OPERATIONS MEMORANDUM

TO: Department of State
FROM: Department of the Interior

SUBJECT: VISA APPEAL; Case of Hortense Michelena CERNAS (see EXHIBIT 37)

REF: Solicitor's Opinion, August 29, 1962; Department's WIRE 250.

Enclosed is a copy of the Solicitor's Opinion on VISA APPEAL AND IN||(MATER.

Lee Harvey Oswald dated January 14, 1963 reporting the latest developments
in the Cernas case and including copies of recent correspondence.

New York: Mrs. Cernas has received Soviet exit documentation and it
appears that for Oswald will shortly receive similar documentation, the
solicitor is in a position to process their migration visa and passport
applications to a conclusion. As indicated in his correspondence with
Mr. Oswald, the solicitor has not received an approved visa petition (com-
cluding a waiver of sanctions imposed under section 243(c) of the Act)
and evidence to meet the public charge provisions of the law. Considering
the present status of the appeal, Mrs. Cernas could qualify for a
nonpreference worker, but she would still require the waiver of sanctions.

It is asked that the Department will inform the solicitor of the dispo-
sition of the visa petition transmitted with WIRE 250 and inform
the solicitor as soon as possible. The Department may also wish to comment
on the need for documentary evidence in Mrs. Cernas's case and the obvious
difficulty of obtaining same while her husband remains in the USSR.

cc: Passport Office

COMMISSION EXHIBIT No. 2740