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106TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
106–905

FOR THE RELIEF OF SAEED REZAI

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 H.R. 5266]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5266) for the relief of Saeed Rezai, 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 make the claimant eligible for adjustment of his status to that of a permanent resident.

BACKGROUND AND NEED FOR THE LEGISLATION

Mr. Rezai first came to the United States from Iran on a student visa in 1986. In 1987, he married his first wife and was given conditional permanent residence. That marriage was dissolved prior to the conditional status of his permanent residency being lifted. He then filed for a possible waiver of the conditional status as well as an application for asylum. In 1991, prior to the final ruling of the

court denying his application for asylum, Mr. Rezai married his current wife, Julie. When she filed an immigrant visa on behalf of her husband it was denied because under immigration law the fact his first marriage did not last 2 years constitutes marriage fraud. The judge hearing Mr. Rezai's case after the divorce indicated in his decision that there was no proof of false testimony by Mr. Rezai and granted him voluntary departure rather than ordering deportation because in his words "Mr. Rezai may be eligible for a visa in the future." Nevertheless, I.N.S. refused to consider Mr. Rezai's petition while acknowledging that his current marriage is valid. In the meantime, Ms. Rezai has been diagnosed with multiple sclerosis. Her doctor has indicated that she may rapidly deteriorate as a result of any type of severe stress.

The standard for a private immigration bill being appropriate is that the case involves an alien who has an unusual problem that would result in extreme hardship to a United States citizen spouse, parent or child or to the alien beneficiaries themselves. Because of Mrs. Rezai's condition, this case meets that standard.

COMMITTEE CONSIDERATION

On September 26, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 5266 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. 5266. 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 H.R. 5266 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, August 4, 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. 451, for the relief of Saeed Rezai, there is enclosed 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 and upon payment of the required visa fee. It would also direct that a visa number deduction be made from the beneficiary's native country.

Sincerely,

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

Enclosure

cc: Department of State, Visa Office
District Director—Denver, CO
Attn: Private Bill Staff
District Director—Denver, CO
Attn: Salt Lake City Sub-Office
Attn: Investigations—Gary Slaybaugh

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 451

The beneficiary, Saeed Rezai, a native and citizen of Iran , was born on March 21, 1958, in Teheran, Iran. Mr. Rezai resides with his spouse in Salt Lake City, Utah. Mr. Rezai is currently employed by Westminster College in Salt Lake City Utah as the Director of Patrol and Safety, with an income of about $32,000 a year. He also serves as a Fire Marshal for the college. The beneficiary's assets include his home in Salt Lake City, Utah, estimated equity is about $32,000; a 1991 Nissan Sentra, estimated value is $4,000; and approximately $2,000 in a savings account.

The beneficiary entered the United States at Chicago, Illinois on January 4, 1986, as a student (F–1). On September 2, 1986, Mr. Rezai was refused reinstatement of student status and given voluntary departure until September 17, 1986. Mr. Rezai married Elizabeth Shantz, a citizen of the United States, on September 9, 1987. Mr. Rezai was given condition residence status based upon his marriage on December 16, 1988. The conditional residence status was terminated on March 8, 1990, on the basis that Mr. Rezai did not establish that the marriage was not entered into for the purposed of obtaining an immigrant visa. Mr. Rezai was divorced from Elizabeth Shantz on June 1, 1990, and subsequently placed into deportation proceedings.

Mr. Rezai applied for waiver of the requirement to file a joint petition to remove the conditional status and submitted an application for asylum. The Immigration Judge ruled in a decision dated January 16, 1991, that Mr. Rezai was ineligible for a waiver or asylum. The Board of Immigration Appeals and the 10th Circuit of the United States Court of Appeals subsequently affirmed the Immigration Judge's decision.

On June 15, 1991, Mr. Rezai married Julie Marie Wegner, a United States citizen. A visa petition was submitted on behalf of this marriage. The petition was denied on July 1, 1994. On March 3, 1997, a motion to apply for suspension of deportation was denied.

Responses to national agency checks were negative. The beneficiary has not performed military service in the United States.

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