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Permanent residence via private bill still open

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When administrative relief has been exhausted and court action is fruitless, is there a way for an alien to achieve immigration benefits?

Yes, but this involves legislative action. If successful the alien gets permanent resident status. It is not an easy way but more and more aliens are now giving it a try.

This form of relief is set in motion by the introduction of a private bill in the US Congress, either by a Senator or a Representative. Considering the strong anti-alien sentiments in many parts of the country, it may be hard to find somebody to sponsor such private bill. However, it has been done in the past and it still in being done now. If the service of the alien are considered indispensable especially in the rural areas, the bill may not be difficult to come by.

Under present congressional policy, the introduction of a private bill in the House stays deportation only when the House Judiciary Committee has requested a report on the bill from the Immigration Service. In the Senate, the rule is different. Once a private bill is introduced, the Senate always asks for a report from the Immigration Service. Thus, the mere introduction operates to stay the deportation until the report is received and acted upon. Of course, once adverse action is taken by either the House or the Senate, the deportation stay is terminated and the departure of the alien may be enforced.

As a practical matter, approval of the bill by the Immigration Subcommittee of the House Judiciary Committee will help a lot in getting it passed as a law. It does not guarantee passage, however. The bill when passed by either House will still have to be passed by the other. Sometimes, a private bill may be voted by the President.

The House Judiciary Committee has published the following rules concerning this type of legislation:

The introduction of a private bill does not automatically act as a stay of deportation until

the Committee requests a Department report. Requests for reports on private bills from the Departments shall be made only upon a written request addressed to the Chairman of the Subcommittee or the Chairman of the Committee on the Judiciary by the author of such bill. That request shall contain the following information which shall be submitted to the Committee in triplicate:

a. In the case of aliens who are physically in the United States: The date and place of the alien's last entry into the United States; his immigration status at that time (visitor, student, exchange student, crewman, stowaway, illegal border crosser, etc.) his age; place of birth; address in the United States; and the location of the United States Consulate at which he obtained his visa, if any.

b. In the case of aliens who are residing outside of the United States: The alien's age; place of birth; address; and the location of the United States Consulate before which his application for a visa is pending; and the address and relationship of the person primarily interested in the alien's admission to the United States.

2. The Subcommittee shall not address to the Attorney General communications designed to defer deportation of beneficiaries of private bills who have entered the United States as stowaways, or deserting seamen, or by surreptitiously entering without inspection through the land or sea borders of the United States.

Exemption from this rule may be granted by the Subcommittee in cases where the bill is designed to prevent unusual hardship. However, no such exemption may be granted unless the author of the bill has secured and filed with the Subcommittee full and complete documentary evidence in support of his request to waive this rule.

3. No private bill shall be considered if an administrative remedy exists, or where court proceedings are pending for the purpose of altering the immigrant status of the beneficiary.

4. No favorable consideration shall be given to any private bill until the proper Department has submitted a report.

5. Upon the receipt of reports from the Departments, private bills shall be scheduled for Subcommittee consideration in the chronological order of their introduction, except that priority shall be given to bills introduced earliest in any of the previous Congresses.

6. Consideration of private bills designed to adjust the status of aliens who are in the United States shall not be deferred due to nonappearance at Subcommittee hearings of the author of the bill or persons authorized to represent him.

7. Bills previously tabled shall not be reconsidered unless new evidence is introduced showing a material change of the facts known to the Committee.