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APPROVED
AUG 14 1976

8/8/14/76

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: August 21

August 13, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Jm*

SUBJECT: H.R. 2565 - Relief of Luisa Marillac Hughes,
Marco Antonio Hughes, Maria del Cisne Hughes,
Maria Augusta Hughes, and Ivan Hughes

→ H.R. 5052 - Relief of Yolanda E. Vez

H.R. 6687 - Relief of Doo Hoon Park

H.R. 11076 - Relief of Ok Ja Choi

Attached for your consideration are four enrolled bills which would define the ten beneficiaries as "children" for purposes of the Immigration and Nationality Act and permit them status as permanent residents of the U.S., thus facilitating their adoption by U.S. citizens.

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 bills.

RECOMMENDATION

That you sign H.R. 2565 at Tab B.

That you sign H.R. 5052 at Tab C.

That you sign H.R. 6687 at Tab D.

That you sign H.R. 11076 at Tab E.





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

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 2565 - Relief of Luisa Marillac Hughes,
Marco Antonio Hughes, Maria del Cisne Hughes,
Maria Augusta Hughes, Miguel Vincente Hughes,
Veronica del Rocío Hughes, and Ivan Hughes
Sponsor - Rep. Charles Wilson (D) Texas
- (2) H. R. 5052 - Relief of Yolanda E. Vez
Sponsor - Rep. Matsunaga (D) Hawaii
- (3) H.R. 6687 - Relief of Doo Hoon Park
Sponsor - Rep. Frenzel (R) Minnesota
- (4) H.R. 11076 - Relief of Ok Ja Choi
Sponsor - Rep. Karth (D) Minnesota

Last Day for Action

August 21, 1976 - Saturday

Purpose

To facilitate the adoption of alien children by United States citizens.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

The four enrolled bills would define the ten beneficiaries as "children" for purposes of the Immigration and Nationality Act (INA) and permit them status as permanent residents of the U.S., thus facilitating their adoption by U.S. citizens.

The INA provides an exception to the immigration waiting list for children who are adopted by U.S. citizens, if the children are 14 years of age or younger and if the natural parents are dead. If these requirements are not met, the children would have to go through the normal nonpreference immigrant procedures. It is impossible to predict when visas would actually be issued under the current numerical limitations on the nonpreference category. In addition, the INA provides that the adoptive parents may receive only two such exemptions from the nonpreference immigrant procedures.

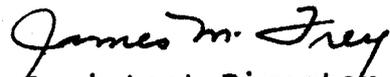
In all the cases involved here, the adopting parents either have already used their quota of two exemptions in adopting other alien children, or would exceed the limit of two by adopting the beneficiaries involved. The enrolled bills would waive this limit of two for the beneficiaries.

In the case of H.R. 5052 and H.R. 6678, the beneficiaries are over the age of 14 and thus would not be eligible for the preference category on that ground. The enrolled bills would waive the age limit in these cases.

In the case of H.R. 2565, H.R. 5052 and H.R. 6687, at least one parent of one of the beneficiaries is still alive and has consented to the adoption of their child. The enrolled bills would waive the restriction against such children being placed in the preference category.

The beneficiaries named in H.R. 2565 are all from Ecuador and are currently residing in the U.S. on visitors' visas with their adoptive parents. The enrolled bill would waive the requirement that they must leave the U.S. before they can be converted to a permanent resident status.

In all cases, the enrolled bills provide that the natural parents, brothers, or sisters of the beneficiaries shall not receive any right, privilege, or status under the INA by virtue of their relationship to the beneficiaries.


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

11 AUG 1976

AND REFER TO THIS FILE NO.

A19 856 379

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 5052; Office of Management
and Budget request dated August 9, 1976.

Beneficiary or Beneficiaries Yolanda E. Vez.

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

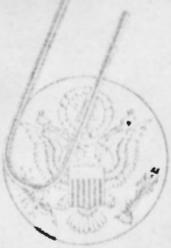
On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

- Recommends approval of the bill
- Interposes no objection to approval of the bill

Sincerely,


Commissioner





DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 11 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of August 9, 1976, transmitting for comment enrolled bills, H.R. 3372, "For the relief of Tze Tsun Li", H.R. 4053, "For the relief of Roderic Patrick Stafford", and H.R. 5052, "For the relief of Yolanda E. Vez".

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

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kempton B. Jenkins", written in dark ink.

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

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

To
J. Cronin
8-13-76
4:00 p.m.



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

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 2565 - Relief of Luisa Marillac Hughes, Marco Antonio Hughes, Maria del Cisne Hughes, Maria Augusta Hughes, Miguel Vincente Hughes, Veronica del Rocio Hughes, and Ivan Hughes
Sponsor - Rep. Charles Wilson (D) Texas
- (2) H. R. 9052 - Relief of Yolanda E. Vez
Sponsor - Rep. Matsunaga (D) Hawaii
- (3) H.R. 6687 - Relief of Doo Hoon Park
Sponsor - Rep. Frenzel (R) Minnesota
- (4) H.R. 11076 - Relief of Ok Ja Choi
Sponsor - Rep. Karth (D) Minnesota

Last Day for Action

August 21, 1976 - Saturday

Purpose

To facilitate the adoption of alien children by United States citizens.

Agency Recommendations

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

Discussion

The four enrolled bills would define the ten beneficiaries as "children" for purposes of the Immigration and Nationality Act (INA) and permit them status as permanent residents of the U.S., thus facilitating their adoption by U.S. citizens.



The INA provides an exception to the immigration waiting list for children who are adopted by U.S. citizens, if the children are 14 years of age or younger and if the natural parents are dead. If these requirements are not met, the children would have to go through the normal nonpreference immigrant procedures. It is impossible to predict when visas would actually be issued under the current numerical limitations on the nonpreference category. In addition, the INA provides that the adoptive parents may receive only two such exemptions from the nonpreference immigrant procedures.

In all the cases involved here, the adopting parents either have already used their quota of two exemptions in adopting other alien children, or would exceed the limit of two by adopting the beneficiaries involved. The enrolled bills would waive this limit of two for the beneficiaries.

In the case of H.R. 5052 and H.R. 6678, the beneficiaries are over the age of 14 and thus would not be eligible for the preference category on that ground. The enrolled bills would waive the age limit in these cases.

In the case of H.R. 2565, H.R. 5052 and H.R. 6687, at least one parent of one of the beneficiaries is still alive and has consented to the adoption of their child. The enrolled bills would waive the restriction against such children being placed in the preference category.

The beneficiaries named in H.R. 2565 are all from Ecuador and are currently residing in the U.S. on visitors' visas with their adoptive parents. The enrolled bill would waive the requirement that they must leave the U.S. before they can be converted to a permanent resident status.

In all cases, the enrolled bills provide that the natural parents, brothers, or sisters of the beneficiaries shall not receive any right, privilege, or status under the INA by virtue of their relationship to the beneficiaries.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 13 1976



MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) H.R. 2565 - Relief of Luisa Marillac Hughes, Marco Antonio Hughes, Maria del Cisne Hughes, Maria Augusta Hughes, Miguel Vincente Hughes, Veronica del Rocío Hughes, and Ivan Hughes
Sponsor - Rep. Charles Wilson (D) Texas
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Last Day for Action

August 21, 1976 - Saturday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service
Department of State

Approval
No objection

Discussion

The four enrolled bills would define the ten beneficiaries as "children" for purposes of the Immigration and Nationality Act (INA) and permit them status as permanent residents of the U.S., thus facilitating their adoption by U.S. citizens.

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In the case of H.R. 5052 and H.R. 6678, the beneficiaries are over the age of 14 and thus would not be eligible for the preference category on that ground. The enrolled bills would waive the age limit in these cases.

In the case of H.R. 2565, H.R. 5052 and H.R. 6687, at least one parent of one of the beneficiaries is still alive and has consented to the adoption of their child. The enrolled bills would waive the restriction against such children being placed in the preference category.

The beneficiaries named in H.R. 2565 are all from Ecuador and are currently residing in the U.S. on visitors' visas with their adoptive parents. The enrolled bill would waive the requirement that they must leave the U.S. before they can be converted to a permanent resident status.

In all cases, the enrolled bills provide that the natural parents, brothers, or sisters of the beneficiaries shall not receive any right, privilege, or status under the INA by virtue of their relationship to the beneficiaries.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

YOLANDA E. VEZ

OCTOBER 28, 1975.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 5052]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5052), for the relief of Yolanda E. Vez, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 1, lines 7 and 8, strike out the language "lawfully admitted for permanent residence," and substitute in lieu thereof the language
a lawfully resident alien and a citizen of the United States,
respectively,

On page 1, line 11, strike out the word "case." and substitute
case: 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.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the admission into the United States of the adopted daughter of a citizen of the United States and a lawfully resident alien. The bill has been amended to reflect that the adoptive mother of the beneficiary is a citizen of the United States, and has been further amended in accordance with established precedents.

GENERAL INFORMATION

The beneficiary, who is now 23 years of age, was given to her adoptive mother to raise when she was 10 months old but she was not formally adopted until February 24, 1969. She resides with her maternal grandparents in the Philippines. Her natural parents and nine siblings also reside in that country. The beneficiary is supported by her adop-

tive parents, a lawfully resident alien and a citizen of the United States, who reside in Hawaii. They have no natural children but have an adopted son, age 15, and an adopted daughter, age 19, who is now married.

The pertinent facts in this case are contained in a letter dated August 1, 1975 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., August 1, 1975.

A19 856 379.

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. 5052) for the relief of Yolanda E. Vez, there is attached a memorandum of information concerning the beneficiary. The bill provides that the twenty-three year old adopted daughter of Fulgencio Vez and his wife Adelina may be classified as a child and be granted immediate relative status. The bill further provides that the provision of the Immigration and Nationality Act which limits the number of petitions that may be approved for adopted children shall not be applicable in this case. It is noted that the bill refers to Adelina Vez as a lawful permanent resident. Adelina Vez is a naturalized citizen of the United States.

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.

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 5052

Information concerning the case was obtained from Mr. and Mrs. Fulgencio Vez, the adoptive parents of the beneficiary.

The beneficiary, Yolanda E. Vez, a native and citizen of the Philippines, was born on July 28, 1952. She lives with her maternal grandparents in Santiago, Ilocos Sur, Philippines. She was adopted by Fulgencio and Adelina Vez in the Philippines on February 24, 1969. The beneficiary was given to Adelina Ellorin Vez to raise when ten months old. Her natural parents Santiago Ellorin and Saturnina Torres have nine other children. The beneficiary is entirely supported by Mr. and Mrs. Vez.

The beneficiary does not qualify for immediate relative status as a child under section 101(b)(1)(F) of the Immi-

H.R. 580

gration and Nationality Act because she has attained her 14th birthday.

Mr. and Mrs. Fulgencio Vez are natives of the Philippines and were born on April 11, 1911 and December 16, 1922, respectively. Mr. Vez is a permanent resident of the United States while Mrs. Vez is a naturalized United States citizen. They were married on January 28, 1961. They are childless have two adopted children—a daughter, aged 19 years, who is married and a son, aged 15 years. They all reside in Wahiawa, Hawaii.

Fulgencio Vez receives a pension of \$236 a month which is bolstered by a part-time job that pays \$388 a month. His spouse also works part-time at the same place for \$388 a month. The assets of Mr. and Mrs. Vez consist of two homes with equities of \$9,000 and savings in the amount of \$7,000.

Private Bill H.R. 16862, 93rd Congress, introduced in the beneficiary's behalf, was not enacted.

A report submitted by the Department of State on May 12, 1975, with enclosures, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1975.

HON. PETER W. RODINO,
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 Yolanda E. Vez, beneficiary of H.R. 5052, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiary resides. H.R. 16862, 93rd Congress, on the beneficiary's behalf was not enacted.

This 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 Mr. Fulgencio Vez and his wife, Adelina, lawful permanent residents. It 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.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for
Congressional Relations.

Enclosure: Memorandum.

SUBMITTED BY THE AMERICAN EMBASSY AT MANILA, PHILIPPINES

Memorandum of Information, Concerning H.R. 5052, 94th Congress,
for the Relief of Yolanda E. Vez

Yolanda Ellorin Vez was born on July 28, 1952 at Quezon City, Philippines. Her name at birth was Yolanda Ellorin. Her parents and nine siblings reside with her at Santiago, Ilocos Sur. The beneficiary is a graduate midwife, single, and has no children.

H.R. 580

Mr. and Mrs. Fulgencio Vez and Mr. and Mrs. Juan Ellorin, residing at Wahia, Oahu, Hawaii, are the beneficiary's uncles and aunts. Mrs. Fulgencio Vez is the sister of Santiago Ellorin, Miss Vez's natural father. The beneficiary was legally adopted on February 24, 1969 by Mr. and Mrs. Vez. Two copies of the adoption decree are attached. Mrs. Vez had been taking care of Yolanda ever since she was 10 months old. The beneficiary has personally met her adoptive parents during their visits to the Philippines.

The beneficiary is chargeable to the foreign state limitation for the Philippines but is not registered as an intending immigrant. A medical examination conducted by a member of the Embassy's panel of physicians showed no medical ground for ineligibility. Routine clearance investigation revealed no derogatory information.

Attachment: Two copies of adoption decree.

REPUBLIC OF THE PHILIPPINES, MUNICIPAL COURT OF SANTIAGO, ILOCOS SUR, SECOND JUDICIAL DISTRICT

Special Proceedings No. 20

In the matter of the adoption of the persons of minors JOHNNY ELIZARDE, ANTONIA CORPUZ and YOLANDA ELLORIN

Spouses: FULGENCIO VEZ and ADELINA ELLORIN, PETITIONERS

DECISION

A petition has been filed before this Court by the spouses Fulgencio Vez and Adelina Ellorin, to adopt as their own children the minors Johnny Elizarde, Antonia Corpuz, and Yolanda Ellorin.

That Johnny Elizarde, Antonia Corpuz and Yolanda Ellorin has lived with the adopting mother for three (3) years before the petition for adoption was filed.

That the minor Johnny Elizarde, is now Eight (8) years old and his legitimate father and mother Catalino Elizarde and Agripina Vez respectively had given their express and written consent to the adoption.

That the minor Antonia Corpuz, is Twelve (12) years old and her legitimate father and mother Salustiano Corpuz and Mamerta Ellorin both had given their express and written consent to the adoption.

And the minor Yolanda Ellorin, is Seventeen (17) years old and her legitimate father and mother Santiago Ellorin and Saturnina Torres both had given their express and written consent to the adoption. Yolanda Ellorin who is over Fourteen (14) years of age has given her express and written consent to her adoption.

The Court issued an order reciting the purpose of the petition published in the Bannawag in its issue of January 27, February 3 and 10, 1969, News Supplement Section and the hearing was calendared at 9:00 o'clock A.M. on February 17, 1969 in the Court sala of the municipality of Santiago, Ilocos Sur, Philippines.

At the trial of the case Atty. Ireneo Tilan, appeared for the petitioners and there was none to oppose the petition. There being no opposition the Court pronounced an order of default against the whole world and allowed the petitioners to present their evidence and the

following exhibits were submitted and admitted by the Court, to wit:

1. Exhibit "A" the Certificate of Marriage of Fulgencio Vez and Adelina Ellorin;
2. Exhibit "B" the Certificate of Baptism of Johnny Elizarde;
3. Exhibit "B-1" the Certificate of Baptism of Antonio Corpuz;
4. Exhibit "B-2" the baptismal certificate of Yolanda Ellorin;
5. Exhibit "C" the affidavit of consent of Catalino Elizarde and Agripina Vez Elizarde to the adoption;
6. Exhibit "C-1" the affidavit of consent of Salustiano Corpuz and Mamerta Ellorin to the adoption;
7. Exhibit "C-2" the affidavit of consent of Santiago Ellorin and Saturnina Torres to the adoption;
8. Exhibit "C-3" the consent of Yolanda Ellorin to her adoption;
9. Exhibit "D" the certification of publication and the Editor's affidavit of the fact of the publication of the order of the Court which was made on January 20, 27, and February 3, 1969;
10. Exhibit "D-1", "D-2" & "D-3", the three clippings attached to the affidavit in triplicate;
11. Exhibit "E" the editor's affidavit of publication of the order of the Court in regards to the position for adoption.

Considering the petition as satisfactorily proven to be true by the declarations of the witnesses made in open Court and therefore, it is a proper case of adoption and it is shown that the petitioners were impelled by no other motive but for the benefit and welfare of the minor children and it was shown that they were ready and able to educate the children properly.

Thenceforth, the Court hereby declare that the said children Johnny Elizarde, Antonio Corpuz, and Yolanda Ellorin, be freed from all legal obligations and obedience and maintenance with respect to their natural parents and to all legal intents and purposes, the children of the PETITIONERS and that their SURNAMES are hereby ordered changed to that of the Petitioners surname, VEZ.

It is further declared that the minors Johnny Elizarde, Antonia Corpuz, and Yolanda Ellorin, are now and forever the sons of the petitioners, Fulgencio Vez and Adelina Ellorin, by adoption.

Let copies of this judgment be served upon the Local Civil Registrar of Santiago, Ilocos Sur, Philippines.

Petition Granted.

It is so ordered.

Santiago, Ilocos Sur, February 24, 1969.

(S) Juan Quema
(T/W) JUAN QUEMA,
Municipal Judge.

STATEMENT BY HON. SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII, IN SUPPORT OF H.R. 5052, A BILL FOR THE RELIEF OF YOLANDA VEZ, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW, OF THE HOUSE COMMITTEE ON THE JUDICIARY, SEPTEMBER 22, 1975

Mr. Chairman, and members of the Subcommittee, H.R. 5052, a private bill that I introduced, would admit the beneficiary, Yolanda E. Vez, age 23, for permanent residence in the United States. Yolanda

is the adopted child of parents who were lawfully admitted for permanent residence, and who presently reside in Wahiawa, Hawaii. The beneficiary is unmarried and lives in Santiago, Ilocos Sur, the Philippines, with her maternal grandparents.

The beneficiary was born July 28, 1952 in Quezon City, Philippines, to Santiago Ellorin and Saturnina Torres Ellorin, but lived with and was cared for by Adelina Ellorin, her then unmarried paternal aunt, from the time she was two months old. Adelina Ellorin was married to Fulgencio Vez, of Wahiawa, Hawaii, on January 28, 1961 in the Philippines. In February, 1969, the beneficiary, then 16 years of age, became the adopted child of Fulgencio and Adelina Ellorin Vez. The decree of adoption was issued by the Municipal Court of Santiago, Ilocos Sur, Philippines.

In the same proceedings, Mr. and Mrs. Vez, who were present in court, adopted two other children, Antonia, who was then 12, and Johnny, who was then 8. After the adoption, the beneficiary lived with her adoptive parents for approximately two months. Yolanda was then left in the care of her grandparents in the Philippines, and her legal parents returned to Hawaii. Mr. and Mrs. Vez have contributed regularly towards the beneficiary's education and support since the adoption.

Mr. and Mrs. Vez filed the necessary petition to have the beneficiary admitted to the United States as their child. The District Director, Immigration and Naturalization Service, denied the petition on the ground that the beneficiary did not come within the meaning of "child," as defined in Section 101(b)(1)(E) of the Immigration and Nationality Act. On appeal, the District Director's decision was upheld by the Board of Immigration Appeals in Washington, D.C.

Antonia and Johnny Vez, the two other children who were adopted by Mr. and Mrs. Vez at the same time that Yolanda was adopted, were admitted to the United States in 1972. Mr. and Mrs. Vez are very anxious to have the beneficiary admitted in order that she can live with the family and in due course become a U.S. citizen. The parents have exhausted all administrative remedies to have the beneficiary admitted as their child.

The beneficiary is now an adult and would therefore be relegated to a non-preferential status if she were to file an application for an immigrant visa. However, the non-preference category for the Philippines has been heavily oversubscribed for some time and the outlook is very discouraging for the beneficiary and her legal parents. Hence, private legislation appears to be the only means by which the beneficiary can be assured of joining her family in Hawaii in the near future. I therefore strongly urge that private bill H.R. 5052 be given favorable consideration.

SPARK M. MATSUNAGA,
U.S. Congressman.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

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

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 5052, amended, should be enacted and accordingly recommend that the bill do pass.

○

Calendar No. 1035

94TH CONGRESS }
2d Session }

SENATE

0788

1975

YOLANDA E. VEZ

August 4, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 5052]

The Committee on the Judiciary, to which was referred the bill (H.R. 5052) for the relief of Yolanda E. Vez, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the adopted daughter of a citizen of the United States and a lawfully resident alien.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of the Philippines who presently resides with her maternal grandparents in the Philippines. She was given to her adoptive mother to raise when she was 10 months old but was not formally adopted until February 24, 1969. Her natural parents and nine siblings also reside in the Philippines. She is supported by her adoptive parents, a lawfully resident alien and a citizen of the United States, who reside in Hawaii. They have no natural children but have a 15-year-old adopted son and a 19-year-old adopted daughter who is now married.

A letter, with attached memorandum, dated August 1, 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:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 1, 1975.

A19856379.

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. 5052) for the relief of Yolanda E. Vez, there is attached a memorandum of information concerning the beneficiary.

The bill provides that the twenty-three year old adopted daughter of Fulgencio Vez and his wife Adelina may be classified as a child and be granted immediate relative status. The bill further provides that the provision of the Immigration and Nationality Act which limits the number of petitions that may be approved for adopted children shall not be applicable in this case. It is noted that the bill refers to Adelina Vez as a lawful permanent resident. Adelina Vez is a naturalized citizen of the United States.

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.

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 5052

Information concerning the case was obtained from Mr. and Mrs. Fulgencio Vez, the adoptive parents of the beneficiary.

The beneficiary, Yolanda E. Vez, a native and citizen of the Philippines, was born on July 28, 1952. She lives with her maternal grandparents in Santiago, Ilocos Sur Philippines. She was adopted by Fulgencio and Adelina Vez in the Philippines on February 24, 1969. The beneficiary was given to Adelina Ellorin Vez to raise when ten months old. Her natural parents Santiago Ellorin and Saturnina Torres have nine other children. The beneficiary is entirely supported by Mr. and Mrs. Vez.

The beneficiary does not qualify for immediate relative status as a child under section 101(b)(1)(F) of the Immigration and Nationality Act because she has attained her 14th birthday.

Mr. and Mrs. Fulgencio Vez are natives of the Philippines and were born on April 11, 1911 and December 16, 1922, respectively. Mr. Vez is a permanent resident of the United States while Mrs. Vez is a naturalized United States citizen. They were married on January 28, 1961. They are childless have two adopted children-- daughter, aged 19 years, who is married and a son, aged 15 years. They all reside in Wahiawa, Hawaii.

Fulgencio Vez receives a pension of \$236 a month which is bolstered by a part-time job that pays \$388 a month. His spouse also works part-time at the same place for \$388 a month. The assets of Mr. and Mrs. Vez consist of two homes with equities of \$9,000 and a savings in the amount of \$7,000.

Private bill H.R. 16862, 93rd Congress, introduced in the beneficiary's behalf, was not enacted.

A report submitted by the Department of State on May 12, 1975, with enclosures, reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1975.

HON. PETER W. RODINO,
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 Yolanda E. Vez, beneficiary of H.R. 5052, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiary resides. H.R. 16862, 93rd Congress, on the beneficiary's behalf was not enacted.

This 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 Mr. Fulgencio Vez and his wife, Adelina, lawful permanent residents. It 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.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for
Congressional Relations.

Enclosure: Memorandum.

SUBMITTED BY THE AMERICAN EMBASSY AT MANILA, PHILIPPINES

Memorandum of Information, Concerning H.R. 5052, 94th Congress,
for the relief of Yolanda E. Vez

Yolanda Ellorin Vez was born on July 28, 1952 at Quezon City, Philippines. Her name at birth was Yolanda Ellorin. Her parents and nine siblings reside with her at Santiago, Ilocos Sur. The beneficiary is a graduate midwife, single, and has no children.

Mr. and Mrs. Fulgencio Vez and Mr. and Mrs. Juan Ellorin, residing at Wahiia, Oahu, Hawaii, are the beneficiary's uncles and aunts. Mrs. Fulgencio Vez is the sister of Santiago Ellorin, Miss Vez's natural father. The beneficiary was legally adopted on February 24, 1969 by Mr. and Mrs. Vez. Two copies of the adoption decree are attached, Mrs. Vez had been taking care of Yolanda ever since she was 10 months old. The beneficiary has personally met her adoptive parents during their visits to the Philippines.

The beneficiary is chargeable to the foreign state limitation for the Philippines but is not registered as an intending immigrant. A medical

examination conducted by a member of the Embassy's panel of physicians showed no medical ground for ineligibility. Routine clearance investigation revealed no derogatory information.

REPUBLIC OF THE PHILIPPINES, MUNICIPAL COURT OF SANTIAGO, ILOCOS SUR, SECOND JUDICIAL DISTRICT

Special Proceedings No. 20

In the matter of the adoption of the persons of minors JOHNNY ELIZARDE, ANTONIA CORPUZ and YOLANDA ELLORIN

Spouses: FULGENCIO VEZ and ADELINA ELLORIN, PETITIONERS

DECISION

A petition has been filed before this Court by the spouses Fulgencio Vez and Adelina Ellorin, to adopt as their own children the minors Johnny Elizarde, Antonia Corpuz, and Yolanda Ellorin.

That Johnny Elizarde, Antonia Corpuz and Yolanda Ellorin has lived with the adopting mother for three (3) years before the petition for adoption was filed.

That the minor Johnny Elizarde, is now Eight (8) years old and his legitimate father and mother Catalino Elizarde and Agripina Vez respectively had given their express and written consent to the adoption.

That the minor Antonia Corpuz, is Twelve (12) years old and her legitimate father and mother Salustiano Corpuz and Mamerta Ellorin both had given their express and written consent to the adoption.

And the minor Yolanda Ellorin, is Seventeen (17) years old and her legitimate father and mother Santiago Ellorin and Saturnina Torres both had given their express and written consent to the adoption. Yolanda Ellorin who is over Fourteen (14) years of age has given her express and written consent to her adoption.

The Court issued an order reciting the purpose of the petition published in the Bannawag in its issue of January 27, February 3 and 10, 1969, News Supplement Section and the hearing was calendared at 9:00 o'clock A.M. on February 17, 1969 in the Court sala of the municipality of Santiago, Ilocos Sur, Philippines.

At the trial of the case Atty. Ireneo Tilan, appeared for the petitioners and there was none to oppose the petition. There being no opposition the Court pronounced an order of default against the whole world and allowed the petitioners to present their evidence and the following exhibits were submitted and admitted by the Court, to wit:

1. Exhibit "A" the Certificate of Marriage of Fulgencio Vez and Adelina Ellorin;
2. Exhibit "B" the Certificate of Baptism of Johnny Elizarde;
3. Exhibit "B-1" the Certificate of Baptism of Antonio Corpuz;
4. Exhibit "B-2" the baptismal certificate of Yolanda Ellorin;
5. Exhibit "C" the affidavit of consent of Catalino Elizarde and Agripina Vez Elizarde to the adoption;
6. Exhibit "C-1" the affidavit of consent of Salustiano Corpuz and Mamerta Ellorin to the adoption;

7. Exhibit "C-2" the affidavit of consent of Santiago Ellorin and Saturnina Torres to the adoption;

8. Exhibit "C-3" the consent of Yolanda Ellorin to her adoption;

9. Exhibit "D" the certification of publication and the Editor's affidavit of the fact of the publication of the order of the Court which was made on January 20, 27, and February 3, 1969;

10. Exhibit "D-1", "D-2" & "D-3", the three clippings attached to the affidavit in triplicate;

11. Exhibit "E" the editor's affidavit of publication of the order of the Court in regards to the position for adoption.

Considering the petition as satisfactorily proven to be true by the declarations of the witnesses made in open Court and therefore, it is a proper case of adoption and it is shown that the petitioners were impelled by no other motive but for the benefit and welfare of the minor children and it was shown that they were ready and able to educate the children properly.

Thenceforth, the Court hereby declare that the said children Johnny Elizarde, Antonio Corpuz, and Yolanda Ellorin, be freed from all legal obligations and obedience and maintenance with respect to their natural parents and to all legal intents and purposes, the children of the PETITIONERS and that their SURNAMES are hereby ordered changed to that of the Petitioners surname, VEZ.

It is further declared that the minors Johnny Elizarde, Antonia Corpuz, and Yolanda Ellorin, are now and forever the sons of the petitioners, Fulgencio Vez and Adelina Ellorin, by adoption.

Let copies of this judgment be served upon the Local Civil Registrar of Santiago, Ilocos Sur, Philippines.

Petition Granted.

It is so ordered.

Santiago, Ilocos Sur, February 24, 1969.

(S) Juan Quema

(T/W) JUAN QUEMA,
Municipal Judge.

Congressman Spark M. Matsunaga, the author of the bill, submitted the following statement in support of this legislation:

STATEMENT BY HON. SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII, IN SUPPORT OF H.R. 5002, A BILL FOR THE RELIEF OF YOLANDA VEZ, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW, OF THE HOUSE COMMITTEE ON THE JUDICIARY SEPTEMBER 22, 1975.

Mr. Chairman, and members of the Subcommittee, H.R. 5052, a private bill that I introduced, would admit the beneficiary, Yolanda E. Vez, age 23, for permanent residence in the United States. Yolanda is the adopted child of parents who were lawfully admitted for permanent residence, and who presently reside in Wahiwa, Hawaii. The beneficiary is unmarried and lives in Santiago, Ilocos Sur, the Philippines, with her maternal grandparents.

The beneficiary was born July 28, 1952 in Quezon City, Philippines, to Santiago Ellorin and Saturnina Torres Ellorin, but lived with and was cared for by Adelina Ellorin, her then unmarried paternal aunt,

from the time she was two months old. Adelina Ellorin was married to Fulgencio Vez, of Wahiawa, Hawaii, on January 28, 1961 in the Philippines. In February, 1969, the beneficiary, then 16 years of age, became the adopted child of Fulgencio and Adelina Ellorin Vez. The decree of adoption was issued by the Municipal Court of Santiago, Ilocos Sur, Philippines.

In the same proceedings, Mr. and Mrs. Vez, who were present in court, adopted two other children, Antonia, who was then 12, and Johnny, who was then 8. After the adoption, the beneficiary lived with her adoptive parents for approximately two months. Yolanda was then left in the care of her grandparents in the Philippines, and her legal parents returned to Hawaii. Mr. and Mrs. Vez have contributed regularly towards the beneficiary's education and support since the adoption.

Mr. and Mrs. Vez filed the necessary petition to have the beneficiary admitted to the United States as their child. The District Director, Immigration and Naturalization Service, denied the petition on the ground that the beneficiary did not come within the meaning of "child," as defined in Section 101(b)(1)(E) of the Immigration and Nationality Act. On appeal, the District Director's decision was upheld by the Board of Immigration Appeals in Washington, D.C.

Antonia and Johnny Vez, the two other children who were adopted by Mr. and Mrs. Vez at the same time that Yolanda was adopted, were admitted to the United States in 1972. Mr. and Mrs. Vez are very anxious to have the beneficiary admitted in order that she can live with the family and in due course become a U.S. citizen. The parents have exhausted all administrative remedies to have the beneficiary admitted as their child.

The beneficiary is now an adult and would therefore be relegated to a non-preferential status if she were to file an application for an immigrant visa. However, the non-preference category for the Philippines has been heavily oversubscribed for some time and the outlook is very discouraging for the beneficiary and her legal parents. Hence, private legislation appears to be the only means by which the beneficiary can be assured of joining her family in Hawaii in the near future. I therefore strongly urge that private bill H.R. 5052 be given favorable consideration.

SPARK M. MATSUNAGA,
U.S. Congressman.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5052) 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 Yolanda E. Vez.

*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, Yolanda E. Vez 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 her behalf by Fulgencio Vez and his wife, Adelina, a lawfully resident alien and a citizen of the United States, respectively, pursuant to section 204 of the 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: *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.*