

FOR THE RELIEF OF ZOHREH FARHANG GHAFAROKHI

SEPTEMBER 26, 2000.—Referred to the Private Calendar and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3184]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3184) for the relief of Zohreh Farhang Ghahfarokhi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This bill would make the claimant eligible for adjustment of her status to that of a permanent resident.

BACKGROUND AND NEED FOR THE LEGISLATION

Zohreh Farhang Ghahfarokhi and her husband were married in 1977. In 1984, Zohreh Ghahfarokhi and her oldest daughter came to the U.S. with Zohreh's husband on a business visa. While in the U.S., another daughter was born. In 1994, the husband filed to adjust status for himself, Zohreh and the Iranian daughter to permanent residents as employment-based immigrants.

Zohreh and her husband were starting to have marital problems. In 1996, Zohreh and foreign-born daughter received advance parole to go to Iran with the husband and U.S.-born child to visit family. During the trip Zohreh gave her husband her passport and the advance parole documents for safe keeping. The husband contacted Zohreh a few days later and informed her that he would not allow her or their two daughters to return to the U.S. so she could not divorce him and take half of their assets (they resided in California). The husband returned to the U.S. Zohreh requested a replacement passport in Iran. Zohreh's file at the passport office included a revocation of permission to leave Iran submitted by the husband (in Iran a woman needs her husband's permission to travel). Further, the husband threatened that Zohreh would be killed if she returned to Los Angeles. When the eldest daughter reached 18 and was no longer controlled by the husband's revocation, the daughter applied for a passport. While waiting for issuance of the daughter's passport, they were made aware of a clause in Iranian law that said if a woman's husband did not reside in Iran, the woman could petition for a review of the situation and possibly be granted permission to leave (despite the husband's wishes). Zohreh immediately filed such a request. After a month, the request was granted.

In December 1996, Zohreh and her youngest daughter were paroled back into the U.S. and joined the eldest daughter. She filed for divorce from her husband. The husband informed her that if the divorce became finalized he would withdraw her and the daughter's permanent residency applications. They reconciled for a year before Zohreh realized that the husband had already revoked the applications and they separated again. The husband added the daughter back to his application and she was granted permanent residency on September 21, 1999.

While Zohreh has been in the U.S. with her family for the majority of the last 15 years, due to the husband's withdrawal of her name from the permanent residence application, she has no way to legally stay in this country. Her U.S. citizen child is 11 and cannot petition for her until age 18. Her eldest daughter must be a U.S. citizen to petition for her mother (five years).

COMMITTEE CONSIDERATION

On July 27, 2000, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 3184, without amendment by voice vote, a quorum being present.

On September 19, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 3184 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(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(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(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 H.R. 3184. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 2000.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed three private relief bills, which were ordered reported by the House Committee on the Judiciary on September 19, 2000. CBO estimates that their enactment would have no significant impact on the federal budget. These bills 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 bills reviewed are:

- H.R. 848, a bill for the relief of Sepandan Farnia and Farbod Farnia;
- H.R. 3184, a bill for the relief of Zohreh Farhang Ghahfarokhi; and
- H.R. 3414, a bill for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

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 H.R. 3184 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, July 14, 2000.

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

DEAR MR. CHAIRMAN: In reference to your request for a report relative to H.R. 3184, for the relief of Zohreh Farhang Ghahfarokhi, attached in a Memorandum of Information regarding the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. The bill would also direct the proper visa number deduction from the beneficiary's native country.

Sincerely,

FOR THE COMMISSIONER,
GERRI RATLIFF, *Acting Director,*
Congressional Relations.

cc: Department of State—Private Bill Staff
District Director—Los Angeles, CA
Investigations—Craig Porter

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: H.R. 3184

Information concerning this case was obtained from Zohreh Farhang Ghahfarokhi, the beneficiary.

The beneficiary, Zohreh Farhang Ghahfarokhi, a native and citizen of Iran, was born on July 4, 1957. She is divorced and resides in Beverly Hills, California, with her two daughters. The beneficiary graduated from the University of Political and Social Science in Tehran, Iran in June of 1979, with a Bachelor's Degree in Political Science. The beneficiary has six brothers and sisters all who are citizens and residents of Iran. The beneficiary was married in 1977 to Seyed Rahim Shafaghiha. The beneficiary has resided in the United States since November of 1984. She is self-employed, and owns commercial and residential rental property.

The beneficiary first entered the United States as a non-immigrant visitor in November 1984. Her last entry into the United States was as the spouse of a nonimmigrant treaty investor on October 15, 1993. On March 9, 1995, her former husband, Seyed Rahim Shafaghiha filed an application for himself, the beneficiary, and their daughter, Shahrzad Shafaghiha, to become lawful permanent residents. In December 1996, Mr. Shafaghiha removed the beneficiary and their daughter, Shahrzad, from the application. On February 12, 1999, the beneficiary was divorced from Mr. Shafaghiha. In September 1999, Mr. Shafaghiha decided to add their daughter, Shahrzad, back on the application and she became a lawful permanent resident on September 21, 1999.

The beneficiary claims assets of about \$3,107,800 in real estate holdings and has liabilities of about \$245,763 in mortgage loans

and a personal loan. She has an annual income of about \$80,000 to \$100,000 from her commercial and residential rental property.

The beneficiary said that she would like to become a lawful permanent resident as she has resided in the United States for the last 15 years. She said that there is no judicial remedy for her immigration predicament and that she wants to save her two daughters, one who is a United States citizen and the other a lawful permanent resident, the extreme hardship of being separated from their mother. She said that her daughters need her financial and physical support.

A fingerprint check for the beneficiary through the Federal Bureau of Investigation was conducted with negative results.

A check of indices of the National Crime Information Center system was made with negative results. Record checks for local arrests and warrants were conducted by the Emporia, Kansas Police Department with negative results. A personal interview was conducted with the beneficiaries, where under the penalty of perjury, they swore they had not committed any acts, which would be considered a crime of moral turpitude.

Fingerprint cards were submitted to the Federal Bureau of Investigation and processed with negative results.