

APPROVED
JUL 12 1976

87/12/76

THE WHITE HOUSE
WASHINGTON
July 9, 1976

ACTION

Last Day: July 17

Posted
7/12/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON
SUBJECT: H.R. 5666 - Relief of Hyo-Yun Won

Attached for your consideration is H.R. 5666, sponsored by Representative Cederberg.

The enrolled bill would authorize the Immigration and Naturalization Service to grant an immigrant visa to Hyo-Yun Won, a 15-year old Korean orphan. The child will be adopted by Mr. and Mrs. Gordon Peek of Traverse City, Michigan. However, since the Peeks have already adopted two foreign orphans they are ineligible under immigration law to file a petition in behalf of Hyo-Yun Won.

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 H.R. 5666 at Tab B.

Archives
7/12/76





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

JUL 8 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5666 - Relief of Hyo-Yun Won
Sponsor - Rep. Cederberg (R) Michigan

Last Day for Action

July 17, 1976 - Saturday

Purpose

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

Agency Recommendations

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

Discussion

The enrolled bill would authorize the Immigration and Naturalization Service to grant an immigrant visa to Hyo-Yun Won, a 15-year old Korean orphan boy, upon approval of an immediate relative orphan petition to be filed by his prospective adoptive parents. The beneficiary currently resides in an orphanage in Seoul, Korea; his natural parents are believed to be deceased and no other information is available concerning the existence of any natural brothers and sisters.

Hyo-Yun Won will be adopted by Mr. and Mrs. Gordan Peek of Traverse City, Michigan. Mr. and Mrs. Peek have five natural children and have also adopted two foreign orphans. Because the Peeks have had two other immediate relative petitions for immigrant visa approved for their adopted children, they are ineligible under



immigration law to file a similar petition in behalf of Hyo-Yun Won. The enrolled bill would waive this limitation in behalf of the beneficiary. The bill also states that the natural parents and siblings of the beneficiary are ineligible for similar preferential treatment for immigration to the United States because of their relationship to Hyo-Yun Won.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 8

Time: 600pm

FOR ACTION: NSC/S *oh*
Max Friedersdorf
~~Kennedy~~ *as* office *oh*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 9

Time: 600pm

SUBJECT:

H.R. 5666 - Relief of Hyo-Yun Won

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 25, D.C.

JUL 6 1976

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

A20 927 541

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 5666 ; Office of Management
and Budget request dated July 2, 1976


Beneficiary or Beneficiaries Won, Hyo-Yun

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

JUL 7 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of July 2, 1976, transmitting for comment enrolled bill, H.R. 5666, "For the relief of Won, Hyo-Yun".

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

Sincerely yours,

A handwritten signature in cursive script that reads "Robert J. McCloskey".

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

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

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 8

Time: 600pm

FOR ACTION: NSC/S
 Max Friedersdorf
 Ken Lazarus

cc (for information): Jack Marsh
 Jim Cavanaugh
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 9

Time: 600pm

SUBJECT:

H.R. 5666 - Relief of Hyo-Yun Won

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 objection.

Ken Lazarus

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.

James M. Cannon
 For the President

THE WHITE HOUSE

WASHINGTON

July 9, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF
SUBJECT: H.R. 5666 - Relief of Hyo-Yun Won

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

Attachments

NATIONAL SECURITY COUNCIL

July 9, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davi *JWD*
SUBJECT: H. R. 5666

The NSC Staff concurs in the proposed Enrolled Bill H. R. 5666 -
Relief of Hyo-Yun Won.

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

JUL 8 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5666 - Relief of Hyo-Yun Won
Sponsor - Rep. Cederberg (R) Michigan

Last Day for Action

July 17, 1976 - Saturday

Purpose

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

Agency Recommendations

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

Discussion

The enrolled bill would authorize the Immigration and Naturalization Service to grant an immigrant visa to Hyo-Yun Won, a 15-year old Korean orphan boy, upon approval of an immediate relative orphan petition to be filed by his prospective adoptive parents. The beneficiary currently resides in an orphanage in Seoul, Korea; his natural parents are believed to be deceased and no other information is available concerning the existence of any natural brothers and sisters.

Hyo-Yun Won will be adopted by Mr. and Mrs. Gordan Peek of Traverse City, Michigan. Mr. and Mrs. Peek have five natural children and have also adopted two foreign orphans. Because the Peeks have had two other immediate relative petitions for immigrant visa approved for their adopted children, they are ineligible under

WON, HYO-YUN

JUNE 28 (legislative day, JUNE 18), 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 5666]

The Committee on the Judiciary, to which was referred the bill (H.R. 5666) for the relief of Won, Hyo-Yun, 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 prospective adoptive son of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of this bill is a 14-year-old native and citizen of Korea, who resides there in an orphanage. He is coming for adoption by citizens of the United States who have five natural children and two adoptive alien children. The petition for adoption has been recommended by the appropriate authorities in the State of Michigan where the beneficiary will reside.

A letter, with attached memorandum, dated November 4, 1975, to the chairman of the Committee on the Judiciary, House of Representatives, from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 4, 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. 5666) for the relief of Hyo-Yun Won, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the fourteen-year-old beneficiary, who is to be adopted by United States citizens, may be classified as a child and granted immediate relative status upon approval of a petition to be submitted in her behalf, notwithstanding the fact that the petitioners have had petitions approved in behalf of other alien children. The bill further provides that the natural parents, brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

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

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 5666

Information concerning the case was obtained from Mr. and Mrs. Gordon Peek, the prospective adoptive parents of the beneficiary.

The beneficiary, Hyo-Yun Won, a native and citizen of Korea, was born on June 25, 1961. He resides in Ilsan, Seoul, Korea in an orphanage operated by Holt Adoption Agency, which agency has irrevocably released him for adoption. His natural parents are believed to be deceased. No other information concerning other members of his family is available.

Gordon Peek is a United States citizen by birth in Michigan on June 7, 1929. He is a high school graduate, and is employed as a salesman with an annual income of \$12,000. His wife, Marilyn, is a United States citizen by birth in Michigan, on November 17, 1930. She is a high school graduate, and is not employed outside of their home. They were married on October 14, 1950, and presently reside in Traverse City, Michigan. They have five natural children. Mr. and Mrs. Peek have also adopted two foreign orphans, ages nine and seven. They own their own home, which is valued at \$40,000, life insurance in the amount of \$60,000, and furniture and personal effects worth \$9,000.

Mr. and Mrs. Peek learned of the beneficiary through the Holt Adoption Agency. They are in the process of adopting the beneficiary in the United States. They advised that the beneficiary was registered for a nonpreference immigrant visa at the American Embassy, Seoul, Korea on August 27, 1974. However, such visa numbers are not currently available to natives of Korea under this category.

On December 3, 1975 the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., December 3, 1975.

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

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Won, Hyo Yun, beneficiary of H.R. 5666, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Seoul, Korea, where the beneficiary resides.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Gordon and Marilyn Peek, American citizens. It would provide that the natural parents or brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act. The bill would also waive the provisions of the Immigration and Nationality Act relating to the number of petitions which may be approved on behalf of orphans.

ROBERT J. MCCLOSKEY,
Assistant Secretary
for Congressional Relations.

Enclosure.

MEMORANDUM OF INFORMATION CONCERNING H.R. 5666, FOR
THE RELIEF OF WON, HYO YUN

(Submitted by the American Embassy at Seoul, Korea)

The beneficiary was born on June 25, 1961, at Seoul, Korea. He is an orphan and resides at the New Hope Boys Home in Seoul. He is a first year middle school student at the Buchon Middle School.

The beneficiary is registered as an intending immigrant chargeable to the nonpreference as an intending immigrant limitation for Korea, with a registration priority date of August 27, 1974.

An Embassy file check failed to reveal any record of derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on March 14, 1975, and was found to be in good health.

Congressman Elford A. Cederberg, the author of the bill, submitted the following letter in support of the legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 3, 1976.

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

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I would like to take this opportunity to urge the Committee's favorable action on my bill, H.R. 5666 for the relief of Hyo Yun Won.

The bill would insure the beneficiary's classification as a child, and would grant immediate relative status upon approval of a petition filed by Gordon and Marilyn Peek of Traverse City, Michigan, the American citizens who seek to adopt this child.

Mr. and Mrs. Peek have fulfilled all of the adoption requirements of the State of Michigan. They are fine Americans and exceptional parents. In February of 1973 Mr. and Mrs. Peek adopted two Korean sisters thereby utilizing both of their visa petitions thus necessitating the present action. This couple is anxious to provide a home for Hyo Yun Won, a fourteen year old orphan and native citizen of Korea.

I urge the Committee to act favorably on this bill so that this young man might join the family of Gordon and Marilyn Peek.

Sincerely yours,

ELFORD A. CEDERBERG.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5666) should be enacted.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

For the relief of Won, Hyo-Yun.

*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, Won, Hyo-Yun may be classified as a child within the meaning of section 101(b) (1)(F) of the Act, upon approval of a petition filed in his behalf by Gordan and Marilyn Peek citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.*

Speaker of the House of Representatives.

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