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APPROVED

OCT 14 1976

8/10/14/76

THE WHITE HOUSE
WASHINGTON
October 12, 1976

ACTION
Last Day: October 18

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Handwritten signature*
SUBJECT: H.R. 9543 - Relief of Eupert Anthony Grant

Attached for your consideration is H.R. 9543, sponsored by Representative Ottinger.

The enrolled bill authorizes issuance of an immigrant visa to the adopted alien son of a permanent resident alien of the United States. Because the beneficiary was over the age of 14 when adopted, he cannot be classified under immigration law as the adopted child of the woman who has been caring for him since he was nine months old.

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

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

RECOMMENDATION

That you sign H.R. 9543 at Tab B.





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

OCT 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9543 - Relief of Eupert
Anthony Grant
Sponsor - Rep. Ottinger (D) New York

Last Day for Action

October 18, 1976 - Monday

Purpose

Authorizes issuance of an immigrant visa to the adopted alien son of a permanent resident alien of the United States.

Agency Recommendations

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

Discussion

The beneficiary is the 20-year-old adopted Jamaican son of Miss Ethel Maud Brown, a 67-year-old permanent resident alien of the United States, who has recently completed the statutorily required five-year period of permanent residence prior to naturalization as a U.S. citizen.

Miss Brown has cared for and supported the beneficiary since he was nine months old and adopted him in Jamaica on January 22, 1973. Eupert is current a student at Clarendon College in Jamaica. Miss Brown is employed in New Rochelle, New York; she is unmarried and childless.



Because Eupert was adopted by Miss Brown when he was over 14 years old, he cannot be classified under immigration law as the adopted child of Miss Brown. H.R. 9543 would declare Eupert to be the natural-born alien child of Miss Brown and make him eligible for preferential treatment under immigration law. The enrolled bill would also grant the beneficiary a priority date for Western Hemisphere immigrants as of January 22, 1973, the date on which he was adopted, in order to avoid any delay in the issuance of an immigrant visa to him.

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

OCT 6 1976

AND REFER TO THIS FILE NO.

A21 075 211

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 9543; Office of Management
and Budget request dated October 5, 1976.

Beneficiary or Beneficiaries Eupert Anthony Grant.

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

OCT 7 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of October 5, 1976, transmitting for comment enrolled bills, H.R. 9543, "For the relief of Eupert Anthony Grant", H.R. 12707, "For the relief of Barry Ray Leftwich Dibling", and H.R. 13417, "For the relief of Dae Ho Park and Maria Park".

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kempton B. Jenkins", written in a cursive style.

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 11

Time: 730pm

FOR ACTION: Judy Hapsons *h*
Max Friedersdorf *af*
Bobbie Kilberg *bk*
NSC/S *o*

cc (for information): Jack Marsh
Ed Schmultz
Steve McConahy

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. 9543-Relief of Eupert A. Grant

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

X 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 11

Time: 730pm

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

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.9543-Relief of Eupert A. Grant

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

... ..

Date: October 11

Time: 730pm

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

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.9543-Relief of Eupert A. Grant

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 11

Time: 730pm

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

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.9543-Relief of Eupert A. Grant

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

approve Kilberg 10/12/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President


--- President

MEMORANDUM

NATIONAL SECURITY COUNCIL

5680

October 12, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis 
SUBJECT: H. R. 9543

The NSC Staff concurs with the proposed enrolled bill H. R. 9543-
Relief of Eupert Anthony Grant.

EUPERT ANTHONY GRANT

SEPTEMBER 14, 1976.—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. 9543]

The Committee on the Judiciary, to whom was referred the bill (H.R. 9543) for the relief of Eupert Anthony Grant, having considered the same, reports favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Beginning on line 6 after the words "United States," strike out the remainder of line 6, all of line 7 and the language "be inapplicable to this case" on line 8, and insert in lieu thereof the following: "and shall be held and considered to have a priority date for Western Hemisphere immigration as of January 22, 1973".

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the admission into the United States of the adopted child of a lawful permanent resident of the United States. The bill has been amended to establish a priority date for Western Hemisphere immigration as of the date of the beneficiary's formal adoption.

GENERAL INFORMATION

The beneficiary is a 19-year-old native and citizen of Jamaica who resides there and attends college. He is supported by his adoptive mother who raised him from infancy and resided with him until her admission to the United States. He was adopted in Jamaica on January 22, 1973.

The pertinent facts in this case are contained in a letter dated March 25, 1976 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 25, 1976.

A21-075-211.

A31-304-759.

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. 9543) for the relief of Eupert Anthony Grant, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary shall be held and considered to be the natural born child of Ethel Maud Brown, a lawful permanent resident of the United States.

The bill further provides that the natural parents and 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.

Sincerely,

L. F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 9543

Information concerning this case was obtained from Miss Ethel Maud Brown, the beneficiary's adoptive mother and the interested party in this case.

The beneficiary, a native and citizen of Jamaica, West Indies, was born out of wedlock on June 25, 1956. When the beneficiary was nine months old, his mother, Dolores Gilpen, a native and citizen of Jamaica who resides in Spanishtown, Jamaica, gave him to Ethel Maud Brown, who raised him. The putative father of the beneficiary, Bertram Grant, a nephew of Miss Brown, also was raised by her and now resides in England. The beneficiary has six or seven half-brothers and half-sisters.

Miss Brown adopted the beneficiary in Jamaica on January 22, 1973. Since he was over the age of fourteen when he was legally adopted, he cannot be classified as a child for benefits under the Immigration and Nationality Act. The beneficiary resides at Sandy Bay, Green Park, Clarendon, Jamaica in a residence owned by Miss Brown, and he receives \$110 per month from her for personal expenses. He is single and is a student at Clarendon College. He has never been in the United States.

The interested party, Ethel Maud Brown, was born in Jamaica, West Indies on May 29, 1909. She was admitted to the United States for permanent residence on May 14, 1971. She is unmarried and childless. Miss Brown resides in New Rochelle, New York, where she is employed as a sleep-in maid at a wage of \$85 a week. She has assets estimated at \$50,000, consisting primarily of real estate in Jamaica, West Indies. She also has \$1,800 in savings.

Private Bills H.R. 13123 and 14199, 93rd Congress, introduced in the beneficiary's behalf, were not enacted.

On March 17, 1976 the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 17, 1976.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Eupert Anthony Grant, beneficiary of H.R. 9543, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Kingston, Jamaica, where the beneficiary resides.

The bill provides for the beneficiary's classification as the natural born child of Ethel Maud Brown, a lawful permanent resident alien, and exempts the beneficiary from the numerical limitations of section 21(e) of the Immigration and Nationality Act. It also provides 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.

Sincerely yours,

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

Enclosure: Memorandum of information.

MEMORANDUM OF INFORMATION CONCERNING H.R. 9543 FOR THE RELIEF
OF EUPERT ANTHONY GRANT SUBMITTED BY THE AMERICAN EMBASSY
AT KINGSTON, JAMAICA

The beneficiary was born on June 25, 1956, at May Pen, Jamaica, West Indies. He is single and resides in May Pen, Jamaica. He completed high school in June 1975, and is presently serving as a teacher trainee in the Jamaican National Youth Service. His natural mother has never married and she is living in Jamaica with her other children. The whereabouts of the beneficiary's putative father are unknown.

The beneficiary was raised by his great-aunt, Miss Ethel Maud Brown, from the time he was 9 months old until the time she immigrated to the United States. On January 22, 1973, when he was 16 years old, the beneficiary was adopted in Jamaica by his great-aunt. She is a lawful permanent resident alien and presently resides at 14 Sussex Road, New Rochelle, New York. Because he was not legally adopted before his 14th birthday, the beneficiary cannot be accorded the status of an adopted child for immigration purposes.

The beneficiary is chargeable to the Western Hemisphere numerical limitation.

The beneficiary underwent a medical examination on February 17, 1976, and was found to be in good health.

The Embassy's investigation revealed no derogatory information concerning the beneficiary.

STATEMENT OF HON. RICHARD L. OTTINGER ON H.R. 9543, FOR THE RELIEF
OF EUPERT ANTHONY GRANT, JUNE 29, 1976

Mr. Chairman, I want to express my support for H.R. 9543, a private bill that would accord Eupert Anthony Grant (Tony Grant) the adopted child of Ethel Maude Brown—the same status as a natural born child.

Miss Brown completed 5 years of permanent residence on May 14, 1976. As the U.S. citizen mother of a Western Hemisphere alien who is not yet 21, Miss Brown will have the right to submit a petition (I-180) on his behalf. Processing of an immigrant visa petition for Eupert Anthony Grant would have to take place before he attains his 21st birthday on June 25, 1977.

Eupert Anthony Grant, born on June 25, 1956 in the West Indies (Jamaica) has no other immigration possibilities under the law. He cannot meet the provisions of Section 212(a)(14) of the Immigration and Nationality Act, having none of the statutory kinfolk stated in that subsection. At age twenty, he does not have certifiable work skills in short supply, and he is too old to be considered an alien who does not intend to enter the labor market.

As the copies of the affidavits submitted to this subcommittee on June 16 indicate, Miss Ethel Maude Brown has raised Tony and has been fully responsible for his maintenance and schooling in Jamaica from the time he was nine months of age. Unfortunately, formal adoption did not take place until January 22, 1973 (in Jamaica, West Indies), and by virtue of this late adoption date, Tony does not qualify as a "child" under the Immigration and Nationality Act, Section 101 (b)(1)(E) because he was over age 14 when it took place.

Congressional recognition of the parent-child relationship in this case would make Tony Grant eligible under the provisions of Section 212(a)(14) until he reached his majority by classifying him as the adopted "child" of Ethel Maude Brown, who is a permanent resident of the U.S. since May 14, 1971. If Ethel Maude Brown achieves citizenship before Tony reaches his majority, as a U.S. citizen mother, she could achieve an immediate relative status for Tony. Immediate relatives are not subject to quota limitations so there would be no waiting period for Tony as the "child" of a U.S. citizen. As you know, there is no provision in the Immigration and Nationality Act for a western hemisphere adult son of a U.S. citizen.

I hope that Tony, who came into the custody of Ethel Maude Brown when he was nine months old (at the volition of his natural mother who found that she was no longer able to care for him) can be deemed a "child" under the Act, and that the Committee favorably consider and enact H.R. 9543, so that Tony may be able to join his adopted mother before his 21st birthday, next year.

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 RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 9543, amended, should be enacted and accordingly recommends that the bill do pass.

○

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 Eupert Anthony Grant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eupert Anthony Grant shall be held and considered to be the natural-born alien child of Ethel Maud Brown, a lawful permanent resident of the United States, and shall be held and considered to have a priority date for Western Hemisphere immigration as of January 22, 1973: Provided, That the natural parents and brothers and sisters of the beneficiary of this Act 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.*