

FOR THE RELIEF OF KERANTHA POOLE-CHRISTIAN

SEPTEMBER 27, 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. 302]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 302) for the relief of Kerantha Poole-Christian, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This legislation would classify the beneficiary as a child for purposes of approval of a relative visa petition filed by her adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

BACKGROUND AND NEED FOR THE LEGISLATION

Kerantha Poole-Christian was born in Jamaica in April 1978. Kerantha is now 22 years old and came to the U.S. with her mother when she was six. Her mother, a domestic worker, maintained residence at the home of the Christians and left Kerantha in the care of the Christians while she worked elsewhere. In 1991, when

Kerantha was 12, her mother returned to Jamaica for an immigrant visa interview to qualify for permanent residence status without taking her daughter with her. At that time, the mother was refused the visa and not allowed to return to the U.S.

Three years later the mother died suddenly. According to documents submitted by Senator Torrecelli's office, in April 1992, when Kerantha's age was 14, both of her natural parents requested that the Christians adopt Kerantha. Additionally, a letter was submitted to the subcommittee dated September 25, 1993, from the mother to Kerantha expressing her happiness that the Christians were adopting her when Kerantha's was 15. Documents show that the Christians contacted an attorney to prepare necessary documents for adoption in October 1993. However, the adoption was not finalized until after Kerantha's 16th birthday.

In order for an adoptee to lawfully immigrate to the United States, the immigration law requires an adoption to have occurred prior to the age of 16. Because Kerantha's adoption was not completed until her 17th birthday, she would need a private bill in order to gain permanent residence.

The precedent concerning adoption cases is well-established. Precedent dictates that in order for favorable consideration of a private bill that allows an adoption to be considered legitimate for immigration purposes, the adoption needs to have been finalized and must have been initiated prior to the child's turning 16.

It is clear from the documentation provided that the Christians were actively proceeding with the adoption prior to Kerantha's 16th birthday.

COMMITTEE CONSIDERATION

On September 26, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 302 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. 302. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 2000.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5266 and S. 302, which were ordered reported by the House Committee on the Judiciary on September 26, 2000. CBO estimates that their enactment would have no significant impact on the federal budget. H.R. 5266 and S. 302 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 two pieces of legislation reviewed are:

- H.R. 5266, a bill for the relief of Saeed Rezai; and
- S. 302, an act for the relief of Kerantha Poole-Christian.

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. 302 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, October 27, 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. 302 (S. 1551 105th Congress), for the relief of Kerantha Poole-Christian, enclosed is a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary classification as a child within the means of Section 101(b)(1)(E), of the Immigration and Nationality Act (INA), upon approval of a petition filed on her behalf by Clifton and/or Linette Christian, citizens of the United States, pursuant to section 204, INA.

Sincerely,

ALLEN ERENBAUM, *Director,*
Office of Congressional Relations.

cc: Department of State, Visa Office
Attn: Private Bill Staff
District Director—Washington, DC
Attn: Investigations—Norfolk, VA, Robert Brown

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILE RE: S.302

The beneficiary, Kerantha Nicole Poole-Christian, a native and citizen of Jamaica, was born on April 13, 1978, in Kingston, Jamaica. Kerantha is a student at the University of Richmond in Richmond, Virginia, and resides with one roommate at 6840 Carnegie Drive. She claims to be unemployed and supports herself while attending college through scholarships, grants, school loans, and assistance from her adoptive parents.

The beneficiary was admitted to the United States as a visitor for pleasure on July 11, 1985, at New York, New York with authorization to remain in the United States for a temporary period not to exceed January 10, 1986. While in the United States, the beneficiary resided with the interested parties, Clifton and Linette Christian, both natives of Jamaica and naturalized citizens of the United States, while her mother was employed as a live-in domestic servant. In 1991, Kerantha's birth mother returned to Jamaica, in hopes of receiving Lawful Permanent Resident (LPR) status from a petition filed by her employer, and passed away, leaving Kerantha in the United States with the interested parties.

With the permission of Kerantha's surviving birth father, the interested parties instituted adoption proceedings for Kerantha. Official adoption was finalized on September 9, 1994, several months after her 16th birthday, which under Section 101(b)(1)(E), INA, makes Kerantha ineligible to derive LPR status because of her age. She is subject to removal proceedings from the United States as a person who has remained in the United States for a time longer than authorized.

One prior entry on July 6, 1983, at New York, New York as a visitor for pleasure was found for the beneficiary with a departure date from the United States on August 5, 1983. However, the beneficiary stated that she made several entries into the United States with her family as visitors prior to her arrival here on July 11, 1985.

The CIA check for the beneficiary is negative however, the FBI check has not been received at this time. The sub-committee will be informed of these results once they are received.