 at this office. It was ascertained that the adoption of his twins took place after they had attained the age of 14 years, and they had not resided with him for two years after the adoption. Therefore, they would be unable to derive any benefits under the Immigration and Nationality Act through Mr. Bareng.

You can be assured that every aspect of the circumstances in this case was considered in order to bestow any possible benefits under the

Act.

Sincerely,

John F. O'Shea,

District Director.

March 26, 1971.

Hon. PATSY T. MINK, U.S. House of Representatives, Cannon Building, Washington, D.C.

DEAR MRS. MINK: I would like to thank you for your promptness in

behalf of my two adopted twins.

To begin with, they were my natural children, they were born on Sept. 15, 1947 adopted them on May 7, 1962. Due to my parents disagreement, I did not marry their mother. But I continue my full support right after they were born until now. I left them with my mother when I came back to Hawaii, I thank God that to my guidance and

endurance were fulfilled, they graduated thru college.

And for my U.S. Citizenship, I was born on the Island of Kauai, town of Koloa, on June 20, 1927, went to the Philippines with my parents when I was a child, raise up there and came back to Hawaii

564 . · ·

Because of my full affection to them has build up more, I wished they could be with me. So in 1962, I went to the Philippines to adopt them, I heard that is the only way of bringing them here, but unaware of the age limit for adoption. When I inquired to the Immigration Office for assistance, I was told that they were over the 14 years age limit for adoption.

I was so disappointed, but I just praved that someday there will be some change on the Immigration Law. Finally, I read an article on the newspaper about your bill to Congress that has been approved, then you aided a 15 years old Vietnamese boy to live with his adopt-

ing parents in this Country.

To my relieve, I went again to the Immigration Office and show them the newspaper clipping, but I was told that it is a special Law. So I had been thinking for quite sometimes to get in touch with you personally for your assistance. But thank you for Mr. Ralph Nakaniski and your Staff for my inquiry possible.

As for my instruction to file an application to the Immigration office, I went but to no avail, they still given me the same answer. I understand that you are the only one who could help me in bringing my children over here. Please Mrs. Mink, may I ask your full assistance in helping me?

I shall be very thankful for your great help and kindness, thank

you again.

Very respectfully yours,

Louis P. Bareng.

Senator Daniel K. Inouye has also submitted a statement in support of H.R. 1757:

U.S. SENATE,

Washington, D.C., June 5, 1975.

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

DEAR MR. CHAIRMAN: On April 18, 1975, I wrote to you concerning H.R. 1757, a bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng. H.R. 1757 was passed by the House of Representatives on May 20,

1975.

Mr. Bareng has sworn that he has more than \$8,500.00 in various savings accounts in Hawaii, and is presently employed at an hourly rate of \$7.43. He, therefore, believes that his two daughters will not become public charges.

Your favorable consideration of this bill will be greatly appreciated.

Sincerely,

DANIEL K. INOUYE, U.S. Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1757) should be enacted.

## Hinety-fourth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the fourteenth day of January, one thousand nine hundred and seventy-five

## An Act

For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng.

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, Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng may be classified as children within the meaning of section 101(b)(1)(F) of the Act, and petitions filed in their behalf by Louis P. Bareng, a citizen of the United States, may be approved pursuant to section 204 of the Act: Provided, That the natural mother, or brothers or sisters of the beneficiaries 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. Dear Mr. Director:

The following bills were received at the White House on October 1st:

H.R. 1757 H.J. Res. 672

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.