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106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–960

FOR THE RELIEF OF MINA VAHEDI NOTASH

OCTOBER 11, 2000.—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. 869]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 869) for the relief of Mina Vahedi Notash, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

S. 869 would allow Mina Vahedi Notash to adjust to permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

Mina Vahedi Notash was illegally brought into the United States by her former U.S. citizen husband. The husband did not apply for any immigration benefits on her behalf. They were married for 7 years. During that time, the husband physically and verbally abused Ms. Notash on a regular basis. At one point, during her first pregnancy, the physical abuse left her with a permanent scar

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on her forehead. Her husband threatened to have her immediately deported if she told anyone of the abuse. Fearful of never seeing her children again, she never contacted the police. After the birth of their two children, the husband told her he was ready to petition for her legal status, but that she had to return to Iran in order for him to do so. After she arrived in Iran, the husband divorced her under Iranian law (which meant she could not dispute the divorce nor challenge any child custody issues).

Ms. Notash stayed in Iran from 1994 until 1999 when she re-entered the United States on a fiancee visa. However, when her fiancee learned that she wished to pursue custody of her children, he called off the wedding. Ms. Notash's ex-husband refuses to allow her any access to their children. Based on the abuse she received from the husband, she fears that the children are suffering similar abuse. Without passage of this legislation, Ms. Notash will be sent back to Iran, cannot fight for custodial rights to her children, and may never see them again.

COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 869 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the committee reports 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.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI 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(d)(2) of rule XIII of the Rules of the House of Representatives, the committee believes that the bill would have no significant impact on the Federal budget. This is based on the Congressional Budget Office cost estimate on S. 869. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed 11 private relief acts, which were ordered reported by the House Committee on the Judiciary on October 11, 2000. CBO estimates that their enactment would have no significant impact on the federal budget. These acts could have a very small effect on fees collected by the Immigration and Naturalization Service and on benefits paid under certain federal entitlement programs. Because these fees and expenditures are classified as direct spending, pay-as-you-go procedures would apply. The act reviewed is:

- S. 869, an act for the relief of Mina Vahedi Notash;

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. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Sincerely,

DAN L. CRIPPEN, *Director.*

cc: Honorable John Conyers Jr.
Ranking Democratic Member

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the committee finds the authority for this legislation in article 1, section 8, clause 4 of the Constitution.

AGENCY VIEWS

The comments of the Immigration and Naturalization Service on S. 869 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, February 15, 2000.

Hon. ORRIN HATCH, *Chairman,*
Committee on the Judiciary,
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to S. 869, for the relief of Mina Vahedi Notash, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary eligibility for issuance of an immigration visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigration visa under section 204 of the Immigration and Nationality Act or for adjustment of status to

lawful permanent residence. The bill would also direct the proper visa number deduction.

Sincerely,

GERRI RATLIFF, *Acting Director, Congressional Relations.*

Enclosure

cc: Department of State, Visa Office
District Director—Los Angeles, CA
Attn: Private Bill Staff
District Director Los Angeles, CA—Investigations—Mike Gatti

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 869

The beneficiary, Mina Vahedi-Notash, A75 963 228, a native and citizen of Iran, was born on April 26, 1967, in Tehran, Iran. Ms. Notash currently resides at 6651 Warner Ave., Apartment 65, Huntington Beach, California.

Ms. Notash was interviewed by Immigration and Naturalization Service (INS) Special Agents on November 1, 1999. That interview revealed that her former United States citizen husband illegally brought Ms. Notash into the United States. The husband refused to apply for immigration benefits for her. During their 7-year marriage, he physically and verbally assaulted her, including an incident during her first pregnancy which left a visible scar on her forehead. Fearful of her husband and the belief that she would be immediately deported from this country—away from her children—she never called the police. After bearing two United States citizen children in 1989 and 1991, her husband directed her to return to Iran so that he could legally petition the INS for her visa. After arriving in Iran, Ms. Notash received divorce from the husband. This divorce was according to Iranian laws, which left Ms. Notash with no recourse to dispute the divorce or challenge any child custody issues.

Ms. Notash remained in Iran from 1994 through 1999. Ms. Notash re-entered the United States on a valid fiancee visa (K–1). When the potential husband discovered that the beneficiary wanted to obtain custody of her children, he objected and the marriage never took place.

Ms. Notash is currently in the United States as an overstay of her K–1 visa.

A neighborhood check, a national criminal history background check, and a personal interview were conducted. No derogatory information was discovered.

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