

FOR THE RELIEF OF JOSE GUADALUPE TELLEZ PINALES

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. 2289]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

TABLE OF CONTENTS

Purpose and Summary .....	Page 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. 2289 would allow Jose Guadalupe Tellez Pinales to adjust to permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

Jose Guadalupe Tellez Pinales was born in Mexico in August 1981. Jose's father was killed in an accident. His mother already had one child and felt she could not provide for both children. When Jose was 3 years old his great uncle, Hector Landeros, smuggled him into the United States. Until he was 12 years old, Jose believed his great uncle and his first wife to be his parents.

Mr. Landeros and his wife at the time, Elizabeth Garcia, had Jose baptized shortly after he came to the United States. The baptism record indicated that Jose was born in Los Angeles and that they were his parents. In August 1987, they obtained a Social Security card for Jose. It also indicated that Jose was born in Los Angeles and that they were his parents. In September 1987, Mr. Landeros became a naturalized citizen of the United States. He erroneously assumed that because all records showed Jose to be his son, his naturalization transferred to Jose. When Jose was 10 years old, Mr. Landeros married Alice Landeros. Two years later, Jose was informed of his real parentage. When Jose was 15 years old, Alice Landeros discovered that Jose had never been formally adopted. At that late date, there was not time to formally adopt Jose prior to his 16th birthday, as is required for an adoption to be recognized under immigration law.

Jose is now 19 years old. He has met his natural mother only three times in his life. She relinquished custody of Jose to Mr. Landeros in a witnessed letter many years ago. Jose wished to join the U.S. Marine Corps, but found that he could not because he has no legal status. It would be an extreme hardship to Jose to be deported to Mexico. He has resided in the U.S. since the age of three, does not speak Spanish, and by all accounts has led an exemplary life. It is through no fault of his own that the adults in his life did not take appropriate actions to provide him legal status in the United States. He has no avenue available to him now to get that status.

#### COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. S. 2289 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. 2289. 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. 2289, an act for the relief of Jose Guadalupe Tellez Pinales.

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. 2289 are as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, DC, Month 00, 2000.*

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. 2289, for the relief of Jose Guadalupe Tellez-Pinales (Lupe), enclosed is a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee.

Sincerely,

FOR THE COMMISSIONER  
GERRI L. RATLIFF, *Acting Director,*  
*Congressional Relations.*

Enclosure

cc: Department of State, Visa Office  
District Director, Omaha, NE

MEMORANDUM OF INFORMATION FOR IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE: S. 2289

Jose Guadalupe Tellez-Pinales, is a citizen and national of Mexico born on August 17, 1981 at San Luis Potosi, San Luis Potosi, Mexico. Jose is a high school graduate from Fort Madison, Iowa and has resided the majority of his life at Fort Madison. Currently, he is employed with Wolf Packaging Company at Fort Madison, Iowa. He has been employed at this location for about two weeks. He expressed a desire to seek employment with the Park Place Hotel located in Kansas City, Missouri.

It was revealed under a sworn statement taken from the interested party, Alice Landeros that when Jose was about three years of age, he was smuggled into the United States by his great uncle, Hector Miguel Landeros. Jose's biological mother is Hector's niece. Jose's biological father passed away when he was about three years of age. A copy of Jose's Mexican birth certificate is available.

Jose is presently nineteen years of age and has resided with Hector Miguel Landeros since childhood in Fort Madison, Iowa until a year ago when he chose to live with Alice Landeros. Jose attended public schools in Fort Madison, Iowa.

Jose was baptized at the "Holy Name" Church in Kansas City, Kansas on March 16, 1985 by Miguel Landeros and his wife (at the time), Elizabeth Garcia. The certificate indicates that Jose was born in Los Angeles, California on August 3, 1981. It indicates Hector M. Landeros and Elizabeth Garcia as the parents. This document is dated July 29, 1996.

Hector Miguel Landeros became a naturalized U.S. citizen on September 17, 1987, in Kansas City, Kansas. He never legally adopted Jose Guadalupe Tellez-Pinales. However, a Xerox copy of an undated letter written and signed by Jose's biological mother in Mexico reveals she is giving Hector Miguel Landeros custody of her son, Jose. This letter witnesses Jose's biological mother's signature that is supported by two other person's signatures. A translation of this letter is made available. At the time Hector Miguel Landeros took custody of Jose, he had four children born to him from prior marriages.

On August 21, 1987, a record was created with the Social Security Administration. The account number is 484 11 2582. This record reflects Hector Miguel Landeros and Elizabeth Garcia as the parents for Jose. It indicates Jose's place of birth in Los Angeles, California. Hector Miguel Landeros and his wife at that time, Elizabeth Garcia, made the application for Jose with the Social Security office in order to obtain a valid document.

Jose Guadalupe Tellez-Pinales does not have an application or petition pending with INS at this time. A fingerprint check for the beneficiary through the Federal Bureau of Investigation was conducted with negative results, however, fingerprints checks for the interested party are pending at this time. The results of the National Crime Information Computer (NCIC), was performed with negative results for the beneficiary and interested party.

Raymundo Pena  
Special Agent  
Cedar Rapids, Iowa

○