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HOUSE OF REPRESENTATIVES
REPORT
116–598

FOR THE RELIEF OF MEDIAN EL-MOUSTRAH

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. 7572]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 7572) for the relief of Median El-Moustrah, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

H.R. 7572, "For the relief of Median El-Moustrah," would provide the beneficiary of this private bill, Mr. El-Moustrah, with an opportunity to obtain lawful permanent resident status in the United States.

Background and Need for the Legislation

A. IMMIGRATION BACKGROUND

Median El-Moustrah was born in Lebanon and has lived in the United States for nearly 30 years. In 1993, he was granted conditional permanent residence based on his marriage to Ms. Patricia Stack, a U.S. citizen. Shortly after obtaining such status, the couple began having marital problems, separated, and divorced. Mr. El-Moustrah's petition to remove the conditions on his permanent residence was denied and he was placed in removal proceedings. He was ordered removed in 2011, after an immigration judge determined that he failed to overcome the statutory presumption that his marriage was not bona fide. On June 4, 2007, Mr. El-Moustrah married his current spouse, Ayda Mehri, a U.S. citizen, and became stepfather to her three U.S. citizen children, who are now grown. Mr. El-Moustrah is part-owner of a gas station, which serves as the primary source of income for his household.

On April 26, 2018, Mr. El-Moustrah was scheduled for removal by Immigration and Customs Enforcement (ICE), but removal was suspended at the direction of the ICE Field Medical Coordinator. In November 2019, Mr. El-Moustrah was detained by ICE, but was released in March 2020 due to his elevated risk of serious complications resulting from exposure to COVID–19. Since January 2013, Mr. El-Moustrah has been granted successive stays of removal, most recently on August 11, 2020, for a period of six months.

B. MEDICAL CONDITIONS

Mr. El-Moustrah suffers from chronic liver disease (decompensated cirrhosis) due to Hepatitis B, as well numerous other conditions, including esophageal tears, hypertension, hyperglycemia, and Type 2 diabetes. He requires regular testing, monitoring, and treatment for complications from these conditions and will eventually require a liver transplant. He also suffers from significant deafness in his left ear and has a cochlear implant in his right ear to restore lost hearing. Mr. El-Moustrah has private medical insurance in the United States that allows him to afford his various medical treatments. Medical experts confirm that Mr. El-Moustrah should not fly or depart the United States due to his conditions. The Chief of Gastroenterology at the Lebanese American University confirms that a liver transplant is not available in Lebanon, and that Mr. El-Moustrah's life would be in jeopardy if he is removed to Lebanon.

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 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 treat-

ment that was unavailable in their home country of Russia.[1] 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.[2]

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 in Mexico.[3] Requiring Mr. Salas-Velazquez's wife and child to join him in Mexico would very likely result in the development of Reiter's syndrome.[4] In the 106th Congress, the House also passed a private bill for Saeed Rezai, whose U.S. citizen wife was stricken with multiple sclerosis.[5] Medical professionals indicated that her condition would likely deteriorate rapidly from the severe stress resulting from her husband's removal.

Similarly, Mr. El-Moustrah and his U.S. citizen wife would suffer extreme hardship if he were forced to return to his home country of Lebanon, where he will not have access to the level of care he receives in the United States to treat his various conditions. Further, without a liver transplant—which he ultimately requires, and which is unavailable in Lebanon—Mr. El-Moustrah's conditions will worsen leading to his death. As such, the Committee has determined that H.R. 7572 meets the medical condition precedent.

Hearings

The Committee on the Judiciary held no hearings on H.R. 7572.

Committee Consideration

On September 9, 2020, the Committee met in open session and ordered the bill, H.R. 7572, favorably reported without amendment, by a 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. 7572.

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.

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[1] *See* H.R. Rep. No. 106–956 (2000); *See also* S. 150, 106th Cong. (1999).
[2] *See* H.R. Rep. No. 106–962 (2000); *See also* S. 1513, 106th Cong. (1999).
[3] *See* H.R. Rep. No. 104–810 (1996); *See also* H.R. 1031, 104th Cong. (1995).
[4] *Id.*
[5] *See* H.R. Rep. No. 106–905 (2000); *See also* H.R. 5266, 106th Cong. (2000).

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. 7572, 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, 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.

Enclosure.

cc: Honorable John Conyers, Jr.
Ranking Member

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. 7572 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. 7572 would provide Median El-Moustrah 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. 7572 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 Median El-Moustrah. Subsection (a) provides that Median El-Moustrah shall 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 Median El-Moustrah enters the United States before the filing deadline specified in subsection (d), he 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 Median El-Moustrah 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 Median El-Moustrah.

Subsection (d) requires Median El-Moustrah 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 Median El-Moustrah, the Secretary of State shall reduce by one, the total number of immigrant visas that are made available to natives of the country of his birth.

Subsection (f) provides that the natural parents, brothers, and sisters of Median El-Moustrah shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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