85TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1364

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

FEBRUARY 19, 1958.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H. J. Res. 527]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 527) to facilitate the admission into the United States of certain aliens, having considered the same, report favorably thereon with amendments and recommend that the joint resolution do pass.

The amendments are as follows:

On page 2, line 1, strike out the name "Yojkovich" and substitute in lieu thereof the name "Vojkovich".

On page 2, line 15, strike out the name "Miho Sinko" and substitute in lieu thereof the following "Michael Hamilton Fish (formerly Miho Sinko)".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to facilitate the admission into the United States of seven children who have been adopted by, or who are coming for adoption by, United States citizens or lawfully resident aliens of the United States. The joint resolution has been amended to correct the spelling of one name in section 2, and to substitute the beneficiary's name after adoption in section 4.

GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of private calendars on the floor of the House, has decided to include the names of several beneficiaries of pending bills in one joint resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

The beneficiaries of sections 1 through 6 were the subjects of individual bills, as follows:

H. R. 3913, by Mr. Latham.
H. R. 4034, by Mr. Gubser.
H. R. 4035, by Mr. Gubser.
H. R. 4036, by Mr. Gubser.
H. R. 4040, by Mr. Gubser.
H. R. 6118, by Mr. Hyde.

Section 7 is new language in joint resolutions of this nature, and is designed to make the provisions of private bills permitting the admission of adopted alien children conform with the provisions of the general law (Public Law 85-316) governing the admission of such children.

The pertinent facts in each case included in the joint resolution are printed below in the order that those cases appear in House Joint Resolution 527, as amended.

H. R. 3913, by Mr. Latham—Chan Yak Shing

This beneficiary is an 18-year-old native and citizen of China who resides in Hong Kong, and who was adopted in 1942 by Chan Jung Dot (currently known as Peter Chin), a lawfully resident alien in the United States.

As introduced, H. R. 3913 was designed to waive the provisions of section 212 (a) (6) of the Immigration and Nationality Act in behalf of the beneficiary. However, Public Law 85-316 vests in the Attorney General discretionary authority to waive that provision of law in the case of the adopted child of a lawfully resident alien.

The provisions of this section of the joint resolution provide that the beneficiary shall be considered the natural-born alien child of his adoptive father, thus making it possible for him to be accorded third-preference status as the child of a lawfully resident alien.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization dated May 15, 1957, to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 15, 1957.

Hon. EMANUEL CELLER,
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. 3913) for the relief of Chan Yak Shing, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would provide that the alien may be issued a visa and admitted to the United States for permanent residence, if he is otherwise admissible under that act, under such conditions and controls which the Attorney General, after consulta-

tion with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHAN YAK SHING, BENEFICIARY OF H. R. 3913

Information concerning the case was obtained from the interested party, Chan Jung Dot, currently known as Peter Chin, the beneficiary's adoptive father.

The beneficiary was born on May 21, 1939, in Toyshan, China, and is a citizen of China. He presently resides in Hong Kong, where he attends a missionary school. He is the natural son of Mr. Chin's first cousin. His parents are deceased and he has no other relatives. The beneficiary was legally adopted by Mr. Chin in 1942 in Toyshan, China.

The interested party was born on January 18, 1909, in Toyshan, China, and is a citizen of China. He was married in Hong Kong in 1949 to Chung Oi Ng. This was the first marriage for both parties. They are childless. Mr. Chin originally entered the United States in 1926. He has resided in this country as a treaty trader, except for a visit abroad for several months in 1948–49. On July 30, 1955, his immigration status was adjusted to that of a permanent resident under the provisions of section 6 of the Refugee Relief Act of 1953. Mrs. Chin, who is now residing illegally in the United States because of her husband's adjustment of status, is submitting an application for suspension of deportation. Mr. Chin is self-employed as a restaurateur. His annual income is $5,000, and his assets, including a part interest in the restaurant, approximate $20,000.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,
Washington, April 30, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of February 15, 1957, requesting a report in the case of Chan Yak Shing, beneficiary of H. R. 3913, 85th Congress, introduced by Mr. Latham on January 28, 1957.

A report dated April 2, 1957, has been received from the consulate general at Hong Kong, stating that no record has been found under the name Chan Yak Shing, but that there is a record under the name Chan Yok Shing, who is probably the same individual. Chan Yok

Shing was born May 14, 1935, Toishan District, China. He was the beneficiary of an assurance given by Thomas Quong Chin, 174 Canal Street, New York, N. Y., who indicated that the alien was his cousin.

Mr. Chan was found on December 5, 1956, to be ineligible for a visa under section 212 (a) (6) of the Immigration and Nationality Act as a person afflicted with tuberculosis.

It may be pointed out, however, that, even if H. R. 3913 should be enacted, the consul would not be able to issue a visa to Mr. Chan for an indeterminate period of time, in view of the heavily oversubscribed condition of the quota for Chinese.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Latham, the author of H. R. 3913, appeared before a subcommittee of the Committee on the Judiciary, and testified in support of his bill. Mr. Latham also submitted the following memorandum in support of this legislation:

MEMO RE H. R. 3913, FOR THE RELIEF OF CHAN YAK SHING

Beneficiary is the adopted son of Peter Chin, who is an alien admitted for permanent residence.

He is now in Hong Kong, where he attends a missionary school. He was born on May 21, 1939, and was adopted in 1942. He is an orphan; his natural parents are deceased. He applied for a visa, under the Refugee Relief Act of 1953, and was denied a visa under section 212 (a) (6) of the Immigration and Nationality Act. His adoptive father is married and can offer a good home. He is in business in Rego Park, N. Y., as a restaurateur. He entered the United States in 1926 as a treaty trader. In 1955, his status was changed to that of an alien admitted for permanent residence under the Refugee Relief Act of 1953.

Representative Holtzman also appeared before a subcommittee of the Committee on the Judiciary and testified in support of this measure.

H. R. 4034, by Mr. Gubser—Anka Scirkovich

The beneficiary is an 18-year-old native and citizen of Yugoslavia who resides in that country with her natural parents, who are in poor financial condition. She was adopted in Yugoslavia in 1955 by her great-aunt, a citizen of the United States.

The pertinent facts in this case are contained in a letter dated September 20, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, regarding a bill pending during the 84th Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 20, 1956.

Hon. EMANUEL CELLER,
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. 12102) for the relief of Anka Scirkovich, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon this alien child, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of Mrs. Mary Vojkovich, a citizen of the United States.

As a quota immigrant, the beneficiary would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANKA SCIRKOVICH, BENEFICIARY OF H. R. 12102

Information concerning the case was obtained from Mrs. Mary Vojkovich, adoptive mother of the beneficiary.

Anka Scirkovich, a citizen of Yugoslavia, was born on January 15, 1939, in Vis, Dalmatia, Yugoslavia. She has never been married. The beneficiary is unemployed. She completed elementary school, and attended high school in Yugoslavia for an unknown length of time. She also attended a sewing school, and has acquired some skill as a seamstress. She resides with her parents and her mother's parents at Put Samogoro 10, Vis, Dalmatia, Yugoslavia. She has one brother, who also resies at that address. Her great-aunt, Mary Vojkovich, adopted her by court order issued on December 13, 1955, at Vis, county of Split, Yugoslavia.

Mary Vojkovich, nee Scirkovich, a citizen of the United States by naturalization on March 19, 1951, was born on January 12, 1891, in Vis, Dalmatia, Yugoslavia. She immigrated to the United States in 1911, and has resided here permanently since that time. She was married on July 15, 1911, at San Francisco, Calif., to Marco Vojkovich, a naturalized citizen, who died on June 27, 1954. No children were born of that marriage, and she desires to bring her adopted child to reside permanently with her in the United States. Mrs. Vojkovich is not employed. She is supported by an income of about $265 monthly from real estate which she owns and values at $30,000. She also owned other property which she sold and for which she will receive $10,000. She values her furniture and personal effects at $1,500; has 7 shares of Pacific Gas & Electric Co. stock

worth $50 a share; and she has bank savings amounting to $3,000. She states she is able and willing to give the beneficiary a good education in the United States, and will support her as though she were her natural child. The beneficiary's parents are in poor financial condition and have consented to the adoption and removal of their child to the United States.

The Director of the Visa Office, Department of State, submitted the following report on this bill:

DEPARTMENT OF STATE,
Washington, November 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of July 23, 1956, requesting a report of the facts in the case of Anka Scirkovich, beneficiary of H. R. 12102, 84th Congress, introduced by Mr. Gubser on July 3, 1956.

A report dated November 7, 1956, has been received from the Embassy at Belgrade, Yugoslavia, stating that there is no record in the files of that office regarding Miss Scirkovich.

Information has been received from Mrs. Mary Vojkovich, the child's adoptive mother, that the child was born January 15, 1939, at Otok Vis, Dalmatia, Yugoslavia.

Owing to the oversubscribed condition of the Yugoslav quota, the child will encounter an indefinite wait before it will become possible to issue her a nonpreference immigrant visa. However, if legislation along the lines of H. R. 12102 should be enacted, no reason is known why she should not be found eligible to receive a visa promptly.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Gubser, the author of H. R. 4034, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this legislation. Mr. Gubser also supplied the committee with the following decree of adoption and statement in support of this legislation:

[Translation from Serbo-Croatian]

FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA
PEOPLE'S REPUBLIC OF CROATIA

(County: Split. People's committee: Commune of Vis. No: 414, 1955)

(Free of tax pursuant to sec. 5, par. 1, of the tax law)

(Signature: [illegible]. Seal of the People's Committee of the Commune of Vis)

EXCERPT FROM THE REGISTER OF BIRTHS

Under No. 3, of page 85, day —, month ———, year 1939, of the register of births for the year 1939, the following entry was recorded:

Name and surname, and sex of the child: Anka Scirkovic, female.

Day, month, year, hour (0–24) of birth (in writing): The 15th of January 1939.

Place of birth, street, and house number: Vis.

Data concerning the parents:

Surname (for the mother, also the maiden name): Father: Nikola Scirkovic.
Day, month, and year of birth: January 8, 1914.
Place of birth (country): Vis.
Occupation: Peasant.
Domicile: Vis.
Mother: Dinka Poduje.
Day, month, year of birth: August 14, 1914.
Place of birth: Vis.
Occupation: Housewife.
Domicile: Vis.

At *Vis*, on December 26, 1955.

M. MARINKOVIC, *Registrar.*

[Seal of the registrar, office of the People's Committee of the Commune of Vis.]

Additional entries and remarks:

According to the protocol No. 1582/55 No.—a of December 13, 1955, of the commune of Vis, she was adopted by Vojkovic Margarita, widow of Marko, citizeness of the United States. Her surname is now Vojkovic.

Vis, on December 26, 1955.

M. MARINKOVIC, *Registrar.*

[Translation from Serbo-Croatian]

PROTOCOL

Drafted on December 13, 1955, in the office of the chairman of the People's Committee of the Commune of Vis, in the affair of the adoption of the minor, Anka Scirkovic, daughter of Nikola Scirkovic and Domina Scirkovic, born Poduje, both inhabitants of the commune of Vis, address: Put Samogora 10.

Present on behalf of the People's Committee of the Commune of Vis, as the public guardianship authority, representing the chairman of the People's Committee of the Commune of Vis,

SLAVIC SIMA, *Its Secretary.*
KUZMANIC MARIJA, *Notary.*

The parties on behalf of Margarita Vojkovic (Mary) Marko's widow, her representative, Mate Scirkovic, son of the late Ivan, inhabitant of Vis; Anka Scirkovic, minor, daughter of Nikola, inhabitant of Vis, the parents of the minor, Nikola Scirkovic, son of the late Ivan, and his wife Domina (maiden name Poduje).

It is established by the secretary of the People's Committee of Vis that all the persons, whose presence according to the law concerning adoption is required for the act of adoption, are present.

The secretary of the People's Committee of the Commune of Vis pointed out to those present the rights and obligations which proceed from the law concerning adoption; he read aloud the provisions of this law dealing with the rights and obligations of both adoptive parents and the adoptive child; and called on those present to give their consent for the completion of the adoption.

The here present minor, Anka Scirkovic, daughter of Nikola, agrees to become the adoptive daughter of Margarita Vojkovic, widow of Marko, citizeness of the United States of America.

Nikola Scirkovic, son of Ivan, and his wife, Domina born Poduje, as parents of the minor, Anka Scirkovic, agree to the adoption of their daughter, Anka, by Margarita Vojkovic, widow of Marko.

Mate Scirkovic, son of the late Ivan, representing Margarita Vojkovic, widow of Marko, by virtue of a power of attorney, declares, on behalf of Margarita Vojkovic, that she agrees to the adoption of the minor, Anka Scirkovic.

Mate Scirkovic, son of the late Ivan, declares in the name of Margarita Vojkovic, whom he is representing by virtue of a power of attorney, that Anka Scirkovic, after the adoption, will become an heir to her adoptive mother, Margarita Vojkovic, depending, indeed, on the behavior of Anka Scirkovic, viz: on her devotion to her adoptive mother.

After this, the secretary, having checked the documents, declared himself satisfied that the parties have submitted all the documents prescribed and that they have complied with all the requirements of the law concerning adoption. Conversely, there is no obstacle in the way of the adoption being proclaimed.

Having established that the adoption is well in the interests of the education and future of the minor, Anka Scirkovic, the secretary proclaimed the adoption as final in the presence of all those named.

Secretary of the People's Committee of the Commune of Vis:

SLAVIC.
MARIJA KUZMANIC, *Notary.*

The adopted:

ANIKA SCIRKOVIC.

On behalf of the adoptive mother, her representative:

MATE SCIRKOVIC.

The parents of the adopted:

NIKOLA SCIRKOVIC.
DOMINA SCIRKOVIC.

[Seal of the People's Committee of the Commune of Vis, People's Republic of Croatia, County of Split.]

STATE OF CALIFORNIA
County of Santa Clara, ss:

Mary Vojkovich, being duly sworn, deposes and says:

Name and birth: That her true name is Mary Vojkovich and that she was born in Otok Vis, Dalmatia, Jugoslavia, on January 12, 1891.

Residence: That her present residence address is 667 Mercy Street, in Mountain View, Calif.

Occupation: Retired.

Citizenship and naturalization: That she is an American citizen, being naturalized on the 6th day of February 1951. She entered the United States by way of New York on the 6th day of May 1911. The serial number of said naturalization papers is 6947426.

Affiant's husband: That affiant and Marko Vojkovich, who is now deceased, were married on the 15th day of July 1911. Affiant's maiden name was Mary Scirkovich. There were no children born of this marriage.

Applicant's name: The name of the applicant in whose behalf this affidavit is made is Anka Scirkovich.

Relationship: The affiant is a blood relation of the applicant; namely, applicant's aunt.

Statement of guaranty: The affiant does guarantee that she will not permit the applicant or any alien dependent member of the applicant's family to become a public charge during her stay in the United States. The affiant is further ready and willing to deposit a bond, if necessary, with the United States immigration authorities to implement the guaranty of support.

Assets: Affiant's assets consist of the following:

Savings accounts in the Bank of America (Mountain View and Palo Alto branches) and First Western Bank in Mountain View, as evidenced by attached statements from the said banks. Real property in the city of Mountain View, Calif., of the appraised valuation of $19,000. Real property in the city of Menlo Park, Calif., of the appraised valuation of $17,500. Promissory notes of Nick A. Rinauro and John D. Tellez, each of which is secured by a first deed of trust upon real property and upon which the present amounts, payable in installments hereafter, are approximately $6,000.

Affiant's last income-tax return was filed in 1956 with the district director of internal revenue at 100 McAllister Street, San Francisco, Calif.

Dated January 30, 1958.

MARY VOJKOVICH, *Affiant.*

Subscribed and sworn to before me this 30th day of January 1958.

[SEAL] _____ _____

Notary Public in and for the County of Santa Clara, State of California.

My commission expires April 6, 1958.

H. R. 4035, by Mr. Gubser—Kata Genero

The beneficiary is a 17-year-old native and citizen of Yugoslavia who resides in that country with her natural parents. She was adopted in Yugoslavia in 1954 by her widowed aunt, a citizen of the United States.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization dated May 18, 1955, to the chairman of the Committee on the Judiciary, regarding a bill pending during the 84th Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4408) for the relief of Kata Genero, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the the child shall be considered the natural-born child of a United States citizen.

As a quota immigrant, the child would be chargeable to the quota of Yugoslavia.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING KATA GENERO, BENEFICIARY OF H. R. 4408, 84TH CONGRESS

According to information furnished by the adoptive mother (sponsor), Miss Genero was born October 6, 1940, in Krucica, Slano, Yugoslavia, and is a citizen of Yugoslavia. Her correct first name is given as Katicia, and her natural parents are Milan and Ane Genero, both of Krucica. At the present time, Miss Genero is a sophomore in high school. She is a niece by blood relationship to the sponsor.

The sponsor, Kathrine S. Genero, a widow, was born July 23, 1899, in Slano, Delmacia, Yugoslavia, and is a naturalized citizen of the United States. She has been in the United States for many years, and is presently residing at 20880 Prospect Road, Cupertino, Calif. She adopted the beneficiary in Yugoslavia in September 1954, and now desires to bring the child to the United States.

Mrs. Genero is a person of considerable means, and is financially able to provide for the beneficiary if she is permitted to come to the United States. She owns a 19-acre fruit farm, on which there is a home, 3 apartments, and

outbuildings. Her income from apartment rentals is $200 per month, and she receives about $3,500 per year from the farm. She has $1,000 in the bank, and other assets and investments totaling approximately $4,700, and 2 automobiles.

Mr. Gubser, who appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill, also submitted the following letter from the American consul in Belgrade, Yugoslavia, and the translation of the adoption decree in this case:

AMERICAN EMBASSY,
Belgrade, Yugoslavia, June 11, 1957.

Hon. CHARLES S. GUBSER,
House of Representatives.

MY DEAR MR. GUBSER: I have your letter of May 27, 1957, addressed to the American consulate at Zagreb, concerning the immigrant visa application of Miss Kata Genero. Your letter was transmitted to the Embassy for reply because the American consulate at Zagreb does not issue immigrant visas.

The Embassy's records indicate that Miss Genero is entitled to the registration priority of April 14, 1955, and to fourth-preference status under the Yugoslav quota.

The Yugoslav quota is so heavily oversubscribed that quota numbers are now available only for applicants in the first three preference categories. I cannot estimate how long this condition will continue. Even when fourth-preference numbers do become available, hundreds of applicants with earlier registration dates will have to be processed before Miss Genero's turn is reached.

I feel it only fair to inform you that she must, therefore, expect a waiting period of some years more before her application can be actively considered.

Sincerely yours,

F. G. QUENEAU, *American Consul.*

[Translation from Sebro-Croatian language into English]

FEDERAL PEOPLES REPUBLIC OF YUGOSLAVIA

PEOPLES REPUBLIC OF CROATIA

PEOPLES COMMITTEE OF THE DISTRICT OF DUBROVNIK

Department for the Public Health and Social Policy No. 13402/54

Present: Written on the day of October 13, 1954, 54th year, at the Peoples Committee for the District of Dubrovnik in the matter of application (submitted) by Katarine Genero, widow of the late Mate, born Stjepovich, of Cupertino, Calif., for the adoption of minor Kate Genero, daughter of Milan, from Krucice, the township of Slano.

Attending: Of the Office: Director of the Department for the peoples health and social policy: Ivo Baca (as) reporter; Ivo Tomislav (as) referee for juvenile authority and the protection of children.

Of the (interested) parties: adopter: Katarin Genero, widow of the late Mata, born Stjepovich, farmer in Cupertino, Calif.; father of the adoptee: Milan Genero, (son of) the late Gaspar, farmer, of Krucice, township of Slano; mother of the adoptee: Kata Genero, daughter of

Milan, housewife, of Krucice, township of Slano; adoptee: Kata Genero, daughter of Milan, of Krucice, Slano.

Director of the department for peoples health and social policy of the Peoples Committee for the District of Dubrovnik confirms that all who were invited to this hearing are present, as prescribed by the law.

Director refers the matter for the adjudication to the present and reads the application for the adoption (submitted) and calls the adopter to give her statement for the (official) report:

Following that, the adopter deposes as follows:

I, Katarina Genero, the widow of the late Mata, daughter of the late Mata and the late Mare Pericevich, born July 23, 1899, in Slano, at present residing in Cupertino, 20880 Prospect Road, California, by occupation farmer, declare that I am adopting minor Kata Genero, born October 6, 1940 (year), child of Milan (father), and mother, Ana Genero, born Kmetovich, under a stipulation that the adoptee keeps her present family name "Genero," and in the regard to the inheritance rights the adoptee as for me secures all the rights of lawful inheritance.

Director summons the parents of minor Kate Genero to make their declaration on the matter of adoption, and they declare:

I, Milan Genero, of the late Gaspar, and I, Ana Genero, wife of Milan, born Kmetovich, the father and the mother of the minor Kata Genero, are in (full)) agreement that Kata Genero, widow of the late Mato, born Stjepovich, can adopt, make her own daughter, our daughter (minor) Kata Genero, and that that our child can, as adoptee, keep her present family name, and as for the inheritance rights, that our child secures all the rights of lawful inheritance.

Director summons minor Kata Genero, as she is over 10 years of age, that she make her own declaration regarding this adoption, and she declares:

I, Kata Genero, born October 6, 1940 (year), of father Milan Genero, and mother Ana Kmetovich, declare that I am fully in agreement with with the statement of adoption by the adopter, Katarine Genero, born Stjepovich.

Following that (procedure), the director reads the articles of the adoption law of April 1, 1947, prescribing the rights and duties of the adopter and the adoptee.

By reviewing all the papers (submitted) and verifying the related circumstances, the director establishes that the adopter of the minor person is over 18 years of age; that the adoptee, since she is over 10 years of age, is in agreement with the adoption; that the parents both agree to the adoption and that they have not lost parents' rights nor found incapable to express their will; that the adopter has not been denied the parental rights nor (found) unable to express her will and that the agreement of the other married party was not necessary as he is dead. Furthermore, it has been established that the adopter is not a relative in the direct line, neither brother or sister, and that there is not any hindrance by the law, that can prevent the adoption. Accordingly all the legal requirements which law of adoption prescribe have been fulfilled.

Finally, director establishes that the adoption is useful for the adoptee, as she is by this act securing foster mother, who, under her conditions and social position, offers possibilities of good upbring-

ing and education which her parents would not be able to offer since they have other four minor children about whom they will have to take (parental) care.

As neither party has not put any objections to all read and brought out here, the director declares that the adoption has been granted.

Read and signed.

Adopter: KATHERINE GENERO.
Father of the adoptee: MILAN GENERO.
Mother of the adoptee: GENERO ANE (born Kmetovich).
Adoptee: GJENERO KATICA
Genero Kate, daughter of Milan.

[Seal of the Peoples Committee, District of Dubrovnik, Peoples Republic of Croatia.]

IVO BACA, *Director of the Department.*
INO TOMISLAV, *Reporter.*

I, Charles M. Cvetkovich, hereby declare that the above document of adoption has been translated from Serbo-Croatian into English language by me, and that it is a true and correct translation.

[SEAL] CHARLES M. CVETKOVICH.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

On this 12th day of April 1955, before me, A. I. Jelincich, a notary public in and for the city and county of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Charles M. Cvetkovich, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal at my office in the city and county of San Francisco, the day and year in this certificate first above written.

[SEAL] ANTHONY I. JELINCICH,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires June 26, 1955.

H. R. 4036, by Mr. Gubser—Kazuko Inoue and Takako Inoue

The beneficiaries are 17- and 14-year-old natives and citizens of Japan who were adopted in Japan in 1957 by their United States-citizen sister and her husband, a former member of the Armed Forces of the United States. Another child, who is the 11-year-old sister of the beneficiaries and their adoptive mother, has been found eligible to receive a visa under the provisions of Public Law 85–316, and for that reason her name has been omitted from this legislation.

The pertinent facts in this case are contained in a letter dated September 18, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, regarding a bill pending during the 84th Congress for the relief of the same persons. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 18, 1956.

Hon. EMANUEL CELLER,
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. 12158) for the relief of Kazuko Inoue, Takako Inoue, and Yoshio Inoue, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon these alien children, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that they shall be considered the natural-born alien children of Mr. and Mrs. Julian P. Weir, citizens of the United States.

As quota immigrants, the beneficiaries would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KAZUKO INOUE, TAKAKO INOUE, AND YOSHIO INOUE, BENEFICIARIES OF H. R. 12158

Information concerning the beneficiaries was furnished by the interested parties, Mr. and Mrs. Julian P. Weir.

Kazuko Inoue, a citizen of Japan, was born on April 25, 1940, at No. 11–1 Chome, Ganmichi-cho, Showa-ku, Nagoya-shi, Aichi-ken, Japan. She is single. The beneficiary completed grammar school, and was graduated from high school in 1955 in Japan. Since that time she has worked at odd jobs for an approximate income of $4 (1,500 yen) monthly. She has no assets or property.

Takako Inoue, a citizen of Japan, was born on April 28, 1943, at No. 11–1 Chome, Minami Otsu Dori, Naka-ku, Nagoya, Japan. She is single. The beneficiary completed grammar school, and entered high school in 1956, where her education is continuing. She has no occupation and no assets or income.

Yoshio Inoue, a citizen of Japan, was born on July 11, 1946, at No. 13–3 Chome, Ganmichi-cho, Mizuho-ku, Nagoya, Japan. She is single. The beneficiary entered grammar school in Nagoya in 1953, where she is now in attendance. She has no occupation and no income or assets.

Mrs. Julian P. Weir, nee Sumiko Inoue, is a sister to each of the beneficiaries by the same parents. She was born on December 10, 1923, at Shima-gun, Mie-ken, Japan, and was naturalized a United States citizen at San Francisco, Calif., on May 1, 1956. She was married to Julian Paul Weir on March 10, 1952, at Nagoya, Japan, before the American consul. They have no children. She is residing with her husband at 1406 Borax Drive in Sunnyvale, Calif., and is em-

ployed as a waitress by Pan American World Airways at South San Francisco, Calif. Her salary is $263 monthly. Her father is deceased. Her mother, Harue Inoue, resides at 17–4 Chome, Minami Otsu Dori, Naka-ku, Nagoya, Japan. A sister, Mrs. Yoko Schmidt, resides in Nagoya with her husband, Douglas C. Schmidt, a member of the United States Air Force. A brother, Tsuguo Inoue, resides at No. 2–100 Yamonouti-ku, Sumiyosi-shi, Osaka, Japan.

Mr. Julian P. Weir was born on August 15, 1923, at Ballinger, Tex., and is a citizen of the United States. He is employed as a mechanic by Pan American World Airways at South San Francisco, Calif., at a salary of $400 monthly. He has been married but once, and that to Sumiko Inoue in 1952 while on duty with the United States Marines in Japan. He completed elementary and high school and attended the Agricultural and Mechanical College in Las Cruces, N. Mex., for about 2 years up to 1949. His assets include an equity of $503 in a home valued at $11,000, an automobile in which he has an equity of $500, a truck in which he has an equity of $450, and furniture valued at $1,000.

Mr. Weir's adoptive father, Joseph Elmer Weir, resides at 6175 Alameda Boulevard in El Paso, Tex. His adoptive mother is deceased. He has no brothers or sisters, and his adoptive parents had no children.

Mr. and Mrs. Julian P. Weir desire to bring her three younger sisters to the United States to live with them and be raised as though they were their own children. Their mother is a widow and unable to provide them with a satisfactory standard of living.

The Director of the Visa Office submitted a report on this case on December 13, 1956, which reads as follows:

DEPARTMENT OF STATE,
Washington, December 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of July 16, 1956, requesting a report of the facts in the cases of Kazuko Inoue, Takako Inoue, and Yoshio Inoue, beneficiaries of H. R. 12158, 84th Congress, introduced by Mr. Gubser on July 9, 1956.

A report dated November 15, 1956, has been received from the consul at Nagoya, Japan, stating that the children referred to are the unmarried minor children of Mrs. Harue Inoue, who was registered on the waiting list of immigrants chargeable to the Japanese quota, with priority date of May 4, 1954. Mrs. Inoue is entitled to second-preference status as the mother of Sumiko Inoue Weir (Mrs. Julian Paul Weir), an American citizen who filed a petition on her behalf with the Immigration and Naturalization Service. The children are entitled to fourth-preference status on the basis of the petition filed by Mrs. Weir.

The oversubscribed condition of the Japanese quota is such that Mrs. Inoue and her children will encounter an indeterminate wait of at least a number of years before it will be possible to issue visas to them. If legislation along the lines of H. R. 12158 is enacted, it will

be possible for the consul to take prompt action in the cases of the children. However, the enactment of a private law on behalf of Mrs. Harue Inoue will be necessary to permit early action to be taken upon her application for a visa. It is to be noted that H. R. 12158 did not include Tsuguo Inoue, who will become 21 years of age January 12, 1957. The enactment of a private law will also be necessary to permit the issuance of a visa to this child. The report gives the following birth dates for the children: Tsuguo Inoue, January 12, 1936; Kazuko Inoue, April 25, 1940; Takako Inoue, April 28, 1943; and Yoshio Inoue, July 11, 1946.

The information contained in the consul's report has also been communicated to Mr. Gubser.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Gubser, who appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, submitted the following statement and translation of the adoption records in the case of the beneficiaries of his bill:

SUNNYVALE, CALIF., *January 29, 1958.*

To Whom It May Concern:

We the undersigned, Julian Paul Weir and Sumiko Weir, husband and wife, the adoptive parents of Takako Inoue and Kazuko Inoue, and citizens of the United States of America, do hereby certify that we are willing and have the ability to undertake the financial responsibility for Kazuko and Takako Inoue.

We are both employees of Pan American World Airways, Inc. My salary, Julian Paul Weir, is $416 per month, and my wife's salary, Sumiko Weir, is $312 per month. I have been with the company 5 years this coming March, and my wife has been employed by them for 3 years this coming May.

We have an equity in a $12,000 3-bedroom home where we now reside. We own a pickup truck free and clear. We have an equity in a 1958 Volkswagen of approximately $550.

We have a savings account with the Pan American Pacific Credit Union of $210. We have a checking account with the Crocker Anglo National Bank of South San Francisco. We also have the privilege of an excellent credit rating.

JULIAN PAUL WEIR.
SUMIKO WEIR.

We, Julian Paul Weir and Sumiko Weir, hereby certify that all of the foregoing statements are true and correct to the best of our knowledge.

JULIAN PAUL WEIR.
SUMIKO WEIR.

Subscribed and sworn to before me this 29th day of January 1958.

[SEAL] JULIA C. KIDWELL,
Notary Public in and for the county of Santa Clara, State of California.
My commission expires August 7, 1959.

[Translation]

(Case Numbers: From 2116 to 2118 of (Ka) of 1957)

DECREE

Permanent domicile: 1406 Borax Drive, Sunnyvale, Calif. Residence: Same.

Applicant: Julian P. Weir. Date of birth: August 15, 1923.

Permanent domicile and residence: Same as above.

Applicant: Sumiko Weir (Sumiko Inoue). Date of birth: December 10, 1933. Residence: Care of Thomas L. Blakemore Law Office, Fukoku Building, 512, 2, 2-chome Uchisaiwaicho Chiyoda-ku, Tokyo.

Attorney for the above two applicants: Masatsugu Mitsuki, attorney at law.

Seat of family record: No. 14, 2-chome, Asahi-machi, Kawasaki, Kanagawa Prefecture. Residence: No. 17, Toori 4-chome, Minami Otsumachi, Nokaku, Nagoya.

Person in the case (minor): Kazuko Inoue. Date of birth: April 25, 1940.

Seat of family record and residence: Same as above. Person in the case (minor): Takako Inoue. Date of birth: April 28, 1943.

Seat of family record and residence: Same as above. Person in the case (minor): Yoshio Inoue. Date of birth: July 11, 1946.

On this case, the application for adoption between the parties above described, this court, after having made due examination, hereby renders its decree as follows:

Ryoichi Yamada, consultant, participated.

ADJUDICATION

It is approved that Julian Paul Weir and Sumiko Inoue, the applicants, adopt Kazuko Inoue, Takako Inoue, and Yoshio Inoue, the persons in the case.

GROUNDS

According to the contents of the application the report of Toshio Takayanagi, an investigator of this court; the certified copy of the family record of Hidema Inoue; the written consent of adoption executed by Harue Inoue, the guardian of the 3 persons in the case; the extract copy from the Martindale-Hubbell Law Directory; the affidavit of G. Brooks Ice, attorney at law; the certificate of witness to marriage between the applicants prepared by Henry G. Krausse, vice consul of the United States of America; the certificates of employment of both applicants, prepared by H. J. Cregan; the certificates of clean record of both applicants, prepared by Jacob A. Jessup, chief of the Department of Public Safety of Sunnyvale, Calif.; the sworn statement of both applicants prepared by a notary public for the county of San Mateo, State of California; and the sworn statement of Phil. W. Ice before a notary public regarding both applicants; it is evident that Julian Paul Weir, an applicant, is a citizen of the United States of America, a gentleman of good behavior, and that he is now employed by Pan American World Airways, Inc., in the capacity of mechanic at a weekly wage of $385; also, that Sumiko Inoue, an applicant, formerly had Japanese nationality but

married the above Julian Paul Weir on March 10, 1952, and, due to the acquisition of American citizenship, lost automatically her Japanese nationality; that she is a lady of good behavior, employed by Pan American World Airways, Inc. (as is her husband), in the capacity of counter girl in the commissary at a present weekly wage of $270; that she keeps a happy home with her husgand, but that there is no child between them; that the 3 persons in the case are the younger brother or sisters of Sumiko, and that all are in good health; that they are going to acquire the citizenship of the United States of America by becoming adoptees of the applicants; that Harue Inoue, their guardian, has consented to such adoption; that the family of the persons in the case has no relative in Japan; that both Yoko, the first daughter, and Sumiko, the second daughter of Harue Inoue, the head of the family, married foreigners; that the family, consisting of 5 persons, is getting along on the monthly income of Tsugio, the first son, and Kazuko, the person in the case, amounting in all to about ¥10,000 contributed by the applicants; that the only property belonging to the family is 1 residential house (of about 6 tsubo); and that it is advisable for both parties that the 3 persons in the case be adopted by the applicants and live together with them.

The requisites of the adoption in this case, in accordance with the provisions of article 19 of the law concerning the application of laws, shall be governed by the law of the United States of America for both of the applicants, the adopting parents, and by the law of Japan for the three persons in the case, the adoptees; but, in accordance with the general principles of the conflict of laws in the United States of America, such requisites shall be governed by the law of the site of the court (lex fori) where either adoptee or adopter is domiciled. Therefore, the requisites of adoption in this case shall be governed by the law of Japan pursuant to the provisions of article 29 of the law concerning the application of laws which provide for renvoi. As heretofore mentioned, there is no defect in fulfilling the requisites for the adoptions, and they shall be approved, and this court renders its judgment as written above.

MASAMICHI SUZUKI,
Family Court Judge of Nagoya Family Court.

Date July 26, 1957.
This is a true copy of the original.
At the above court:

SHIGEAKI SUZUKI, *Court Clerk.*

Date July 29, 1957.

[Translation from Japanese into English of a legal document]

(Case No. 116–118, family court, 1957)

DECREE

Applicant Julliam Paul Myer (Wale) [1]; born on August 15, 1923; domicile, 1406 Norregas Drive, Sunnyvale, Calif.; present address, same as above.

Applicant Inoue Suziko (or Suziko Wale) [1]; born on December 10, 1933; domicile and present address, same with the coapplicant's.

[1] Names romanized from Japanese (by sound only) are not accurate, in view of the fact that romanization (English-Japanese) is not reversible.

Attorney for both applicants: Mitsugi, Masatausu; address, care of Thomas L. Blakemore's law office, 512 Tomikuni Building, 2–2nd Chome, Uchisachi-cho, Chiyedaku, Tokyo City.

Principal of the case: Inoue Kazuko; born on April 25, 1940; domicile, 14–2nd Chome, Azahi-machi, Kawazaki City, Kanagawa Prefecture; present address, 17–4th Chome, Miuami-Ozu-che, Makaku, Nagoya City.

Principal of the case: Inoue Kyoko; born on April 28, 1943; legal address and present domicile, same with the above.

Principal of the case: Inoue Yoshio; born on July 11, 1946; domicile and present address, same as above.

Regarding the application for permission of adoption between the said parties, this court after examining the case (with the participation of Yamada, Ryeichi, the counselor) hereby decrees as follows:

Text of the adjudication: Jullian Paul Wale and Inoue Suziko, the applicants, are hereby permitted to adopt Inoue Kazuko, Inoue Kyoko, and Inoue Yoshio, the principals of the case.

REASONS

Upon examination and consideration of the contents of this application, together with a report submitted by Takayanagi Hizao, the investigator of this court; a certified copy of family registration of Inoue Hidema; a letter of consent to this adoption by Inoue Murue; the parental guardian of the 3 principals of this case; a partial exerpt from the Martindale-Hubbell Law Directory; an affidavit deposed by C. Brooks Eyes,[1] attorney at law; a marriage certificate of the 2 applicants issued by Henry O. Crouse,[1] the vice counsel of the United States of America; a certificate of employment of the 2 applicants issued by H. J. Criggan;[1] a certificate of good conduct concerning the 2 applicants issued by Jacob A. Jessup,[1] Chief of the Security Bureau of the United States; a notarized affidavit of the applicants by a notary public in San Mateo County, Calif.; and an affidavit of the 2 applicants notarized by Phil W. Eyes,[1] a notary public, the following facts can be recognized that applicant Jullian Paul Wale[1] is a person having American nationality, being employed as an engineer by the Pan American Airline, and earning $285 weekly; that applicant Inoue Sumike, who acquired American nationality because of her marriage to the said Jullian Paul Wale[1] on March 10, 1952, thereby automatically lost her Japanese nationality, is a woman being presently employed as a bookkeeper in the purchasing department of the Pan American Airline, which is the same place of employment as her husband, earning $270 weekly, and leading a harmonious domestic life with her husband; that the 3 principals of this case, being sisters and brother of the said Sumike and in good health, are to be adopted by the applicants and are to acquire American nationalities soon; that Inoue Murue is the parental guardian consented to the adoption · that there is no one to take care of the principals' own home in Japan; that Yoko and Sumie who are the first and second daughters of Inoue Murue, the person having parental guardianship, are married to foreigners; that the home consisted of 5 members has been barely supported with 20,000 yen earned monthly by Teugue (the eldest son of Murue) and Nazuko

[1] Names romanized from Japanese (by sound only) are not accurate, in view of the fact that romanization (English-Japanese) is not reversible.

(one of the principals of this case) jointly, together with 10,000 yen remitted monthly by the applicants; that the whole assets belonging to their home is only the house building of 6 tsube (less than 0.005 acre—note by translator); that the principals of this case, therefore, would be happier to become adoptive children of the applicants and to live with them; and that the adoption would make the parties on both sides happier.

Concerning the legal requisites necessary for a valid adoption in this case makes it clear that American law should be applied as to the applicants who will be the adopting parents, in accordance with article 19 of the law concerning application of laws in general, while Japanese law should be applied as to the three principals who will be the adoptive children. According to American rules of conflict of laws, however, the law of the domicile, either of the adoptive children or of the adopting parents, may be applied. Consequently, Japanese law may be applied to this case, by virtue of the principle of renvoi as provided by article 29 of the aforesaid law. Moreover, in this particular case of adoption, as previously mentioned, all the necessary conditions have been met and nonesoever is lacking.

This court, therefore, considers the adoption granted, and hereby decree as pronounced in the test of adjudication.

[SEAL] MASASICHI SUZUKI,
Judge of Domestic Affairs, Nagoya Family Court.

Dated July 26, 1957.

This is a certified copy of the decree.

[SEAL] SHIGEAKI, SUZUKI,
Clerk of Nagoya Family Court.

Dated July 29, 1957.

H. R. 4040, by Mr. Gubser—Michael Hamilton Fish (formerly Miho Sinko)

The beneficiary is a citizen of Yugoslavia who was born in that country on April 3, 1944, and resides there with his mother and stepfather. His father was killed during World War II. In May of 1956, the beneficiary was adopted by a United States citizen, who was single at that time. The beneficiary's adoptive father, Mr. Hamilton V. Fish, has since married but, in view of the fact that there were not two parties to the adoption, there is no administrative remedy in this case.

The pertinent facts in this case are contained in letters from the Commissioner of Immigration and Naturalization dated July 9, 1956, and May 13, 1957, to the chairman of the Committee on the Judiciary which read, respectively, as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 9, 1956.

Hon. EMANUEL CELLER,
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. 8928) for the relief of Miho Sinko, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San

Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon this alien child, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant, this beneficiary would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MIHO SINKO, BENEFICIARY OF H. R. 8928

Information concerning the case was obtained from the interested party, Hamilton Van Buren Fish.

Miho Sinko, a citizen of Yugoslavia who has never been in the United States, was born on April 3, 1944, in Orasac, Dubrovnik, Yugoslavia. He is single, and lives there with his mother, stepfather, 2 half brothers and 1 half sister. He is attending the sixth grade in grammar school.

Hamilton Van Buren Fish, a United States citizen, was born on December 24, 1913, in Santa Rosa, Calif. He married Oona N. Bilitich in December 1936 in Dalmatia, Yugoslavia, and divorced her there in 1937. He remarried her in May 1948 in Reno, Nev., and again divorced her on October 29, 1952, in San Jose, Calif. His 18-year-old daughter, Virginia B. Fish, who is a United States citizen, lives with him at 15475 San Jose Road in Los Gatos, Calif., and is dependent upon him for support.

Mr. Fish is a landscape architect, nursery owner, journalist, and radio commentator. He is a graduate of the University of Zagreb in Yugoslavia and Columbia University in the United States. The gross income from his business is $45,000 annually, and, in addition, he earns $200 monthly from his radio broadcasts and newspaper articles on gardening techniques and related matters. His assets consist of his nursery and real estate valued at $50,000. Mr. Fish served in the United States Army from April 1, 1941, until April 6, 1944. His father is deceased. His mother lives in Campbell, Calif.

Mr. Fish is a second cousin of the beneficiary, whose father was killed during World War II. He stated that he is attempting to complete proceedings in Yugoslavia to adopt the beneficiary, who will soon reach the age where he must register for the Communist Youth Movement or be deprived of educational opportunities available only to members of the Communist Party. The beneficiary's mother, who has never been a member of that organization, has approved the adoption. Mr. Fish, who plans to marry this fall, stated he will raise the beneficiary as his own son and see that he is well educated.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to H. R. 4040, 85th Congress, in behalf of Miho Sinko, who was also the beneficiary of H. R. 8928, in the 84th Congress.

Since submitting our report of July 9, 1956, the interested party, Mr. Hamilton Van Buren Fish informed this Service that his adoption of the beneficiary has been completed; that the beneficiary's name was changed by the adoptive order to Michael Hamilton Fish; and that a Yugoslav passport was issued to the beneficiary in that name.

Sincerely,

J. M. SWING, *Commissioner.*

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,
Washington, July 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's letter of June 4, 1956, concerning the case of Miho Sinko, the beneficiary of H. R. 8928, introduced by Mr. Gubser on January 30, 1956.

A report dated July 13, 1956, has now been received from the Embassy at Belgrade, Yugoslavia, giving the following additional information in the case.

"Subject alien and his mother, Mrs. Marija Moretic, appeared at Embassy on July 11, 1956, in reply to Embassy's letter of invitation dated April 11, 1956. Mrs. Moretic explained that she could not afford the expense of coming to Belgrade earlier.

"Miho Sinko was born on April 3, 1944. His father was killed during World War II and his mother remarried in 1949. Mrs. Moretic claims that since 1953 Mr. Hamilton Fish, great-uncle of Miho Sinko, has been trying to adopt the child and bring him to the United States."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Gubser, the author of H. R. 4040, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this legislation. Mr. Gubser also supplied the committee with translations of the adoption decree in this case, and a letter from the wife of the beneficiary's adoptive father, which are printed below.

THE LIBRARY OF CONGRESS,
LAW LIBRARY,
Washington, D. C., June 13, 1957.

Hon. CHARLES S. GUBSER,
House Office Building, Washington, D. C.

DEAR MR. GUBSER: Your request addressed to the Legislative Reference Service has been referred to the Law Library. A member

of the European Law Division has completed the translation of a document from Serbo-Croatian which we enclose with the original.

Very truly yours,

LAWRENCE KEITT, *Law Librarian.*

[Translation from Serbo-Croatian]

PEOPLE'S REPUBLIC OF CROATIA

PEOPLE'S COMMITTEE OF THE COMMUNE OF DUBROVNIK

(Division of Public Health and Social Welfare—No. 9702/56)

Record drawn up by the People's Committee of the Commune of Dubrovnik on the 24th of May 1956, in re Hamilton V. Fisch, of Los Gatos, Calif., represented by Jozo Lonz, of Dubrovnik, his attorney for the adoption of the minor Miho Sinko, son of the late Joseph [Sinko] from Orasac.

Those present:

Officials: Chief of the division of public health and social welfare of the People's Committee of the Commune of Dubrovnik: Vjekoslav Cvitanovic; commissioner for guardianship affairs and the protection of children: Zvonko Regjo.

The parties: Jozo Lonza, unemployed, of Dubrovnik, representing Hamilton V. Fisch; the adoptee's mother: Marija Moretic, wife of Pear [Moretic] from Orasac; the adoptee: Miho Sinko, son of the late Joseph [Sinko] from Orasac.

The chief of the division declares himself satisfied that all those called and whose presence is required by the law are present.

He explains to those present the purpose of the present proceedings, gives a reading of the notice of the present adoption, and summons the adopter's representative to make his statement for the record.

Jozo Lonza, mechanic from Dubrovnik, representing Hamilton V. Fisch by virtue of a power of attorney dated October 1955, legalized by J. Stepovich, notary public of Santa Clara County, Calif., as well as by the consulate general of the Federal People's Republic of Yugoslavia in San Francisco on October 28, 1955, under No. L 4840, makes the following declaration:

Hamilton Van Burew Fisch, born on December 24, 1913, adopts the minor Miho Sinko [son] of the late Joseph [Sinko] and of Maria, born Trojanovic, now [remarried] Moretic—born at Orasac on April 3, 1944—so that the adoptee shall bear the name Michael Hamilton Fisch and shall upon the adopter's death be recognized as having all the rights of an heir to the adopter's estate as if he were his legitimate son.

Summoned by the chief to state her stand with respect to this declaration of the adopter's representative, the adoptee's mother declares: I agree entirely with this declaration of the representative of Hamilton V. Fisc [sic] regarding the adoption of my son, the minor Miho Sinko.

The chief summons the minor Miho Sinko, since he is over 10 years of age, to make known his own stand regarding the adoption, whereupon he declares: I, Miho Sinko, born at Orasac on April 3, 1944, son of the late Joseph and of Marija Trojanovic, declare herewith that I entirely agree with the representative of Hamilton V. Fisch regarding my adoption.

Thereafter the chief reads the provisions on the rights and obligations of the adopter and the adoptee of the adoption law of April 1, 1947.

After perusal of the file and checking of the pertinent facts, he ascertains that the adoptee is a minor, that the adopter is 18 years older than the adoptee, that the adoptee of more than 10 years of age agrees to the adoption, that his [legitimate] mother as the only living parent also agrees to the adoption, that the mother is not deprived of the parents' rights and that she is not unable to express her will, that the adopter adopts the adoptee, that he is not deprived of his family rights and that he is not unable to express his will, that the adopter and the adoptee are not related in direct line nor are they brother or sister to each other, that no legal impediment stands in the way of the projected adoption, and that pursuant to section ii of the adoption law the Council for Public Health and Social Welfare of the People's Republic of Croatia in Zagreb by its decision No. 13.252–II–i–1956 of May 14, 1956, agreed that the adoption of the minor Sinko Miho by Hamilton V. Fisch be carried out vicariously by Hamilton V. Fisch's representative Jozo Lonza. Conversely, all the requirements prescribed by the adoption law have been fulfilled.

The chief finally declares himself satisfied that the adoption is in the interests of the adoptee since the adopter meets all requirements providing for good rearing, education, and care of the adoptee.

Since the above statement met with no observation on the part of the parties, the chief [of the division of public health and social welfare of the People's Committee of the Commune of Dubrovnik] proclaimed the adoption completed.

Read and signed:

VJEKOSLAV CVITANOVIC,
Chief of the Division of Public Health and Social Welfare of the People's Committee of the Commune of Dubrovnik.
ZVONKO REGJO,
Assessor for the Affairs of Guardianship.

[Seal of the People's Committee of the County of Dubrovnik, People's Republic of Croatia.]

JOZO LONZA,
Representative of the Adopter.
MARIA MORETIC nee TROJANOVIC,
Mother of the Adoptee.
SINKO MIHO, *The Adoptee.*

KLOK,
San Jose, Calif., January 29, 1958.

Mr. CHARLES S. GUBSER,
House of Representatives,
Washington, D. C.

DEAR CHARLIE: In connection with the immigration of my husband's legal son (by adoption), Michael Hamilton Fish, I wish to make my position clear.

It is my desire to have Michael join us. We would like to have him in our home, as our son. He will be as a son to me.

Michael was adopted by Hamilton before we were married. I was aware of all steps leading up to the adoption, and in favor of them.

When Hamilton and I married, it was with the expectation that shortly Michael would be with us.

I sincerely hope that you will do your utmost to make this immigration possible for the boy.

Sincerely yours,

RUTH P. FISH.

Subscribed and sworn to before me this 29th day of January 1958.

[SEAL] LOIS JOHNSON,
Notary public, in and for the State of California, County of Santa Clara.

My commission expires April 6, 1959.

H. R. 6118, by Mr. Hyde—Kim-shun Fong

Kim-shun Fong is a 21-year-old native and citizen of China who is an orphan and resides in Hong Kong where she attends high school. Mr. Thomas L. Fong, a United States citizen, and his wife, a lawfully resident alien who is a cousin of the beneficiary, intend to adopt her upon her admission to the United States. They have contributed to Kim-shun Fong's support since the death of her parents in 1943.

The pertinent facts in this case are contained in a letter dated June 28, 1958, to the chairman of the Committee on the Judiciary from the Commissioner of Immigration and Naturalization. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 28, 1957.

Hon. EMANUEL CELLER,
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. 6118) for the relief of Kim-shun Fong, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant nonquota status to the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIM-SHUN FONG, BENEFICIARY OF H. R. 6118

Information concerning this case was obtained from Mr. and Mrs. Thomas L. Fong, the interested parties.

The beneficiary, who was born on January 3, 1937, in China, is an orphan. She is single and resides in Kowloon, Hong Kong, where she attends high school.

Mr. Thomas L. Fong was born on May 16, 1910, in China. His parents are deceased. He derived United States citizenship through his father who was a citizen of this country. He married Kim Fung Liang in China in December 1925. They have one son, Yee Jum Fong, who was born on February 23, 1936, in China. He is a citizen of the United States and is attending George Washington University at Washington, D. C. Mr. Thomas L. Fong is employed by the United States Department of State as a foreign-affairs specialist in Washington, D. C. His salary is $6,000 per year.

Mrs. Kim Fung Fong was born in China on July 3, 1909. Her parents are deceased. She was admitted to the United States on August 6, 1950, for permanent residence. Mrs. Fong is a cousin of the beneficiary. Mrs. Fong has contributed to the beneficiary's support since the death of her parents in 1943.

Mr. and Mrs. Fong indicate that it is their intention to adopt the beneficiary if she is admitted to the United States. Mr. and Mrs. Fong and their son reside at 1233 Gallatin Street NE., Washington, D. C. Their assets consist of an automobile valued at $400 and bonds in the amount of $1,000. They have an equity of $5,000 in their home in Washington, D. C. which is valued at $15,000. They also have household furnishings valued at $15,000.

DEPARTMENT OF STATE,
Washington, August 14, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 25, 1957, requesting a report in the case of Kim-shun Fong, beneficiary of H. R. 6118, 85th Congress, introduced by Mr. Hyde on March 18, 1957.

A report dated June 26, 1957, has been received from the consulate general at Hong Kong furnishing the following information in the case:

"She was interviewed on June 24, 1957, and informed the interviewing officer that she arrived in Hong Kong from Communist China on August 8, 1956, on a two-way exit-reentry permit which was issued to permit her to come to Hong Kong to take possession of property which her paternal grandfather, Fong Yuey Lam, who died in Canton in 1953, left to her.

"Subject, on a biographic data sheet, listed her father as Tom L. Fong and her mother as Liang Kim Fung, both residing at 1233 Gallatin Street NE., Washington D. C. During the interview, she stated that she had been adopted in 1944 at the age of 7 by Tom L. Fong and his wife but that she could give no details because she was 'too young at the time' and has not been told since.

"Kim-shun Fong asserted that she had never heard the name of her blood father who died in Nam Chung village, Toishan District, China during the Japanese war, and that she did not know the name of her blood mother who also died during the same year as her father.

"She presented no evidence whatever of her identity and her testimony with regard to her family and personal history was vague, many questions being answered by 'I don't know' or 'I was too young to remember.'

"Although subject admits that she attended school under the Communist regime in Canton from 1951 to 1956 she appeared reluctant to discuss any details and her attitude throughout the interview was noncommittal or evasive."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Hyde, who appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill, submitted the following letter in support of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 14, 1958.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Miss Kim-shun Fong, the beneficiary of my bill, H. R. 6118, was born in 1937 and was adopted by Mrs. Thomas L. Fong during the war years. The mother and father of this beneficiary are deceased and Mr. Fong has been supporting his adopted daughter, as indicated by the canceled checks enclosed. The beneficiary of this bill escaped from Communist China in August of 1956 and is now attending school in Hong Kong.

Mr. Fong is an American citizen and is employed by the United States Department of State as a foreign-affairs specialist. They are purchasing their own home.

Mrs. Fong is a cousin of the beneficiary and has contributed to her support since her parents died in 1943.

With kind regards, I am

Sincerely,

DEWITT HYDE.

The canceled checks, in the amount of $300, referred to in Mr. Hyde's letter, have been returned to him.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 527, as amended, should be enacted and accordingly recommends that it do pass.

○