

FOR THE RELIEF OF MARINA KHALINA AND HER SON,
ALBERT MIFTAKHOV

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. 150]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

S. 150 would allow Marina Khalina and her son, Albert Miftakhov, to adjust to permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

Marina Khalina and her son, Albert Miftakhov came to the United States from Russia on B-2 visas in October 1989 at the invitation of a doctor from Salem, Oregon to receive medical atten-

tion for Albert's severe cerebral palsy. Expenses for that medical treatment over the years has been donated by the Shriner's Hospital in Portland, Oregon. After several extensions of their visas, Marina married a U.S. citizen in September 1991 who filed for her adjustment of status. Unfortunately, her husband found himself unable to cope with taking care of a handicapped child and ended the marriage prior to INS adjudicating Marina's adjustment of status. In December 1992, the INS prepared an Order to Show Cause alleging that Marina and Albert had overstayed their B-2 visas and granted them voluntary departure which was subsequently extended many times due to Albert's condition. Due to changes in the law, the district director eventually concluded that no more extensions could be provided. At that point, Senator Wyden began introducing private legislation on their behalf to stay their deportation so that Albert could continue to receive the medical care here that he cannot obtain in Russia.

Marina has continually worked when authorized and has provided complete support for her and her son as well as paid for all his medical costs not covered by the Shriner's Hospital for the last 11 years. Albert has lived in the U.S. since the age of 7, is an excellent student, and has fully assimilated to this country. Further, he will require additional surgeries that would be unattainable for him in Russia.

COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 150 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 S. 150. 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. 150, an act for the relief of Marina Khalina and her son, Albert Mifakhov;

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. 150 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, October 1, 1999.

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. 150, for the relief of Marina Khalina and her son, Albert Miftakhov, there is enclosed a memorandum of information concerning the beneficiaries. The beneficiaries were also beneficiaries of S. 1011 of the 105th Congress.

The bill would grant the beneficiaries permanent residence in the United States as of the date of the enactment of the Immigration and Nationality Act upon payment of the required visa fees. It would also direct visa number deductions be made.

Absent enactment of the bill, the beneficiaries appear to be ineligible for permanent residence in the United States.

Sincerely,

FOR THE COMMISSIONER
ALLEN ERENBAUM, *Director,*
Congressional Relations.

Enclosure

cc: Department of State, Visa Office
Western Regional Office
District Director—Portland, Oregon

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S.150

The beneficiary, Marina Khalina and her son, Albert (Alec) (Alex) Miftakhov, are natives and citizens of Russia. They currently reside in Portland, Oregon. The beneficiary, Marina Anatolievna Khalina was born on April 10, 1961, in Magnitogorsk, Russia (formerly the Union of Soviet Socialist Republic). Albert Faritovich Miftakhov was born on July 2, 1981, in Magnitogorsk, Russia (formerly the Union of Soviet Socialist Republic). Albert's father is Farit Izakovich Miftakhov, a citizen of Russia, who received an annulment of marriage from the beneficiary, Marina Khalina, on May 27, 1987.

Ms. Khalina was employed as a Case Manager II, for the Multnomah County Aging and Disability Services in Portland, Oregon. Her employment was terminated with the expiration of her Employment Authorization Document on July 9, 1997. Ms. Khalina is currently employed by East County Senior Services in Gresham, Oregon. The beneficiary advised that she have the Russian equivalent to a bachelor's degree in education with specialization in Russian language and literature. Albert is currently enrolled as a correspondence student in the Aim High School in Portland, Oregon.

The beneficiary, Ms. Khalina, advised that she have no close family relationships except her parents who reside in Russia. Ms. Khalina was married to Roland Marty, a United States citizen, on May 25, 1991, and an Application for Adjustment of Status was filed on her behalf on September 12, 1991. The application was denied on June 29, 1992, as a result of the application being withdrawn. This marriage ended in divorce on July 29, 1995.

The beneficiaries entered the United States through New York City on October 9, 1989. They were admitted as visitors. Ms. Khalina states that they entered the United States at the invitation of a medical doctor from Salem, Oregon. Her son is diagnosed with cerebral palsy with spastic diplegia. They were granted regular extensions of the B-2 visas to April 8, 1992, while Albert received multiple surgical interventions. After the denial of an application for adjustment of status, deportation proceedings were initiated. On October 5, 1993, the beneficiaries were granted voluntary departure valid until April 4, 1994, with an alternate order of deportation. This voluntary departure could be extended at the discretion of the District Director. A motion to reopen deportation proceedings was denied on October 16, 1996, and an appeal is currently pending. Ms. Khalina states that her son is expected to continue medical treatment for his condition until his body reaches

maturity at eighteen to twenty-one years of age. His medical treatment has been donated and paid for by the Shriner's Hospital in Portland, Oregon.

National agency checks were not requested pursuant to O.I. 105.1(g).

