

810/5/76
MS.F

OCT 05 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: October 9

October 4, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

Handwritten signature

SUBJECT:

H.R. 5503 - Relief of Divina Mamuad

*Posted
10/5/76*

*Archives
11/12/76*

Attached for your consideration is H.R. 5503, sponsored by Representative Mink.

The enrolled bill would waive the two-year physical presence requirement of existing immigration law thereby permitting the beneficiary to be classified as an adopted alien child and authorize approval of an immigrant visa for her as the immediate relative child of U.S. citizens.

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

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

RECOMMENDATION

That you sign H.R. 5503 at Tab B.



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

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5503 - Relief of Divina Mamuad
Sponsor - Rep. Mink (D) Hawaii

Last Day for Action

October 9, 1976 - Saturday

Purpose

To facilitate the admission to the United States of the adopted alien child of U.S. citizens.

Agency Recommendations

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


Discussion

The beneficiary is an 8-year-old Filipino girl who resides in the Philippines with her natural parents. She was adopted on March 5, 1973 by her aunt and uncle, Mr. and Mrs. Victor Mamuad, both naturalized U.S. citizens residing in Hawaii.

Mr. and Mrs. Mamuad adopted Divina because they are childless. Mr. Mamuad is retired, and he and Mrs. Mamuad have financially supported Divina since 1971.

Because Divina has continued to reside with her natural parents and has not lived continuously with Mr. and Mrs. Mamuad for two years, she is ineligible for classification under immigration law as the adopted alien orphan child of her adoptive parents. H.R. 5503 would waive the two-year physical presence requirement

in her behalf, permit her classification as an adopted alien child, and authorize approval of an immigrant visa for her as the immediate relative child of U.S. citizens. The bill also provides that Divina's natural parents and siblings not be accorded preferential treatment under immigration law because of their relationship to her.


James M. Frey
Assistant Director for
Legislative Reference

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

27 SEP 1976

AND REFER TO THIS FILE NO.

A21 262 987

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 5503 ; Office of Management
and Budget request dated September 24, 1976.

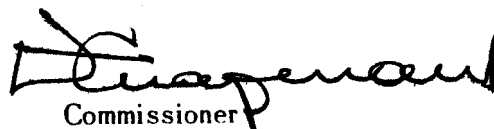
Beneficiary or Beneficiaries Divina Mamud.

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

September 28, 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 24, 1976, transmitting for comment enrolled bills, H.R. 5503, "For the relief of Divina Mamuad", H.R. 7624, "For the relief of Jacinto Vazquez Camacho", and H.R. 7832, "For the relief of Janette Flores Byrne".

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

Sincerely yours,

A handwritten signature in black ink 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

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 530pm

FOR ACTION:

Nec/S *an*
Max Friedersdorf *an*
Bobbie Kilberg *an*
Dick Parsons *an*

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

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 5503-Relief of Divinaa Mamuad

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

Date: October 2

Time: 530pm

FOR ACTION:

NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsonscc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 5503-Relief of Divina Mamuad

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 Barry Roth

10/4

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

October 2

Time: 530pm

ACTION:

NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsonscc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 5503-Relief of Divina Mamuad

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

*Recommend approval. (mef)*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

Date: October 2

Time: 530pm

FOR ACTION:

NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsonscc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 5503-Relief of Divina Mamuad

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Approve. RP
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.

James M. Cannon
For the President

DIVINA MAMUAD

AUGUST 4, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 5503]

The Committee on the Judiciary, to which was referred the bill (H.R. 5503), for the relief of Divina Mamuad, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

AMENDMENT

On line 8 strike "(b)".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States as an immediate relative of the adopted child of citizens of the United States. The bill has been amended to conform with established precedents.

STATEMENT OF FACTS

The beneficiary of this bill is an 8-year-old native and citizen of the Philippines who resides there with her natural parents. She is coming to the United States to reside with her aunt and uncle, U.S. citizens who adopted her on February 5, 1973.

A letter with attached memorandum, dated March 1, 1976 to the chairman of the House Judiciary Committee 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 1, 1976.

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. 5503) for the relief of Divina Mamuad, there is attached a memorandum of information concerning the beneficiary.

The bill would provide for the beneficiary's classification as an adopted child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Victor Mamuad, United States citizens. It would also provide that no natural parent of such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

Sincerely,

LEONARD F. CHAPMAN, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 5503

Information concerning the case was obtained from Naty Mamuad, the beneficiary's adoptive mother.

The beneficiary, Divina Mamuad, is a native and citizen of the Philippines, who was born on December 20, 1967. She has resided since birth at Laoag City, Philippines, where she attends the second grade at Holy Ghost Academy. She lives with her natural parents, Maurico and Manuela Bungcayao.

The beneficiary was adopted by Victor and Naty Mamuad in the City Court of Laoag City, Philippines on February 5, 1973. Mrs. Mamuad, the beneficiary's aunt, had custody of the beneficiary from March 1968 until May 1969. Mr. and Mrs. Mamuad returned to the Philippines on January 26, 1973 to adopt the beneficiary and had custody of the beneficiary until March 11, 1973. They stated that they adopted the beneficiary because they cannot have children of their own.

Mr. and Mrs. Mamuad are both naturalized United States citizens who were born in the Philippines on October 17, 1908 and November 12, 1940, respectively. They were married on July 4, 1970 in Hawaii. Mrs. Mamuad is a housewife. Mr. Mamuad is retired and receives a pension of \$334 a month from the City and County of Honolulu plus \$274 a month in Social Security payments. They have \$5,500 in savings.

A report from the Department of State, dated November 25, 1975, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., November 25, 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 Divina Mamuad, beneficiary of H.R. 5503, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Manila, Philippines where the beneficiary resides.

The bill would provide for the beneficiary's classification as an adopted child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Victor Mamuad, American citizens. It would also provide that no natural parent of such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege or status under the Immigration and Nationality Act.

Sincerely,

ROBERT J. McCLOSKEY,
*Assistant Secretary for
Congressional Relations.*

Enclosure.

Submitted by the American Embassy, Manila, Philippines

MEMORANDUM OF INFORMATION CONCERNING H.R. 5503 94TH CONGRESS, FOR THE RELIEF OF DIVINA MAMUAD

The beneficiary, born Divina Bongcayao on December 20, 1967, at Laoag City, was legally adopted by Mr. and Mrs. Victor Mamuad on March 5, 1973. Mrs. Mamuad is the sister of the beneficiary's father.

Divina presently resides with the natural parents and three siblings and is a grade 2 student at the Holy Spirit Academy in Laoag City. In addition to her adoptive parents, she has a grandmother and an aunt also residing in the United States.

The beneficiary is chargeable to the oversubscribed Philippine nonpreference category. However, she is not registered as an intending immigrant. She could qualify as the child of Mr. and Mrs. Mamuad only if the two-year residence requirement of section 101(b)(1)(E) of the Act had been met.

A medical examination has revealed no ground for ineligibility.

Enclosure: Copy of Adoption Decree.

Republic of the Philippines, City Court, Laoag City

(Special Proc. No. 1608 for Adoption)

IN RE: PETITION FOR THE ADOPTION OF THE MINOR DIVINA M. BUNGCA YAO, VICTOR MAMUAD, AND NATY B. MAMUAD PETITIONERS.

DECISION

This is a special proceeding filed by the petitioners, Victor Mamuad and Naty B. Mamuad thru counsel, Atty. Costor Raval, for the adoption of the minor, Divina M. Bungcayao.

The order of the Court dated February 2, 1973 directing that said order be published in the "Ilocos Times," a newspaper of general circulation in the province of Ilocos Norte having been complied with as shown by Exhibit "A" with a cut of said order attached to it marked as Exhibit "A-1," as proof that the judicial order was published for three consecutive weeks; Exhibit "B," the issue of the Ilocos Times dated February 5-11, 1973, Exhibit "B-1," the cut of the judicial order which could be found on page 3 checked with red pencil; Exhibit "C," the issue of the Ilocos Times dated February 12-18, 1973; Exhibit "C-1" the cut of the judicial order which could be found on page 3 checked with red pencil; Exhibit "D" the issue of said newspaper dated February 19-25, 1973; Exhibit "D-1," the cut of the judicial order which could be found on page 2; and it appearing from the records that there is no opposition to the herein petition, the Court proceeded with the hearing of the case on the merits.

The petitioners, Victor Mamuad and Naty B. Mamuad testified under oath during the trial of the case that they are husband and wife, 63 years old and 37 years old respectively, Filipino citizens, residing in Barrio No. 37, City of Laoag with no legitimate, legitimated, acknowledged natural or any child by legal fiction of their own; that the spouses have in possession of their civil rights, that they have never been convicted of any crime involving moral turpitude neither are they suffering from any incurable disease; that the child has no property of her own and is not under guardianship nor under the care of any charitable institution; that the child is the niece of the petitioners and has been under their financial support for the last two years and took the minor under their custody since January 1973, when they arrived in the Philippines up to the present; that the petitioners have a lot and a house in Laoag; that the husband petitioner is presently receiving a monthly retirement pension in the amount of \$300.00 a month and another \$218.00 monthly pension from the American Social Security, with a bank deposit of \$10,000.00 in the Bank of Hawaii not to mention his real properties with \$30,000.00 located in San Nicholas, Ilocos Norte; that they consider said minor as their legal heir with the exclusion of other relatives; that the minor Divina M. Bungcayao was born on December 20, 1967 in Barria 37,

Laoag City as shown in Exhibit "F"; that the natural parents of said minor have given their consent as shown by Exhibit "E" with firm belief that it is to the best interest of their child.

Wherefore, there being no opposition to the herein petition and the judicial order of the Court dated February 2, 1973, directing that the said order be published for three consecutive weeks in a newspaper of general circulation of the province having been complied with and finding that the allegation in the petition are found to be true; that the adoption will inure to the welfare and benefit of the minor so much so that the petitioners herein have developed their paternal love and affection towards the minor, Divina M. Bungcayao, under their financial support for the last two years and the Court finding that the petitioners are capable to rear and educate said minor and also bestowing upon her the luxuries of life which other children of the same social status do not enjoy and the Court finding that the petitioners herein have all the qualifications and none of the disqualifications to adopt as provided by law, hereby approves said petition for the adoption of the minor, Divina M. Bungcayao by the petitioners, Victor Mamuad and Naty D. Mamuad and henceforth said minor is now free from all legal obligations and obedience and maintenance with respect to her natural parents and is now from this day forward to all legal intents and purposes the adopted child of the petitioners, Victor Mamuad and Naty B. Mamuad and thus said minor becomes the legal heir of the adopters but in no case shall the adopters become the heir of the adoptee, the family name of said minor which is Bungcayao be changed to Mamuad the family name of the adopters.

So ordered.

Done in the City of Laoag City, Philippines, this 5th day of March, 1973.

(Signed) Andres E. Domingo

ANDRES E. DOMINGO,

City Judge.

Copy furnished: The Petitioner and the Local Civil Registrar both at Laoag City.

Received Copy for the Local Civil Registrar: Intelligible 3-16-73.

Received Copy for the Petitioner: Signed by Manuela M. Bungcayao.

Certified true copy of the original on file:

Given on the 13th October, 1975.

Official Receipt No. 6596615T.

ALFREDO A. MANUEL,

Clerk of Court,

City Court of Laoag.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1976.

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

DEAR MR. CHAIRMAN: This will respond to your request for information relating to my private bill, H.R. 5503, for the relief of Divina Mamuad, in your letter of May 7, 1976.

This legislation has as its intent to reunite Divina Mamuad, the adopted daughter of Mr. and Mrs. Victor C. Mamuad, with her adoptive parents from whom she has been separated for several years. Mr. and Mrs. Mamuad are naturalized citizens now residing in Honolulu, Hawaii. Divina is Mrs. Mamuad's niece.

Divina, now 8 years of age, resided with Mrs. Mamuad for a period of nearly 2 years in the Philippines. The Mamuads were married in 1970, and Divina was legally adopted as their daughter in February, 1973. Since that time, the adoptive parents have appealed to the Immigration and Naturalization Service for permission for their daughter to be allowed to enter the United States on an immigrant visa.

The Mamuads and Divina have been separated for more than 3 years since the youngster was adopted. They have worked patiently during that time to secure the necessary documentation and assurances for the Immigration Service that would one day bring their daughter to live with them in the United States. Enactment of my bill would allow the Immigration Service to issue the necessary immigrant visa to Divina, and allow the family to be together for the first time since the adoption.

I urge your early and favorable vote on this legislation. Please do not hesitate to contact me if additional information is required.

Very truly yours,

PATSY T. MINK.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5503), as amended, should be enacted.

○

H. R. 5503

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 Divina Mamuad.

*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, Divina Mamuad may be classified as an adopted child within the meaning of section 101 (b) (1) (E) of the Act, and a petition filed in her behalf by Mr. and Mrs. Victor Mamuad, citizens of the United States, may be approved pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

Speaker of the House of Representatives.

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