

FOR THE RELIEF OF MARIA ISABEL BUESO BARRERA,
ALBERTO BUESO MENDOZA, KARLA MARIA BARRERA
DE BUESO, AND ANA LUCIA BUESO BARRERA

NOVEMBER 18, 2020.—Referred to the Private Calendar and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 4225]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4225) for the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, Karla Maria Barrera De Bueso, and Ana Lucia Bueso Barrera, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. PERMANENT RESIDENT STATUS FOR MARIA ISABEL BUESO BARRERA, ALBERTO BUESO MENDOZA, AND KARLA MARIA BARRERA DE BUESO.

(a) **IN GENERAL.**—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso shall each 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 such Act or for adjustment of status to lawful permanent resident.

(b) **ADJUSTMENT OF STATUS.**—If Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, or Karla Maria Barrera De Bueso enters the United States before the filing deadline specified in subsection (d), he or she 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 Immigration and Nationality Act as of the date of the enactment of this Act.

(c) **WAIVER OF GROUNDS FOR REMOVAL OR DENIAL OF ADMISSION.**—

(1) **IN GENERAL.**—Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso may not be removed from the United States, denied admission to the United States, or considered ineligible for lawful permanent residence in the United States by reason of any ground for removal or denial of admission that is reflected in the records of the Department of Homeland Security or the Visa Office of the Department of State on the date of the enactment of this Act.

(2) **RESCISSION OF OUTSTANDING ORDER OF REMOVAL.**—The Secretary of Homeland Security shall rescind any outstanding order of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, or Karla Maria Barrera De Bueso by reason of any ground described in paragraph (1).

(d) **DEADLINE FOR APPLICATION AND PAYMENT OF FEES.**—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.

(e) **REDUCTION OF IMMIGRANT VISA NUMBER.**—Upon the granting of an immigrant visa or permanent residence to Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

(f) **DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.**—The natural parents, brothers, and sisters of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Purpose and Summary

H.R. 4225, “For the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, Karla Maria Barrera De Bueso, and Ana Lucia Bueso Barrera” would provide the beneficiaries of this private bill with an opportunity to obtain lawful permanent resident status in the United States.

Background and Need for the Legislation

A. IMMIGRATION BACKGROUND

In 2004, the Bueso family arrived in the United States from Guatemala on B–2 visitor visas so that Maria Isabel could participate in a clinical trial and receive treatment for a rare medical disorder, mucopolysaccharidosis type VI (MPS VI). The family maintained lawful nonimmigrant status in the United States through August 2009, at which time they were granted deferred action by U.S. Citizenship and Immigration Services (USCIS), based on Maria

Isabel’s medical condition. USCIS extended the family’s deferred action until August 13, 2019, when it denied their request, claiming that it no longer considers deferred action requests except those involving members of the U.S. military and their families. On September 2, 2019, USCIS announced that it would reopen and reconsider non-military deferred action requests that were pending on August 7, 2020.¹ On December 6, 2019, the family was granted deferred action until August 13, 2021.

B. MEDICAL CONDITION

Maria Isabel Bueso Barrera has a rare genetic disorder, MPS VI, a life-threatening condition that causes dwarfism, blindness, hearing impairment, spinal cord compression, and bone abnormalities. Most people with MPS VI die before age 20. The treatment tested in the clinical trial in which Maria Isabel participated was ultimately approved by the Federal Drug Administration, and the Bueso family has remained in the United States so that Maria Isabel can continue receiving it. The Pan-American Health Organization and Maria Isabel’s doctors confirm that the treatment is not available in Guatemala and if Maria Isabel is forced to return there, she will likely die within weeks. As such, a solution for the family to remain in the United States permanently is required.

Maria Isabel’s father, Alberto Bueso Mendoza, has been employed as a Sales Director for Otis McAllister since 2007 and provides the necessary financial support for the family. Maria Isabel’s mother, Karla Maria Barrera De Bueso, is her daughter’s full-time caregiver. The family has private insurance coverage to pay for Maria Isabel’s treatment. Despite her physical limitations, Maria Isabel earned a Bachelor of Arts in Sociology, graduating Summa Cum Laude in 2018 from California State University, East Bay.

C. HOUSE PRECEDENT FOR CONSIDERATION OF PRIVATE IMMIGRATION BILLS

In the modern era, Congress has passed numerous private bills for similarly situated individuals, including in cases where the beneficiary, or the U.S. citizen spouse or child of a beneficiary, suffered from a serious illness or medical condition and could not receive proper treatment in the beneficiary’s home country.

For example, in the 106th Congress, the House passed a private bill for Marina Khalina and her son Albert Kifakov, the latter of whom had cerebral palsy and would require lifelong medical treatment that was unavailable in their home country of Russia.² Also in the 106th Congress, the House passed a private bill for the relief of Jacqueline Salinas—who was paralyzed from the waist down—and her children, one of whom was afflicted with bone cancer.³

In the 104th Congress, the House passed a private bill for Oscar Salas-Velazquez, whose U.S. citizen child and wife were carriers of an antigen that predisposes them to developing Reiter’s syndrome—a severe, disabling, incurable arthritic disease which can be triggered by an intestinal infection from organisms widespread

¹U.S. Citizenship and Immigration Services Alert: *USCIS Re-Opens Previously Pending Deferred Requests* (Sep. 2, 2019), <https://www.uscis.gov/news/alerts/uscis-re-opens-previously-pending-deferral-requests>.

²See H.R. Rep. No. 106–956 (2000); See also S.150, 106th Cong. (1999).

³See H.R. Rep. No. 106–962 (2000); See also S.1513, 106th Cong. (1999).

in Mexico.⁴ Requiring Mr. Salas-Velazquez's wife and child to join him in Mexico would very likely result in the development of Reiter's syndrome.⁵ In the 106th Congress, the House also passed a private bill for Saeed Rezai, whose U.S. citizen wife was stricken with multiple sclerosis.⁶ Medical professionals indicated that her condition would likely deteriorate rapidly from the severe stress resulting from her husband's removal.

Similarly, the specialized treatment that Maria Isabel receives in the United States to manage and treat her MPS VI is unavailable in her home country of Guatemala. Without such treatment, doctors have confirmed that her condition would rapidly deteriorate, and she would likely die within weeks. As such, the Committee has determined that H.R. 4225 meets the medical condition precedent.

Hearings

The Committee on the Judiciary held no hearings on H.R. 4225.

Committee Consideration

On September 9, 2020, the Committee met in open session and ordered the bill, H.R. 4225, favorably reported with an amendment in the nature of a substitute, by a voice vote, a quorum being present.⁷

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. 4225.

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.

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. 4225, the following estimate and comparison prepared

⁴ See H.R. Rep. No. 104-810 (1996); See also H.R. 1031, 104th Cong. (1995).

⁵ *Id.*

⁶ See H.R. Rep. No. 106-905 (2000); See also H.R. 5266, 106th Cong. (2000).

⁷ The amendment in the nature of a substitute was offered by Chairman Nadler to remove Ana Lucia Bueso Barrera as a named beneficiary of the bill, as she no longer requires the relief that this bill would provide.

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, September 22, 2020.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for these four bills:

- H.R. 631, For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar;
- H.R. 4225, For the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso;
- H.R. 7146, For the relief of Victoria Galindo Lopez; and
- H.R. 7572, For the relief of Median El-Moustrah.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Rafferty.

Sincerely,

PHILLIP L. SWAGEL,
Director.

cc: Honorable Doug Collins
Ranking Member

Enclosure.

Immigration-Relief Legislation			
As ordered reported by the House Committee on the Judiciary on September 9, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

On September 9, 2020, the House Committee on the Judiciary ordered reported four bills that would allow the people named in each bill to become lawful permanent residents:

- H.R. 631, For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar;
- H.R. 4225, For the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso;
- H.R. 7146, For the relief of Victoria Galindo Lopez; and
- H.R. 7572, For the relief of Median El-Moustrah.

Enacting each of those four bills could increase direct spending and reduce revenues because lawful permanent residents are eligible for certain federal benefits, such as Medicaid and premium tax credits for health insurance purchased through the marketplaces established by the Affordable Care Act, if they otherwise meet the eligibility requirements for those benefits. CBO estimates that those effects would not be significant because of the small number of people who would be affected by each bill.

The CBO staff contact for this estimate is David Rafferty. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 4225 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

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. 4225 would provide Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso with an opportunity to obtain lawful permanent resident status in the United States.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4225 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 Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera de Bueso. Subsection (a) provides that Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso shall each be eligible for issuance of an immigrant visa or for adjustment of status to lawful permanent residence upon filing the appropriate application.

Subsection (b) provides that if Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, or Karla Maria Barrera De Bueso enters the United States before the filing deadline specified in subsection (d), they shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status as of the date of the enactment of this Act.

Subsection (c)(1) provides that Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso may not be removed from the United States, denied admission, or considered ineligible for lawful permanent residence by reason of any

ground for removal or inadmissibility that is reflected in the records of the Department of Homeland Security or the Department of State as of the date of the enactment of this Act.

Subsection (c)(2) provides that the Secretary of Homeland Security shall rescind any outstanding orders of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso.

Subsection (d) requires Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso to apply for an immigrant visa or adjustment of status within 2 years after the date of the enactment of this Act.

Subsection (e) provides that upon granting an immigrant visa or permanent residence to Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso, the Secretary of State shall reduce by three, the total number of immigrant visas that are made available to natives of the country of their birth.

Subsection (f) provides that the natural parents, brothers, and sisters of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.