U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

ONE HUNDRED SIXTH CONGRESS

RULES OF PROCEDURE AND STATEMENT OF POLICY FOR PRIVATE IMMIGRATION BILLS

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RULES OF PROCEDURE

1. All requests for consideration of a private immigration bill shall commence with a letter to the Chairman of the Subcommittee from the author of such bill outlining the relevant facts in the case and attaching thereto all pertinent documents. Documentation will not be accepted if submitted by anyone other than the author of the bill. The following must be submitted in triplicate:

(a) Date and place of birth of each beneficiary; addresses and telephone numbers of each beneficiary presently in the United States.

(b) Dates of all entries (legal and illegal) and departures from the United States, along with the type of visas used for admission; consulate where each beneficiary obtained a visa for entry to the United States; consulate where each beneficiary will be seeking a visa if one is made available.

(c) Status of all petitions and proceedings with the Immigration and Naturalization Service, including nonimmigrant or immigrant petitions that have been filed by the beneficiaries or on their behalf.

(d) Names, addresses, and telephone numbers of interested parties in the United States.

(e) Names, addresses, dates and places of birth, and immigration or citizenship status of all close relatives.

(f) Occupations, recent employment records, and salaries of all beneficiaries.

(g) Copies of all immigration related letters to and from agencies of the United States.

(h) Copies of all administrative and judicial decisions involving the beneficiaries' case.

(i) A signed statement by each beneficiary, or the beneficiary's guardian, that he or she desires the relief sought by the bill.

(j) An explanation as to how the failure to obtain the relief sought in the private bill will result in extreme hardship to the beneficiary or each beneficiary's U.S. citizen spouse, parent or child.

(k) A signed statement by the author of the bill confirming that the author has met personally with

the beneficiary or with members of the beneficiary's family.

(l) In support of any private bill relating to adoption, the following additional information must accompany the request for Subcommittee action:

(1) Home-study of the prospective parents;

(2) Evidence of child support; and

(3) Statement detailing ages and occupations of natural parents and brothers and sisters.

(m) In support of a private bill on behalf of a doctor or nurse, the following additional information must accompany the request for Subcommittee action:

(1) Evidence of passage of the Federation Licensing Examination, or its equivalent, for doctors, and the Commission on Graduates of Foreign Nursing School Exam (CGFNS) for nurses.

(2) Evidence of employment by the doctor or the nurse in a health manpower shortage area, or a recommendation by a U.S. Government Agency indicating the doctor or nurse's services are needed.

(3) Evidence of substantial community ties over a long period of time. Extensive periods of employment give the Subcommittee some assurance there is every likelihood the doctor or nurse would remain employed in the area and provide medical services.

(4) Documentation as to a potential employer's efforts to recruit U.S. citizens for the position. Such information shall include salary levels of other doctors or nurses on staff and an explanation as to recruitment techniques on employment of the beneficiary.

(n) In support of a private bill waiving grounds of exclusion or deportation relating to criminal activity, the following additional documents, if available, will be required.

(1) All records relating to offenses, including state, and local police records; and

(2) An affidavit from the beneficiary describing his or her criminal record in full.

(o) Private bills concerning beneficiaries who are receiving medical treatment will require documentation as to the availability of similar medical treatment in the beneficiary's home country.

2. Each private bill must provide that the beneficiaries must apply for the benefits of the enacted law within a specified period of time, which shall be not

more than two years from the date of enactment of the private law.

3. No private bill shall be scheduled for Subcommittee action until all administrative and judicial remedies are exhausted.

4. The Subcommittee will not intervene in deportation proceedings and will not request stays of deportation on behalf of beneficiaries of private bills, except as indicated in Rule 5.

5. The Subcommittee may, at a formal meeting, entertain a motion to request that the Immigration and Naturalization Service provide the Subcommittee with a departmental report on a beneficiary of a private bill. In the past, the Immigration and Naturalization Service has honored requests for departmental reports by staying deportation until final action is taken on the private bill. Only those cases designed to prevent extreme hardship to the beneficiary or a U.S. citizen spouse, parent, or child will merit a request for a report.

6. The Subcommittee may request reports on private bills from appropriate Federal agencies or Departments and shall await receipt of such reports before taking final action.

7. Only the author of a private bill shall be permitted to testify before the Subcommittee on behalf of the private bill. All requests to testify shall be addressed in writing to the Chairman of the Subcommittee.

8. Action on a private bill shall not be deferred more than once due to the failure of the author to appear and testify at a duly noticed hearing.

9. The Subcommittee shall take no further action on a private bill that has been tabled by the full Judiciary Committee.

10. Each of the following types of private bills shall be subject to a point of order unless its consideration is agreed to by a two-thirds vote of the Subcommittee:

(a) Bills not in compliance with these Rules.

(b) Bills that waive the two-year foreign residence requirement for doctors.

(c) Bills that waive any law regarding naturalization.

STATEMENT OF POLICY

In considering private immigration bills, the Subcommittee reviews only those cases that are of such an extraordinary nature that an exception to the law is needed. It is the policy of the Subcommittee generally

to act favorably on only those private bills that meet certain precedents.

Members intending to introduce a private immigration bill are strongly encouraged to seek the technical drafting assistance of the Subcommittee staff (or the Office of Legislative Counsel) prior to introducing a private immigration bill. This will facilitate consideration of the bill by avoiding the need for Subcommittee amendments.

The following sets forth common types of private immigration bills and the criteria for reviewing them:

A. Adoption

Existing law provides for the immigration of foreign born adopted children if the adoption takes place while the child is under the age of 16 and (1) the child is an "orphan" as defined by immigration law, or (2) the child has resided with the adoptive parents two years. Favorable precedents exist if the child is young and there has been a longstanding parent-child relationship.

B. Doctors and Nurses

The Immigration and Nationality Act provides for the admission of foreign doctors and nurses who have passed certain exams prior to seeking immigrant status.

In past years, a number of private bills were introduced on behalf of foreign medical graduates. The legislative history relating to this group indicates many doctors enter the United States as nonimmigrants with the intention of remaining permanently. Legislation enacted in 1976 and 1977 sought to tighten the law requiring the return of such doctors to their home country.

The Subcommittee is dismayed to find that doctors who are beneficiaries of private laws often seek more lucrative employment upon gaining permanent residence, thereby leaving medically underserved areas without any medical assistance. Because of these experiences, the Subcommittee views doctor bills unsympathetically.

C. Drugs and Criminal Activity

In the case of a beneficiary who has been convicted of a deportable crime the Subcommittee will wish to review testimony and affidavits relating to the beneficiary's behavior subsequent to any criminal conviction. Such information is helpful in making a determination as to whether legislation will serve the best interests of the community. In this regard, letters of reference,

bank records, and employment records are particularly helpful.

D. Medical Cases

The Subcommittee will be reluctant to schedule bills on behalf of persons who entered the United States for the purpose of seeking medical treatment. This type of admission is available to accommodate persons seeking advanced medical treatment in the United States. Many cases have come to the attention of the Subcommittee in which persons obtained admission to the United States for medical reasons and decided to try to stay here permanently. This undermines the intent of the original admission and jeopardizes continuance of the program.

The Subcommittee's reluctance to schedule such bills is based on the premise that persons may seek all available medical assistance while in the United States, but upon completion of any medical treatment the purpose of the visa expires and the alien must return home.

It is therefore the policy of the Subcommittee that advisory opinions be sought by the author from such organizations as the World Health Organization and the Pan American Health Organization as to the availability of adequate medical treatment in the alien's home country.

E. Deferred Action and Parole Cases

The Subcommittee will be reluctant to schedule any bill on behalf of an alien who is in "deferred" status or has been paroled into the United States indefinitely. It is the Subcommittee's understanding that the Immirgration and Naturalization Service reserves the conferral of such status to cases of a particularly compelling nature. In view of this, the Subcommittee will view such cases unsympathetically.

F. Waiver of Exclusions

1. HEALTH

All bills waiving the grounds of exclusion for mental or physical infirmities will require the posting of a bond. There are few favorable precedents for cases in this category. In order to obtain the best possible information, the Subcommittee will require all medical records as well as information from government agencies concerning possible public charge aspects of the case.

2. DRAFT EVADERS

There are few precedents for favorable action on behalf of aliens who seek permanent residency to avoid conscription. It will be the Subcommittee's policy to continue to view such bills unsympathetically.

3. FRAUD

The Subcommittee has been extremely reluctant to act favorably on cases involving visa fraud. It will be the policy of the Subcommittee to adhere closely to precedents in such cases.

G. Naturalization

The Subcommittee will require that any bill expediting naturalization be accompanied by evidence indicating that such action would be in the national interest, as opposed to personal interest. There are few precedents for favorable action on bills waiving any naturalization requirements or granting posthumous or honorary citizenship. It is the Subcommittee's intent generally to view unfavorably legislation of this type. More appropriate mechanisms for rewarding individuals may be in the form of medals, awards, or ceremonies.

The Subcommittee is extremely concerned by requests to expedite citizenship on behalf of athletes seeking to compete in national, international, or Olympic games. The Subcommittee does not believe U.S. citizenship should be provided because of a person's athletic ability.

There are few instances of favorable action on behalf of individuals who renounce U.S. citizenship. The Subcommittee will adhere to precedents in such cases.

H. Bills Tabled in a Previous Congress

The Subcommittee has often been confronted with request for reconsideration of private bills that were tabled by the full Committee in previous Congresses. The Subcommittee believes that each bill is given sufficient review during the meetings of the Subcommittee and that authors are afforded ample time to present the merits of the case. Repetitious consideration of these cases detrimentally affects other private bills and reflects poorly on the integrity of the private bill process. For these reasons, the Subcommittee will be reluctant to reconsider its prior action absent new evidence

or information not available at the time of initial consideration by the Subcommittee.

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