

FOR THE RELIEF OF LUIS A. LEON-MOLINA, LIGIA PADRON,
JUAN LEON PADRON, RENDY LEON PADRON, MANUEL
LEON PADRON, AND LUIS LEON PADRON

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. 3414]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3414) for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron, 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 deem the Padron family to have been selected for a diversity immigrant visa for fiscal year 2001.

BACKGROUND AND NEED FOR THE LEGISLATION

The Padron family came to U.S. on visitor visas and then applied for political asylum on December 5, 1994. The INS Service Center determined that the application for asylum was non-frivolous on

January 5, 1995. On April 14, 1995, an I.N.S. Asylum Officer declined to grant asylum. On April 17, 1995, the Padrons were placed in deportation proceedings. On July 26, 1995, the father was selected for an immigrant visa under the Diversity Visa Program for FY1996. Thus, on December 15, 1995, the Padron's applications for adjustment of status to resident alien were approved by an immigration judge and the deportation proceedings were terminated. On that same day, the State Department informed the immigration judge in writing that the Immigrant Visa Control Center had reserved visa numbers for the Padron family based on the judge's order. However, this written notice did not constitute an allocation of the visa numbers—the visa numbers would be allocated upon completion of action on the Padrons' adjustment of status case.

On December 16, 1995, the Federal Government shut down. The Padrons' file was placed on a shelf and forgotten. On September 30, 1996, the 1996 Diversity Visa program (and the Padrons' eligibility for their visas) expired, without any action being taken on the misplaced files.

As result of this mistake, the INS placed the Padrons in deferred action.

COMMITTEE CONSIDERATION

On July 27, 2000, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 3414, 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. 3414 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 H.R. 3414. 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. 3414 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 19, 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. 3414, for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron, enclosed is a memorandum of information regarding the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of the enactment of this Act upon payment of the required visa fee. The bill would also direct the proper visa number deductions.

Sincerely,

GERRI RATLIFF, *Acting Director,
Congressional Relations.*

Enclosure

cc: Department of State—Visa Office
District Director—Kansas City, MO

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: H.R. 3414

The beneficiary, Luis A. Leon-Molina, whose full name is Luis Alfonso Leon-Molina, A73 537 791, a native and citizen of Ecuador, was born on August 25, 1953. The beneficiary currently resides at 701 Sherbrooke, Apt. #1, Emporia, Kansas 66801, with his wife Ligia Padron, and their children Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron, all are also beneficiaries of H.R. 3414. Mr. Molina is currently employed as a Meat Packer with IBP in Emporia, Kansas with an income of about \$20,000 a year. Assets and liabilities include three automobiles with an approximate value of about \$3,000, and about \$8,000 in loans. Mr. Molina has a sister, Julia Beatriz Leon who resides in New York. Mr. Molina has not served in the United States Armed Forces.

The beneficiary, Ligia Padron, whose full name is Ligia Padron-Iglesias, A73 648 565, a native and citizen of Ecuador, was born on August 13, 1955. The beneficiary currently resides in Emporia, Kansas with her husband and children, also beneficiaries of H.R. 3414. Mrs. Iglesias is currently employed as a Meat Cutter with IBP in Emporia, Kansas and works 40 hours or more a week, depending on meat sales, with an income of about \$20,000 a year. Mrs. Iglesias have no other family residing in the United States. Ms. Iglesias has not served in the United States Armed Forces, and is not required by law to register for selective service as she is a female.

The beneficiary, Juan Leon-Padron, A73 537 758, a native and citizen of Ecuador, was born on May 17, 1981. The beneficiary currently resides in Emporia, Kansas with his parents and siblings, also beneficiaries of H.R. 3414. Juan is currently employed at Braum's Restaurant in Emporia, Kansas as a cook. Juan is employed on a part-time basis as he is also enrolled at Emporia State University. Juan has not served in the United States Armed Forces, but has registered for selective service in Emporia, Kansas.

The beneficiary, Rendy Leon-Padron, A73 537 761, a native and citizen of Ecuador, was born on August 8, 1984. The beneficiary currently resides in Emporia, Kansas with his parents and siblings, also beneficiaries of H.R. 3414. Rendy is not employed, but is a student at Emporia High School. Rendy has not served in the United States Armed Forces, and has not reached his 18th birthday to make application for selective service.

The beneficiary, Manual Leon-Padron, A73 537 766, a native and citizen of Ecuador, was born on October 9, 1985. The beneficiary

currently resides in Emporia, Kansas with his parents and siblings, also beneficiaries of H.R. 3414. Manuel is not employed, but is a student at Emporia High School. Manuel has not served in the United States Armed Forces, and has not reached his 18th birthday to make application for selective service.

The beneficiary, Luis Leon-Padron, A73 537 775, a native and citizen of Ecuador, was born on August 18, 1979. The beneficiary currently resides in Emporia, Kansas with his parents and siblings, also beneficiaries of H.R. 3414. Luis is currently employed as a Teacher's Assistant at Emporia Middle School, and employed part-time at Hardee's Restaurant. Luis is also a student at Emporia State University. Luis has not served in the United States Armed Forces, but has registered for selective service in Emporia, Kansas.

On October 19, 1994, the beneficiaries were admitted to the United States at New York, New York, as B-2 Visitors for Pleasure, until February 15, 1995. On April 12, 1995, an Order to Show Cause and Notice Hearing (Form I-221) was issued to the beneficiaries because they remained in the United States beyond February 15, 1995 without permission of the Immigration and Naturalization Service.

On or about December 5, 1994, the beneficiary, Mr. Luis Alfonso Leon-Molina, submitted a Request for Asylum in the United States (Form I-589). An Application to Register Permanent Residence or Adjust Status (Form I-485) was submitted to the Immigration and Naturalization Service at Newark, New Jersey on December 13, 1995.

On December 15, 1995, Mr. Molina appeared in front of Immigration Judge Nicole Kim at Newark, New Jersey. In a summary of her oral decision, deportation proceedings were terminated and Judge Kim adjudicated Form I-485. The beneficiaries' application for adjustment of status under Section 245 was granted based upon Mr. Molina being selected in the diversity lottery. As part of that order, the Immigration Judge ordered that "the respondent be issued all appropriate documents necessary to give effect to this order."

The Immigration and Naturalization Service failed to comply with the Immigration Judge's order by failing to obtain the required diversity visa numbers. Consequently, the diversity visas were lost at the end of that fiscal year on September 30, 1996. A Private Bill, H.R. 3414, was introduced in the United States House of Representatives on behalf of Luis Alfonso Leon-Molina and his family.

On March 12, 1999, a deferred action case was approved. On April 27, the beneficiaries were granted an Employment Authorization Document until April 26, 2001.

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.

