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106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–962

FOR THE RELIEF OF JACQUELINE SALINAS AND HER CHILDREN GABRIELA SALINAS, ALEJANDRO SALINAS, AND OMAR SALINAS

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. 1513]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

TABLE OF CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	1
Committee Consideration	2
Committee Oversight Findings	2
Committee on Government Reform Findings	2
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Constitutional Authority Statement	3
Agency Views	3

PURPOSE AND SUMMARY

S. 1513 would allow Jacqueline Salinas and her children Gabriela, Alejandro, and Omar to adjust to permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

In March 1996, Gabriela Salinas and her father left Bolivia and traveled to New York to seek lifesaving treatment at Mt. Sinai

89–007

Medical Center for Gabriela's rare bone cancer, ewing sarcoma. Gabriela was denied treatment because her family could not pay the $250,000 deposit required by that hospital. They then proceeded to Memphis, Tennessee, for treatment at St. Jude's Children's Hospital. After hearing of Gabriela's plight, St. Jude's arranged for her to receive treatment at no cost. Shortly after Gabriela's chemotherapy treatment began, her mother Jacqueline and Gabriela's three siblings joined her and her father in Tennessee.

Tragically, on April 14, 1997, prior to the end of Gabriela's treatment, Omar and Gabriela's 3-year old sister, Valentina, were killed in a car accident on their way back from Washington, D.C. to renew their passports. Jacqueline, 7 months pregnant at the time, was permanently paralyzed from the waist down. Jacqueline, who gave birth to a healthy baby boy 2 months later, had no other means of financial support. St. Jude Hospital generously offered to care for the family. The hospital has made a commitment to provide full financial support for Jacqueline and her children to live permanently in the U.S.

Because they do not meet the requirements for permanent residence under current immigration law, the Salinas family will be forced to leave the U.S. following the expiration of their tourist visas. Although Jacqueline's 2-year old son is a U.S. citizen, he will not be qualified to sponsor his mother for permanent residence until the age of 21. Despite her background in teaching, Jacqueline does not qualify for an employment based visa.

Because of Jacqueline's paralysis, she will not be able to find any employment as a teacher in Bolivia. Further, Gabriela still requires constant monitoring for her condition. The Salinas family, who have suffered so much tragedy here, will face a dim future in Bolivia.

COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 1513 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. 1513. 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. 1513, an act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas;

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. 1513 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 1, 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 the bill, S. 1513, for the relief of Jacqueline Salinas and her children, Gabriela Salinas, Alejandro Salinas, and Omar Salinas, there is enclosed a memorandum of information concerning the beneficiaries.

The bill would waive the provisions of the Immigration and Nationality Act (Act) which exclude from admission into the United States aliens, who are likely to become a public charge. The bill would authorize the issuance of a visa to the beneficiary and her admission into the United States for permanent residence, if she is otherwise admissible under the Act. The bill also limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment. Because the beneficiary may be considered to be classified as an alien, who is likely to become a public charge, the Committee may wish to amend the bill to waive the provisions of Section 212(a)(4) of the Act.

Absent enactment of the bill, the beneficiaries, natives and citizens of Bolivia, would be chargeable to the non-preference portion of the numerical limitation for immigrants and conditional entrants from countries in the Western Hemisphere.

Sincerely,

GERRI RATLIFF, *Acting Director,*
Congressional Relations.

Enclosure

cc: Department of State, Visa Office
District Director—NOL–FYI

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE RECORDS RE: S. 1513

The beneficiaries, Jacqueline Salinas, whose full name is Beartriz Jacqueline Antezana Reyes, A77 515 681, was born on January 24, 1966; Gabriela Salinas, whose full name is Yandira Gabriela Jackeline Salinas Antezana, A77 515 680, was born on April 23, 1988; Omar Salinas, whose full name is Omar Salinas Antezana, A77 515 683, was born on June 29, 1995; and Alejandro Salinas, whose full name is Alejandro Rodrigo Omar Salinas Antezana, A77 515 682, was born on April 23, 1988. The beneficiary, Gabriela, arrived in the United States with her father Omar Salinas in March 1996, to receive treatment for a rare form of bone cancer. The beneficiaries, Jacqueline and her sons, Omar and Alejandro, came to the United States as non-immigrants on April 21, 1996, to join Gabriela. In April 1997, the Salinas family was involved in an automobile accident, which left Jacqueline paralyzed from the waist down and her husband, Omar Salinas, and one child dead. The beneficiaries, Jacqueline, Gabriela, Omar and Alejandro currently reside at 3375 Old Brownsville Road, Memphis, Tennessee, alone with one United States citizen child/sibling.

Jacqueline was employed as a kindergarten teacher in Cochabamba, Bolivia from 1989 until 1993. She is currently unemployed and all financial support for this family is from charitable contributions. Jacqueline claims no other family in the United States and no income. St. Jude Hospital provides continuing medical treatment for Gabriela pro bono. Jacqueline has no assets in the United States.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. The bill would also waive the provisions of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are, or are likely to become a public charge. The bill also limits the exemption granted to the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to its enactment.

Absent enactment of the bill, the beneficiaries, natives and citizens of Bolivia, would be chargeable to the non-preference portion of the numerical limitation for immigrants and conditional entrants.

Results of criminal background and fingerprint checks for the beneficiary was negative.

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