

FOR THE RELIEF OF ANISHA GOVEAS FOTI

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JULY 16, 2002.—Referred to the Private Calendar and ordered to be printed  
\_\_\_\_\_

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

R E P O R T

[To accompany H.R. 2245]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2245) for the relief of Anisha Goveas Foti, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary .....	1
Background and Need for the Legislation .....	1
Hearings .....	2
Committee Consideration .....	2
Vote of the Committee .....	2
Committee Oversight Findings .....	2
Performance Goals and Objectives .....	2
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Constitutional Authority Statement .....	3
Section-by-Section Analysis and Discussion .....	3
Agency Views .....	4
Markup Transcript .....	5

PURPOSE AND SUMMARY

H.R. 2245 would allow Anisha Goveas Foti to adjust her status to that of permanent resident.

BACKGROUND AND NEED FOR THE LEGISLATION

Anisha Goveas Foti is from India. Seth Foti was a diplomatic courier for the State Department. Anisha was a travel agent for World Travel Service in Bahrain and was assigned to the travel office in the American Embassy in June 1999. Because Anisha han-

dled all the travel arrangements for the courier office, she and Seth saw each other frequently and began a romantic relationship in October 1999. Just after January 1, 2000, Seth asked Anisha to marry him. They were married on June 3, 2000—1 day after the waiting period required by State Department regulations concerning marriages between U.S. nationals in the foreign service and foreign nationals. Seth Foti filled out all the documents to adjust the status of Anisha. On August 23, 2000, Seth Foti was killed in the crash of Gulf Air 072.

I.N.A. regulations concerning the untimely death of a sponsoring spouse allow for a waiver of the 2 year marriage requirement only if the individual's petition for conditional permanent residence had been approved prior to the death. The interview for approval of Mrs. Foti's petition for conditional permanent residence had not been scheduled before Mr. Foti was killed on August 23, 2000. Had the interview occurred, Mrs. Foti would have been eligible for that waiver. Although the occurrence of death prior to 2 years of marriage is rare, the waiver is routinely given for humanitarian reasons in a case of this type if the petition for conditional permanent residence has been approved.

By all accounts this was a legitimate marriage, and it is through no fault of her own that Mrs. Foti has not met the marriage requirements of the I.N.A. This case mirrors several other private laws enacted in the last few years.

#### HEARINGS

No hearings were held on H.R. 2245.

#### COMMITTEE CONSIDERATION

On April 17, 2002, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 2245, by voice vote, a quorum being present. On July 10, 2002, the Committee met in open session and ordered favorably reported the bill H.R. 2245 without amendment by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

There were no recorded votes taken on H.R. 2245.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause (3)(c)(1) of rule XIII 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.

#### PERFORMANCE GOALS AND OBJECTIVES

H.R. 2245 allows the beneficiary to become a permanent resident of the United States.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII 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. 2245, 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 11, 2002.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2245, a bill for the relief of Anisha Goveas Foti.

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,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

*H.R. 2245—A bill for the relief of Anisha Goveas Foti.*

H.R. 2245 would make Anisha Goveas Foti eligible for permanent U.S. residence. CBO estimates that enacting this legislation would have no significant impact on the Federal budget. H.R. 2245 could have a very small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII 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.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

## SECTION 1. PERMANENT RESIDENT STATUS FOR ANISHA GOVEAS FOTI

Section 1(a) states that Anisha Goveas Foti will be eligible for issuance of an immigrant visa or for adjustment of status to permanent resident once an application is filed for issuance of an immigrant visa under section 204 of the Immigration and Naturalization

Act or an application is filed for adjustment of status to lawful permanent resident.

Section 1(b) states that if Anisha Goveas Foti enters the United States prior to the 2-year filing deadline, that entry shall be considered lawful. She will be eligible for adjustment of status under section 245 of the Immigration and Naturalization Act.

Section 1(c) states that any application for an immigrant visa or adjustment of status by the beneficiary must be filed with the applicable fees within 2 years of the date of enactment of the bill.

Section 1(d) indicates that once the beneficiary receives either an immigrant visa or permanent residence, the Secretary of State is required to reduce by 1 the number of immigrant visas that year or the next of the country of the beneficiary's birth.

#### AGENCY VIEWS

The comments of the Immigration and Naturalization Service on H.R. 2245 are as follows:

##### MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 2245

The beneficiary, whose correct name is Anisha Olivia GOVEAS FOTI, a native and citizen of India, was born on November 25, 1974, in Bangalore, India. Mrs. Goveas Foti resides at 2251 Pimmit Drive, Falls Church, Virginia 22043. Mrs. Goveas Foti is currently working as a teacher at Langley Elementary School, McLean, Virginia 22101. Mrs. Goveas Foti completed a secondary school level education in India. Mrs. Goveas Foti obtained a Bachelor of Arts degree in History, Economics, and Political Science at Mount Carmel College, Bangalore University, Bangalore, India. She received a postgraduate diploma in Travel and Tourism at Sophia B.K. Somani Polytechnic, Mumbai Bombay, India.

The beneficiary's mother, Irene Dzousa Goveas and father, Jerome Goveas, are both natives and citizens of India. The beneficiary has three (3) siblings, two (2) sisters and one (1) brother.

Mrs. Goveas Foti's eldest sister, Bathsheba Goveas is a native of India and a citizen of Canada. Mrs. Goveas Foti's youngest sister, Natasha Goveas and her brother, Reginald Goveas are both natives and citizens of India. The beneficiary has no immediate family relatives residing in the United States, except for her father-in-law and her mother-in-law.

The beneficiary was married to a United States citizen, Seth Foti, but due to unfortunate circumstances, Mrs. Goveas Foti's United States citizen husband perished in an airplane crash while performing official duties for the United States Government.

MARKUP TRANSCRIPT

**BUSINESS MEETING**

**WEDNESDAY, JULY 10, 2002**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:17 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

\* \* \* \* \*

The next item on the agenda is the consideration of two private bills, H.R. 2245 and S. 1834, which, without objection, will be considered en bloc.

The Chair recognizes the gentleman from Pennsylvania for a motion.

Mr. GEKAS. Mr. Chairman, the Subcommittee on Immigration, Border Security, and Claims reports favorably the bills H.R. 2245 and S. 1834, and moves their favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bills will be considered as read and open for amendment at any point.

[The bill, H.R. 2245, follows:]

107TH CONGRESS  
1ST SESSION

# H. R. 2245

For the relief of Anisha Goveas Foti.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

Mr. LANTOS introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

For the relief of Anisha Goveas Foti.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       **SECTION 1. PERMANENT RESIDENT STATUS FOR ANISHA**  
4               **GOVEAS FOTI.**  
5       (a) IN GENERAL.—Notwithstanding subsections (a)  
6       and (b) of section 201 of the Immigration and Nationality  
7       Act, Anisha Goveas Foti shall be eligible for issuance of  
8       an immigrant visa or for adjustment of status to that of  
9       an alien lawfully admitted for permanent residence upon  
10      filing an application for issuance of an immigrant visa  
11      under section 204 of such Act or for adjustment of status  
12      to lawful permanent resident.

1 (b) ADJUSTMENT OF STATUS.—If Anisha Goveas  
2 Foti enters the United States before the filing deadline  
3 specified in subsection (c), she shall be considered to have  
4 entered and remained lawfully and shall, if otherwise eligi-  
5 ble, be eligible for adjustment of status under section 245  
6 of the Immigration and Nationality Act as of the date of  
7 the enactment of this Act.

8 (c) DEADLINE FOR APPLICATION AND PAYMENT OF  
9 FEES.—Subsections (a) and (b) shall apply only if the ap-  
10 plication for issuance of an immigrant visa or the applica-  
11 tion for adjustment of status is filed with appropriate fees  
12 within 2 years after the date of the enactment of this Act.

13 (d) REDUCTION OF IMMIGRANT VISA NUMBER.—  
14 Upon the granting of an immigrant visa or permanent res-  
15 idence to Anisha Goveas Foti, the Secretary of State shall  
16 instruct the proper officer to reduce by 1, during the cur-  
17 rent or next following fiscal year, the total number of im-  
18 migrant visas that are made available to natives of the  
19 country of the alien's birth under section 203(a) of the  
20 Immigration and Nationality Act or, if applicable, the  
21 total number of immigrant visas that are made available  
22 to natives of the country of the alien's birth under section  
23 202(e) of such Act.

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Pennsylvania to strike the last word.

Mr. GEKAS. I thank the Chair.

The first bill is for Anisha Foti, the widow of Seth Foti, a State Department diplomatic courier. The Fotis were married on June 3, 2000. On August the 23rd, 2000, Seth Foti was killed in the crash of Gulf Air 072. Although Seth Foti had filled out all the documents to adjust Anisha's status immigration—Anisha's status, immigration regulations concerning the untimely death of a sponsoring spouse allow for a waiver of the 2-year marriage requirement only if the individual's petition had been approved prior to the death. The interview for approval of Anisha's petition had not been scheduled before Mr. Foti was killed. This was a legitimate marriage, and through no fault of her own that Mrs. Foti has not yet met the marriage requirement. This case mirrors several other private laws enacted in the last few years.

The second bill is for the Benoit family. Their 3-year-old son died after falling out of a seventh-floor window of a military apartment because of a faulty screen. An autopsy was performed, during which several of the boy's organs were disposed of, contrary to the family's religious beliefs. The family appealed. The Army admitted fault and awarded the family a total of \$70,000. After several denied appeals, the Senate passed a resolution referring the matter to the Court of Federal Claims for determination of an appropriate award in the case.

In July 2000, the court found the case constituted an equitable claim and recommended that the Benois be awarded \$485,000 minus the \$70,000. S. 1834, the second bill here, would pay the claimants \$415,000 to satisfy that equitable claim.

Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee?

Ms. JACKSON LEE. I think these are constructive and important actions that will make whole individuals that suffered under the Government's action. Mr. Foti was a diplomatic courier and was tragically killed on the job just 2 months after he married his wife. H.R. 2245 was brought to us by Representative Tom Lantos, and I ask our colleagues to support it. And S. 1834, as the Chairman of the Subcommittee indicated, it's relief for retired Sergeant First Class Benoit. This bill would pay the claimants \$415,000 to satisfy their equitable claim, and this was recommended by the Court of Federal Claims. This was the loss of the family's 3-year-old son who died after falling out of a seventh-floor window of a military apartment because of a faulty screen. I would ask that my colleagues support this legislation unanimously.

I yield back. Thank you.

Chairman SENSENBRENNER. Without objection, Members may include opening statements in the record on either bill at this point.

Are there amendments? If there are no amendments, the question occurs on the motion. The Chair notes the presence of a reporting quorum. The question occurs on the motion to report H.R. 2245 and S. 1834 favorably. Those in favor will say aye. Opposed, no.

The ayes appear to have it. The ayes have it. The motion to report favorably is adopted.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is



directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by House rules, in which to submit additional dissenting, supplemental, or minority views.

