

RELIEF OF NURATU OLAREWAJU ABEKE KADIRI

MAY 12, 1998.—Committed to the Committee of the Whole House 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 H.R. 1949]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1949) for the relief of Nuratu Olarewaju Abeke Kadiri, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. PERMANENT RESIDENT STATUS FOR NURATU OLAREWAJU ABEKE KADIRI.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nuratu Olarewaju Abeke Kadiri shall be eligible

for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nuratu Olarewaju Abeke Kadiri enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nuratu Olarewaju Abeke Kadiri, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Nuratu Olarewaju Abeke Kadiri shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

#### 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

Miss Kadiri was born in Lagos, Nigeria in 1978. In 1981, she was brought to the United States to be with her parents and brother. Four years later while her father was back in Nigeria attending his father's funeral, her mother deserted the children and has had no contact with them since. The father returned and filed for immigration amnesty for Miss Kadiri and her brother. At the age of 10, she was granted temporary resident status in March of 1989. Leaving the children with a cousin and his wife, the father then returned to Nigeria permanently, and since that time has had only sporadic contact with his children, and has provided no support for them. Unbeknownst, to the cousin, his spouse, or obviously the children, the father never completed the adjustment of status for the children. In 1993, when Miss Kadiri's brother wished to compete in the National Speed Skating competition, he was informed that because he was not a permanent resident or citizen, he would have to step aside to let a citizen compete. This was when the family realized that the father had not taken care of the children's immigration status. On August 5, 1993, Miss Kadiri, now 14, applied for adjustment of status to permanent residence. However, the deadline for the application was October 14, 1992. Her appeal was dismissed.

Since the age of 4, Miss Kadiri has continuously resided in the United States. She is an accomplished athlete and a member of the national honor society. She was offered several scholarships and was accepted at several universities. In essence, the cousin and his wife are the only real parents Miss Kadiri has ever had and her brother and American citizen sister reside here in the United States.

It is through no fault of her own, nor her guardians, that Miss Kadiri's father deserted her without finalizing her permanent resident. As soon as she was aware of the problem, she immediately attempted to adjust her status. She has lived her entire life in the United States and has no ties to another country.

The Committee ordered reported an amendment in the nature of a substitute which added a provision to the original language indicating that no immediate relatives can benefit under immigration law from Miss Kadiri's status.

#### HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 1949.

#### COMMITTEE CONSIDERATION

On September 8, 1997, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 1949, as amended, by voice vote, a quorum being present.

On April 1, 1998, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 1949 with 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 AND OVERSIGHT 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 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1949, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 8, 1998.*

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1949, a bill for the relief of Nuratu Olarewaju Abeke Kadiri.

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,

JUNE E. O'NEILL, *Director.*

Enclosure.

cc: Hon. John Conyers, Jr.,  
 Ranking Minority Member.

*H.R. 1949—A bill for the relief of Nuratu Olarewaju Abeke Kadiri*

H.R. 1949 would grant permanent residence to Nuratu Olarewaju Abeke Kadiri. CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 1949 could have a very small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

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 1, Clause 8 of the Constitution.

AGENCY VIEWS

The comments of the Immigration and Naturalization Service on H.R. 1949 are as follows:

U.S. DEPARTMENT OF JUSTICE,  
 IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, DC, February 11, 1998.*

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

DEAR MR. CHAIRMAN: In response to your request for a report relative to H.R. 1949 for the relief of Nuratu Olarewaju Abeke Kadiri, there is enclosed a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary eligibility for issuance of an immigrant visa or for adjustment of status upon filing an application for issuance of an immigrant visa under Section 204 of the Immigration and Nationality Act or for adjustment of status to lawful

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

Absent enactment of the bill, the beneficiary appears to be ineligible for permanent residence at this time.

Sincerely,

ALLEN ERENBAUM  
*Acting Director Congressional Relations,*  
 For The Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
 NATURALIZATION SERVICE FILES H.R. 1949

Nuratu Olarewaju Abeke Kadiri, a native and citizen of Nigeria, was born on January 14, 1978. The beneficiary entered the United States with her parents on October 11, 1981 as a visitor for pleasure, authorized to remain until April 11, 1982. In June of 1985 her parents returned to Nigeria, where they still reside, leaving the beneficiary in the care of her father's cousin. The beneficiary obtained a high school diploma in June 1996. She is presently an undergraduate student at Northwestern University in Evanston, Illinois in the evening division, majoring in international business. She is also employed as a sales representative with an electric cable company in Chicago. Her current salary is \$27,000. She claims assets of \$20,000. The beneficiary has a sister who is a native and citizen of the United States, and a brother who is a lawful permanent resident. She has a close relationship with her two siblings.

The beneficiary was approved for temporary permanent resident status on March 24, 1989 pursuant to Section 245A of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986. Section 245A(b)(2)(C) of the INA and Title 8 CFR part 245a.3(c)(3) provides that an alien who has been granted temporary resident status loses that status if the alien fails to file for permanent resident status within 43 months from the grant of the temporary status. She failed to file her application to adjust to permanent resident status within the 43 month period as required by regulation. Her application for adjustment was denied on August 30, 1993.

Record checks are pending with the Federal Bureau of Investigation. The Committee will be advised if any adverse information is obtained.