

FOR THE RELIEF OF CORINA DE CHALUP TURCINOVIC

—————
JULY 24, 2012.—Referred to the Private Calendar and ordered to be printed
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Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 357]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 357) for the relief of Corina de Chalup Turcinovic, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

The bill grants permanent resident status to Corina de Chalup Turcinovic.

Background and Need for the Legislation

Corina Turcinovic was born in France in 1964. She entered the United States through the visa waiver program in 1990 after receiving news that her then-fiancé, Marin Turcinovic, had been struck in New Jersey by a car driven by a drunk driver. Marin's

spinal cord was severely damaged in the accident. He was left with total quadriplegia when his doctors failed to correctly diagnose the extent of his injuries, including broken vertebrae in his neck. Marin would later win a large settlement in a medical malpractice suit. His injuries left him completely dependent on Corina for care. He was dependent on a ventilator to breathe and he required 24-hour medical care.

Two months after her entry into the country, Corina filed an application for an extension of her temporary stay. INS denied the application because extensions of stay were not allowed under the visa waiver program. However, INS granted her a stay of deportation on humanitarian grounds to allow Corina to stay in the U.S. to care for Marin in their home. Such stays of deportation were renewed on an annual basis for the next 10 years.

In 1996, Marin and Corina were married. In 1998, Marin became a lawful permanent resident. He then filed a petition for permanent residence for Corina. It was approved and she was placed on the waiting list for green cards for spouses of permanent residents.

In 2003, Marin filed for naturalization (which, once granted, would allow Corina as the spouse of a citizen to immediately apply for adjustment of status to conditional permanent residence). While a medical certification of disability made clear that Marin could not physically appear at the U.S. Citizenship and Immigration Services (“USCIS”) office, Marin nonetheless received a fingerprint appointment notice about 2 weeks later. Marin’s attorney contacted USCIS and the agency responded that an officer would visit Marin at his home to further process his application. However, Marin then received notice that his naturalization application had been denied due to abandonment because of his failure to appear for fingerprinting. Marin’s attorney again contacted USCIS and filed a motion to reopen Marin’s application. The motion was granted on March 8, 2004. However, Marin received another fingerprint appointment notice and died shortly later.

H.R. 357 grants Ms. Turcinovic permanent residence.

The case certainly seems unique in that an alien who had come to the U.S. legally was allowed by the Federal Government to stay here for many years to care for her legal immigrant spouse. While that care is no longer needed following the death of Marin, Corina would suffer hardship in having to return to France after all these years in the U.S.

In a broader sense, there is precedent for the private bill. First, Corina would have already been a conditional permanent resident by the time of her husband’s death if not for USCIS error. Congress has enacted private bills in cases of aliens who would have received permanent residence but for a mistake by the Federal immigration agency.¹ Second, Congress has enacted private bills when alien spouses of American citizens lost the right to receive permanent residence because of the death of the American citizens before the approval of the petitions for conditional permanent residence (usually, but not always, when there was a U.S. citizen child involved).²

¹See, e.g., Priv. L. No. 106-4 (H.R. Rep. No. 106-364) & Priv. L. No. 106-12 (H.R. Rep. No. 106-892).

²See, e.g., Priv. L. No. 107-5 (H.R. Rep. No. 107-579), Priv. L. No. 106-3 (H.R. Rep. No. 106-178), Priv. L. No. 106-23 (H.R. Rep. No. 106-965), Priv. L. No. 105-7 (H.R. Rep. No. 105-689) & Priv. L. No. 105-8 (H.R. Rep. No. 105-690).

In the 110th Congress, the Immigration Subcommittee requested an ICE report on Ms. Turcinovic, and ICE provided the Subcommittee with a report which contained no derogatory information. On February 13, 2008, the Subcommittee ordered H.R. 5030 (providing relief to Ms. Turcinovic) favorably reported by voice vote. On May 14, 2008, the Committee ordered the bill favorably reported by voice vote. On September 16, 2008, the bill passed the House by a voice vote. In the 111th Congress, the Subcommittee requested an ICE report and ICE provided a report which contained no derogatory information. On March 10, 2011, the Subcommittee again voted to request a report. On January 31, 2012, ICE provided the report. It revealed no derogatory information.

Hearings

The Committee on the Judiciary held no hearings on H.R. 357.

Committee Consideration

On June 28, 2012, the Committee met in open session and ordered the bill H.R. 357 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. 357.

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. 357, 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. 357 grants permanent resident status to Corina de Chalup Turcinovic.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 357 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

Sec. 1. Permanent Resident Status for Corina de Chalup Turcinovic.

Subsection (a) provides that Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent resi-

dence 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 Corina de Chalup Turcinovic enters the United States before the filing deadline specified in subsection (c), she 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.

Subsection (c) 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 (d) provides that upon the granting of an immigrant visa or permanent residence to Corina de Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of her 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 her birth under section 202(e) of the INA.

Subsection (e) provides that the natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the INA.