

FOR THE RELIEF OF SERGIO LOZANO

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. 276]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 276) for the relief of Sergio Lozano, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

TABLE OF CONTENTS

	<i>Page</i>
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	2
Congressional Budget Office Cost Estimate	2
Constitutional Authority Statement	3
Agency Views	3

PURPOSE AND SUMMARY

S. 276 would allow Sergio Lozano to adjust to permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

On January 22, 1997, Sergio and his two siblings from El Salvador were issued immigrant visas as children of a legal permanent resident (their mother). Nineteen days later, while their mother was preparing to bring them to the U.S., she died due to complications from typhoid fever. Their father's whereabouts were unknown. Shortly thereafter, at the direction of the children's U.S.

citizen grandmother, the three boarded a flight to the United States. Upon arriving, the immigration inspectors determined the immigrant visas to be invalid due to the death of their mother and paroled them into the U.S. pending an investigation. They have remained in the U.S. since they arrived, attending school, and living with their grandmother. Sergio's two siblings were young enough to become wards of the court and obtain a visa through that avenue. Sergio has no family to care for him in El Salvador and it would be an extreme hardship for him to be separated from his two siblings. Had it not been for his mother's untimely death, he would now be a permanent resident.

COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 276 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. 276. 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. 276, an act for the relief of Sergio Lozano;

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. 276 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, August 3, 1999.

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

DEAR MR. CHAIRMAN: In response to your request to a report relative to S. 276, for the relief of Sergio Lozano, Fauricio Lozano, and Ana Mercedes Lozano, enclosed is a memorandum of information concerning the beneficiaries.

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 application processing fee. The bill would also require the Secretary of State to request the proper visa number deduction from the beneficiaries native country.

Absent enactment of the bill, the beneficiaries would continue to have parole or deferred action status until July 1, 2001, at which time they would be eligible for immigrant visa issuance abroad.

Sincerely,

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

Enclosure

cc: Department of State, Visa Office
Attn: Private Bill Staff
cc: Western Regional Office—FYI
District Director—Los Angeles, CA
Attn: Investigations—Jeff Hubrich

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S. 276

Information concerning this case was obtained from Sergio Lozano, Fauricio Lozano and Ana Lozano, the beneficiaries.

The beneficiary, Sergio Lozano, a native and citizen of El Salvador, was born on May 26, 1979. Sergio resides in Los Angeles, California, with his grandmother and two siblings, and is currently attending Belmont High School in the 11th grade pursuing a high school diploma in general studies. On January 22, 1997, he was issued an immigrant visa to permanently reside in the United States as the child of a legal permanent resident. On February 11, 1997, the beneficiary's mother and sponsor passed away while preparing to bring the beneficiary and his siblings to the United States. On April 2, 1997, after staying with friends of the family in El Salvador and at the direction of his United States citizen grandmother, the beneficiary boarded a flight to the United States and arrived at Los Angeles International Airport (LAX). At LAX, Immigration Inspectors discovered the immigrant visa presented by the beneficiary to be invalid due to the death of the sponsor and paroled the beneficiary into the United States pending investigation. Sergio has remained in the United States since arrival, attending school and residing with his grandmother and two siblings in Los Angeles, California. The subject is in good physical and mental health.

The beneficiary, Fauricio Lozano, a native and citizen of El Salvador, was born on July 26, 1981. Fauricio resides in Los Angeles, California, with his grandmother and two siblings, and is currently attending Belmont High School. On January 22, 1997, he was issued an immigrant visa to permanently reside in the United States as the child of a legal permanent resident. On February 11, 1997, the beneficiary's mother and sponsor passed away while preparing to bring the beneficiary and his siblings to the United States. On April 2, 1997, after staying with friends of the family in El Salvador and at the direction of his United States citizen grandmother, the beneficiary boarded a flight to the United States and arrived at LAX. At LAX, Immigration Inspectors discovered the immigrant visa presented by the beneficiary to be invalid due to the death of the sponsor and paroled the beneficiary into the United States pending investigation. Fauricio has remained in the United States since arrival, attending school and residing with his grandmother and two siblings in Los Angeles, California. The subject is in good physical and mental health. According to the Central Index System, on February 11, 1999, Fauricio Lozano was granted SL6 status. This status is only granted to certain aliens declared dependent on a juvenile court (special immigrant juvenile), eligible for long-term foster care. The determination is made by the juvenile court that family reunification is no longer a viable option. A child who is eligible for long-term foster care will normally be expected to remain in foster care until reaching the age of majority. For the purpose of establishing and maintaining eligibility for classification as a special immigrant juvenile, a child who has been adopted or placed in a guardianship situation after having been found dependent upon a juvenile court in the United States, will continue to be considered to be eligible for long-term foster care. A

juvenile court is a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.

The beneficiary, Ana Lozano, a native and citizen of El Salvador, was born on March 27, 1983. Ana resides in Los Angeles, California, with her grandmother and two siblings, and is currently attending Belmont High School. On January 22, 1997, she was issued an immigrant visa to permanently reside in the United States as the child of a legal permanent resident. On February 11, 1997, the beneficiary's mother and sponsor passed away while preparing to bring the beneficiary and her siblings to the United States. On April 2, 1997, after staying with friends of the family in El Salvador and at the direction of her United States citizen grandmother, the beneficiary boarded a flight to the United States and arrived at LAX. At LAX, Immigration Inspectors discovered the immigrant visa presented by the beneficiary to be invalid due to the death of the sponsor and paroled the beneficiary into the United States pending investigation. Ana has remained in the United States since arrival, attending school and residing with her grandmother and two siblings in Los Angeles, California. According to the Central Index System, on February 11, 1999, Ana Lozano was granted SL6 status. This status is only granted to certain aliens declared dependent on a juvenile court (special immigrant juvenile), eligible for long-term foster care. The determination is made by the juvenile court that family reunification is no longer a viable option. A child who is eligible for long-term foster care will normally be expected to remain in foster care until reaching the age of majority. For the purpose of establishing and maintaining eligibility for classification as a special immigrant juvenile, a child who has been adopted or placed in a guardianship situation after having been found dependent upon a juvenile court in the United States, will continue to be considered to be eligible for long-term foster care. A juvenile court is a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.

On June 30, 1999, the writer conducted an unannounced inspection of the home. The writer observed the home to be untidy, with the kitchen being stocked with normal staples. The beneficiaries appeared healthy, and well adjusted. The children's grandmother had been admitted into the hospital. The children were living alone with Sergio Lozano as the supervising adult, with monetary and moral support from their Uncle Francisco Lozano. A background check was conducted for the beneficiaries and no derogatory information was found.