Department of Homeland Security



Office of Investigations

Private Bill Investigations Handbook

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OFFICIAL USE ONLY

Foreword

The Private Bill Investigations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Special Agents when conducting private bill investigations. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency at all OI field offices. The Private Bill Investigations Handbook is available in the Handbooks section of the OI Proprietary Website.

This Handbook supersedes Chapter 23 of the Immigration and Naturalization Service (INS) Special Agent Field Manual entitled, "Private Bill Investigations," and all other previous issuances by the former U.S. Customs Service or INS or by ICE OI on this subject.

The Private Bill Investigations Handbook is an internal policy of OI and is not intended to confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the OI Information Disclosure Unit, Mission Support Division, as well as the Office of the Principal Legal Advisor at Headquarters and/or U.S. Attorney, should be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public. Any further request for disclosure of this Handbook or information contained herein should be referred to the OI Information Disclosure Unit.

The OI Policy Unit is responsible for coordinating the development and issuance of OI policy. All recommended revisions to this Handbook should be submitted to the OI Policy Unit which will coordinate them with the Private Bill Investigations Program Manager.

Director, Office of Investigations

PRIVATE BILL INVESTIGATION HANDBOOK

Table of Contents

Chapter 1	PURPO	SE AND SCOPE	1
Chapter 2	INTRO	DUCTION	1
Chapter 3	BACKO	GROUND	1
Chapter 4	DEFIN	ITIONS	2
•	4.1	Author	2
•	4.2	Beneficiary	
•	4.3	Enrolled Bill	
•	4.4	Interested Party	2
•	4.5	Judiciary Committee	
Chapter 5	RESPO	NSIBILITIES	3
	5.1	Congress	3
•	5.2	U.S. Immigration and Customs Enforcement	4
Chapter 6	CONDU	JCTING A PRIVATE BILL INVESTIGATION	5
•	6.1	Determining the Extent of an Investigation	5
•	6.2	Nationality of a Country Other Than That of Birth or a Claim	
		to Be Stateless	
	6.3	Identification	
	6.4	Encumbrances and Debts	
	6.5	Marriage	
	6.6	U.S. Citizenship or Immigration Status of All Relatives	
	6.7	Relief	
	6.8	Compliance	
	6.9	Military	
•	6.10	Foreign Residence Requirement	
•	6.11	Grounds of Deportability/Inadmissibility	
•	6.12	Medical Condition	
•	6.13	Interested Party's Motivation	
	6.14	Adoption	
	6.15	Investigation Abroad	
•	6.16	Irregularities and Excessive Fees	8

Chapter 7	INVE	STIGATIVE PROCEDURES	9
•	7.1	Office of Congressional Relations Request	9
•	7.2	Private Bill Assignment to OI Field Office	
•	7.3	Transfer of Investigation	
•	7.4	Collateral Investigations	
•	7.5	Data, Check, and Review Sheets	9
•	7.6	ICE Database and Criminal History Checks	
•	7.7	Alien File Retention	
•	7.8	Military Checks (Security and Service Record Checks)	10
•	7.9	Beneficiary or Interested Party on Active Military Duty	10
•	7.10	Local Police Checks	10
•	7.11	Employment Checks	11
•	7.12	Neighborhood Checks	11
•	7.13	Beneficiary and/or Interested Party in the United States	11
•	7.14	Interview of Beneficiary and Interested Party	11
•	7.15	Interview of Interested Party that Is Not an Individual	12
•	7.16	Beneficiary and Interested Party Abroad	12
•	7.17	Interested Parties	
•	7.18	Fingerprinting - Beneficiaries	12
•	7.19	Fingerprinting – Interested Parties	13
•	7.20	Previous Private Bill Investigation	13
•	7.21	Unable to Conduct Investigation	13
Chapter 8	REMO	OVAL PROCEEDINGS	13
•	8.1	Beneficiary in Removal Proceedings	13
•	8.2	Notifications Regarding the Implementation of Removal Proceedings	12
	8.3	Effect on Enforcement Actions	
	8.4	Other Government Agency Requests	
	8.5	Investigative Priority	
Chapter 9	PREP.	ARING THE PRIVATE BILL MEMORANDUM OF	
p		RMATION	15
•	9.1	Memorandum of Information	15
•	9.2	Report of Investigation	15
•	9.3	MOI and Data Discrepancies	15
•	9.4	MOI Neatness and Legibility	15
•	9.5	MOI Completion	
•	9.6	Transmission or Retention of File	16
•	9.7	Case File and Alien File	16

Chapter 10	MEM	ORANDUM OF INFORMATION	16
•	10.1	MOI Format and Heading	16
•	10.2	Personal Data	
•	10.3	Background Information	
•	10.4	Other Close Family Relationships	
•	10.5	Military Service	
•	10.6	Immigration Status	
•	10.7	Department of State	
•	10.8	Medical Conditions	
•	10.9	Eligibility for Relief	
•	10.10	Other Information	
•	10.11	Special Information Regarding Orphans or Adoption Cases	
. •	10.12	Beneficiary Located Outside the United States	
•	10.13	Special Information Regarding Medical Doctors and Nurses	
•	10.14	Special Information Regarding Drug-Related Cases	
•	10.15	Other Adverse Information	
Chapter 11	FORV	VARDING THE MOI	22
•	11.1	Reporting Period	
•	11.2	Forwarding the MOI	
Chapter 12	INST	ANCES WHEN AN MOI IS REQUIRED	22
Chapter 12	111011	1,025	2
•	12.1	Beneficiary Granted Relief or Immigration Status	22
•	12.2	Beneficiary Granted Benefit	
•	12.3	Beneficiary Denied Benefit	23
•	12.4	Justification(s) for Discontinuation of Investigation	23
•	12.5	Beneficiary Departs from the United States	
•	12.6	Preparation of Confidentially Furnished Memoranda Where	
		Information Requires Safeguarding	24
•	12.7	Forwarding the Memorandum	
Chapter 13	SUBM	ISSION OF SUPPLEMENTAL INFORMATION	26
_	13.1	Material Information	26
•	13.1		
•	13.4	TUI WALUINE GUPPICHICITAL IIIVINIAUVII	4

APPENDICES

Appendix A	ICE Form 73-004, Case Chronology and Review Sheet
Appendix B	ICE Form G-79, Transmittal Letter – Private Bill Questionnaire B-i
Appendix C	ICE Form G-79A, Information Relating to Beneficiary of Private Bill C-i
Appendix D	ICE Form G-382, Private Bill Data Sheet
Appendix E	DHS Form I-213, Record of Deportable/Inadmissible AlienE-i
Appendix F	Acronyms F-i



PRIVATE BILL INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Private Bill Investigations Handbook establishes the U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) policies and procedures for OI Special Agents (SAs) when conducting immigration-related private bill investigations.

Chapter 2. INTRODUCTION

A private bill is introduced in Congress to provide a benefit or exemption for an individual who has been adversely affected by some provision of law, in this context the Immigration and Nationality Act (INA).

Usually, immigration-related private bills are introduced to:

- A. Waive a specific provision of law regarding the availability of immigrant visa numbers:
- B. Prevent the removal of an alien;
- C. Waive the residence requirement for naturalization;
- D. Establish good moral character for naturalization purposes;
- E. Remove some obstacle to naturalization;
- F. Provide for the retention or resumption of United States citizenship, despite provisions of law otherwise barring it; and/or
- G. Provide for almost any exception to or benefit under the law.

Chapter 3. BACKGROUND

The Legislative Branch of the U.S. Government, the Congress, enacts legislation, both public and private. A proposed law, called a bill, is introduced either in the Senate by a senator, or in the House of Representatives (House) by a representative, generally its author. Bills can be public measures which have general application to the nation as a whole, or private, which apply only to specific persons or places. This Handbook addresses immigration-related private bills.

Once introduced, a bill is given the first reading, i.e., the bill's title is read to the Senate or House, the bill is assigned a number, and it is printed. Bills are numbered consecutively, prefixed by "H.R." if introduced in the House, or "S." if introduced in the Senate. If it is a joint Resolution, the bill is labeled "H.J. Res." if introduced in the House or "S.J. Res." if introduced in the Senate. After the first reading, the bill is assigned to a Committee for consideration; in the case of private bills, the bill is assigned to the Senate or House Committee on the Judiciary. The Committee may hold hearings and then rewrite or amend the bill or decide not to take action. If the Committee approves the bill, it is sent to the floor to await its turn on the calendar. In the House, private bills are placed on the calendar of the Committee of the whole House, a relaxed rules procedure requiring only 100 members to be present. When the bill reaches the floor of the House or the Senate, it is given the second reading and debated, followed by a vote. In the third reading, only the title of the bill is read and another vote is taken.

Once the bill passes one House of Congress, it must repeat the process in the other. If passed by both Houses, the bill goes to the President for signature, whereupon, if signed, it becomes law. If the President does not sign the bill and Congress is in session, it becomes law 10 days later. The President may veto the bill by returning it to Congress with an explanation within 10 days. The President may also exercise the pocket veto by not signing the bill when Congress adjourns during the 10-day period, thereby automatically killing the bill. Congress can override a veto by a two-thirds vote in each House.

Chapter 4. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

4.1 Author

The senator or representative who introduces a private bill.

4.2 Beneficiary

The individual on whose behalf the private bill is introduced.

4.3 Enrolled Bill

A bill passed by both Houses of Congress and referred to the President for approval or veto.

4.4 Interested Party

A relative, friend, or associate of the beneficiary who was instrumental in persuading a member of Congress to introduce the bill. The interested party may also utilize an intermediary to persuade a member of Congress. An intermediary such as an attorney, employer, or social agency is not regarded as an interested party.

4.5 Judiciary Committee

The Committee on the Judiciary of either House of Congress.

Chapter 5. RESPONSIBILITIES

5.1 Congress

When a private bill is referred to the Judiciary Committee of either House of Congress, the Judiciary Committee may then or at a later date request a report from ICE. A copy of all immigration-related private bills introduced in either House must be furnished by the ICE Office of Congressional Relations (OCR) to OI for investigation. As soon as practicable, the designated OI field office must prepare a report in the form of a Memorandum of Information (MOI) and submit it to the OI Program Manager (PM) for private bill investigations, who must then forward it to the OCR liaison officer. The OCR liaison officer must prepare a transmittal letter and submit the MOI to the Committee. Upon receipt of the transmittal letter and the MOI, the Committee usually holds hearings on the bill. At that time, representations may be made on behalf of the beneficiary. The Judiciary Committee will provide copies of the ICE OI MOI to the authors of the bills.

The Judiciary Committees and the authors rely upon ICE to submit timely supplemental MOIs advising them of relevant changes subsequent to the initial MOI. "Last minute" information must be presented orally to the Judiciary Committee at the hearing. However, the OI field office must make every effort to forward supplementary information to the OI PM, who must in turn forward the information to the OCR liaison officer prior to a hearing in order to avoid presenting the Judiciary Committee and the author with new factors at the hearing. OI must ensure that the OCR liaison officer is kept informed of all material developments. Based on supplementary information, and often at the request of the author, the Judiciary Committee may appropriately table or defer the bill for a remedy on the merits. Authors of private bills want to avoid unnecessary legislation, as do the Congress and the Executive Branch.

OI field offices must stay well informed on all assigned private bill investigations and maintain close coordination with the OI PM and, locally, with others who may have involvement in these cases (ICE's Office of Detention and Removal Operations (DRO),

the local ICE Office of the Chief Counsel (OCC), and U.S. Citizenship and Immigration Services (USCIS)). For example, an OI field office must notify DRO and the local ICE OCC when an individual who is the subject of a private bill has been previously placed in removal proceedings, which would trigger a stay of removal. Prompt submission of supplementary data should eliminate most last-minute inquiries.

It is imperative that all OI private bill reports (e.g., an MOI and other memoranda) contain accurate and impartially presented information. The unclassified MOI which is furnished to the author of the bill must be completely factual. Documents must be available that verify all information provided in the reports. When a report contains derogatory information, SAs should include affidavits or sworn question-and-answer statements wherever practicable to substantiate the accuracy of the report.

If the Judiciary Committee approves ("reports out") the bill, it usually includes the OCR transmittal letter and accompanying MOI (exclusive of any classified information or "confidentially furnished" portions) in its published report. The bill is then presented for consideration by the full House of Congress in which the bill was introduced. Upon passage by one House, it goes to the other House for consideration. If passed by both Houses of Congress, the bill is enrolled for submission to the President for approval or veto.

If Congress does not act upon a bill in its first session, the bill remains "alive" and pending through the second session. If it is not acted upon either favorably or unfavorably in the second session, it automatically "dies."

5.2 U.S. Immigration and Customs Enforcement

No private bill investigation may be conducted without prior authorization by OI Headquarters (HQ). The introduction of a bill or the receipt of assurance that a bill should be introduced or that a report should be requested on a bill by either Judiciary Committee is not a basis for initiating a private bill investigation. While private bills of many varieties and purposes are introduced in Congress, OI must conduct an investigation and should submit an MOI only when the appropriate Judiciary Committee formally requests a report. Upon receipt of such a request from OCR, the OI PM will immediately assign it to an OI field office.

<u>Note:</u> OI personnel shall never suggest or recommend the introduction of a private bill, nor shall they engage in the drafting of such private legislation.

Chapter 6. CONDUCTING A PRIVATE BILL INVESTIGATION

6.1 Determining the Extent of an Investigation

When determining the extent of a private bill investigation, SAs should keep in mind the purpose it is designed to serve, i.e., to assist the Judiciary Committee and Congress in determining whether the bill is necessary and whether the subject of the bill is worthy of the relief proposed. Normally, anything that should reasonably aid in reaching that determination is a matter fit for investigation. It is essential that the Judiciary Committee be advised if any immediate or future relief is available to the beneficiary. The basic matters for inquiry are those set forth in a "Private Bill Data Sheet" (ICE Form G-382) (see Appendix C), which is completed by OI, or an "Information Relating to Beneficiary of Private Bill" (ICE Form G-79A) (see Appendix B), which is completed and signed by the private bill beneficiary or interested party. Every investigation must cover, at a minimum, the numbered items on those forms. SAs should also explore any additional relevant or material points. The MOI submitted to the Judiciary Committee should not necessarily include references to all such avenues of inquiry, particularly where atypical inquiries yield negative results.

6.2 Nationality of a Country Other Than That of Birth or a Claim to Be Stateless

A claim to nationality of a country other than that of birth or a claim to be stateless should be settled. The alien must substantiate any claim to being a stateless person and reference to that substantiation must be included in the report. SAs must identify the country of the beneficiary's last prior residence outside the United States. Where the beneficiary is determined to be stateless, the report must cover the alien's whereabouts since leaving his or her native country, as well as his or her ability to return to the country of last residence or any other country.

6.3 Identification

If a question of identification is involved, SAs must carefully detail periods and places of residence and employment abroad or in the United States (e.g., a case where a person with the same name as the beneficiary is alleged to have been a subversive or criminal and there is no definite information establishing whether or not that person is actually the beneficiary).

6.4 Encumbrances and Debts

SAs must determine if a beneficiary's encumbrances and debts are factors in their wanting to remain in the United States, if significant. SAs must ensure that this information is included in the MOI.

6.5 Marriage

SAs must require proof of termination of prior marriage(s) if there is a possibility of a bigamous or adulterous relationship. SAs should also inquire into the immigration status and address of the current and former spouses. SAs should determine whether the parties are legally separated and the grounds for divorce in cases where the beneficiary was the defendant.

6.6 U.S. Citizenship or Immigration Status of All Relatives

SAs must inquire into the U.S. citizenship or immigration status of all relatives through whom the beneficiary is or may be eligible for immediate relative, special immigrant, preference immigrant, or conditional entrant status. SAs should obtain the dates of admission for permanent residence or the adjustment of the status of such relatives. SAs should include the date of eligibility, if prospective. They should also ascertain the filing and approval dates of all visa petitions. Where material, SAs should obtain proof of claimed support of dependent relatives in the United States or abroad.

6.7 Relief

SAs must explore all facts bearing on the necessity for private bill relief, including the possible present or future availability of administrative relief under the law.

6.8 Compliance

SAs must explore and report compliance with alien registration; they must also address report requirements, income tax laws, and Selective Service Act requirements.

6.9 Military

SAs must inquire into any claim to exemption from U.S. military service and its basis, include the rank or grade held in U.S. or foreign armed forces and the nature of the discharge, and note any important decorations or medals received.

6.10 Foreign Residence Requirement

In cases involving exchange aliens, SAs must determine the applicability of the 2-year foreign residence requirement. If the alien is prima facie eligible on a hardship basis, SAs should ascertain whether or not the beneficiary intends to make immediate application for a waiver from the foreign residence requirement. SAs should also ascertain whether the application for a waiver has been or must be submitted through other channels.

6.11 Grounds of Deportability/Inadmissibility

SAs must inquire into any subversive, criminal, immoral, or drug-related grounds of deportability/inadmissibility, and whether or not a particular ground is being used in removal proceedings. If there is any indication of subversive or other unusual activity, SAs should provide full details of such activity. If arrests or convictions of the beneficiary are other than of a very minor nature, SAs should develop full details of such arrests or convictions. SAs should inquire into any instances of the beneficiary having been a public charge or recipient of public welfare. They should also explore favorable factors of an unusual nature.

6.12 Medical Condition

Where the actual or possible grounds of inadmissibility or deportability are based on a medical condition. SAs must tactfully elicit the exact nature of such condition. If the beneficiary is in the United States, SAs should request medical information from the beneficiary regarding a recent diagnosis and prognosis by a private physician or the U.S. Public Health System. If the beneficiary is abroad, the Department of State (DOS) furnishes medical reports to Congress and to ICE. In these overseas cases, however, SAs should ascertain the current financial status of the parents or person(s) residing in the United States who will care for the beneficiary, along with information showing precisely how that care will be provided. If it is proposed that another person will care for the beneficiary (e.g., a relative or other individual), SAs should ascertain that the other person knows and agrees to this. If it is proposed to place the beneficiary in an institution, SAs should determine who would be responsible for the payment of such care. SAs should ascertain information concerning care, support, housing, etc., for aged or unemployed beneficiaries either in the United States or abroad. SAs should also obtain similar information concerning beneficiaries within the United States. Where the individual's physical ability to travel is doubtful or contested, SAs should obtain full details and determine the severity of any mental or physical impairment.

6.13 Interested Party's Motivation

SAs must include any adverse or unusually favorable information as to the interested party's motivation for assisting the beneficiary. SAs should be particularly attentive to this aspect of the investigation if the beneficiary is under 21, incompetent, or out of the country.

6.14 Adoption

If the beneficiary was adopted and remains a juvenile (i.e., younger than 18 years old), SAs must investigate the possibility of the beneficiary residing in the adoptive parents' home merely to serve as a domestic worker. SAs should determine all periods of residence with the adoptive parents. If a spouse did not join in the adoption, SAs should

secure details. SAs should obtain complete information regarding prospective adoptions. SAs should always ascertain whether the beneficiary was seen and observed personally by both adoptive parents prior to proxy adoptions. If the adoption was completed in the United States, SAs should obtain a certified copy of the adoption decree from the interested party for transmission, with the report, to the Committee. If the adoption was completed abroad, SAs should forward a copy of the foreign decree, certified or not, to the OI PM.

6.15 Investigation Abroad

OI does not undertake to develop information available abroad concerning possible grounds of inadmissibility. Therefore, the OI field office need not request a collateral investigation from any Attaché in the Office of International Affairs for the purposes of a private bill investigation. However, if the facts suggest the advisability of an investigation abroad, SAs should develop sufficient information for inclusion in the MOI to enable the Committee to decide whether to request an overseas investigation into the background and activities of the alien or interested party (if the latter resides or has resided abroad). This is particularly important where a criminal or subversive ground of inadmissibility is indicated.

6.16 Irregularities and Excessive Fees

SAs must never solicit information during private bill investigations concerning the payment of money in connection with the introduction of the bill. However, where information is volunteered by any source which indicates an irregularity in connection with the introduction of a private bill (such as the payment of a fee where no fee should be involved) or the payment of an excessive fee, SAs must report the facts to the ICE Office of Professional Responsibility. If such volunteered information involves a Member of Congress or his or her staff, the Special Agent in Charge (SAC) should report it confidentially to the local office of the Federal Bureau of Investigation (FBI). If the volunteered information does not involve anyone in Congress, SAs must conduct an investigation to develop all pertinent facts. The OI field office must furnish an incident report in the form of a memorandum to the OI PM detailing the issue, along with the private bill MOI.

<u>Note</u>: No information concerning the payment of fees to obtain the introduction of a private bill should ever appear in any private bill report to the Judiciary Committee.

Chapter 7. INVESTIGATIVE PROCEDURES

7.1 Office of Congressional Relations Request

The OI PM receives notices of private bills from the OCR liaison officer. The OI PM reviews each notice and ensures that identifying information concerning all beneficiaries and interested parties is available. If not, the OI PM ensures that the OCR liaison officer provides OI with the name of any beneficiary and interested party, known file numbers, and all available identifying information, including addresses and telephone numbers.

7.2 Private Bill Assignment to OI Field Office

The OI PM prepares and then forwards a memorandum, through the Assistant Director for Operations, to the appropriate SAC office requesting that it initiate a private bill investigation. The SAC office will then assign the investigation to the appropriate field office within its area of responsibility, which will open an investigation in the Treasury Enforcement Communications System (TECS)-II utilizing the proper case category, 19J, and both project code YO0 and secondary project code B7I.

7.3 Transfer of Investigation

If the OI field office conducting the investigation determines during the course of the private bill investigation that control of the investigation must be transferred to another OI field office, it must notify the OI PM by means of a memorandum, stating why the investigation should be transferred. The OI PM may reassign the private bill to a newly-identified OI field office and provide that field office with a copy of the aforementioned memorandum.

7.4 Collateral Investigations

If it becomes necessary to request a collateral investigation at any time during the course of the investigation, the OI field office must forward the request via TECS-II and notify the OI PM of the collateral request. Collateral investigations in private bill cases must be handled as expeditiously as the primary investigation. When any collateral investigation is pending for more than 2 weeks, the OI field office should request that the OI PM require that its completion be expedited.

7.5 Data, Check, and Review Sheets

To ensure compliance with the minimum requirements of the investigation and to facilitate supervisory review, the OI field office must make maximum use of the Case Chronology and Review Sheet (ICE Form 73-004) (see Appendix A). SAs should use additional ICE Forms 73-004 in multiple beneficiary cases or where there are a number

of interested parties. An ICE Form 73-004 for each beneficiary and interested party must be placed in the case file.

7.6 ICE Database and Criminal History Checks

SAs in the receiving OI field office must initiate ICE database and criminal history checks and locate all alien files that may relate to the case; check criminal history for all beneficiaries 14 years of age or older who are residing or have resided in the United States; check criminal histories of all interested parties in the case of beneficiaries under the age of 21 or who are outside the United States; and, if there is information available warranting such action, request checks of the interested party in the case of a beneficiary 21 years of age or older.

7.7 Alien File Retention

Removal and other proceedings are not to be held in abeyance or delayed during a private bill investigation. If the alien file is needed by another Department of Homeland Security agency or another ICE Program Office, SAs should make appropriate notes from this file and immediately release or return the alien file to that entity. If the alien file is not retained, SAs should create a work folder to house duplicate materials necessary for the completion of the investigation.

7.8 Military Checks (Security and Service Record Checks)

If the beneficiary (or interested party if the beneficiary is under 21 or outside the United States) has been in any component of the U.S. armed forces since December 7, 1941, either in uniform or as a civilian, SAs must request checks of the security files and military service records of the appropriate branch of the armed forces.

7.9 Beneficiary or Interested Party on Active Military Duty

If the beneficiary or interested party is on active military duty in the U.S. armed forces, a check of the relating military personnel service records may disclose breaches of conduct or disciplinary infractions. The response to requests for these checks must be less than 6 months old at the time the report is forwarded to the Judiciary Committee. However, if prior security and service record checks were made covering the subject's military service and the subject has been in no component of the armed forces since the date of the prior check, no further military check need be made.

7.10 Local Police Checks

SAs must check local police records for all beneficiaries 14 years of age or older who are residing or have resided in the United States. Checks should be made of the beneficiary's last place of residence and any places where he or she resided for periods of 6 months or

more during the preceding 10 years. SAs must check local police records of all interested parties in the case of beneficiaries under the age of 21 or outside the United States. If there is information available warranting such action, SAs must also request checks of the interested party in the case of a beneficiary 21 years of age or older.

7.11 Employment Checks

SAs must check any employment of the beneficiaries in the United States during the preceding 10 years. SAs should be alert to discrepancies or other factors warranting more extensive inquiry. If the SA believes that it may be beneficial, he or she should check the employment in the United States of the interested parties in cases of beneficiaries under 21 years of age or who are outside the United States at the time of the investigation.

7.12 Neighborhood Checks

SAs must check the neighborhoods where the beneficiaries in the United States have resided during the preceding 10 years. SAs must make similar checks of the interested parties in cases of beneficiaries under 21 years of age or outside the United States.

7.13 Beneficiary and/or Interested Party in the United States

When a private bill relates to a beneficiary who is or may be in the United States, the OI PM must advise the OI field office having jurisdiction over the place of residence of each beneficiary (or the principal beneficiary) and must provide the private bill number, the names of the beneficiaries, any known file numbers, and all available identifying information. If the beneficiary is abroad and only the interested party resides in the United States, that information must also be provided to the OI field office.

7.14 Interview of Beneficiary and Interested Party

SAs are required to conduct personal interviews of the beneficiary and all interested parties located in the United States. However, if the beneficiary is under 21 years of age or institutionalized, SAs should interview the beneficiary to the extent permitted by the beneficiary's capacity. SAs should attempt to interview the beneficiary or the interested party separately. SAs should complete and use ICE Form G-382 as a guide in questioning. When interviewing either the beneficiary or the interested party, SAs should execute separate forms. At the interview, SAs must place the subject under oath and elicit as much information as possible. SAs should annotate Form G-382 with basic information which should be used in the investigation or preparation of the MOI. Also, SAs must have the subject of the interview complete and sign ICE Form G-79A. SAs must place the original Form G-382 and Form G-79A in the case file and copies in the alien file. If it is not possible for the beneficiary or interested party to appear at the office

for the initial interview, SAs should make arrangements to hold the interview at a neutral location.

7.15 Interview of Interested Party that Is Not an Individual

If an agency or corporation is considered the interested party rather than an individual, SAs must obtain the requisite information and verify it with a responsible official of the organization who is familiar with the facts of the case.

7.16 Beneficiary and Interested Party Abroad

If the address of the beneficiary and/or interested party in the United States is unknown, the OI PM must assign the private bill investigation to a designated OI field office determined by the Member of Congress who introduced the legislation. That OI field office must then send a "Transmittal Letter – Private Bill Questionnaire" (ICE Form G-79) (see Appendix B), which notifies the beneficiary and/or interested party of the private bill investigation and Form G-79A, which requests information for the investigation. Upon receipt of the completed Form G-79A, the original must be placed in the case file and a copy in the alien file. If it appears that no investigation in the United States is required, the designated OI field office must prepare a memorandum from the OI field office addressed to the Assistant Director for Operations at OI HQ stating why an investigation is not warranted.

7.17 Interested Parties

SAs should not assume that there is no interested party merely because the OI PM furnishes no information. If an investigation discloses a parent, spouse, son, daughter, or other close relative, that person generally should be considered the interested party, provided that the individual was instrumental in persuading the author to introduce the private bill. In the case of parents (including adoptive parents), both should be considered interested parties. An interview is required of all interested parties instrumental in the introduction of the private bill.

7.18 Fingerprinting - Beneficiaries

Immediately upon completing the interview and recording any statement or notes obtained, SAs must fingerprint the beneficiary if he or she is 14 years of age or older. One set of fingerprints must be placed in the case file and one set in the alien file. The OI field office must ensure that, based on these fingerprints, the private bill beneficiary does not have a criminal history.

7.19 Fingerprinting – Interested Parties

If the beneficiary is under 21 years of age or outside the United States, SAs must fingerprint the interested party or parties for the same purposes. If the beneficiary is over 21 years of age and in the United States, only the beneficiary need be fingerprinted unless available information warrants an FBI criminal record check on the interested party. One set of fingerprints for each fingerprinted interested party must be placed in the case file and one set in the alien file. The OI field office must ensure that, based on these fingerprints, the interested party does not have a criminal history.

7.20 Previous Private Bill Investigation

If a private bill investigation was completed for the beneficiary on a prior occasion, SAs must review the prior MOI for accuracy, re-interview the beneficiary and interested party, and complete ICE database and criminal history checks. SAs must then update the MOI and forward it to the OI PM.

7.21 Unable to Conduct Investigation

When an investigation is not feasible (e.g., neither the beneficiary nor the interested party can be located or they fail to respond to OI inquiries), there are no other available sources of information, and the OI PM has advised that no further identifying information is available, SAs must draft a memorandum advising the Judiciary Committee and stating that "unless further information is furnished, it will not be possible to submit a report in this case as requested." SAs must forward this memorandum, through their chain of command, to the OI PM.

Chapter 8. REMOVAL PROCEEDINGS

8.1 Beneficiary in Removal Proceedings

If an individual was previously placed in removal proceedings, the OI field office must notify DRO and the local ICE OCC that the individual is the subject of a private bill. The OI field office must document this notification in a Report of Investigation (ROI), including who was notified and when and how such notification was made. DRO is responsible for updating the applicable database.

8.2 Notifications Regarding the Implementation of Removal Proceedings

In all cases where it is proposed to place the beneficiary in removal proceedings, the OI field office must coordinate this enforcement action, including custody, with DRO and the local ICE OCC. When a private bill beneficiary is placed in removal proceedings, the OI field office must document in a "Record of Deportable/Inadmissible Alien" (DHS

Form I-213) (see Appendix E) that the subject is a private bill beneficiary and subject to a stay of removal. Also, the OI field office must inform the private bill beneficiary that he or she must be placed in removal proceedings and advise the beneficiary that the execution of any order of departure or removal which might be entered may be deferred while private legislation is pending.

8.3 Effect on Enforcement Actions

No proceedings in an immigration case, including completion of an investigation or institution of removal proceedings, are to be held in abeyance or delayed merely because of the introduction of or request for an MOI on a private bill. Typically, the introduction of a private bill is evidence of abandonment of nonimmigrant status. However, prior to initiating removal proceedings, SAs should seek the concurrence of their SAC and the local OCC. In appropriate cases, deferred action may be considered; however, it is not mandatory. If deferred action is granted and adverse action is taken on the private bill or no action is taken, the stay of removal will remain in place until the earlier of Congress acting on the bill or until March 15th of the year the next Congress is sworn. Only then can a final order of removal be executed or the alien may be granted voluntary departure, if eligible.

8.4 Other Government Agency Requests

If the alien was brought in at the request of another U.S. Government agency or is otherwise known to be of interest to another agency, SAs must first obtain the approval of their SAC, through their chain of command, and inform the OI PM prior to initiating removal proceedings.

8.5 Investigative Priority

High priority must be given to private bill investigations, which should be completed within 30 calendar days of receipt from the OCR liaison officer. SAs should not delay the investigation and the submission of the MOI because of the pending outcome of a removal hearing, a pending application, or the pending completion of an unrelated investigation conducted by another government agency. Should an extension be required, a request must be made via a memorandum from the field office conducting the investigation, through the SAC, to the OI PM. This memorandum should include an explanation for the request for an extension.

Chapter 9. PREPARING THE PRIVATE BILL MEMORANDUM OF INFORMATION

9.1 Memorandum of Information

Upon completion of the investigation, the OI field office must prepare an MOI for submission. The MOI must be routed through the OI PM and the OCR liaison officer, who is responsible for obtaining Office of the Principal Legal Advisor clearance of the MOI, to the requesting Judiciary Committee. Where substantially identical bills (i.e., each would grant the beneficiary the same relief) are introduced in the Senate and in the House during the same session of Congress, SAs must prepare a separate MOI for each Judiciary Committee.

9.2 Report of Investigation

In addition to the initial case opening ROI, SAs must complete another ROI that includes the approved MOI so that ICE has a record of the MOI provided to OCR. Also, SAs must complete an ROI whenever it appears desirable to have information or exhibits incorporated in the case file and a report is needed to explain the presence of such information or exhibits. Finally, SAs must complete an ROI whenever pertinent investigative leads (particularly anything derogatory) have been explored with negative results. While this information may not be developed to a point where it can be set forth in the MOI, the results of the investigative effort should be recorded for later use should this information become necessary.

9.3 MOI and Data Discrepancies

If any factual data in the MOI, such as date and place of birth, differ from that reflected elsewhere in the record (e.g., private bill, forms, documents), SAs must explain the discrepancies in a memorandum. SAs should carefully review each report to ensure that the information is correct, is accurately reported, and can be substantiated. The OI field office must forward this memorandum to the OI PM.

9.4 MOI Neatness and Legibility

SAs must thoroughly review the MOI for the Judiciary Committee before it leaves the OI field office to ensure neatness; legibility; accuracy of spelling, dates, and numbers; use of English; and proper grammatical construction. The Judiciary Committee may furnish one of the copies of the MOI report to the author of the bill. Moreover, if the bill is reported out of the Judiciary Committee, the MOI must be quoted exactly as submitted by OI.

9.5 MOI Completion

The OI field office must forward the completed MOI to the OI PM within 30 calendar days after receipt of the private bill investigation. The PM must forward the MOI to the OCR liaison officer, who will then forward it to the appropriate Judiciary Committee.

9.6 Transmission or Retention of File

The case file and alien file should not accompany the MOI when the MOI is sent to the OI PM. Instead, they should remain with the OI field office which conducted the investigation. If the OI PM requires these files, he or she must request them through approved ICE procedures.

9.7 Case File and Alien File

The completed MOI, ROIs, unclassified memoranda, forms, and fingerprints must be placed in the case file. Only a copy of the MOI, unclassified memoranda, forms, and fingerprints must be placed in the alien file. Classified information, memoranda, and safeguarded memoranda must be secured pursuant to current ICE policy.

Chapter 10. MEMORANDUM OF INFORMATION

10.1 MOI Format and Heading

SAs must use an MOI to furnish the Judiciary Committee all necessary information concerning the beneficiary of a private bill. Except in an unusual case, the MOI must be written on plain white bond paper using Times New Roman, 12-point font, left justified, and should not exceed two pages in length. To ensure consistency, all OI field offices must strictly adhere to the prescribed formats for the reports to Congress.

The MOI should contain the information discussed in Sections 10.2 through 10.15 below, which should be developed from the Form G-382 or Form G-79A, without necessarily making a separate paragraph for each of the items of information. The following MOI header must be used for each assigned bill:

"Department of Homeland Security
U.S. Immigration and Customs Enforcement
Memorandum of Information for [Bill number], [Number]th Congress"

10.2 Personal Data

The opening paragraph of the MOI should contain personal information about the beneficiary, unless the source of information is other than the beneficiary (e.g., the

interested party). For example, if the bill is for a beneficiary who is a minor or for a beneficiary who is out of the country and the source of information for the MOI is the interested party, the opening paragraph would read:

"Information concerning this case was obtained from [name of interested party], the interested party, who is the [indicate relationship to the beneficiary] of the beneficiary in this case."

The MOI should include the beneficiary's country of birth, e.g., "a native and citizen of [Country]," or "was born on [Date] in [City and Country]."

If the beneficiary claims to be stateless even though a travel document is available, the MOI should state, for example:

"Although the beneficiary claims to be stateless, the [Country Name] Consulate General in [Location] has issued a travel document authorizing return to [Country]."

10.3 Background Information

SAs should limit addresses to country or city and state. The beneficiary's education and skills should usually be set out following the present residence data and preceding his or her profession and present employment. SAs should limit discussion of employment to a brief occupation and income statement. Except where the identity of the employer is material, the employer's name and address need not be included, for example:

"He is employed as a draftsman at a salary of approximately [Dollar amount] per year."

In most cases, SAs should state the annual salary. If the beneficiary's ability to travel without risk to his or her own health or to public health is doubtful, SAs should note that fact. SAs should briefly mention the dates and places of prior residence outside the United States.

10.4 Other Close Family Relationships

SAs should note the existence and location of the beneficiary's close family members who might have an impact on the alien's immigration status, i.e., relatives who would normally be able to file a visa petition on his or her behalf. Also, SAs must include the immigration status of all close relatives, for example:

"Her widowed mother and three adult sisters, natives and citizens of [Country], reside in [Country]."

10.5 Military Service

If the beneficiary has served in the armed forces or performed special services for any other agency of the U.S. Government, SAs should include that information.

10.6 Immigration Status

SAs should include all prior entry and departure dates. Removal proceedings are not instituted against private bill beneficiaries when compelling humanitarian factors are involved or ICE policy precludes proceedings. If such factors are clearly set forth in the MOI, SAs should merely state that "removal proceedings have not been instituted" and give no further explanation.

In other instances, SAs should indicate the specific reasons why proceedings have not been instituted. SAs should use "have not" rather than "should not" or "must not," because the beneficiary might be placed under proceedings in the future due to change in circumstances or policy. SAs should not indicate the date of future hearings. To do so invites unnecessary inquiries as to the results of such hearings; additionally, hearing dates may be changed for any one of a variety of reasons.

10.7 Department of State

SAs should set forth in detail all information concerning the beneficiary relative to any registration date on a consular waiting list or any visa or passport application which has been denied. Unless a DOS report covering the registration date or the denial is contained in the alien file, SAs should add a statement to the effect that:

"The Committee may wish to request information regarding visa or passport applications directly from the Department of State."

10.8 Medical Conditions

Where the basis for denial of a visa is a medical condition, SAs should describe the precise nature of the condition. If a mentally challenged beneficiary is in the United States, SAs should include a diagnosis pinpointing the defect and the prognosis, followed by a layman's definition of any uncommon medical term, and cite the sources. If medical treatment, confinement, or supervision is involved, SAs must also set forth those details.

10.9 Eligibility for Relief

Administrative or prospective relief that is presently available to the alien should be reported to the Judiciary Committee in an MOI. SAs should report pertinent information regarding all visa petitions including the filing and approval dates. If the petition is for an employment-based visa, SAs should state the general job title unless the MOI or a

prior report clearly indicates the nature of the job. If the beneficiary appears eligible for a preference but the visa petition has not yet been filed, SAs should so state, including the intentions of the prospective petitioner, even if the DOS visa bulletin shows that a visa number will be unavailable for an indefinite period. SAs should always use the latest DOS visa bulletin and include a statement as to the availability of a number, for example:

"An immigrant visa number is not available to the beneficiary at this time."

SAs should furnish details concerning all forms of prospective administrative relief. SAs should include, if applicable, the date the beneficiary's spouse, parent, son, daughter, brother, or sister should be eligible to apply for naturalization and thereafter to file a visa petition on the beneficiary's behalf. This should be done even if a visa number will not be available for a considerable length of time. If the beneficiary has been denied administrative relief, SAs should briefly state the reason for denial. SAs should indicate whether an exchange alien is subject to the 2-year foreign residence requirement. No reference need be made to an application for a waiver of this requirement unless the application has been made or USCIS has been notified of the intention of the beneficiary or the beneficiary's employer to either apply or not apply for a waiver.

In view of the many uncertainties involved in an application for cancellation of removal, SAs should cite this in the MOI as a prospective remedy for which the beneficiary may apply (e.g., "appears eligible to apply for cancellation of removal") or for which the beneficiary has been found eligible by USCIS (e.g., "His [or her] application for cancellation of removal was approved by USCIS [Date]").

10.10 Other Information

SAs should include all other material and relevant information (i.e., any information of such nature as to warrant consideration by the Judiciary Committee before it acts on the bill). SAs should set forth all pertinent facts, whether favorable or unfavorable, except for unfavorable facts that are insignificant (such as an isolated minor traffic violation) or favorable facts that are common (e.g., that the beneficiary is against communism if no indication of subversiveness appears on the file or regarding the nonexistence of an adverse criminal or security record). SAs should mention any noteworthy talent or accomplishment. SAs must express no opinion as to the propriety of granting legislative relief to the beneficiary.

If it appears that the beneficiary was the subject of a private bill in any prior Congress, or in the other House of the present Congress, regardless of whether a report has been received, SAs should insert a sentence, as the last paragraph of the MOI, referencing such bills and their disposition. Under no circumstances will SAs make any comment that removal was delayed due to the introduction of such prior bills. All details regarding such a situation will be addressed in a supplemental information memorandum and classified as law enforcement sensitive.

If the relationship between the beneficiary and the interested party appears relevant to the Judiciary Committee's consideration of the case, SAs should detail their relationship. Where pertinent, noteworthy, or unusual, SAs should mention the interested party's background and activities.

10.11 Special Information Regarding Orphans or Adoption Cases

A thorough familiarity with section 101(b)(1)(E) and (F) of the INA is necessary prior to proceeding with the report where adopted children and orphans are involved. Because of the residence requirements of children with their adoptive parent(s), i.e., the 2 years may be prior to or after formal adoption, SAs should detail all periods of residence with the adoptive parent(s). They should note whether the child was seen and observed by either adoptive parent before, during, or after a proxy adoption. They should point out the prior relationship, if any, of the adopted child to the adoptive parent(s) (e.g., a nephew). If only one of two parents joined in the adoption, SAs should explain the reason. If the relationship appears other than a bona fide parent/child relationship (e.g., domestic worker, see also Section 6.14 of this Handbook), SAs should include the parent's plans for the child and the factual circumstances which would tend to support or refute such plans. If adoption was effected in the United States, SAs should include a statement that a certified copy of the adoption decree is attached and forward the decree with the report.

On occasion, the investigative request should instruct the OI field office to state in the private bill MOI whether the pre-adoption requirements of the child's state of proposed residence have been met. This determination can be made only by the department or agency charged with approving adoptions in the state of residence, and can be initiated only at the behest of the prospective adoptive parent(s). Therefore, it is incumbent on the SA to advise the prospective adoptive parent(s) to request a pre-adoption investigation by the state agency to certify to USCIS that the pre-adoption requirements of the state have been met. This procedure may also be required of adoptive parent(s) who have already proceeded with a foreign adoption. SAs should obtain a copy of the state agency's home study from the interested party or from that agency and forward it to the OI PM, together with the MOI, as soon as it is available.

10.12 Beneficiary Located Outside the United States

If the beneficiary is outside the United States, the initial paragraph of the MOI should contain substantially the following language.

"Information concerning the case was obtained from [Name], [Relationship] of the beneficiary, [Name]."

Subsequent paragraphs should indicate pertinent factual statements concerning the beneficiary in the same manner and sequence as for beneficiaries in the United States. In lieu of "immigration status," SAs should include a statement of any grounds of inadmissibility.

10.13 Special Information Regarding Medical Doctors and Nurses

If the beneficiary is a medical doctor, SAs must always note whether the beneficiary has passed parts I and II of the National Board of Medical Examiners Examination. SAs must also note whether a beneficiary doctor or nurse is licensed to practice in the state of employment or intended employment and if he or she holds any specialty licenses, such as pediatrics, etc.

10.14 Special Information Regarding Drug-Related Cases

In all cases where the bill is designed to avoid removal of the beneficiary because of a conviction or arrest involving drugs, SAs must note the amount and type of drug involved.

10.15 Other Adverse Information

SAs must include in the MOI all adverse information they have obtained which is not a matter of public record (e.g., criminal convictions). When SAs obtain adverse information that is material and relevant (e.g., of such a nature as to warrant consideration by the Judiciary Committee before acting on the bill), the manner of presenting such information to the Judiciary Committee depends on whether public disclosure of such information may compromise any classified material or source. The Judiciary Committee publishes a public report of each bill on which it acts favorably. Because any open MOI furnished by OI may ultimately be included in a printed Committee report, it is necessary to limit the information appearing in that memorandum to established facts that can withstand attack if published and challenged. Accordingly, SAs must adhere strictly to the following instructions in reporting adverse information:

A. Pertinent and Substantiated Adverse Information

SAs must detail all established adverse facts and the open evidence substantiating those facts in the MOI if and only if:

- the material and relevant adverse information is substantiated by sufficient reliable unclassified evidence so as to be considered established facts;
- 2) there is no reason from the point of view of OI why these facts may not appear in the Committee's printed report; and
- 3) the OI informant or source has no reasonable objection to the public disclosure of his or her information or identity.

B. Adverse Information That Is Not Material or Does Not Relate to the Beneficiary

If the investigation has established that available adverse information (from whatever source) is completely without foundation or does not relate to the beneficiary, SAs must make no reference at all to the adverse information in the MOI.

Chapter 11. FORWARDING THE MOI

11.1 Reporting Period

Wherever possible, an MOI must be received by the OCR liaison officer within 30 calendar days from the date of receipt of the investigative request. Every effort must be made to complete the private bill investigation expeditiously. SAs must not allow outstanding ICE database checks and criminal history responses (e.g., certified conviction documents) to delay the timely transmission of the MOI to the OI PM. Outstanding responses must be forwarded to the OI PM via a memorandum.

11.2 Forwarding the MOI

Upon completion of the MOI, the OI field office must forward the memorandum to the OI PM electronically or via courier service (e.g., DHL, FedEx) or registered mail.

Chapter 12. INSTANCES WHEN AN MOI IS REQUIRED

12.1 Beneficiary Granted Relief or Immigration Status

A memorandum is prepared for the Judiciary Committee and forwarded through OCR subsequent to any of the following: 1) when a beneficiary has been granted administrative relief; 2) when a beneficiary's immigration status has been adjusted; 3) when a beneficiary has become a naturalized U.S. Citizen; or 4) some other action that made the enactment of a private bill unnecessary. In such cases, SAs must prepare a memorandum in a manner similar to the following example. The first paragraph should consist of two sentences. The first sentence should explain the purpose of the memorandum, and the second should concisely state the proposal of the bill.

"This refers to your request for a report relative to [private bill number] on behalf of [Name]. The bill would grant the beneficiary [immigration status]."

The second paragraph must explain both the relief granted to the beneficiary, and how the relief fulfills the same purpose as the private bill proposed:

"The beneficiary was lawfully admitted to the United States for [immigration status] on [Date]. This is the same relief the bill would provide." or "On [Date], the beneficiary's immigration status was adjusted to that of [immigration status]. This is the same relief the bill would provide."

12.2 Beneficiary Granted Benefit

A memorandum is prepared by ICE for the Judiciary Committee when the beneficiary appears eligible for a benefit equivalent to that provided for in the private bill. The text of the memorandum should state briefly the purpose of the memorandum, the benefit that the bill would grant, and explain that the beneficiary is eligible for an adjustment of immigration status:

"This refers to your request for a report relative to [private bill number], proposed on behalf of [Name]. The bill would grant the beneficiary [immigration status]. The beneficiary appears eligible to adjust his [or her] immigration status to that of [immigration status]."

12.3 Beneficiary Denied Benefit

A memorandum is prepared by ICE for the Judiciary Committee when the beneficiary is denied a benefit equivalent to that provided for in the private bill. The text of the memorandum should state briefly the purpose of the memorandum, the benefit that the bill would grant, and explain the justification for the denial:

"This refers to your request for a report relative to [private bill number], proposed on behalf of [Name]. The bill would grant the beneficiary [immigration status]. However, the beneficiary was denied a benefit equivalent to that provided for in the private bill for the following reasons: ______."

12.4 Justification(s) for Discontinuation of Investigation

A memorandum is used when the beneficiary has died, has requested that the author withdraw support of the bill, has departed from the United States, or has otherwise discontinued efforts to achieve the purpose for which the bill was introduced. In such cases, SAs must inform the Committee in a short report similar in text to the following:

"This refers to your request for a report relative to [private bill number] on behalf of [Name]. The bill would grant the beneficiary [immigration status]. Based on ICE's investigation, the beneficiary

Examples of completion of the last sentence above could be as follows:

- "... is now deceased."
- "... has requested the author to withdraw his or her support of the bill."

- "... has departed from the United States."
- "... has discontinued efforts to achieve the purpose for which the bill was introduced."

12.5 Beneficiary Departs from the United States

The mere fact that the beneficiary has departed from the United States does not necessarily indicate that relief is no longer desired. SAs should review the case to determine whether a report should be submitted with information obtained from interested parties. Regardless of whether it has been established that private bill relief is still needed or is no longer needed, a supplemental memorandum to the Committee may be submitted informing the Committee of the departure.

The investigation for private bill reporting purposes should be discontinued immediately upon receipt of information establishing that private bill relief is no longer needed in the case. The MOI or a supplemental memorandum, as appropriate, will state that the beneficiary departed from the United States and that the case is being closed.

"On [Date], the beneficiary departed from the United States. Before leaving, he [or she] advised U.S. Customs and Border Protection that he [or she] intended to proceed abroad to resume management of the family property in [Country]. No further report from ICE appears necessary."

12.6 Preparation of Confidentially Furnished Memoranda Where Information Requires Safeguarding

Material information categorized as "classified" or other safeguarded memoranda must be confidentially furnished to the Judiciary Committee and should not be included in the MOI. The circumstances under which such information is confidentially furnished to the Committee may include any of the following:

- A. Adverse information, though relevant, is so unsubstantiated by any reliable open evidence that it would be improper to include it in a report intended for publication in the printed Committee report.
- B. Disclosure of the information would be seriously prejudicial to the interest of or cause unwarranted injury to the operations of ICE (e.g., due to law enforcement sensitive information) or of another agency of the U.S. Government, to the person furnishing the information, or to another person who should be protected by ICE.
- C. The ICE informant or source has a reasonable objection to the public disclosure of his or her information or identity.

- D. There is some other reason from the point of view of OI why the facts should not appear in the printed Committee report.
- E. There is an open criminal investigation on the beneficiary.
- F. Criminal activity is uncovered during the private bill investigation and a criminal investigation is initiated.

When there is unsubstantiated, unreliable, and/or adverse information that is left out of the report, SAs must nevertheless confidentially furnish it to the Judiciary Committee in the manner set forth below if it is information that the Judiciary Committee should consider before acting on the bill. In that case, SAs must ensure that allegations, hearsay, or rumor are properly identified as such. If an OI investigation has sought to develop the allegation, hearsay, or rumor, and has neither confirmed nor refuted it, SAs must report that fact in the manner set forth below.

The relevant, unsubstantiated, and/or adverse information category includes situations where there is a possibility that further investigation abroad could establish whether or not there is truth to the material adverse allegation, but because ICE does not request consular investigation for private bill purposes, the "lead" is not being explored.

If, however, the adverse information does provide a "lead" warranting investigation abroad, SAs must detail the pertinent information and add a statement to the effect that:

"The Committee may desire	e to request the l	Department of State	e to <mark>secur</mark> e
information regarding	**		
iniomiation regarding	·		

Examples of such cases are situations in which it is established that a person residing abroad possesses pertinent information concerning the beneficiary which is either known or believed to be derogatory or pertinent to available derogatory information, or that a certain record known or believed to exist abroad would either confirm or negate a material adverse allegation. In such instances, SAs must set forth the facts in the memorandum to indicate to the Committee whether it is advisable to attempt to obtain the additional information. The subject line of the memorandum must explain the purpose of the memorandum and the private bill number. A copy of an unclassified memorandum must be placed in the case file and alien file. Classified memoranda and safeguarded memoranda must be secured pursuant to current ICE policy.

12.7 Forwarding the Memorandum

Upon completion of the MOI, the OI field office must forward the memorandum to the OI PM electronically or via courier service (e.g., DHL, FedEx) or by registered mail. Classified memoranda and safeguarded memoranda must be forwarded pursuant to current ICE policy.

Chapter 13. SUBMISSION OF SUPPLEMENTAL INFORMATION

13.1 Material Information

If, following the submission of an MOI, any material information is received, whether classified, safeguarded, or unclassified, or any material action is taken with respect to the beneficiary which might favorably or unfavorably affect the Judiciary Committee's consideration of the bill (e.g., events such as administrative relief, death, departure, adjustment, or other material development), supplemental information must be forwarded in the form of a memorandum. If a prior report has pointed out a name correction, SAs must use only the correct name in the memorandum. If the beneficiary's departure is reported, the supplemental report must indicate why the beneficiary left or otherwise indicate whether the beneficiary desires to abandon achievement of the status which the bill would provide. If adoption in the United States was completed in an orphan or adoption case after submission of a full report, SAs must forward a certified copy of the adoption decree (obtained from the interested party) to the Judiciary Committee by means of a supplemental report.

SAs must notify the OI PM when any new information is particularly favorable or adverse or concerns imminent relief which would make the bill unnecessary. Upon notification, OCR must request that the Judiciary Committee suspend action on the relating private bill pending receipt of the supplemental report.

If the information received after submission of the private bill report is not material, SAs must forward a memorandum to the OI PM, including the nature of the information, the date received, the source, the date and title of any documents involved, and a definitive statement that the information is not material or that it merely confirms information known to OI. If the information, though not material, would be helpful in determining whether or not OI should object to the approval of the bill, SAs must attach a copy of the information to the memorandum.

Many private bill reports furnished to Congress state that removal proceedings have or must be instituted on stated grounds. The Judiciary Committee does not want to be furnished a memorandum where the only new information is that the beneficiary has been found deportable but granted voluntary departure with an alternative order of removal. However, if an order of removal has been entered, this should be reported. If a memorandum based on material facts is furnished to the Committee, SAs must include information concerning the alternate order. Similarly, when furnishing information by memorandum to the OI PM for some other reason, SAs must include the progress or results of proceedings. Memoranda to Congress which set forth a remedy should also include the basis for such a remedy if prior reports did not include this information.

13.2 Forwarding Supplemental Information

Upon completion of the supplemental information memorandum, the OI field office must forward the memorandum to the OI PM electronically, via courier service (e.g., DHL, FedEx), or by registered mail. Classified memoranda and safeguarded supplemental memoranda must be forwarded pursuant to current ICE policy.



Case Chronology and Review Sheet

(ICE Form 73-004)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

CASE CHRONOLOGY AND REVIEW SHEET

CASE NUMBER

Date	Time Expended	Description of Activity
•		

Transmittal Letter – Private Bill Questionnaire

(ICE Form G-79)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

TRANSMITTAL LETTER - PRIVATE BILL QUESTIONNAIRE

A-File
Date
Name and Address of Issuing Special Agent in Charge Office
J.S. Immigration and Customs Enforcement (ICE) has been requested by Congress to submit a report with
respect to Private Bill No , introduced for the relief of
nformation has been furnished that you are:
☐ The beneficiary of the Private Bill. ☐ The interested party in the Private Bill.
Before ICE can submit a report on this bill, it is necessary that we have certain information concerning the beneficiary and he interested party. Accordingly, please take the action(s) specified below, following the box(es) marked "X".
☐ Execute the enclosed form as the beneficiary.
Execute the enclosed form on behalf of the beneficiary.
Execute the enclosed form as the interested party.
☐ Have your spouse execute the enclosed form as an interested party.
Please execute the form as completely as possible and return it to ICE at the address provided in the box above.
The authority for solicitation of the information requested on a form is contained in 8 U.S.C. 1103(a). Disclosure of the information solicited is voluntary. The principal purpose for which the information is solicited is for use in the preparation of a comprehensive report to the Congress. The information solicited may also, as a matter of routine use, be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies, the Department of Homeland Security including any of its agencies, the Department of Defense including any component thereof (if either the beneficiary or interested party has served or is serving in the Armed Forces of the United States), the Department of State, the Central intelligence Agency, Interpol, and individuals and organizations during the course of investigation to elicit further information required by ICE to carry out its functions. Failure to provide the solicited information will be reported to Congress. The effect of failure to provide the solicited information cannot be determined by ICE. No statutory or other authority exists requiring disclosure of a Social Security number; if voluntarily disclosed, its primary use is as an aid in verifying the employment and/or military service, and no penalty or denial of benefits will flow from the refusal to provide such number.
No further action can be taken by ICE in making the necessary report to Congress until the executed form has been eceived.
Special Agent in Charge (print name)
Special Agent in Charge (signature)

Information Relating to Beneficiary of Private Bill

(ICE Form G-79A)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

INFORMATION RELATING TO BENEFICIARY OF PRIVATE BILL

OMB. NO. 1653-0026 Expires 05/31/2010

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List comple	te addresses, includ	ling zip code if po	ossible, for p	ast 10 years.	(If addi	tional s	pace is neede	d, use				
Street	and Number	City		Provinc	ce		Country	From Month Yea			Month	
					-			++	MOHUI	Teal	WOITE	1 Çai
		_ 										
				ļ								
					-+							
3. EDUCA	TIONAL DATA											
Show name	e and location of las	t school attended	d including hi	ighest grade	complet	ted or d	egrees earne	d and	date.			
												ļ
4. EMPLO	YMENT DATA	<u> </u>	, -			-					. <u>.</u>	
	nt during past 5 yea	rs. (If additional s	pace is need	ded, use a bl	ank con	tinuatio	n page.)					
	Full nan	ne and address o	of employer			T	ype of work		Fro		To	
								_	Month	rear	Month	rear
		···		-								
												
Present sal	lary	Per				United	States Social	Secur	ity Numl	oer		
<u> </u>	other present incom							=				

5. ASSETS AND LIABILIT						***		Expires 05/31/2010		
List value of each asset a	nd your equity in e	ach, and	show all debts	s. Th	ne value of all persor	nal property	may be sho	own as a single figure		
								_		
6. MARITAL DATA										
Name of present spouse				Ac	ddress of present sp	ouse				
Date of birth of spouse	Place of birth	of spous	<u>e</u>	1		Citizenship	of spouse			
Date of marriage	Place of man	riage		_		Present sp	ouse depe	nds on me for suppor		
							Yes [No		
Show the following for all phow marriage was termina	orevious marriage	s (Name	of spouse, date	e an	d place of marriage,	date and pl	ace mamia	ge terminated and		
non mamaga naa tommit										
	<u> </u>							 -		
7. DATA CONCERNING				<i>ippo</i>			name)	O'ti		
Name of child (Include add	ress ir not living w	ntn you)	Date of birth	╅	Place	of birth		Citizenship		
				4	····	<u> </u>				
				7						
			<u> </u>	+						
							111			
8. OTHER PERSONS DE	PENDENT UPON	ME FOR								
Name	<u> </u>	 	Rela	Relationship			ount (Wee	kly or monthly)		
					ł					
9. DATA RELATING TO P	ADENTS	<u> </u>								
Father's name	ARENTS				Address if living (f deceased,	write "Dec	eased")		
Date of birth	Place of birth	<u> </u>			Citizenship					
Mother's name					Address if living (If deceased, write "Deceased")					
Date of birth	Place of birth				Citizenship					
40 SELECTIVE SEDVICE	DATA (Mannier	h/o)								
10. SELECTIVE SERVICE Number and location of loc				Т	Date registered		Classifica	ation		
		-			-					
44 AND ITARY CERVICES			a as bases assa		need in the U.S. A	ad Forest	I			
Branch of service	Serial nur		iy or nave evel	ver served in the U.S. Armed Forces) Dates served						
If discharged, show type o	discharge receive	ed (Hono	rable	Fre	om	То				
If discharged, show type of discharge received (Honorable, dishonorable, etc.)				Present APO service address						

Rank at time of discharge

OMB. NO. 1653-0026 Expires 05/31/2010

12. DATA RELATIN	IG TO UNITE	D STATES	ENTRIE	S AND DEPAR	RTURES			Expires 05/31/2010	
Date of entry	Po	rt of entry		Status a (Visitor, perma	at time of entry enent resident		Date of departure	Port of departure	
			-		 ,			ļ	
13. DATA CONCER	DNING VISAS			<u></u>				<u> </u>	
a. If you were ever			rican Co	onsulate, fill in t	he following:				
Location of Consul				· · ·				Date visa refused	
Reason for refusal	,								
b. If you are the ber	neficiary of a f	Preference I	mmigrai	nt Visa Petition	fill in the folloge	wing: Visa Pe	tition in my behalf w	vas filed on:	
Date filed									
c. Did you ever app	ly for Classific	ation as a C	Conditio	nal Entrant (7th	Preference)	Yes			
Date filed	Place 1					Was a	application approved	<u> </u>	
						□ Y	es 🔲 No Dat	e:	
d. If you have ever		n an Americ	an Cons	sulate show the	following:				
Location of Consula	ate			,				Date registered	
14. LIST PRESENT	AND PAST I	MEMBERSH	IIP IN A	LL ORGANIZA	TIONS, CLUE	S, ASS	OCIATIONS, ETC.	ALI	
Name of	organization			Loc	cation			s of membership	
							From	То	
	·								
	VER BEEN			HERE, SHOW		ЛNG: (I	nclude traffic violation		
Place arrested	_	Date arres	sted		Charge		Disp	osition	
16. IF YOU HAVE E	VER BEEN I	HOSPITALIZ	ZED OR	INSTITUTION	ALIZED SHO	W THE	FOLLOWING:		
Name and location	of hospital or	institution			tes	R	eason		
			Fr	mom	То				
			- 1						
17. DATA CONCER	NING NECE	POITV FAR	DDIVA	TC 8(()	L	,			
Show in this block a beneficiary's behalf Congress)	any additional (include any	information outstanding	concerr acts be	ning the benefic nefiting the Uni	ciary and/or co ted States or	ncernin other fri	g the necessity for a endly nations which	a private bill in the would be of interest to	

18. OTHER DATA CONCERNING THIS CA				Expires 05/31/2010					
Please include in this block any derogatory information concerning this case which you believe would aid the Congress in its consideration of this bill. Also, if you wish this information to be treated in a confidential manner, please so state and give reason for desiring such treatment.									
19. DATA RELATING TO BENEFICIARY'S B brothers and sisters)	ROTHERS AND SIST	ERS (List all living broth	ers and sisters	- include half or step					
Name	Age	Address		Citizenship					
		<u></u>							
 									
<u> </u>		·							
		· · · · · · · · · · · · · · · · · · ·	*******	***************************************					
				<u>l</u>					
20. DATA RELATING TO BENEFICIARY WIND Name of child prior to adoption	Date of adoption	L BE ADOPTED	Place of ador	tion (Include court)					
	· · · · · ·								
The adoption was by proxy with both the child's parents consented to the adoption	oth adoptive parents pr n	esent	optive parent p	resent.					
Name and addresses of child's living natural									
,	F								
	- <u> </u>								
Child lives with (include address)		Child has resided with	adoptive pare	nts					
		Dates:							
		From	То						
		<u> </u>							
21. DATA CONCERNING ANY PERSON IN		WHO COULD FURNIS	SH ADDITIONA	L INFORMATION					
(State whether relative, or business or social	acquaintance)								
Name		Relationship							
Address									
(Street and number)	(City)		(State)	(Zip Code)					
									
22. SIGNATURE OF BENEFICIARY OR INT I hereby certify that the information given on		nd true to the best of my	/ knowledge an	d belief.					
	·								
		Cianahum.							
Date		Signature							
23. SIGNATURE OF PERSON PREPARING I declare that this document was prepared by	FORM, IF OTHER TH	AN BENEFICIARY OR	INTERESTED	PARTY					
which I have any knowledge.	me at the request of the	ie beneaciary or interes	icu party and R	s based on an innomitation of					
Single State of the State of th		Address		 Date					
Signature				Date					

Privacy Statement

Authority and Purpose: The Immigration and Nationality Act, as amended, (8 U.S.C. 1357) authorizes the collection of information from any alien or person believed to be an alien as to his right to be or to remain in the United States. In this instance, the purpose of gathering information is to assist the Judiciary Committee and Congress in determining whether the immigration related private bill is necessary and whether the subject of the bill is worthy of the relief proposed.

Disclosure: Furnishing this information is voluntary; however, failure to provide it may result in the non-issuance of the desired immigration related benefit.

Routine Uses: The information provided will be disclosed to the Judiciary Committee of either House of Congress, which requires the information in order to hold hearings on and consider the merits of the immigration related private bill. The information provided may also be disclosed to other federal agencies in order to verify or ascertain information concerning the beneficiary of the private bill.

Public Reporting Burden. The U.S. Immigration and Customs Enforcement is collecting this information as a part of its agency mission under the Department of Homeland Security. The estimated average time to review the instructions, search existing data sources, gather and maintain the data needed and completing and reviewing this collection of information is 60 minutes (1.0 hours) per response. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB Control Number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street, S.W., Room 3138, Washington, D.C. 20536 (**Do not mail your completed application to this address.**)

Private Bill Data Sheet

(ICE Form G-382)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

PRIVATE BILL DATA SHEET

(As n	(As necessary, use a blank sheet of paper for continuation of information—reference the block number beside the text.)									
1. Bill No. and Cong	· I =	neficiary erested Party	3. Date of HQ	. Date of HQ Request for Investigation 4. A-Number						
5. Other Pending of			Data Sheet Prepared by: (Office) (Date)							
7. Beneficiary/Interested Party Relationship										
8. Correct Name	(Last)		(F	rirst)		(Midd	le)			
9. Name as It Appe	ars in Bill (Last)		(F	First)		(Midd	le)			
10. Other Names										
11. Birthdate	12. Birthplace	13. Na	ationality		14. Charge	able to Quot	a for			
	mplexion	17. Eye Cold	22. Parer Father:	nts (Name, A	Address, Natio	-				
18. Hair Color	19. Height	20. Weight								
21. Identifying Mark	ks or Scars		Mother:							
23. Prior Residence	es (Number/Street, City	, State, and Count	ry) From	То		Immigration	Status			
				ŀ						
		·			·					
24. Education and	Special Skills									
25. Employment Du	ring Last 10 Years									
Employer's Name ar			Occupation or Pr	rofession	F	om	То			
						.				
26. Income and Ass	sets									
27. Marital Data (Al	Marriages)									
Name of Spouse		ace of Birth	Date, Place of	Marriage	Status of Ma Dependency	rriage and	Immigration or Citizenship Status			
					Dehemenc)	•	Onizonomp Otatuo			
			}							
			<u> </u>							

28. Children	_										
Name(s) Date, Place of Birth			th R	Residence Dep					ncy Status	Immigration or	
			1						Citizenship Status		
			[Í			
20 Other Class Family D		<u></u>					-11-	<u> </u>			
29. Other Close Family R	eiationsi			s, uncle	es, au	Reside				It-mailten av	
Name		J Re	elationship			Reside	ence			Immigration or Citizenship Status	
							•				
30. Organizations (Include	o nost/or	ocont mor	abarchia or affiliation	<u></u>			*****			<u> </u>	
30. Organizations (include	e pasupi	esent men	incership or anniation	'''							
31. Numbers Assigned		<u> </u>			32.	Selective	e Service :	and Militar	y Service Da	ata 💮	
Social Security											
Military											
FBI											
Other											
33. Citizenship Status (Ch					34. Represented By						
U.S. Citizen			Alien Legal Residen	nt							
☐ Alien Legal Nonim	migrant		Alien Illegally in U.S								
☐ Parolee	_		Alien Outside U.S.								
35. Immigration History					•						
a. Last Entered on (date)		At (place	As					=:-	b. Visa Is	sued	
c. Prior Entries and Depar	rfures										
c. The Entire and Depar											
· - · · · · ·		_	16111011					- 1 ,	11 X		
d. Extensions to			e. Violated Status on					"	f. Manner Violated		
g. Notice to Appear Issue	d on (da	te)	Charge								
h. Hearing Date			Results					, , ,			
J											
i. Outstanding Order				- .	Ann	eal Inforr	nation			··	
	liby (if ou	taida tha L	16)	<u> </u>	~ppr	cai iiiioii	HAUDII				
k. Grounds of Inadmissibil	iity (ii OU	isiue me L	,.u.j								
I. Application of Visa Made	e at		On			Ту	pe Visa Ap	plied for			
m. Results of Visa Applica	ation				_						
n. Consular Waiting List D	ate	-									

35a. Eligibility for Relief (Include Visa Preference Priority Data)
35b. If relief available, was beneficiary notified?
36. Other InformationSpecial, Favorable, or Unfavorable Factors, etc. (Include Arrests and Dispositions)
37. Special Information re: Orphans or Adoption Cases
a. Name Prior to Adoption
b. Date and Place of Adoption (Include Court)
c. Proxy or Adoption Parents Present
d. Parents Consent to Adoption (yes no) When
e. Reason for Adoption
f. Reason Not Eligible as Orphan under the Immigration and Nationality Act
1. Neason Not Eligible as Orphan under the immigration and Nationality Act
g. Living Natural Parents
h. Stepparents
i. Beneficiary Lives With
j. Other Reasons Not Eligible as Orphan under the Immigration and Nationality Act
k. Adoptive Parents Plan for Beneficiary
Information Obtained From Date

Record of Deportable/ Inadmissible Alien

(DHS Form I-213)

Family Name (CAPS)	First			Middle		-		Sex	Hair	Eyes	Cmplxn	
Country of Citizenship	Passport Number	and Coun	stry of Issue	T-	File Nu	imber		Height	Weight	Occupation	<u></u>	
U.S. Address							\exists	Scars and	Marks	_ 		
Date, Place, Time, and Manner of Last Entry					Passenger B	oarded at		F.B. I. Nun	ber	☐ Single ☐ Divorced ☐ Widower	☐ Married ☐ Separated	
Number, Street, City, Province (State) and Country of Permanent Residence	ce							Method of	Location/Ap		orpanion	
Date of Birth		Date of	Action		Location Co	ode		AUNear		Date/Hour		
City, Province (State) and Country of Birth		AR 🗌	Form (1	ype and ?	io)Lifted 🗆	Not Lifte	4 🗆	Ву				
NIV Issuing Post and NIV Number	-	Social S	ecurity Acco	ount Name	·			Status at E	ntry	Status Whe	n Found	
Date Visa Issued		Social S	ecurity Num	ber				Length of	Time Illegall	y in U.S.		
Immigration Record		•		Criminal	Record		<u></u>					
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)	_						Number and	Nationality	of Minor Child	ren	
Father's Name, Nationality, and Address, if Known					Mother's Pr	esent and I	Maiden Nar	nes, Nationality	, and Addre	ss, if Known		
Monies Due Property in U.S. Not in Immediate Possession			Fingerprinte	rprinted?				Charge Code Words(s)				
Name and Address of (Last)(Current) U.S. Employer			Type of Em	of Employment Salary			Salary	Hr E	mployed fro	m/to		
Alien has been advised of communication privileges		(Da	nte/Initials)			(Si)	gnature ar	nd Title of Im	migration	Officer)		
Distribution:			R o	eceived officer n:	·	d Docum	ents) (Re	eport of Inter	view)	(time)	 	

ACRONYMS

A - C

D

DOS Department of State

DRO Detention and Removal Operations

E

 \mathbf{F}

FBI Federal Bureau of Investigation

I

ICE U.S. Immigration and Customs Enforcement

INA Immigration and Nationality Act

INS Immigration and Naturalization Service

J-L

M

MOI Memorandum of Information

N

0

OCC Office of the Chief Counsel

OCR Office of Congressional Relations

OI Office of Investigations

P

PM Program Manager

R

ROI Report of Investigation



S

SA

Special Agent Special Agent in Charge SAC

T

TECS Treasury Enforcement Communications Service

U

USCIS U.S. Citizenship and Immigration Services

V - Z

