

FOR THE RELIEF OF CERTAIN ALIENS

APRIL 29, 1958.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H. J. Res. 589]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 589) for the relief of certain aliens, having considered the same, report favorably thereon with amendment and recommend that the joint resolution do pass.

The amendment is as follows:

On page 1, line 10, after the word "Act," strike out the name "Mrs. Chu Buoy Ngow Lee," and substitute in lieu thereof the following:

Chu Lau Soo (also known as Mrs. Chu Buoy Ngow Lee),

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to six persons and provides for the payment of the required visa fees and the appropriate quota deductions. The joint resolution further provides that deportation proceedings be canceled in four cases.

The bill has been amended to use the correct name of one of the beneficiaries.

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.

Section 1 of the joint resolution would grant permanent residence to three persons and provides for the payment of the required visa fees.

No quota charge has been included in this section in view of the fact that two of the beneficiaries are entitled to nonquota status, and the other beneficiary is the widow of a serviceman and it is not the policy of the committee to provide for quota deductions in such cases. The beneficiaries of this section were the subjects of individual bills, as follows:

H. R. 1790, by Mr. Scudder

H. R. 3670, by Mr. Boyle

H. R. 4733, by Mr. Vanik

Section 2 of the joint resolution, as amended, would grant permanent residence in the United States to three persons and provides for the payment of the required visa fees and for appropriate quota deductions. The beneficiaries of this section were the subjects of the following bills:

H. R. 3316, by Mr. Shelley

H. R. 3928, by Mr. Shelley

H. R. 5085, by Mr. Mailliard

Section 3 of the joint resolution provides for the cancellation of deportation in the cases of four persons who were the subjects of the following bills:

H. R. 1461, by Mr. James

H. R. 2965, by Mr. Pelly

H. R. 3164, by Mr. Hiestand

H. R. 4466, by Mr. James

The pertinent facts in each case are printed below in the order that the names of the beneficiaries appear in House Joint Resolution 589, as amended.

H. R. 1790, by Mr. Scudder—Segundina Kirkby, nee Paloquit

The beneficiary is a 38-year-old native and citizen of the Philippines who is the widow of a United States citizen who served with the United States Army during World War II. She has two children both of whom acquired United States citizenship at birth through their father. The beneficiary was admitted to the United States as a visitor in December of 1957.

The pertinent facts in this case are contained in a letter dated June 12, 1957, from the Commissioner of Immigration and Naturalization 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., June 12, 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. 1790) for the relief of Segundina Kirkby, 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 would provide that, in the administration of the Immigration and Nationality Act, the beneficiary shall be held to be classifiable as a nonquota immigrant.

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

Sincerely,

J. M. SWING, *Commissioner*.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE SEGUNDINA KIRKBY,
BENEFICIARY OF H. R. 1790

Information concerning this case was obtained from Mrs. Myrtle Anne Kirkby, the mother-in-law of the beneficiary.

Segundina Kirkby, nee Paloquit, who has never been in the United States, was born on January 15, 1920, in Leyte in the Philippines. She is a citizen of that country. She was married in the Philippines in 1946 to William Henry Kirkby, Jr., a United States citizen who served with the United States Army during World War II. He died from acute malaria in Manila on November 13, 1949.

The beneficiary and Mr. Kirkby had two children, Mary Dina and Kathryn Myrtle, who were born in the Philippines on September 30, 1947, and August 29, 1949, respectively. Both children acquired United States citizenship at birth through their father. The beneficiary and her younger daughter live at 123-C Street in Ermita, Manila, in the Philippines. Her older daughter resides in Eureka, Calif. The beneficiary was graduated from high school, and also received training as a beautician and secretary. She is employed as a cashier at a hotel in Manila at a salary of about \$80 monthly. She also receives monthly social-security benefit payments from the account of her deceased husband, but the amount is unknown. Her sole asset consists of property valued at about \$1,000. She has one sister living in the Philippines. Her parents are deceased.

Mrs. Myrtle Anne Kirkby, who was born in Table Bluff, Calif. on October 21, 1879, is a citizen of the United States. She is a widow. She lives at 2934 G Street in Eureka, Calif., with her granddaughter, who receives \$36.80 monthly from social security benefit payments. Mrs. Kirkby's assets consist of the house she owns, a savings account of \$9,577.90, a checking account of \$643.92, and a deed of trust in the amount of \$9,000. She has two children who live in California.

Mrs. Myrtle Anne Kirkby received \$5,364.70 from her son's life insurance policy. She believed that this money rightfully belonged to his wife and children, so she deposited it in a joint bank account with the beneficiary in Eureka. None of this fund has been withdrawn by the beneficiary, as she intends to use it to pay for the education of her children.

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

DEPARTMENT OF STATE,
Washington, June 11, 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 Segundina Kirkby, beneficiary of H. R. 1790, 85th Congress, introduced by Mr. Scudder on January 3, 1957.

A report dated April 25, 1957, has been received from the Embassy at Manila furnishing the following information regarding the case:

"Mrs. Segundina Kirkby is registered on the Philippine quota waiting list of intending immigrants as of July 25, 1950. Since the Philippine quota is heavily oversubscribed, she will experience an indefinite waiting period of years before her turn on the quota waiting list is reached and before a quota immigrant visa can be issued to her.

"Mrs. Kirkby called at the Visa Section and during an interview she agreed to undergo a medical examination which she successfully completed on April 16, 1957.

"The Embassy has no reason to believe that Mrs. Kirkby would be ineligible to receive a visa if the bill is enacted in her behalf."

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Mr. Scudder, the author of H. R. 1790, submitted the following statement in support of his bill:

Mr. Chairman and members of the subcommittee, I greatly appreciate your courtesy in giving me the opportunity to present the merits of my private bill, H. R. 1790, for the relief of Mrs. Segundina Kirkby, to you this morning. You will note from the body of the bill that if enacted, the law would give Mrs. Kirkby nonquota immigrant status.

Mrs. Kirkby was the wife of an American citizen who served with the United States Army in Manila from 1943 until his death from malaria in 1949. Sergeant Kirkby saw extensive action in the Far East; he was a member of the forces that invaded Leyte in 1944 and part of the group that fought on Okinawa. In 1943 he received a letter of recommendation commending him on his valuable aid in evacuating wounded soldiers from the battlefield during the Attu assault. The action in this area is history and there is no need for me to tell you the pride all Americans have for our brave men who participated in these battles.

There were two children born of his marriage to Segundina Kirkby. One of the little girls is presently living with her grandmother in Eureka, Calif., and the other child is with her mother in the Philippines.

Under the present immigration and naturalization law, Mrs. Kirkby is not entitled to any preference for immigration to the United States. Her husband's family has indicated a strong desire to have her and the other child come to live with them. Last Christmas, Mrs. Kirkby entered the

United States on a visitor's visa. Her arrival was heralded by the Kirkby family and a very interesting news article appeared in the Humboldt Standard with regard to the whole family. In fact, the article was written by Mrs. Kirkby's sister-in-law. The newspictures show a very attractive family and there is evident joy expressed on all of the faces testifying to a happy reunion.

Residents in the community have written me on behalf of Mrs. Kirkby. They have stated that the daughter who is living with the grandmother is a very bright and intelligent youngster. The Kirkby family is well known and highly respected in the community. They want their son's family with them.

I respectfully urge that the committee give favorable consideration to this bill. Mrs. Kirkby, as I mentioned before, is in the United States on a visitor's visa. Action by your committee can delay her departure until final consideration is given to this bill.

I want to again thank you for your sympathetic consideration of this meritorious legislation.

H. R. 3670, by Mr. Boyle—Robert Louis Schmidt

The beneficiary is a 38-year-old native and citizen of Canada who last entered the United States illegally in 1952. He first entered the United States as a visitor in 1928 and was deported in 1938, and has had six illegal entries since that time. His 4 brothers and 3 sisters are legal residents of the United States.

The pertinent facts in this case are contained in a letter dated December 10, 1957, from the Commissioner of Immigration and Naturalization 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., December 10, 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. 3670) for the relief of Robert Louis Schmidt, 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 Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee.

Sincerely,

J. W. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ROBERT LOUIS SCHMIDT,
BENEFICIARY OF H. R. 3670

The beneficiary, Robert Louis Schmidt, a native and citizen of Canada, was born on May 29, 1919. He lives at 4755 North Malden Street, Chicago, Ill.

Mr. Schmidt is self-employed as a tree surgeon. He completed grammar school and 1 year of high school in Chicago, Ill. His income is about \$5,000 a year and his assets amount to \$5,000.

The beneficiary has never married. He lived in a husband-and-wife relationship with a married woman from April 1942 until October 1947 in Canada. Three children were born as a result of this relationship. Two sons are in the United States illegally. The daughter lives with her mother in Canada. The beneficiary's 4 brothers and 3 sisters are legal residents of the United States. His parents are deceased.

The beneficiary first entered the United States as a visitor at Detroit, Mich., about May 15, 1928. Deportation proceedings were instituted against him on the ground that he had remained longer than permitted. He was deported on August 14, 1938. He reentered illegally in August 1939, at Niagara Falls, N. Y., and was granted voluntary departure on December 12, 1941. He entered the United States illegally four times at Buffalo, N. Y., between 1942 and 1946, returning to Canada each time before his presence in the United States was discovered. In October 1947, he entered the United States illegally at Detroit, Mich., accompanied by one of his sons, and was deported on March 2, 1952. The son was left in Chicago with the beneficiary's brother. The beneficiary last entered the United States illegally at Niagara Falls, N. Y., on June 15, 1952, accompanied by his other son. He was apprehended and placed under deportation proceedings on the ground that he had reentered the United States without securing permission from the Attorney General to reapply for admission. On March 14, 1955, he was ordered deported on that ground. Deportation was deferred pending criminal prosecution.

On December 1, 1955, the beneficiary was sentenced by the United States district court, Chicago, Ill., to 2 years imprisonment for reentering the United States without obtaining permission of the Attorney General to reapply for admission after having been previously deported. The court suspended sentence, ordered probation, and granted him 6 months to depart from the United States under the order of deportation. Additional periods within which to depart were granted by the court, the last having expired on August 30, 1957.

Mr. Boyle, the author of H. R. 3670, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill as follows:

The beneficiary, Robert Louis Schmidt, is a native and citizen of Canada. He was born on May 29, 1919, and lives at 4755 North Malden Street, Chicago, Ill.

The beneficiary has never married. He lived in a husband and wife relationship with a married woman from April 1942, until October 1947, in Canada. Three children were born as a result of this relationship. Two sons are in the United States illegally. The daughter lives with her mother in Canada. The beneficiary's 4 brothers and 3 sisters are legal residents of the United States. His parents are deceased.

Mr. Schmidt is self-employed as a tree surgeon. He completed grammar school and 1 year of high school in Chicago, Ill. His income is \$5,000 a year and his assets amount to \$5,000. The United States immigration officials have stated that since 1937 Mr. Schmidt has lived in the United States illegally on several occasions and remained here for extensive periods of time. The record shows that he has been deported to Canada 2 or 3 times. Mr. Schmidt was brought to the United States by his own parents when he was 8 years of age, and lived in Chicago with his family without interference from the Immigration Department until both of his parents died around 1936. About 1 year after that, when he was 18 years of age, he was deported along with his brother, Gordon Schmidt, who is 1 year his senior. Mr. Schmidt relates that by that time they had no relatives or friends in Canada, no prospects of employment, and were without funds and personal effects. According to him it was virtually necessary for him to return to the United States, where he had numerous relatives, if he expected to avoid starvation. During the following 20 years, Mr. Schmidt actually did live in the United States several times and on these occasions has been self-supporting, and, apparently, otherwise law abiding.

H. R. 4733, by Mr. Vanik—Mrs. Annie Bertha Yarnold

The beneficiary is a 58-year-old native and citizen of Canada who is the wife of a lawfully resident alien in the United States and the mother of their 3 United States citizen sons, 2 of whom served honorably in the Armed Forces of the United States during World War II. She first entered the United States as a visitor in 1920 and remained here with the exception of short visits to Canada and Mexico. In 1944 she obtained an immigrant visa and was readmitted from Canada as a lawfully resident alien. She has been intermittently institutionalized from 1947 to 1954 and was restored to competency by court action in 1955 and is indicated to have made a satisfactory adjustment.

The pertinent facts in this case are contained in a letter dated January 12, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary regarding a bill then pending 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., January 12, 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. 5545) for the relief of Mrs. Annie Bertha Yarnold, 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 Cleveland, Ohio,, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

—————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MRS. ANNIE BERTHA
YARNOLD, BENEFICIARY OF H. R. 5545

The beneficiary, who was born on April 11, 1900, is a native and citizen of Canada. Since 1916 she has been married to Thomas Alexander Yarnold, a citizen of Canada and a lawful resident of the United States. Three sons, all citizens of the United States, were born as a result of this marriage. The two oldest sons served in the Armed Forces of the United States during World War II; the youngest son Gerald, age 26, has been handicapped from a malady since the age of 15, and is dependent upon his parents for support. The beneficiary, who is not employed, resides with her husband at 7815 Redell Avenue, Cleveland, Ohio. She is supported by her husband and shares his assets, consisting of their home and other property, with an aggregate value of approximately \$20,000. Mrs. Yarnold has an elementary school education and possesses no special skills. Her parents are deceased.

Mrs. Yarnold first entered the United States in 1920 as a visitor and has resided in this country since that time with the exception of short visits to Canada and Mexico. In 1944 she went to Canada, obtained an immigration visa and returned to the United States at Buffalo, N. Y., on June 17, 1944, at which time she was admitted for permanent residence. On April 28, 1954, deportation proceedings were instituted upon the issuance of a warrant of arrest charging that on January 5, 1947, she entered the United States at El Paso, Tex., without a valid immigration visa or other entry document and that she had entered without inspection. Subsequent to the issuance of the warrant of arrest, the beneficiary testified

that her last entry into the United States occurred on November 27, 1949, at Buffalo, N. Y., and that she had been admitted under a waiver of documents. She was accorded a hearing on October 27, 1954, and found to be subject to deportation for having entered the United States without proper documents and on a lodged charge that she was a person who had had one or more attacks of insanity prior to entry. She was not found to be deportable for having entered without inspection. The beneficiary was granted voluntary departure, but has not availed herself of that privilege.

Mrs. Yarnold had been intermittently institutionalized from 1947 to August 19, 1954, at the Cleveland State and Cleveland Receiving Hospitals, Cleveland, Ohio, and her diagnosis, at both hospitals, was manic depressive psychosis, manic type. She was released from the Cleveland State Hospital on a trial visit on August 19, 1954, and required to report to the outpatient clinic periodically. She reported to the outpatient clinic on September 20, 1954, and the examiner reported that there was no evidence of any psychosis at that time. The beneficiary was restored to competency by the probate court of Cuyahoga County, Ohio, on February 15, 1955. The United States Public Health Service, of Cleveland, Ohio, has certified that Mrs. Yarnold was examined by a competent psychiatrist on July 27, 1955, and considered now in a complete remission. The psychiatrist reported that he did not consider there was any danger of immediate exacerbation. A recent investigation conducted by this Service has established that since her release from the Cleveland State Hospital, the beneficiary has apparently made a satisfactory social adjustment, and no recent information was obtained which would reflect adversely on her moral character.

The beneficiary was arrested by the city police in El Paso, Tex., on February 12, 1947, for "clinic," no further disposition of the case was indicated. She has testified that she was arrested at that time for having men in her room, but denies that they were there for any immoral purpose. She was also arrested at El Paso, Tex., on February 21, 1947, for vagrancy, but the charge was dismissed. On November 2, 1945, the beneficiary was arrested at Carlsbad, N. Mex., for investigation and was released on November 4, 1945. Mrs. Yarnold has also testified that she was arrested in Artesia, N. Mex. However, the records of that police department do not contain information concerning this arrest.

Mr. Vanik, the author of H. R. 4733, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman and members of the subcommittee, I am today appearing before you to offer testimony on behalf of my bill, H. R. 4733, for the relief of Mrs. Annie Bertha Yarnold. This bill is identical to H. R. 5545 which I introduced in the 84th Congress for Mrs. Yarnold. A stay of

her deportation has been in effect since that time. The latest address which I have for Mrs. Yarnold is at 7815 Redell Avenue, Cleveland, Ohio, in my congressional district. She was born in Canada on April 11, 1900, and first came to the United States as a visitor in 1920. Since 1916 she has been married to Thomas Alexander Yarnold, a Canadian citizen. She has three sons, all citizens of the United States. In 1944 she returned to Canada to obtain an immigrant visa and reentered the United States at Buffalo, N. Y., that same year. Since then, the record indicates several instances of illegal acts and arrests therefor. During this period Mrs. Yarnold has been intermittently institutionalized in Cleveland hospitals and diagnosed as a manic psychotic. It is quite obvious that the illegal acts which she committed on the occasions of record were directly attributable to her corresponding mental condition.

However, as a result of medical treatment at the Cleveland State Hospital, her condition was improved and finally on February 15, 1955, she was restored to competency by the probate court of Cuyahoga County. On July 27, 1955, a competent psychiatrist of the United States Public Health Service certified to her complete remission. Further investigation by the Immigration Service reveals her satisfactory social adjustment. I have already submitted to the subcommittee letters from persons attesting to her character. In view of this evidence in her behalf and as a result of my own personal observation of her behavior, I ask favorable consideration of this private legislation in Mrs. Yarnold's behalf.

Thank you.

H. R. 3316, by Mr. Shelley—Chu Lau Soo (also known as Mrs. Chu Buoy Ngow Lee)

The beneficiary is a 54-year-old Chinese widow who was admitted to the United States as a visitor in 1951, falsely claiming the identity of another. The beneficiary revealed that her father, now deceased, who was here as a lawfully resident alien merchant, had brought "a daughter" here many years ago using the beneficiary's identity. She has 2 adult children in China and has 2 brothers and 5 sisters in the United States and is employed by her relatives.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization, dated September 17, 1956, to the chairman of the Committee on the Judiciary, regarding a bill then pending 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 17, 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. 10653) for the relief of Mrs. Chu Buoy Ngow Lee, 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 grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MRS. CHU BUOY NGOW
LEE, BENEFICIARY OF H. R. 10653

Mrs. Chu Buoy Ngow Lee, whose true name is Chu Lau Soo, a citizen of China, was born on April 11, 1903, in Hen Lee Village, Har Lo Section, Sun Wuey District, Kwangtung, China. She was married to Fung Yin Juey, a citizen of China, on October 22, 1919, and he died in 1929 in the United States. Their two adult alien children reside in China. She resides at 665 Clay Street in San Francisco, Calif.

Chu Lau Soo is unemployed and has no income. She is supported by relatives in San Francisco. Her assets consist of \$2,000 in a bank at San Francisco, uranium stock worth \$100, and a small piece of farmland in China. She attended elementary school in China for about 1 year and completed 2 semesters of night school at the Chinese Mission Center in San Francisco. She has no specialized training. Her parents are deceased. Her father, Chu Chew Shong, died in San Francisco on June 8, 1956. He was a lawfully resident alien merchant for many years. She has 2 brothers and 5 sisters living in the United States.

The beneficiary's only entry into the United States occurred on November 4, 1951 at Honolulu as a temporary visitor. Her application for adjustment of status under provisions of section 6, Refugee Relief Act, was denied on June 29, 1955, because she could return to her last place of residence, Hong Kong, British Crown Colony. Deportation proceedings resulted in an order of deportation being entered on March 15, 1956, on the ground she had failed to comply with the conditions of her nonimmigrant status.

Information recently given by the beneficiary to an officer of the Service contradicted that previously furnished by her to American consular officers. When confronted with these discrepancies she confessed that she had secured her non-immigrant visa under a false identity, that she had falsely claimed to be the goddaughter of Chu Chew Shong whom she desired to visit when as a matter of fact she was his natural daughter. She also stated that her identity in the records of this Service established by her father over a period of years had been used by him to bring into the United States in her stead a younger sister, Elisabeth, whose birth or iden-

tity as his daughter had never been established in the family records with the Immigration and Naturalization Service. The beneficiary also stated that her father had succeeded in a conspiracy to bring into the United States 2 men as his natural sons by having them impersonate his 2 daughters who had died in infancy. Her statements were witnessed by and confirmed as to accuracy and truthfulness by her brother, Daniel Chu, a native and citizen of the United States.

Mr. Shelley, who appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, supplied the committee with the following letters and statements in support of his bill:

APRIL 12, 1956.

DEAR JACK: I am enclosing a brief summary of my sister's case. In view of the present situation in the Immigration Service, I know the solution for this matter will not be an easy task. However, I can say without any reservation that she is not involved in any way whatsoever with the cases now under the investigation by the grand jury. She is merely a victim of circumstances, and I have attempted every possible legal procedure and administrative channel to get her some sort of permanent status, but as you can see, she has not found relief under the present immigration laws. Naturally, as her brother, I have always wanted to keep her here in the United States. But now, a more important reason has developed: My father, who by the way received an honorary degree from our school in 1950, is now very ill with cancer. Her deportation at this time will undoubtedly be detrimental to his health and well-being. I humbly implore your interest in this matter, Jack, because the physical presence of my father and sister is at stake. If you do need any other information about this matter, I can be contacted at Yukon 2-0175 or I can supply it through the mail. Thanks a lot for your encouragement last Saturday, and now for your kind attention, I remain

Very truly yours,

DAN CHU.

SUMMARY OF LEE CHU BUOY NGOW'S CASE

Mrs. Lee Chu Buoy Ngow, born in Sun Wei District, Kwangtung Province, China, on March 14, 1904, is a Chinese national. She came over in November 1951 as a visitor. Though she applied for an extension of stay within the specified time limit, she did not receive any word in regard to her request for extension. During the interim she applied for an adjustment in her status as provided under section 6 of the Refugee Relief Act of 1953. The application was denied at San Francisco immigration office because the inquiry officer regarded her as a resident of Hong Kong and, therefore, ineligible for stay under the Refugee Relief Act. The officer's reasons were based on the following:

1. Her length of stay in Hong Kong (1946-51). See A.
2. Her possession of a reentry permit issued by the Hong Kong authorities at the time of her arrival in the United States.
3. The residents of Hong Kong have no fear of Communist persecution because of race, religion, or political beliefs. Therefore she cannot qualify under the aforementioned act.

An appeal was made to the regional commissioner at San Pedro to reconsider the case and the result was the same. Denial.

LETTER OF SEPTEMBER 22, 1955, FROM IMMIGRATION

Deportation proceedings were instituted on the grounds * * *.

* * * You are charged with being an alien illegally in the United States and subject to deportation upon the following grounds: Section 241 (a) (9) of the Immigration and Nationality Act, in that, after admission to the United States as a nonimmigrant, to wit, a visitor for pleasure under section 3 (a) of the Immigration Act of 1924 he failed to comply with the conditions of such status.

This resulted in an order of deportation being entered by the special inquiry officer March 15, 1956.

She did not apply for suspension of deportation due to the fact that she does not have 7 years' residence in the United States.

March 29, 1956, she was notified to surrender for deportation to China on April 9, 1956. Her attorneys then prepared a petition for stay of deportation under section 243 (h) of the Immigration and Nationality Act alleging her deportation to China would result in physical persecution because that country is in the hands of the Communist Government. However, because of the events which followed that petition was filed. On April 3, 1956, her attorney discussed her case with officers of the Immigration Service and was informed that an attempt had been made to gain admission for her into Hong Kong and as a result the deportation of April 9 would be deferred subject to approval of reentry permit by the British consulate. On the same date, she was informed that she would be deported to Hong Kong on April 9.

April 4, 1956, she was informed that she would not be deported on April 9, but she should appear April 30 for deportation to Hong Kong booked on the *President Cleveland*.

It appears that the immigration officers believed that they could obtain a Hong Kong reentry permit without any delay and therefore planned the deportation to Hong Kong on April 9, when they learned from the British consulate in San Francisco that additional time would be required they deferred the deportation to April 30. She appeared in the British consulate, Friday, April 6, at the direction of the Immigration Service and executed a number of forms required by the British consulate for the issuance of a reentry permit to Hong Kong.

In preparing these forms, she stated frankly that she did not desire to go to Hong Kong nor to reside there and that she would be without funds if she were sent to Hong Kong on the basis of these statements. An employee of the British consulate, indicated that a reentry permit to Hong Kong would probably be denied. Under the circumstances it appears likely that the Immigration Service will be unable to deport to Hong Kong but will further effort to deport her to China if such action is taken, her attorneys will immediately file the petition for stay of deportation on the grounds of physical persecution. However, if the British Government should issue any document entitling her to enter Hong Kong the Immigration Service will be in a position to deport her to Hong Kong on short notice. Her attorneys advise that there is no method by which she could acquire permanent

residence administratively. In the absence of a private bill, she will either be deported to Hong Kong or some other place to which the Service can obtain documents for her admission or she may be granted a temporary stay of deportation to China due to present conditions in that country.

FACTUAL SITUATION OF THE CASE

Upon her arrival to the United States in 1951 it is that of a god-daughter visiting her godfather but in actuality, it is a father and daughter relationship. This situation resulted from the fact that about 40 years ago when she was residing in China with her husband (who has since deceased) her family brought to the United States another daughter under her name. Because of this action many years ago she was unable to use her true identity as the daughter of Chu Chew Shong and came to this country as his goddaughter. This was not an effort to gain an advantage under the immigration laws by assuming a false identity since she did not gain advantage under the immigration laws as a result of the assumed name. As a matter of fact under her true identity, she would be entitled to third-preference status under the immigration quota system. The foregoing information concerning her true identity has been furnished to you because we feel that you are entitled to know all the facts in the case even though the Immigration Service is not aware of them. We would say however, that she has not testified falsely during the deportation proceedings and she is prepared to disclose the true identity in relation to any action before the Immigration Service including private bill investigation if any. If the Immigration Service should attempt to deport her on short notice before you have had an opportunity to look into the merits of the case, we would like the opportunity of calling the matter to your attention in order that you may take the necessary actions you deemed appropriate concerning a stay of deportation.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, Calif., January 4, 1956.

Mrs. CHU BUOY NGOW LEE,
San Francisco, Calif.

DEAR MADAM: Reference is had to an application for extension of temporary stay in the United States submitted by you on April 14, 1952, upon which action by this Service was held in abeyance pending the results of your subsequent application to adjust immigration status under section 6 of the Refugee Relief Act of 1953.

In view of the fact that you have been denied adjustment of status to permanent residence under the aforementioned act your nonimmigrant status has terminated and extension of further temporary stay in the United States is denied.

It will, therefore, be necessary that you make arrangements to promptly depart from the United States. Departure within 30 days from the receipt of this letter will be considered satisfactory compliance with the terms of your admission.

In order that your record with us for any future visits may remain clear, please inform us within 10 days of the date of this letter of the port, date, and name of vessel or other means by which you will depart.

Very truly yours,

BRUCE G. BARBER, *District Director.*

By A. KUCKEIN, *Chief, Entry and Departure Section.*

Your passport and visitor's permit are returned.

PROCEEDINGS UNDER SECTION 6 OF THE REFUGEE RELIEF ACT OF 1953
DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE

File: V-1184996, San Francisco, serial No. 651.

In re: Chu Buoy Ngow Lee formerly Chu Buoy Ngow.

Application: Adjustment of immigration status.

The applicant is a 51-year-old widowed female, a native and citizen of China. She last entered the United States at the port of Honolulu, T. H., on November 4, 1951, at which time she was admitted as a temporary visitor for 6 months under the provisions of section 3 (2) of the Immigration Act of 1924. The applicant testified that China is the country of her birth, nationality, and last residence, and that she cannot return thereto because she fears persecution on account of her political opinion. The record discloses that from 1946 to immediately prior to her arrival in the United States, the applicant lived in Hong Kong; that in her application for the nonimmigrant visa she presented at the time of arrival she furnished a Hong Kong address as her home address; that in making application for an extension of temporary stay in April 1952 she claimed her foreign residence was in Hong Kong; and that at the time of arrival she was in possession of a reentry document issued by the Hong Kong authorities valid for her return thereto. Notwithstanding the foregoing the applicant testified in this proceeding that she went to Hong Kong in 1946 to visit relatives; that she never considered that residence to be other than temporary; that she enjoyed her visit in Hong Kong so much she remained 3 years; and that when she decided to visit in the United States about 1949 she remained on in Hong Kong awaiting the issuance of a nonimmigrant visa. It is difficult to see how the applicant, upon the basis of her present self-serving testimony, can controvert prior evidence which shows her last foreign residence was in Hong Kong and can establish that China was the place of her last residence. The applicant has made no claims to be able to return to Hong Kong because of persecution or fear of persecution on account of her race, religion or political opinion.

Recommendation: It is recommended that the alien's application for adjustment of immigration status under the provisions of section 6 of the Refugee Act of 1953 be denied for the reason that she has not established she cannot return to the place of her last residence (Hong Kong) because of persecution or fear of persecution on account of race, religion, or political opinion.

H. H. ENGELSKIRCHEN,
Special Inquiry Officer.

H. R. 3928, by Mr. Shelley—Maximo C. Angeles

The beneficiary is a 44-year-old native and citizen of the Philippine Islands who was last admitted to the United States as a seaman in 1954. The beneficiary was employed as a seaman from 1945 to November of 1954 by the Military Sea Transport Service. His mother resides in the Philippines.

The pertinent facts in this case are contained in a letter dated June 24, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, regarding a bill then pending 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., June 24, 1955.

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 private bill H. R. 2950 for the relief of Maximo C. Angeles, there is attached a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Philippine Islands.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MAXIMO C. ANGELES,
BENEFICIARY OF H. R. 2950, 84TH CONGRESS

Maximo C. Angeles was born on June 7, 1913, in Mapandan, Pangasinan, Philippine Islands, and is a citizen of that country. He is single and has no family ties or relatives in the United States. He presently resides at 743 Minna Street, San Francisco, Calif. His father is deceased. His mother, Fortunata Calimlim Angeles, resides in the Philippines.

Mr. Angeles received a high school education in his native country and since 1945 has been a seaman. He was employed by the Military Sea Transport Service from 1945 to November 1954 but is not employed at the present time. His assets consist of \$3,970 in the Bank of America, San Francisco, \$521 in the Home Mutual Savings & Loan Association, and \$577 due from the retirement fund of former employment.

The beneficiary last arrived in the United States at San Francisco, Calif., November 22, 1954, as a seaman on the U. S. N. S. *General Daniel I. Sultan*. He was refused a landing permit and an exclusion order is outstanding against him. However, he was paroled into the United States pending arrangements to be made by the Military Sea Transport

Service for his repatriation to the Philippines. On January 17, 1955, he was granted an extension of 60 days within which to effect repatriation but he failed to return to the Philippines or depart from the United States.

Mr. Shelley, the author of H. R. 3928, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill as follows:

Mr. Chairman, and members of the committee, I am appearing today to testify on behalf of my bill, H. R. 3928, for the relief of Maximo C. Angeles.

Mr. Angeles was born on June 7, 1913 in Mapandan, Pangasinan, Philippine Islands. From approximately 1945 to November of 1954 he was employed by the Military Sea Transport Service. During this period he made an excellent record as a seaman.

Mr. Angeles is presently living in Chicago where he went for schooling in September of 1955 after notifying the Immigration Service in San Francisco of his intentions. In Chicago he studied radio-television repair at the Cayne Electrical School and, according to the latest information I have received from Mr. Angeles, he is working at the Acosta Radio-Television Repair Shop in Chicago.

Mr. Angeles has impressed me very much as being a most sincere and industrious person who would make himself a useful citizen of the United States if he is given the opportunity.

H. R. 5085, by Mr. Mailliard—George Kuosing Wu

The beneficiary is a 24-year-old native and citizen of China who entered the United States surreptitiously across the Mexican border in 1951. His parents and two sisters who were admitted to the United States as a foreign government official and family in 1950, coming from Mexico, have acquired permanent residence in the United States under the provisions of section 6 of the Refugee Relief Act of 1953, as amended.

The pertinent facts in this case are contained in a letter dated June 19, 1957, from the Commissioner of Immigration and Naturalization 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., June 19, 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. 5085) for the relief of George Kuosing Wu, 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 would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner*.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE GEORGE KUOSING WU,
BENEFICIARY OF H. R. 5085

George Kuosing Wu, who was born on October 19, 1933 in Shanghai, China, is a citizen of China. He is single and lives with his parents and two sisters in apartment 6 at 1430 Leavenworth Street in San Francisco, Calif. The beneficiary completed 5 years of grammar school in China, 5 years of high school and 1 year at the University of Guadalajara in Mexico, and about 6 months at the Valley Junior College in Los Angeles, Calif. He has been employed as a draftsman by the Marchand Calculator Machine Corp. in Oakland, Calif., since November 1, 1956, at a salary of \$375 monthly. His sole asset consists of an automobile on which he owes \$2,000.

Mr. Wu remained in Mexico as a student after his parents and sisters came to this country in 1950. He entered the United States without inspection near San Ysidro, Calif., on October 28, 1953, to join his family. He had previously been refused an immigrant visa at the American consulates in Mazatlan, Guadalajara, and Mexicali. Deportation proceedings were instituted against the beneficiary on November 27, 1953, on the ground that at the time of entry he was not in possession of a valid immigrant visa or other entry document. A special inquiry officer, on January 22, 1954, granted him the privilege of voluntary departure with the alternative of deportation should he fail to avail himself of that privilege. His appeal was dismissed by the Board of Immigration Appeals on October 20, 1954. On June 11, 1957, the beneficiary was advised that since he appeared prima facie eligible for first preference classification under the quota, he might be eligible for administrative relief if his employer filed a petition for such classification in his behalf.

The beneficiary's father, Fa Hsiang Wu, who had held various diplomatic and consular positions in Europe and Mexico, was attached to the Chinese consulate in Mazatlan, Sinola, Mexico, when it was closed in April 1950. He entered the United States at Nogales, Ariz., on May 5, 1950, at which time he was admitted as a foreign government official. His wife and two minor daughters, who accompanied him at that time, were admitted as the family of such an official. Although Fa Hsiang Wu and his family later violated the conditions under which they were admitted to the United States, their status has been adjusted to that of aliens lawfully admitted to the United States for permanent

residence under the applicable provisions of the Refugee Relief Act of 1953, as amended.

Private bills H. R. 2918, 84th Congress, and H. R. 8240, 83d Congress, introduced in behalf of the beneficiary and various members of his family, were not enacted.

Mr. Mailliard, the author of H. R. 5085, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

George Kuosing Wu was born October 19, 1933, in Shanghai, China, is single and resides with his parents and two sisters in apartment 6, 1430 Leavenworth Street, San Francisco, Calif.

Mr. Wu's parents and two sisters entered the United States from Mexico at Nogales, Ariz., on May 5, 1950, as foreign government official and family. Although Fa Hsiang Wu and his family later violated the conditions under which they were admitted to the United States, their status has been adjusted to that of aliens lawfully admitted to the United States for permanent residence under the applicable provisions of the Refugee Relief Act of 1953, as amended.

Mr. Wu remained in Mexico as a student after his parents and sisters came to this country in 1950. He entered the United States without inspection near San Ysidro, Calif., on October 28, 1953, to join his family. He had previously been refused an immigrant visa at the American consulates in Mazatlan, Guadalajara, and Mexicali. Deportation proceedings were instituted against him on November 27, 1953, on the ground that at time of entry he was not in possession of a valid immigrant visa or other entry document. A special inquiry officer, on January 22, 1954, granted him the privilege of voluntary departure with the alternative of deportation should he fail to avail himself of that privilege. His appeal was dismissed by the Board of Immigration Appeals on October 20, 1954. On June 11, 1957, the beneficiary was advised that since he appeared *prima facie* eligible for first-preference classification under the quota, he might be eligible for administrative relief if his employer filed a petition for such classification in his behalf.

Mr. Wu is employed as a draftsman by the Marchand Calculator Corp., in Oakland, Calif., since November 1, 1956, at a salary of \$375 monthly. His sole asset consists of an automobile on which he owes \$2,000.

H. R. 1461, by Mr. James—Mrs. Hayguhi (Kedesyan) Kudis

The beneficiary is a 75-year-old native of Turkey who was admitted to the United States as a visitor in 1955 and resides with her daughter, a United States citizen, and her son-in-law. Her only son resides in Turkey. The beneficiary has been supported by her daughter since 1927.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization, dated September 4, 1956, to the chairman of the Committee on the Judiciary, regarding

a bill then pending 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 4, 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. 9463) for the relief of Mrs. Hayguhi (Kedesyan) Kudis, 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 Philadelphia, Pa., office of this Service which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. The bill would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MRS HAYGUHI (KED-
ESYAN) KUDIS, BENEFICIARY OF H. R. 9463

The beneficiary, who was born in Talas, Turkey, in 1882, is a widow. She was married in 1906. Her husband died in 1922. She has a daughter, Dicranoochi, and a son, Abraham, who were born in Turkey. The beneficiary completed 9 years of schooling and was thereafter employed as a school-teacher in her native country. She is presently unemployed and has no income or assets. She resides with her daughter, who is now Mrs. Dicranoochi Garabedian, in Drexel Park, Pa.

The beneficiary was admitted to the United States as a visitor on June 27, 1955, at New York, N. Y. She received extensions of her stay, the last of which has now expired. The beneficiary has indicated an intention of residing permanently in the United States. Therefore, she is residing in this country in an illegal status. Deportation proceedings have been instituted against her on the ground that she failed to comply with the conditions of her admission as a temporary visitor. She was accorded a hearing and was granted the privilege of voluntary departure with an alternative order of deportation in the event of failure to depart.

The beneficiary's son resides in Turkey. Her daughter was admitted to the United States as an immigrant in 1927, and admitted to United States citizenship in 1940. Mrs. Garabedian and her husband operate a cleaning and tailor shop in Upper Darby, Pa. Their net income from such business is approximately \$3,000 per year. They have cash savings of \$11,800 and real and personal property valued at \$44,000. Mrs. Garabedian states that she has been sup-

porting her mother, the beneficiary, since 1927 and is willing and able to continue such support.

Mr. James, the author of H. R. 1461, submitted the following statement in support of his bill:

Mrs. Hayguhi (Kedesyan) Kudis came into this country as a visitor on June 29, 1955, when she was approximately 73 years of age to visit her daughter and son-in-law, Mr. and Mrs. Garoes Garabedian.

Since 1927, Mrs. Garabedian and her husband have been supporting Mrs. Kudis, and because a financial statement of these people revealed that this woman would not become a public charge upon this country, I introduced this bill for her relief.

Mrs. Kudis is a widow and is now approximately 76 years of age. Because of her age it is felt that the return trip to Turkey would be too much for her—especially since she is not in the best of health.

Enactment of H. R. 1461 would make it possible for the beneficiary to remain here permanently with her daughter and son-in-law.

H. R. 2965, by Mr. Pelly—Bror Henrik Johansson, also known as Bror Hendrick Johansson

The beneficiary is a 43-year-old native and citizen of Finland who is the husband of a United States citizen and the father of their three United States citizen children. He first entered the United States as a seaman in 1943 and continued sailing on American vessels until 1954. In 1943 he filed an application for relief from military service as a citizen of a neutral country.

The pertinent facts in this case are contained in a letter dated July 15, 1955, from the Commissioner of Immigration and Naturalization 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., July 15, 1955.

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. 5539) for the relief of Bror Henrik Johansson, 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 Seattle, Wash., office of this Service, which has custody of those files.

The bill provides that the deportation proceedings in the case of the beneficiary and any outstanding bond in connection with such proceedings shall be canceled. The bill further provides that, after the date of enactment of this act, the beneficiary shall not be subject to exclusion or deportation from the United States on the basis of the facts

known to the Department of Justice in his case on such date of enactment.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES CONCERNING BROR HENRIK
JOHANSSON, BENEFICIARY OF H. R. 5539

The beneficiary, Bror Henrik Johansson, also known as Bror Hendrick Johansson, a native and citizen of Finland, was born December 20, 1914. His wife, Betty Marie, and three minor children, all natives and citizens of the United States, reside with him and are dependent upon him for support. The beneficiary is employed as a rigger at Todd Shipyards at a salary of \$82 per week. He has assets valued at approximately \$1,000. He attended elementary school and completed high school in Finland. His father is dead. His mother and one sister reside in Finland, and an aunt resides in New Jersey.

The beneficiary last entered the United States at Seattle, Wash., January 13, 1954, as a member of the crew of the steamship *P. T. Navigator*. Deportation proceedings were instituted March 24, 1954, on the charge that he failed to comply with the conditions of his admission by remaining for a longer period than permitted, and an order granting voluntary departure was entered on November 24, 1954. The beneficiary did not avail himself of the privilege of voluntary departure, and a warrant of deportation has been issued.

On July 14, 1943 the beneficiary filed an application for relief from military service as a citizen of a neutral country and thereby became ineligible for the United States citizenship and ineligible for permanent entry as an immigrant.

Mr. Pelly, the author of H. R. 2965, submitted the following statement in support of his bill:

Mr. Chairman and distinguished members of this subcommittee, I wish to submit the following statement in support of my bill, H. R. 2965.

I will endeavor to make my comments brief and to the point. I think it should be pointed up first that Mr. Bror Henrik Johansson, the beneficiary of this measure, is married to an American citizen and has three minor American-born children which are dependent on him for support.

Admittedly, Mr. Johansson failed to comply with the conditions of his admission by remaining in this country for longer periods than permitted and on several occasions this was prompted by his desire to be with his family. However, feeling that extenuating circumstances existed, the bill was introduced to permit him to stay in this country with his wife and children and will, I sincerely hope, manifest itself as worthwhile in the minds of those present today.

Inasmuch as the crux of this situation also hinges on the fact that the respondent did sign form DDS-301 which, according to law, disqualifies him for citizenship in this country, I would like to mention at this point that the record reveals reasonable doubt that he evaded military service with intent and malice aforethought. When he arrived in the United States he was hospitalized by action of some branch of the Government which is not clearly stipulated in the testimony. As a result, he missed his ship and in the subsequent 5 or 6 months he registered with the draft board. Bear in mind, the beneficiary was only 19 years old at the time. Under oath he stated it was his belief that it was necessary to sign a release exempting him, as a national of a neutral country, from serving in the Armed Forces in order to make himself eligible for service in the merchant marine. The record further indicates that he served continuously in the United States merchant marine from January 25, 1944, to March 25, 1947, in combat zones and was the recipient of a Presidential citation.

In all sincerity, if justice and equity is to prevail, the subject should be allowed to remain in this country with his wife and children. The disruption of a family, now well established in my own constituency, would seem to me to break down our traditional principles of humanity and justice which have always commanded respect from our Nation in the minds of free-thinking people throughout the world.

Since his marriage in 1950, Mr. Johansson has had a permanently established home, initially in Portland, Oreg., and later in Seattle, Wash., where he is presently gainfully employed. There has been no blemish on his record, not even one trivial in nature. His family needs him and I earnestly urge you to consider first the result accruing from broken homes. Let us not pave the way for possible juvenile delinquency which is so prevalent and ever mounting in these trying times.

The father of his home is needed not only by his family, but by the community. May I urge that you permit him to remain in the United States where he can maintain a united and harmonious home for his children. This is an institution forming the basis for our American way of life.

The matter is now in your hands. I earnestly urge favorable consideration of this legislation to permit the continued existence of a normal, happy family.

H. R. 3164, by Mr. Hiestand—Mrs. Vincenza Donato Vaio, nee Donato

The beneficiary is a 66-year-old native and citizen of Italy who was admitted to the United States as a visitor in 1953 and resides with her only daughter, a lawfully resident alien, and her son-in-law. She is dependent upon them for support.

The pertinent facts in this case are contained in a letter, dated June 20, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, regard-

ing a bill then pending 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., June 20, 1955.

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. 5677) for the relief of Mrs. Vincenza Donato Vaio, 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 Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Italy.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MRS. VINCENZA DONATO
VAIO, BENEFICIARY OF H. R. 5677

The beneficiary, Mrs. Vincenza Donato Vaio, nee Donato, also known as Vincenza Rosina Vaio, a native and citizen of Italy, was born on February 25, 1892. Her husband, Giovanni Vaio, a naturalized United States citizen, died in Italy on February 18, 1953, and she has not remarried. She has one child, Natalia Bugetti, a native and citizen of Italy, and a lawful permanent resident of the United States. The beneficiary presently resides with her daughter at 226 South Mountain Avenue, Monrovia, Calif. Mrs. Vaio owns 5 acres of land in Italy from which she derives a very small income. She has no other assets, is not employed and is dependent upon her daughter and son-in-law for support. She attended elementary school in Italy for a period of 8 years. Her daughter is her only living relative.

The beneficiary entered the United States at New York, N. Y., on December 22, 1953, as a visitor and was granted extensions of her visitor's permit until June 22, 1955. She failed to comply with the conditions of her visitor's status and deportation proceedings were commenced in her case on May 19, 1955. Her hearing in deportation proceedings is calendared for June 9, 1955.

An additional report from the Commissioner of Immigration and Naturalization, dated March 6, 1957, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 6, 1957.

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

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on June 20, 1955, relative to Mrs. Vincenza Donato Vaio, beneficiary of private bills H. R. 5677, 84th Congress and H. R. 3164, 85th Congress.

Deportation proceedings were instituted against the beneficiary on May 19, 1955, on the ground that, after admission to the United States as a nonimmigrant visitor, she failed to comply with the conditions of such status. On June 22, 1955, she was granted the privilege of voluntary departure with the alternative of deportation if she fails to depart when required.

Sincerely,

J. M. SWING, *Commissioner.*

Mr. Hiestand submitted the following statement in support of his bill:

Mr. Chairman and members of the committee, I wish to submit the following statement in support of my bill, H. R. 3164, introduced on January 16, 1957, for the relief of Mrs. Vincenza Donato Vaio.

The alien's husband, Giovanni Vaio, was admitted to the United States where he eventually acquired citizenship. In 1952, he returned to Italy to bring his wife to the United States. However, before this could be accomplished, he suffered a heart attack in Italy and died there on February 18, 1953.

In December 1953, the alien beneficiary came to the United States on a temporary visa to visit her daughter and her son-in-law, Mr. Delmas A. Bugelli, the latter a citizen of the United States. Mrs. Bugelli has filed application for naturalization but final action in her case will not be reached until December 1958.

The alien's visitor's visa has been renewed on several occasions thereby permitting her to remain in the United States. Her only living relative is the daughter with whom she presently resides at 226 South Mountain Avenue, Monrovia, Calif. She has no relatives to return to in Italy should she be compelled to return to her native land.

The son-in-law, Mr. Delmas A. Bugelli, has filed with the Department of Justice a \$500 maintenance of status and departure bond. The daughter and son-in-law are financially able to give the alien parent a good home and maintain her in such fashion that she will never become a public charge. However, any enforced separation of the alien's only relatives in this country would work a distinct financial hardship on them.

May I, therefore, request that the committee take into full consideration the age of the alien beneficiary, who is now 66 years old, as well as the fact that she has no relatives to return to in Italy who could provide normal family care, and the additional burden which would be placed on the daughter and son-in-law should they be required to provide separate maintenance for their alien parent.

In my opinion, the extenuating circumstances involved in this case warrant the enactment of this legislation and I respectfully urge favorable consideration of this bill.

H. R. 4466, by Mr. James—Angela Insana

The beneficiary is a 59-year-old native and citizen of Italy who was admitted to the United States as a visitor in 1955. She is unmarried and resides in the household of her nephew, a United States citizen and honorably discharged veteran, and is employed by him as a housekeeper and governess for his three young children. The children's mother has been institutionalized since 1953 as a mental patient. The beneficiary's parents are deceased and she has a brother and two sisters in Italy.

The pertinent facts in this case are contained in reports from the Commissioner of Immigration and Naturalization, dated May 23, 1957, and June 4, 1957, which read, respectively, as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 23, 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. 4466) for the relief of Angela Insana, 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 Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGELA INSANA, BENEFICIARY OF H. R. 4466

The beneficiary was born on February 5, 1899, in San Pier Niceto, Messina, Italy, and is a citizen of that country. She has never married. She presently resides at 735 Laurel Lane, Clifton Heights, Pa., the residence of her nephew, Joseph L. Venuto. She is employed by her nephew as a housekeeper and governess. She receives a retirement pension from Italy in the amount of \$87.90 per annum. She has no assets. She has no formal education. Her parents are deceased. Her brother and two sisters reside in Italy.

The beneficiary last entered the United States at New York, N. Y., on June 13, 1955, as a nonimmigrant visitor. Although she received extensions of stay to May 12, 1957, she has indicated an intention to remain in the United States permanently. Under the circumstances, she is considered as residing in the United States in an unlawful immigration status.

Joseph L. Venuto was born on February 11, 1922, in Philadelphia, Pa. He married Florence Ianni, a United States citizen, on September 20, 1942. Three children, ages 3, 10, and 12, were born of this marriage and reside with him. Mrs. Venuto has been institutionalized at the Embreeville State Hospital, Embreeville, Pa., since 1953 because of mental illness. Prior to the time that the beneficiary came to reside with Mr. Venuto and his children, 1 child had been maintained by charity in a children's home and 2 children were cared for by an aunt in Ohio. Mr. Venuto is employed as a fiscal accountant by the United States Signal Supply Agency, Philadelphia, Pa., and earns approximately \$7,500 per annum. He has a \$4,000 equity in his home valued at \$13,000. He has assets in the amount of \$2,700. He served in the United States Army from March 1943 to October 1945.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 4, 1957.

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

DEAR MR. CHAIRMAN: This refers to H. R. 4466, 85th Congress, in behalf of Angela Insana.

Since submitting our report of May 23, 1957, the beneficiary was accorded a hearing in deportation proceedings and found deportable on the ground that, after admission as a visitor, she had remained in the United States longer than permitted under the law. On May 24, 1957, she was granted the privilege of voluntary departure from the United States with the alternative of deportation in the event of failure to depart when required.

Sincerely,

J. M. SWING, *Commissioner.*

Mr. James, the author of H. R. 4466, submitted the following letter and statement in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1958.

HON. FRANCIS E. WALTER,
*Chairman, Subcommittee on Immigration,
House Judiciary Committee, Washington, D. C.*

DEAR MR. CHAIRMAN: I have been advised that on Monday, March 31, H. R. 4466 will come before your committee for a hearing. Because I have an engagement at the time of the hearing I would appreciate it very much if you would accept the enclosed memorandum in support of this bill for the relief of Angela Insana.

It was my hope to be present at the hearing to make the attached in the form of a statement on behalf of Miss Insana.

Very sincerely yours,

BENJAMIN F. JAMES, *Member of Congress.*

MEMORANDUM

The purpose of H. R. 4466 is to adjust the status of the beneficiary, Miss Angela Insana, to that of a permanent resident of the United States.

The beneficiary, who is 60 years old and a native of Messina, Italy, was admitted to the United States on June 13, 1955, as a nonimmigrant. The purpose of her trip was to visit her nephew and to assist him temporarily with the care of his children.

The beneficiary's nephew, Joseph L. Venuto, is a resident of Clifton Heights, Pa., and an employee of the Signal Corps Supply Agency in Philadelphia. His wife, Florence Venuto, has been confined in the Pennsylvania State Mental Hospital at Embreeville for almost 5 years. When she was first hospitalized in 1953, they had 2 boys, aged 8 and 6, respectively; a third son was born a few months later.

Despite substantial efforts both on his own part and by his friends, Mr. Venuto was unable to find anyone to take care of the three children and keep a home. It was therefore necessary to send the two older boys to live with Mr. Venuto's sister in Ohio and to send the baby to a charitable institution. When he was compelled to remove the baby from the institution, and when his sister could no longer care for the older boys, Mr. Venuto was required to rely entirely upon the beneficiary—who had just then come to this country—to take care of the children and keep a home for his family. At the time the beneficiary came here there was every indication that Mrs. Venuto would recover, and it was the beneficiary's intention to return to Italy.

Mrs. Venuto's progress was disheartening. On numerous occasions she appeared almost well enough to be released, but then had relapses. In 1956, Mrs. Venuto was placed on convalescent leave at home for a short time but had to be hospitalized once again. The beneficiary was granted a series of extensions permitting her to remain here; but when it became apparent that Mrs. Venuto was not making any progress toward recovery, H. R. 4466 was introduced to grant the beneficiary permanent residence.

All evidence now suggests that Mrs. Venuto will require hospitalization indefinitely. For example, the most recent report from the State Hospital, dated January 3, 1958, states among other things, that is "questionable if she will be able to care for [her children] in the future."

Equally disheartening has been Mr. Venuto's persistent, but unsuccessful, efforts to find someone other than his aunt to keep his home and care for his children. He is a man of limited means and has been plunged heavily into debt by the events of the past 5 years. At present, he is under the further obligation to make payments to the hospital to support his wife. He has been unable to make any arrangement for the care of his children and the maintenance of his home other than to have his aunt stay on permanently, which she is willing to do.

Enactment of H. R. 4466 would make it possible for the beneficiary to remain here permanently so as to continue to keep this unfortunate family together.

Mr. James also supplied the committee with the following letter and medical statement concerning Mrs. Venuto:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 21, 1958.

HON. FRANCIS E. WALTER,

*Chairman, Subcommittee on Immigration,
House Judiciary Committee, Washington, D. C.*

DEAR MR. CHAIRMAN: Pending before your committee is a private bill that I introduced for the relief of Angela Insana (H. R. 4466).

Miss Insana is now in this country taking care of the children, four I believe, of Mrs. Florence Venuto who is now and has been a patient at the Embreeville State Hospital for approximately 5 years.

Enclosed herewith is a statement from Dr. Eleanore R. Wright, clinical director, Embreeville State Hospital, which describes Mrs. Venuto's condition and you will note that it is questionable if she will be able to care for them in the future. Of course, her husband is working and is unable to care for the children.

I would appreciate it very much if you would place this statement with the above-referred-to bill in order that it will be available when the bill is considered by the committee.

Sincerely yours,

BENJAMIN F. JAMES,
Member of Congress.

CERTIFICATE

This is to certify that Florence Venuto has been a patient at the Embreeville State Hospital almost continuously since 1953. She is hostile, uncooperative, aggressive, and refuses to talk with her physicians. She refuses to take medication except under the most strict supervision. Mrs. Venuto has shown no ability to care for her children in the last 5 years. It is questionable if she will be able to care for them in the future.

This information is privileged and confidential and released only for the official purposes of the appropriate congressional committee.

ELEANORE R. WRIGHT, M. D.,

Clinical Director, Embreeville State Hospital, Embreeville, Pa.

Sworn to and subscribed before me this 3d day of January A. D. 1958.

[SEAL]

MRS. BETSY A. SIMMERS,
*Notary Public in and for the County of Chester,
Commonwealth of Pennsylvania.*

My commission expires May 26, 1961.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 589, as amended, should be enacted and accordingly recommends that it do pass.



