

The original documents are located in Box 58, folder “1976/10/01 S2770 Relief of Anthony Augustus Daley and Beverly Evelyn Daley” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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510/176

APPROVED
OCT 1 - 1976

THE WHITE HOUSE

ACTION

WASHINGTON

September 30, 1976

Last Day: October 5

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *Jim Cannon*

SUBJECT:

S. 1787 - Relief of Maria
Lisa R. Manalo and Rogena R. Manalo
S. 2668 - Relief of Arturo Moreno
Hernandez
S. 2770 - Relief of Anthony Augustus
Daley and Beverly Evelyn Daley
S. 2956 - Relief of Teresa Maria
Salman

*Pasted
10/2/76*

*archives
10/4/76*

Attached for your consideration are four enrolled bills which would classify or permit classification of the beneficiary alien children as immediate relatives of either U.S. citizens or permanent resident aliens, thereby authorizing preferential treatment under the immigration law and facilitating their admission to the United States.

Each of the bills is described in the OMB enrolled bill report at Tab A.

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

RECOMMENDATION

- That you sign S. 1787 at Tab B.
- That you sign S. 2668 at Tab C.
- That you sign S. 2770 at Tab D.
- That you sign S. 2956 at Tab E.





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

SEP 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 1787 - Relief of Maria Lisa R. Manalo
and Rogena R. Manalo
Sponsor - Sen. Magnuson (D) Washington
- (2) S. 2668 - Relief of Arturo Moreno Hernandez
Sponsor - Sen. Moss (D) Utah
- (3) S. 2770 - Relief of Anthony Augustus Daley
and Beverly Evelyn Daley
Sponsor - Sen. Chiles (D) Florida
- (4) S. 2956 - Relief of Teresa Marie Salman
Sponsor - Sen. Bumpers (D) Arkansas

Last Day for Action

October 5, 1976 - Tuesday

Purpose

To facilitate the admission of certain alien children into the United States.

Agency Recommendations

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

Discussion

These enrolled bills would classify or permit classification of the beneficiary alien children as immediate relatives of either U.S. citizens or permanent resident aliens, thereby authorizing preferential treatment under immigration law, and facilitating their admission to the United States. Each of the enrolled bills would also make the children's natural parents and siblings ineligible for preferential treatment under immigration law by virtue of their relationship to the beneficiaries.

S. 1787 - Maria and Rogena Manalo

The beneficiaries are sisters, ages 15 and 14, respectively. They are natives and citizens of the Philippines and presently reside there with relatives.

At an early age, Maria and Rogena were left by their natural mother in the custody of Mr. and Mrs. Olympio Javidando, the prospective adopting parents, who are now permanent resident aliens of the United States and living in the Seattle, Washington area with their three natural daughters. Since the Javidandos left the Philippines in 1973, Maria and Rogena have lived apart from each other with relatives, but have received some support from Mr. and Mrs. Javidando.

Because of the unstable life the sisters have been subjected to, the Javidandos desire to adopt the sisters in the United States. The children's natural mother has since formally consented to their adoption; the natural father has consistently denied his paternity since their birth. However, under current law, a petition to classify an orphan as an immediate relative can be filed only by a U.S. citizen and can be filed only for a child under 14 years of age. Mr. and Mrs. Javidando are, thus, ineligible to file a petition in behalf of the sisters; likewise, Maria and Rogena exceed the age limitation.

S. 1787 would declare Maria and Rogena to be the natural born alien children of Mr. and Mrs. Javidando and permit them to petition for immediate relative immigrant visas for the sisters as their unmarried natural daughters under immigration law. This would enable the Javidandos to adopt the girls upon their admission to the United States.

S. 2668 - Arturo Moreno Hernandez

The beneficiary is a 12-year-old Mexican boy who currently resides with his indigent natural parents in Mexico. Arturo was adopted in Mexico on August 14, 1975 by Mr. and Mrs. Jose Palacio, both U.S. citizens residing in Utah. Mr. Palacio is a first cousin of one of Arturo's parents, and he and Mrs. Palacio have six children, three of whom are grown and living independently of their parents.

Because Arturo has not resided with his adopted parents for two continuous years, and instead still resides with his natural parents in Mexico, he is ineligible for preferential treatment under current law as an immediate relative of

Mr. and Mrs. Palacio. S. 2668 would waive this statutory impediment in his behalf and permit the Palacios to file a petition to grant him preferential immigrant status as their child.

S. 2770 - Anthony and Beverly Daley

The beneficiaries are brother and sister, ages 13 and 14, who are natives and citizens of Jamaica. They were adopted in Florida on August 4, 1975 by their natural father, Mr. Samuel U. Daley, a permanent resident alien, and his U.S. citizen wife. The children presently reside with their paternal grandparents in Jamaica. Because the children have not lived with their adopted parents for 2 years since their adoption, Mr. and Mrs. Daley are ineligible to file immediate relative petitions to obtain immigrant visas for them. S. 2770 would waive the physical presence requirement in their behalf and permit Mr. and Mrs. Daley to petition for immigrant visas for their adopted children.

S. 2956 - Teresa Marie Salman

The beneficiary is a 24-month-old native and resident of Taiwan. She has been living in Okinawa with her adopted parents, retired Air Force Sgt. and Mrs. Eugene A. Salman, both U.S. citizens. In addition to their adopted daughter, the Salmans have seven children of their own. Sgt. Salman has recently completed 20 years of military service. The family has remained in Okinawa with the beneficiary awaiting the disposition of this bill.

Under current law, Teresa will not be eligible for an immigrant visa as an immediate relative until she has been in the legal custody of and resided with her adoptive parents for 2 years. S. 2956 would waive the 2-year custody and physical presence requirement in Teresa's behalf and make her immediately eligible for an immigrant visa upon approval of an immediate relative petition to be filed in her behalf by Sgt. and Mrs. Salman.

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

SEP 23 1976

AND REFER TO THIS FILE NO.

A20 217 382

A20 217 383

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. S. 2770 ; Office of Management
and Budget request dated September 23, 1976

Beneficiary or Beneficiaries Anthony Augustus Daley and Beverly
Evelyn Daley

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 re-
lating 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

SEP 28 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 22, 1976, transmitting for comment enrolled bills, S. 2770, "For the relief of Anthony Augustus Daley and Beverly Evelyn Daley", S. 2668, "For the relief of Arturo Morena Hernandez", and S. 2481, "For the relief of Oscar Rene Hernandez Rustrian".

This Department's files contain no information identifiable with the above cited bills, and in the absence of any derogatory information, this Department has no objection to the enactment of these bills.

Sincerely yours,

A handwritten signature in cursive script that reads "Kempton B. Jenkins".

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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

ACTION MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Date: September 28

Time: 830pm

FOR ACTION: NSC/S
Dick Parsons
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE Date: September 30

Time: 200pm

SUBJECT:

- S.1787-Relief of Maria Lisa Manalo, et al
- S.2668-Relief of Arturo Moreno Hernandez
- S.2770-Relief of Anthony Augustus Daley, et al
- S.2956-Relief of Teresa Marie Salman

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> 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

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

Date: September 28

Time: 830pm

FOR ACTION: NSC/S
Dick Parsons
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: September 30

Time: 200pm

SUBJECT:

→ S.1787-Relief of Maria Lisa Manalo, et al
S.2668-Relief of Arturo Moreno Hernandez
S.2770-Relief of Anthony Augustus Daley, et al
S.2956-Relief of Teresa Marie Salman

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

approved R. May 9/30/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon

September 30, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis *JWD*
SUBJECT: Enrolled Bills: S. 1787,
S. 2668, S. 2770 and S. 2956

The NSC Staff concurs in the following enrolled bills:

S. 1787 Relief of Maria Lisa Manalo, et al
S. 2668 Relief of Arturo Moreno Hernandez
→ S. 2770 Relief of Anthony Augustus Daley, et al
S. 2956 Relief of Teresa Marie Salman

THE WHITE HOUSE

WASHINGTON

September 29, 1976

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF *M.L.F.*

SUBJECT:

S.1787 - Relief of Maria Lisa Manalo ✓
S.2668 - Relief of Arturo Moreno Hernandez ✓
→ S.2770 - Relief of Anthony Augustus Daley ✓
S.2956 - Relief of Teresa Marie Salman ✓
S.2481 - Relief of Oscar Rene Hernandex Rustrian
S.1404 - Relief of Mrs. Kyong Chu Stout
S.1477 - Relief of Beatric Serrano Toledo
S.2830 - Relief of Gary Broyles ✓

The Office of Legislative Affairs concurs with the agencies

that the subject bill be signed.

Attachments

10-
J. Johnson
9-28-76
6:00 p.m.



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

SEP 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 1787 - Relief of Maria Lisa R. Manalo
and Rogena R. Manalo
Sponsor - Sen. Magnuson (D) Washington
- (2) S. 2668 - Relief of Arturo Moreno Hernandez
Sponsor - Sen. Moss (D) Utah
- (3) S. 2770 - Relief of Anthony Augustus Daley
and Beverly Evelyn Daley
Sponsor - Sen. Chiles (D) Florida
- (4) S. 2956 - Relief of Teresa Marie Salman
Sponsor - Sen. Bumpers (D) Arkansas

Last Day for Action

October 5, 1976 - Tuesday

Purpose

To facilitate the admission of certain alien children into the United States.

Agency Recommendations

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

Discussion

These enrolled bills would classify or permit classification of the beneficiary alien children as immediate relatives of either U.S. citizens or permanent resident aliens, thereby authorizing preferential treatment under immigration law, and facilitating their admission to the United States. Each of the enrolled bills would also make the children's natural parents and siblings ineligible for preferential treatment under immigration law by virtue of their relationship to the beneficiaries.

ANTHONY AUGUSTUS DALEY AND BEVERLY EVELYN
DALEY

SEPTEMBER 13, 1976.—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. 2770]

The Committee on the Judiciary, to whom was referred the bill
(S. 2770) for the relief of Anthony Augustus Daley and Beverly
Evelyn Daley, 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 immediate relatives the adopted children of a lawfully resi-
dent alien and a citizen of the United States, respectively.

GENERAL INFORMATION

The beneficiaries of the bill are brother and sister, aged 12 and 14,
who are natives and citizens of Jamaica, They were adopted in Florida
on August 4, 1975 by their natural father, a lawful permanent resident
of the United States and his U.S. citizen wife. The children are pres-
ently residing with their paternal grandparents in Jamaica.

A letter, with attached memorandum, dated March 17, 1976, to the
chairman of the Senate Committee on the Judiciary from the Com-
missioner of Immigration and Naturalization with reference to the
bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 17, 1976.

A20217382.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report rela-
tive to the bill (S. 2770) for the relief of Anthony Augustus Daley and

Beverly Evelyn Daley, there is attached a memorandum of information concerning the beneficiaries.

The bill provides that the beneficiaries, a twelve-year-old adopted son and a fourteen-year-old adopted daughter of Mr. and Mrs. Samuel U. Daley, may be classified as children within the meaning of Section 101(b) (1) (F) of the Immigration and Nationality Act and be granted immediate relative status. The bill further provides that the natural brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Act.

Absent enactment of the bill, the beneficiaries, natives of Jamaica, would be chargeable to the numerical limitation for immigrants from countries in the Western Hemisphere.

Sincerely,

L. F. CHAPMAN, Jr., *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S. 2770

Information concerning this case was obtained from Mr. and Mrs. Samuel U. Daley, the beneficiaries' adoptive parents.

The beneficiaries, Anthony Augustus Daley and Beverly Evelyn Daley, are brother and sister who are both natives and citizens of Jamaica, born on June 28, 1963 and December 4, 1961, respectively. The children were born of a common-law relationship which existed from 1960 to 1962 in Jamaica between Samuel U. Daley and Verel Dodd, a native, citizen, and present resident of Jamaica. The beneficiaries were adopted by Mr. Daley and his wife, Bertha Lee, on August 4, 1975 in the Circuit Court of the Ninth Judicial Circuit, Orange County, Florida. Copies of the final adoption decrees are attached. The children are residing with their paternal grandparents in Jamaica.

Samuel U. Daley, born Uel Samuel Daley on June 2, 1937, is a native and citizen of Jamaica. He received an elementary school education in his homeland. He was admitted to the United States on November 14, 196 as a contract agricultural laborer under the name of Vincent Daley, and he absconded from his employment on December 26, 1969. On January 17, 1972 he married Bertha Lee Brown, a United States citizen, who filed a visa petition in Mr. Daley's behalf. He returned to Jamaica and obtained an immigrant visa and he was admitted to the United States as a lawful permanent resident on October 2, 1974.

Bertha Lee Daley was born March 23, 1925 in Florida. She has an elementary school education. She has three children by a previous marriage, which was terminated by divorce on January 17, 1966. The children are all self-supporting. Mrs. Daley has never seen the beneficiaries but has stated that she is willing to raise them as her own children.

Mr. Daley is employed by William S. Browning, Orlando, Florida as a deliveryman at a salary of \$90 per week. Mrs.

Daley is employed as a maid at a salary of \$120 per week. They own a home valued at \$18,000 with a \$8,000 mortgage and have personal property worth approximately \$17,000.

912735 Recorded. August 5, 1975.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

CIVIL ACTION

Case No. 75-CI-5683

In Re Adoption of ANTHONY AUGUSTUS DALEY, A MINOR

By SAMUEL U. DALEY, His Natural Father, and BERTHA LEE DALEY,
His Stepmother

FINAL JUDGMENT OF ADOPTION

This cause came on to be heard before me this day on petition for adoption, and on Motion for Entry of Final Judgment of Adoption, and the Court, now being advised in the premises, finds:

1. That the petitioner Samuel U. Daley is the natural father of the minor sought to be adopted, Anthony Augustus Daley, and the Petitioner Bertha Lee Daley, is the wife of said natural father, and is the stepmother of the said minor, and that the best interests of the said child will be promoted by such adoption.

2. That the said child is suitable for adoption by the said petitioners.

3. That the only person required to be given notice, by law, is Verel Dodd, natural mother of said minor, and that constructive service was effected by publication as directed by law; that further, actual service was made on said Verel Dodd by registered mail.

4. That the consents of said Verel Dodd and of the minor child sought to be adopted have been executed, obtained, and filed with this Court.

It is therefore, upon consideration:

Ordered, Adjudged, and Decreed:

(a) That the permanent custody of the child known as Anthony Augustus Daley in these proceedings be and the same is hereby given to Samuel U. Daley and his wife, Bertha Lee Daley.

(b) That the said child now known as Anthony Augustus Daley is given the lawful name of and shall henceforth be known as Anthony Augustus Daley.

(c) That the said child is hereby declared to be the legal child and lawful heir of Samuel U. Daley and Bertha Lee Daley, his wife, and the said child shall be subject to all of the obligations and entitled to all of the rights and privileges of children born to the adopting parents in lawful wedlock, all of which is

Done and Ordered in Chambers, at Orlando, Orange County, Florida, on this, the 4th day of August, 1975.

RICHARD B. KEATING,
Judge of the Circuit Court.

Recorded and record verified, County Comptroller, Orange County, Fla.

Senator Lawton Chiles, the author of the bill, has submitted the following information:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 12, 1975.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR SENATOR EASTLAND: On December 10 I introduced S. 2770, a bill for the relief of Anthony Augustus Daley and Beverly Evelyn Daley, and this measure has been referred to your Committee for study and consideration.

I am enclosing some fact sheets on this case which I feel will be helpful to the Committee. If you need additional information or if I can be helpful in any other way, I hope you will let me know.

Most sincerely,

LAWTON CHILES.

Date: August 11, 1975.

From: Attorney Joseph Agar, 1114 New York Avenue, St. Cloud, Fla.

To: U.S. Senator Lawton M. Chiles, Jr., Federal Building, Lakeland, Fla.

Subject: Private Relief Bills, Immigration.

Constituents: Samuel U. Daley & Bertha L. Daley, his wife, 2103 Mantilla Street, Orlando, Fla.

Persons For Whom Relief is Sought: Anthony Augustus Daley, Age 12, and his sister, Beverly Evelyn Daley, Age 13, both presently resident in Jamaica, West Indies.

Relationship to Constituents, with other salient facts, etc.

Samuel Uel Daley is a native of Jamaica. About five years ago he came to the United States (Florida) as a temporary farm worker.

Subsequent to his arrival in the United States, he married Bertha Lee Brown (Date of Marriage, Jan. 17, 1972.) The spouse was an American citizen, born in the United States. As a result of this bona-fide marriage, Mr. Daley was duly given status of legal resident, on petition to the U.S. Immigration Service for proper classification, and upon approval of the U.S. Consul at Jamaica, to which he returned, in accordance with law, to obtain his visa.

Prior to his coming to this country, Samuel U. Daley had never been married. However, he did father two children, who are the subjects of this petition. The mother of the two said children was one Verel Dodd, unmarried. However, in a manner that seems to be in accord with practices in the country of Jamaica, the children were given the names at birth of "Daley", although there is no annotation on the birth certificates as to the name of the putative father.

Proof is available of the fact that shortly after the birth of the younger child, that they were given up to Mr. Daley by the mother, and that he took them to his home, where he reared them, with the assistance of his mother, so that he has in fact had continuing care and custody of the children since their births.

When Mr. Daley came to the United States, the children remained with his mother.

On August 6, 1975, a Judgment of Adoption was entered by the Circuit Court for Orange County, Florida, whereby Samuel Daley, as Natural Father of the children, and his wife, Bertha Lee Daley, were decreed to be the legal adoptive parents of said children, upon the Court being satisfied that the Natural Mother, Verel Dodd, has caused to be filed with the court her consents, and that Mr. Daley was and had continually been in loco parentis to the children.

Mr. Daley now wishes to have the children accorded legal resident status in the United States, and to have them come to live permanently with him and his wife.

However, the children, being natives of the Western Hemisphere, are not eligible for the procurement of a visa, since they "have not lived with the adoptive parent for a period of two years after the date of the adoption".

We now have here a case where the blood faster of the children, whose status as their parent has been legalized, is barred from petitioning for the admission of his own children into the United States.

Only one other avenue exists, other than the filing of private bills. The children might be admitted to the United States for the purpose of attending school here—after they were here two years, then a petition could be filed to accord them permanent resident status, but we do not feel (a) that it would look well in the eyes of the Immigration Service two years hence were a petition to be then filed on that basis, nor (b) that there is any assurance that the United States Department through its Jamaica Consular Office would necessarily approve the handling of this matter in this manner.

SUMMARY

It would seem therefore that these cases are a meritorious subject for consideration as to the granting of private relief, since it represents nothing more than the desire of the natural parent of the children to have them come to live with him permanently.

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 INFORMATION

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

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 2770 should be enacted and accordingly recommends that the bill do pass.



Calendar No. 910

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-959

ANTHONY AUGUSTUS DALEY AND BEVERLY EVELYN DALEY

JUNE 17, 1976.—Ordered to be printed

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

REPORT

[To accompany S. 2770]

The Committee on the Judiciary, to which was referred the bill (S. 2770) for the relief of Anthony Augustus Daley and Beverly Evelyn Daley, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 10, strike the language "The brothers and sisters" and insert in lieu thereof, the following: "The natural mother, brothers and sisters".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States as immediate relatives the adopted children of a lawfully resident alien and a citizen of the United States, respectively. The bill has been amended in accordance with established precedents.

STATEMENT OF FACTS

The beneficiaries of the bill are brother and sister, aged 12 and 14, who are natives and citizens of Jamaica. They were adopted in Florida on August 4, 1975 by their natural father, a lawful permanent resident of the United States and his U.S. citizen wife. The children are presently residing with their paternal grandparents in Jamaica.

A letter, with attached memorandum, dated March 17, 1976, to the chairman of the Senate Committee on the Judiciary from the 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., March 17, 1976.

A20217382

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2770) for the relief of Anthony Augustus Daley and Beverly Evelyn Daley, there is attached a memorandum of information concerning the beneficiaries.

The bill provides that the beneficiaries, a twelve-year-old adopted son and a fourteen-year-old adopted daughter of Mr. and Mrs. Samuel U. Daley, may be classified as children within the meaning of Section 101(b)(1)(F) of the Immigration and Nationality Act and be granted immediate relative status. The bill further provides that the natural brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Act.

Absent enactment of the bill, the beneficiaries, natives of Jamaica, would be chargeable to the numerical limitation for immigrants from countries in the Western Hemisphere.

Sincerely,

L. F. CHAPMAN, JR., *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S. 2770

Information concerning this case was obtained from Mr. and Mrs. Samuel U. Daley, the beneficiaries' adoptive parents.

The beneficiaries, Anthony Augustus Daley and Beverly Evelyn Daley, are brother and sister who are both natives and citizens of Jamaica, born on June 28, 1963 and December 4, 1961, respectively. The children were born of a common-law relationship which existed from 1960 to 1962 in Jamaica between Samuel U. Daley and Verel Dodd, a native, citizen, and present resident of Jamaica. The beneficiaries were adopted by Mr. Daley and his wife, Bertha Lee, on August 4, 1975 in the Circuit Court of the Ninth Judicial Circuit, Orange County, Florida. Copies of the final adoption decrees are attached. The children are residing with their paternal grandparents in Jamaica.

Samuel U. Daley, born Uel Samuel Daley on June 2, 1937, is a native and citizen of Jamaica. He received an elementary school education in his homeland. He was admitted to the United States on November 14, 1969 as a contract agricultural laborer under the name of Vincent Daley, and he absconded from his employment on December 26, 1969. On January 17, 1972 he married Bertha Lee Brown, a United

States citizen, who filed a visa petition in Mr. Daley's behalf. He returned to Jamaica and obtained an immigrant visa and he was admitted to the United States as a lawful permanent resident on October 2, 1974.

Bertha Lee Daley was born March 23, 1925 in Florida. She has an elementary school education. She has three children by a previous marriage, which was terminated by divorce on January 17, 1966. The children are all self-supporting. Mrs. Daley has never seen the beneficiaries but has stated that she is willing to raise them as her own children.

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By SAMUEL U. DALEY, His Natural Father, and BERTHA LEE DALEY,
His Stepmother

FINAL JUDGMENT OF ADOPTION

This cause came on to be heard before me this day on petition for adoption, and on Motion for Entry of Final Judgment of Adoption, and the Court, now being advised in the premises, finds:

1. That the petitioner Samuel U. Daley is the natural father of the minor sought to be adopted, Anthony Augustus Daley, and the Petitioner Bertha Lee Daley, is the wife of said natural father, and is the stepmother of the said minor, and that the best interests of the said child will be promoted by such adoption.

2. That the said child is suitable for adoption by the said petitioners.

3. That the only person required to be given notice, by law, is Verel Dodd, natural mother of said minor, and that constructive service was effected by publication as directed by law; that further, actual service was made on said Verel Dodd by registered mail.

4. That the consents of said Verel Dodd and of the minor child sought to be adopted have been executed, obtained, and filed with this Court.

It is therefore, upon consideration:

Ordered, Adjudged, and Decreed:

(a) That the permanent custody of the child known as Anthony Augustus Daley in these proceedings be and the same is hereby given to Samuel U. Daley and his wife, Bertha Lee Daley.

(b) That the said child now known as Anthony Augustus Daley is given the lawful name of and shall henceforth be known as Anthony Augustus Daley.

(c) That the said child is hereby declared to be the legal child and lawful heir of Samuel U. Daley and Bertha Lee Daley, his wife, and the said child shall be subject to all of the obligations and entitled to all of the rights and privileges of children born to the adopting parents in lawful wedlock, all of which is

Done and Ordered in Chambers, at Orlando, Orange County, Florida, on this, the 4th day of August, 1975.

RICHARD B. KEATING,
Judge of the Circuit Court.

Recorded and record verified, County Comptroller, Orange County, Fla.

Senator Lawton Chiles, the author of the bill, has submitted the following information:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 12, 1975.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR SENATOR EASTLAND: On December 10 I introduced S. 2770, a bill for the relief of Anthony Augustus Daley and Beverly Evelyn Daley, and this measure has been referred to your Committee for study and consideration.

I am enclosing some fact sheets on this case which I feel will be helpful to the Committee. If you need additional information or if I can be helpful in any other way, I hope you will let me know.

Most sincerely,

LAWTON CHILES.

Date: August 11, 1975.

From: Attorney Joseph Agar, 1114 New York Avenue, St. Cloud, Fla.

To: U.S. Senator Lawton M. Chiles, Jr., Federal Building, Lakeland, Fla.

Subject: Private Relief Bills, Immigration.

Constituents: Samuel U. Daley & Bertha L. Daley, his wife, 2103 Mantilla Street, Orlando, Fla.

Persons For Whom Relief is Sought: Anthony Augustus Daley, Age 12, and his sister, Beverly Evelyn Daley, Age 13, both presently resident in Jamaica, West Indies.

Relationship to Constituents, with other salient facts, etc.

Samuel Uel Daley is a native of Jamaica. About five years ago he came to the United States (Florida) as a temporary farm worker.

Subsequent to his arrival in the United States, he married Bertha Lee Brown (Date of Marriage, Jan. 17, 1972.) The spouse was an American citizen, born in the United States. As a result of this bona-fide marriage, Mr. Daley was duly given status of legal resident, on petition to the U.S. Immigration Service for proper classification,

and upon approval of the U.S. Consul at Jamaica, to which he returned, in accordance with law, to obtain his visa.

Prior to his coming to this country, Samuel U. Daley had never been married. However, he did father two children, who are the subjects of this petition. The mother of the two said children was one Verel Dodd, unmarried. However, in a manner that seems to be in accord with practices in the country of Jamaica, the children were given the names at birth of "Daley", although there is no annotation on the birth certificates as to the name of the putative father.

Proof is available of the fact that shortly after the birth of the younger child, that they were given up to Mr. Daley by the mother, and that he took them to his home, where he reared them, with the assistance of his mother, so that he has in fact had continuing care and custody of the children since their births.

When Mr. Daley came to the United States, the children remained with his mother.

On August 6, 1975, a Judgment of Adoption was entered by the Circuit Court for Orange County, Florida, whereby Samuel Daley, as Natural Father of the children, and his wife, Bertha Lee Daley, were decreed to be the legal adoptive parents of said children, upon the Court being satisfied that the Natural Mother, Verel Dodd, has caused to be filed with the court her consents, and that Mr. Daley was and had continually been in loco parentis to the children.

Mr. Daley now wishes to have the children accorded legal resident status in the United States, and to have them come to live permanently with him and his wife.

However, the children, being natives of the Western Hemisphere, are not eligible for the procurement of a visa, since they "have not lived with the adoptive parent for a period of two years after the date of the adoption".

We now have here a case where the blood father of the children, whose status as their parent has been legalized, is barred from petitioning for the admission of his own children into the United States.

Only one other avenue exists, other than the filing of private bills. The children might be admitted to the United States for the purpose of attending school here—after they were here two years, then a petition could be filed to accord them permanent resident status, but we do not feel (a) that it would look well in the eyes of the Immigration Service two years hence were a petition to be then filed on that basis, nor (b) that there is any assurance that the United States Department through its Jamaica Consular Office would necessarily approve the handling of this matter in this manner.

SUMMARY

It would seem therefore that these cases are a meritorious subject for consideration as to the granting of private relief, since it represents nothing more than the desire of the natural parent of the children to have them come to live with him permanently.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2770), as amended, 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 Anthony Augustus Daley and Beverly Evelyn Daley.

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, Anthony Augustus Daley and Beverly Evelyn Daley, his sister, may be classified as children within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in their behalf by Mr. and Mrs. Samuel U. Daley, a lawfully resident alien and a citizen of the United States, respectively, pursuant to section 204 of such Act. The natural mother, brothers, and sisters of the said Anthony Augustus Daley and Beverly Evelyn Daley 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.*