

FOR THE RELIEF OF MARIA CARMEN CASTRO RAMIREZ  
AND J. REFUGIO CARRENO ROJAS

—————  
JULY 24, 2012.—Referred to the Private Calendar and ordered to be printed  
—————

Mr. SMITH of Texas, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 823]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 823) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary .....	1
Background and Need for the Legislation .....	1
Hearings .....	3
Committee Consideration .....	3
Committee Votes .....	3
Committee Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	4
Congressional Budget Office Cost Estimate .....	4
Performance Goals and Objectives .....	5
Advisory on Earmarks .....	5
Section-by-Section Analysis .....	5

**Purpose and Summary**

The bill grants permanent resident status to Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

**Background and Need for the Legislation**

Ms. Castro Ramirez entered the U.S. illegally from Mexico in 1991. In 1992, she married another illegal immigrant from Mexico,

Mr. Carreno Rojas. Maria then gave birth to three children in the U.S., who are all U.S. citizens pursuant to birthright citizenship. In January 2009, Mr. Carreno Rojas was deported to Mexico.

All three of the children have serious medical needs. Most seriously, Guadalupe (18 years of age) suffers from a type of epilepsy. Dr. Michael Rodriguez, of the UCLA Department of Family Medicine stated that:

Guadalupe . . . is diagnosed with acute Juvenile Myoclonic Epilepsy (JME), a potentially life threatening seizure disorder. Guadalupe's JME is controlled by . . . taking advanced medication, Keppra KL, a drug that is not available in Mexico. She receives continuous monitoring by a neurologist. She requires Keppra KL every day. If she has a lapse in her treatment, she could suffer severe and permanent adverse consequences, possibly even death. . . . [I]t is clear that [Guadalupe is] in grave danger if forced to relocate to Mexico, since it is highly unlikely that [she] would have access to the essential care [she needs] on a timely and continuous basis. . . . [F]or Guadalupe, it is certain that the Mexican health system will not be able to provide the same level of basic care she requires, including ensuring that she has the medications she needs, as well as crucial monitoring and follow up. [S]he will likely suffer severe and detrimental health consequences if forced to relocate, possibly even death.

A younger child, Jose (five), has severe asthma and "if there is a lapse in the management or treatment of his disease he will likely suffer from respiratory arrest leading to death" (Dr. Monica Nayakwadi-Singer, Bayview Child Health Center). Dr. Rodriguez also claims that Jose would be in grave danger if forced to go move to Mexico.

H.R. 823 grants Ms. Castro Ramirez and Mr. Carreno Rojas permanent residence.

In the modern era, Congress has approved private bills when an alien suffered a serious illness and could not receive proper treatment in their home country. For instance:

In the 106th Congress, Congress passed a private bill for Marina Khalina and her son Albert Mifakhov.<sup>1</sup> Marina was in the U.S. with her son on visitor's visas which could no longer be extended. The son was undergoing medical treatment for cerebral palsy which was unobtainable in Russia and which he would need until he became an adult.

In the 106th Congress, Congress passed a private bill for Jacqueline Salinas and her three children.<sup>2</sup> One of the children who had a rare bone cancer had come to the U.S. with her father from Bolivia (where it could not be treated). St. Jude's Children's Hospital offered treatment at no cost to the family. The rest of the family joined them in the U.S. A car accident resulted in the death of the father, one child, and the permanent paralysis of Ms. Salinas from the waist down. The mother, who was pregnant at the time of the accident, gave birth to a U.S. citizen child. The hospital offered complete financial support to enable the family to remain in the U.S. The disability of the surviving parent and the need for on-

<sup>1</sup> See Priv. L. No. 106-15 (H.R. Rep. No. 106-956).

<sup>2</sup> See Priv. L. No. 106-20 (H.R. Rep. No. 106-962).

going cancer treatment for the sick child would have caused the family extreme hardship if they had to return to Bolivia.

There is also precedent in the modern era for the enactment of private bills when the aliens' U.S. citizen family members suffered serious illnesses which would be exacerbated if the aliens were returned home or the U.S. citizens accompanied them home. A private bill was enacted in the 104th Congress for an alien who had earlier been deported to Mexico for marriage fraud.<sup>3</sup> Before his deportation, he married his second wife in a legitimate marriage and they had two children. His wife and one of their children were carriers for Reiter's syndrome, a severe, disabling, incurable arthritic disease who could be triggered by an intestinal infection with an organism widespread in Mexico. Thus, they risked serious illness by joining him in Mexico. The private bill waived the grounds of inadmissibility for marriage fraud. The House Report stated that "this legislation acknowledges the previously set precedent in private legislation that separation due to medical circumstances is viewed . . . as satisfying the standard of extreme hardship to an American citizen."

In the 106th Congress, a private bill was enacted granting permanent residence to an alien whose petition for permanent residence filed by his U.S. citizen wife had been denied because of marriage fraud in his first marriage.<sup>4</sup> The INS believed this second marriage was valid. The alien's U.S. citizen wife had been diagnosed with multiple sclerosis and her doctor indicated that she might rapidly deteriorate as a result of any type of severe stress.

In the 111th Congress, the Immigration Subcommittee requested a U.S. Immigration and Customs Enforcement ("ICE") report on Ms. Ramirez and Mr. Rojas and ICE provided the Subcommittee with a report which contained no derogatory information. On March 10, 2011, the Subcommittee again voted to request a report on Ms. Castro Ramirez and Mr. Carreno Rojas. On January 18, 2012, ICE provided the report. It revealed no derogatory information.

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 823.

### **Committee Consideration**

On June 28, 2012, the Committee met in open session and ordered the bill H.R. 823 favorably reported without amendment, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 823.

<sup>3</sup>See Priv. L. No. 104-3 (H.R. Rep. No. 104-810).

<sup>4</sup>See Priv. L. No. 106-13 (H.R. Rep. No. 106-905).

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

### **Congressional Budget Office Cost Estimate**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 823, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 5, 2012.*

Hon. LAMAR SMITH, CHAIRMAN,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation ordered reported by the House Committee on the Judiciary on June 28, 2012:

- H.R. 823, a bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas;
- H.R. 824, a bill for the relief of Daniel Wachira;
- H.R. 316, a bill for the relief of Esther Karinge;
- H.R. 794, a bill for the relief of Allan Bolor Kelley;
- H.R. 357, a bill for the relief of Corina de Chalup Turcinovic; and
- H.R. 1857, a bill for the relief of Bartosz Kumor.

Those bills would make certain individuals eligible for permanent U.S. residence and could have a very small effect on fees collected by the Department of Homeland Security and thus would affect direct spending. Therefore, pay-as-you-go procedures apply. CBO estimates, however, that enacting those pieces of legislation would not have a significant impact on the federal budget.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 823 grants permanent resident status to Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 823 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

#### *Sec. 1. Permanent Resident Status for Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.*

Subsection (a) provides that Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of the Immigration and Nationality Act (INA) or for adjustment of status to lawful permanent resident.

Subsection (b) provides that if Ms. Castro Ramirez or Mr. Carreno Rojas enters the United States before the filing deadline specified in subsection (d), they shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the INA as of the date of the enactment of this Act.

Paragraph (1) of subsection (c) provides that Ms. Castro Ramirez and Mr. Carreno Rojas may not be removed from the United States, denied admission to the United States, or considered ineligible for lawful permanent residence in the United States by reason of any ground for removal or denial of admission that is reflected in the records of the Department of Homeland Security or the Visa Office of the Department of State on the date of the enactment of this Act.

Paragraph (2) of subsection (c) provides that the Secretary of Homeland Security shall rescind any outstanding order of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Ms. Castro Ramirez or Mr. Carreno Rojas by reason of any ground described in paragraph (1).

Subsection (d) provides that subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Subsection (e) provides that upon the granting of an immigrant visa or permanent residence to Ms. Castro Ramirez and Mr. Carreno Rojas, the Secretary of State shall instruct the proper offi-

cer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of their birth under section 203(a) of the INA or, if applicable, the total number of immigrant visas that are made available to natives of the country of their birth under section 202(e) of the INA.

Subsection (f) provides that the natural parents, brothers, and sisters of Ms. Castro Ramirez and Mr. Carreno Rojas shall not, by virtue of such relationship, be accorded any right, privilege, or status under the INA.