

2000



HOUSE JOINT RESOLUTION 00-1011

BY REPRESENTATIVES Paschall, Alexander, Allen, Bacon, Berry, Chavez, Clapp, Clarke, Coleman, Dean, Fairbank, Gagliardi, George, Gotlieb, Grossman, Hefley, Hoppe, Johnson, Kaufman, Keller, Kester, Larson, Lawrence, Lee, Mace, May, McElhany, Miller, Mitchell, Nuñez, Pfiffner, Plant, Ragsdale, Scott, Smith, Spradley, Stengel, Tapia, Tate, Taylor, Tochtrop, Tool, Tupa, Windels, Young, Zimmerman;
also SENATORS Hernandez, Anderson, Andrews, Arnold, Blickensderfer, Chlouber, Congrove, Dennis, Dyer, Epps, Evans, Feeley, Hillman, Lacy, Lamborn, Linkhart, Martinez, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

CONCERNING AN URGENT REQUEST FOR RELIEF ON BEHALF OF HANNAH BARKAT.

WHEREAS, Hannah Barkat is a young native of Pakistan who resides with her family in Denver, Colorado; and

WHEREAS, Hannah is the daughter of Pastor Barkat who applied to the Immigration and Naturalization Service ("INS") for lawful permanent resident status in the United States for himself and his family on August 19, 1998, and

WHEREAS, The timing of such request was critical since his daughter, Hannah, would turn twenty-one years of age on March 12, 1999; and

WHEREAS, The INS has a policy, referred to as "aging out", whereby a child alien may be deported if he or she has failed to lawfully obtain permanent resident status or otherwise obtain lawful authority to remain in the United States on or before his or her twenty-first birthday; and

WHEREAS, The INS has an interim policy that authorizes the adjudication of applications for children that are about to "age out"; and

WHEREAS, Hannah's legal counsel alerted the INS, shortly after Pastor Barkat's application for resident status in the United States, that Hannah would be "aging out" on her twenty-first birthday; and

WHEREAS, The INS informed the Barkat's and their legal counsel that the file had to be transferred to Denver from Lincoln, Nebraska, in order to process the "aging out" case for Hannah, and that her file would then be approved upon arrival in the local office; and

WHEREAS, Due to a clerical error, the INS office in Lincoln, Nebraska, inadvertently misdirected the file to the INS office in Omaha, rather than to the INS office in Denver, on November 2, 1998; and

WHEREAS, The Barkat's counsel, keenly aware of the fast-approaching date of Hannah's twenty-first birthday, repeatedly requested by telephone and mail, the transfer of the file to the Denver INS office, from the time the file was misdirected; and

WHEREAS, The file was eventually received in the Denver INS district office on the day after Hannah's twenty-first birthday, causing Hannah to "age out"; and

WHEREAS, On October 29, 1999, the INS notified Hannah that her application had been denied and that she had been placed in deportation proceedings, her case to be heard by the Immigration Court in Denver on April 12, 2000; and

WHEREAS, The ultimate result of this unfortunate clerical error will be the deportation of this young woman to Pakistan and her separation from her loving parents and brother, the only family and support system that she has known; and

WHEREAS, This clerical error has caused extreme emotional anguish for the entire Barkat family, the members of whom not only regret the possibility of separation from their daughter and sister but who also fear for Hannah's safety and welfare if she is deported to Pakistan, where the Christian community is a harassed minority and where conditions are dangerous for persons not practicing the Muslim religion; and

WHEREAS, Hannah's forced return to Pakistan will likely place her in a hostile and potentially dangerous culture where she no longer has any family; and

WHEREAS, In February 1997, while Pastor Barkat was on a mission delivering food and medical supplies to two Christian villages in Pakistan that were being plagued by harassment at the hands of Muslim extremists, Hannah was abducted outside of a store in the Barkat's home city while on an everyday shopping trip for the household, an abduction believed in part to have been motivated because of her religious beliefs, and from which she was miraculously returned after three days of

captivity, physically unharmed, but nevertheless emotionally shaken and in fear of her safety, motivating the Barkat's to seek refuge in immigrating to our country; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That the Colorado General Assembly recognizes the severity of the hardship and emotional turmoil experienced by the Barkat family and the danger and uncertainty now faced by Hannah that was caused by a simple clerical error, and urge the Immigration Court to recognize that Hannah's case would not have come before it but for that clerical error, and further urges the Immigration Court to issue a finding that respects the spirit of the immigration laws in maintaining family unity, and for which the INS instituted its "aging out" policy, in halting the deportation of Hannah Barkat.

Be It Further Resolved, That the General Assembly requests the state's Congressional delegation to take up the cause of Hannah Barkat, through intervention at the Congressional level, should it be required for the positive resolution and conclusion of an otherwise needless tragedy which had its unfortunate genesis in a clerical error, and as a result of which human life and liberty, and a family's wish for unity and security in our country and state, are now at risk.

Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Ray Powers
PRESIDENT OF THE
SENATE

Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
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Patricia K. Dicks
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