

FOR THE RELIEF OF SOPURUCHI CHUKWUEKE

NOVEMBER 15, 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 S. 285]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 285) for the relief of Sopuruchi Chukwueke, 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 Sopuruchi Chukwueke.

Background and Need for the Legislation

Sopuruchi Victor Chukwueke was born in Nigeria in 1986. He suffers from a medical condition called neurofibromatosis and en-

tered the U.S. on a tourist visa in 2001¹ to receive medical treatment. All medical fees were waived and the medical treatments he now receives from the University of Michigan are covered by the hospital's M-Support Program. The Daughters of Mary Mother of Mercy, the Catholic religious order that brought Mr. Chukwueke to the United States, states that:

[Mr. Chukwueke] was ostracized and unable to receive medical care for his rare, deformative genetic disorder—neurofibromatosis—a condition similar to “elephant man disease.” He was entrusted to us as a young child by his mother who could not care for him due to the difficulties related to his rare medical condition. . . . After all the efforts to seek medical care for Victor in Nigeria failed due to inadequate medical facilities and lack of skilled surgeons, we decided to bring him to the United States. . . . He has undergone a total of seven major surgeries to remove the tumors that severely disfigured his face including the loss of one eye and to reconstruct his face. He still requires additional plastic surgeries to fully restore his facial features from damage caused by tumor growth.²

Mr. Chukwueke graduated Wayne State University in 2011. He has been accepted by the medical school at the University of Toledo. Dr. Kenneth Honn of the Wayne State University School of Medicine writes that:

Victor embodies the ideals that we as educators ask our students to aspire to. He has excelled in his class and lab work and has maintained stellar grades, all the while working selflessly in the community to improve the lives of others. . . . [He] came to the United States with missionary nuns from Nigeria to face numerous corrective treatments for his life threatening condition. . . . [I]n my laboratory . . . he was assigned to a cancer progression project and faced scientific challenges in much the same way he has faced others, with determination and high standards of performance. [He] has become a cherished member of the lab for his scientific input in addition to his kind nature.”³

The Daughters of Mary Mother of Mercy write that “[h]is dream is to become a humanitarian doctor so that he can help provide treatment to the less fortunate . . . who struggle daily, like him, but cannot find treatment.”⁴

On December 19, 2011, U.S. Immigration and Customs Enforcement provided a report on Mr. Chukwueke to the Senate Judiciary Committee, that revealed no deleterious information.

There is precedent in the modern private bill era for this private bill. Private bills have been enacted when aliens were severely ill and could not receive proper treatment in their home country. In the 106th Congress, a private bill was enacted for Marina Khalina

¹ Subsequent applications for extensions of stay were denied.

² Letter from Rev. Sr. M. Beatrice Nkem Chukwumezie and Sister Immaculata C. Osueke, Daughters of Mary Mother of Mercy, at 1 (March 19, 2012).

³ Letter from Kenneth Honn, Wayne State University School of Medicine, to Senator Patrick Leahy, at 1 (March 19, 2012).

⁴ Letter from the Daughters of Mary Mother of Mercy at 1.

and her son Albert Mifakhov.⁵ Ms. Khalina and her son were in the U.S. on visitor's visas that 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. The private bill granted them permanent residence. Also in the 106th Congress, a private bill was enacted for Jacqueline Salinas and her three children.⁶ One of the children had a rare bone cancer and came 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 disability of the surviving parent and the need for ongoing cancer treatment for the sick child would have caused the family extreme hardship if they had to return to Bolivia. The private bill granted them permanent residence.

Private immigration bills have also been enacted when the aliens (usually illegally present) had been abandoned by their parents. In the 108th Congress, a private bill was enacted for Richi Lesley.⁷ Mr. Lesley was born in Korea to an unknown U.S. serviceman and a Korean woman. She put him up for adoption and he was adopted by another American serviceman and his wife. The husband was killed in a fishing accident while living in Japan and his wife became unable to care for the two young children. However, the serviceman's mother in the U.S. agreed to take the children in and they were granted visitor's visas to come to the U.S. (while Mr. Lesley was still 1 year old). Following the death of the adoptive grandmother, the children lived with other family and friends. Mr. Lesley did not know he was not a U.S. citizen until the INS began deportation proceedings. The private bill granted him permanent residence.

In addition, in the 106th Congress a private bill was enacted for Tony Lara.⁸ Mr. Lara entered the U.S. illegally with his sister from El Salvador when he was 10 years old to join his parents, who were living in Los Angeles. After his mother returned to El Salvador, she died. His father abandoned Mr. Lara and his sister and was later deported. After they lived in neglect with an uncle, neighbors adopted his sister but could not afford to also adopt him. At age 16, Mr. Lara started living with his high school wrestling coach. The Judiciary Committee report indicated that if he "had become a ward of the court before age 16, he could have filed a special immigrant visa petition and obtained legal status."⁹ The private bill granted Mr. Lara permanent residence.

Hearings

The Committee on the Judiciary held no hearings on S. 285.

⁵ See Priv. L. No. 106-15.

⁶ See Priv. L. No. 106-20.

⁷ See Priv. L. No. 108-3.

⁸ See Priv. L. No. 106-22.

⁹ H.R. Rept. No. 106-964 at 2 (2000).

Committee Consideration

On August 1, 2012, the Committee met in open session and ordered the bill S. 285 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 S. 285.

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, S. 285, 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, August 2, 2012.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 285, an act for the relief of Sopuruchi Chukwueke.

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

S. 285—An act for the relief of Sopuruchi Chukwueke.

As ordered reported by the House Committee on the Judiciary
on August 1, 2012.

S. 285 would make Sopuruchi Chukwueke eligible for permanent U.S. residence. The Act would affect only one person 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 S. 285 would have no significant impact on the Federal budget.

On July 25, 2012, CBO transmitted a cost estimate for S. 285 as reported by the Senate Committee on the Judiciary on July 19, 2012. The two versions of the legislation are the same, as are the CBO cost estimates.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

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, S. 285 grants permanent resident status to Sopuruchi Chukwueke.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, S. 285 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. Adjustment of Status.

Subsection (a) provides that Sopuruchi Chukwueke shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for adjustment of status.

Subsection (b) provides that subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Subsection (c) provides that upon the granting of permanent residence to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of his birth under section 202(a)(2) of the Immigration and Nationality Act (“INA”).

Subsection (d) provides that the natural parents, brothers, and sisters of Sopuruchi Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the INA.

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