

FOR THE RELIEF OF BARTOSZ KUMOR

JULY 24, 2012.—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. 1857]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1857) for the relief of Bartosz Kumor, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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**Purpose and Summary**

The bill grants permanent resident status to Bartosz Kumor.

**Background and Need for the Legislation**

Bartosz “Bart” Kumor was born in Poland in 1984. Bart’s parents separated, leaving his mother as his sole provider. As she earned very little money, she found it very difficult to provide for her son. Bart’s mother sent him (on a visitor’s visa) to live with his uncle, Jerzy Wydmuch, in the United States in 1993 at the age of nine.

In 1994, Bart obtained a student visa and began to attend school. The following year, Mr. Wydmuch became Bart's legally appointed guardian.

Around this time, Mr. Wydmuch, a United States citizen, consulted with an attorney to begin the adoption process. Initially, the attorney with whom Mr. Wydmuch consulted delayed the process based upon his busy trial schedule. The attorney also lacked knowledge of the requirements of immigration law that an adoption be completed by the age of 16 for a child to be eligible for permanent residence as an immediate relative of a U.S. citizen. It also took some time to obtain the formal consent of Bart's mother in Poland. The adoption process was completed in 2001, when Bart was 17 years of age.

Bart obtained an undergraduate degree from the University of Michigan and a law degree from Wayne State Law School. He was in lawful status throughout most of his presence in the U.S., first as a visitor visa, then as a foreign student and most recently on optional practical training, but fell out of status last year.

H.R. 1857 grants Mr. Kumor permanent residence.

There is much precedent for private bills that involve adoptions that were initiated, but not completed, by the alien child's 16th birthday, as required by immigration law.<sup>1</sup>

On October 5, 2011, the Immigration Subcommittee voted to request an ICE report on Mr. Kumor. On May 3, 2012, ICE provided the report. It revealed no derogatory information.

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 1857.

### **Committee Consideration**

On June 28, 2012, the Committee met in open session and ordered the bill H.R. 1857 favorably reported without amendment, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1857.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises 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.

<sup>1</sup>See, e.g., Priv. L. No. 108-1 (H.R. Rep. No. 108-532), Priv. L. No. 108-6 (H.R. Rep. No. 108-529), Priv. L. No. 107-6 (H.R. Rep. No. 107-729), Priv. L. No. 106-7 (H.R. Rep. No. 106-906) & Priv. L. No. 105-5 (H.R. Rep. 105-125).

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives 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(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1857, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 5, 2012.*

Hon. LAMAR SMITH, CHAIRMAN,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation ordered reported by the House Committee on the Judiciary on June 28, 2012:

- H.R. 823, a bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas;
- H.R. 824, a bill for the relief of Daniel Wachira;
- H.R. 316, a bill for the relief of Esther Karinge;
- H.R. 794, a bill for the relief of Allan Bolor Kelley;
- H.R. 357, a bill for the relief of Corina de Chalup Turcinovic; and
- H.R. 1857, a bill for the relief of Bartosz Kumor.

Those bills would make certain individuals eligible for permanent U.S. residence and could have a very small effect on fees collected by the Department of Homeland Security and thus would affect direct spending. Therefore, pay-as-you-go procedures apply. CBO estimates, however, that enacting those pieces of legislation would not have a significant impact on the federal budget.

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.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1857 grants permanent residence to Bartosz Kumor.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1857 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

#### *Sec. 1. Permanent Resident Status for Bartosz Kumor.*

Subsection (a) provides that Bartosz Kumor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of the Immigration and Nationality Act (INA) or for adjustment of status to lawful permanent resident.

Subsection (b) provides that if Mr. Kumor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the INA.

Subsection (c) provides that subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Subsection (d) provides that upon the granting of an immigrant visa or permanent residence to Mr. Kumor the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of his birth under section 203(a) of the INA or, if applicable, the total number of immigrant visas that are made available to natives of the country of his birth under section 202(e) of the INA.

Subsection (e) provides that the natural parents, brothers, and sisters of Mr. Kumor shall not, by virtue of such relationship, be accorded any right, privilege, or status under the INA.