

Union Calendar No. 507

106TH CONGRESS
2^D SESSION

H. R. 2883

[Report No. 106-852]

To amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1999

Mr. SMITH of Texas (for himself, Mr. LAHOOD, Mr. PAUL, Mr. NETHERCUTT, Mr. KUYKENDALL, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 14, 2000

Additional sponsors: Mr. BONIOR, Mr. BLILEY, Mr. CAMPBELL, Mr. DICKEY, Mr. INSLEE, Mr. EHLERS, Mr. BLAGOJEVICH, Mr. FRANK of Massachusetts, Mrs. BONO, Mr. NADLER, Mr. OXLEY, Mr. SAXTON, Mr. SABO, Mr. SMITH of New Jersey, Mr. UDALL of New Mexico, Mr. WAMP, Mrs. JOHNSON of Connecticut, Mr. MCCOLLUM, Mr. MCGOVERN, Mrs. MINK of Hawaii, Ms. PRYCE of Ohio, Mr. SHIMKUS, Mr. EVANS, Ms. WOOLSEY, Mr. PASCRELL, Mr. GALLEGLY, Mr. BLUMENAUER, Mr. MEEHAN, Mrs. TAUSCHER, Mr. KING, Mr. MORAN of Virginia, Mr. OWENS, Mr. HOSTETTLER, Mr. RYUN of Kansas, Mr. FRANKS of New Jersey, and Mr. DEAL of Georgia

SEPTEMBER 14, 2000

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Adopted Orphans Citi-
 5 zenship Act”.

6 **SEC. 2. ACQUISITION OF UNITED STATES CITIZENSHIP BY**
 7 **CERTAIN ADOPTED CHILDREN.**

8 (a) AMENDMENTS TO THE IMMIGRATION AND NA-
 9 TIONALITY ACT.—Section 301 of the Immigration and
 10 Nationality Act (8 U.S.C. 1401) is amended—

11 (1) by striking “and” at the end of subsection
 12 (g);

13 (2) by striking the period at the end of sub-
 14 section (h) and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(i) an unmarried person, under the age of 18
 17 years, born outside the United States and its out-
 18 lying possessions and thereafter adopted by at least

1 one parent who is a citizen of the United States and
2 who has been physically present in the United States
3 or one of its outlying possessions for a period or pe-
4 riods totaling not less than 5 years prior to the
5 adoption of the person, at least 2 of which were
6 after attaining the age of 14 years, if—

7 “(1) the person is physically present in the
8 United States with the citizen parent, having
9 attained the status of an alien lawfully admitted
10 for permanent residence;

11 “(2) the person satisfied the requirements
12 in subparagraph (E) or (F) of section
13 101(b)(1); and

14 “(3) the person seeks documentation as a
15 United States citizen while under the age of 18
16 years.”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 subsection (a) shall apply with respect to persons adopted
19 before, on, or after the date of enactment of this Act.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Child Citizenship Act*
22 *of 2000”.*

1 **SEC. 2. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR**
2 **CERTAIN CHILDREN BORN OUTSIDE UNITED**
3 **STATES.**

4 (a) *IN GENERAL.*—Section 320 of the Immigration
5 and Nationality Act (8 U.S.C. 1431) is amended to read
6 as follows:

7 “CHILDREN BORN OUTSIDE UNITED STATES; CONDITIONS
8 UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

9 “SEC. 320. (a) A child born outside of the United
10 States automatically becomes a citizen of the United States
11 when all of the following conditions have been fulfilled:

12 “(1) At least one parent of the child is a citizen
13 of the United States, whether by birth or naturaliza-
14 tion.

15 “(2) The child is under the age of eighteen years.

16 “(3) The child is residing in the United States
17 in the legal and physical custody of the citizen parent
18 pursuant to a lawful admission for permanent resi-
19 dence.

20 “(b) Subsection (a) shall apply to a child adopted by
21 a United States citizen parent if the child satisfies the re-
22 quirements for being a child under subparagraph (E) or
23 (F) of section 101(b)(1).”.

24 (b) *CLERICAL AMENDMENT.*—The table of sections of
25 such Act is amended by striking the item relating to section
26 320 and inserting the following:

“Sec. 320. Children born outside United States; conditions under which citizenship automatically acquired.”.

1 **SEC. 3. ACQUISITION OF CERTIFICATE OF NATURALIZA-**
2 **TION FOR CERTAIN CHILDREN BORN OUT-**
3 **SIDE UNITED STATES.**

4 (a) *IN GENERAL.*—Section 322 of the Immigration
5 and Nationality Act (8 U.S.C. 1433) is amended to read
6 as follows:

7 *“CHILDREN BORN AND RESIDING OUTSIDE UNITED STATES;*
8 *CONDITIONS FOR ACQUIRING CERTIFICATE OF NATU-*
9 *RALIZATION*

10 *“SEC. 322. (a) A parent who is a citizen of the United*
11 *States may apply for naturalization on behalf of a child*
12 *born outside of the United States. The Attorney General*
13 *shall issue a certificate of naturalization to such parent*
14 *upon proof, to the satisfaction of the Attorney General, that*
15 *the following conditions have been fulfilled:*

16 *“(1) At least one parent is a citizen of the*
17 *United States, whether by birth or naturalization.*

18 *“(2) The United States citizen parent—*

19 *“(A) has been physically present in the*
20 *United States or its outlying possessions for a*
21 *period or periods totaling not less than five*
22 *years, at least two of which were after attaining*
23 *the age of fourteen years; or*

1 “(B) has a citizen parent who has been
2 physically present in the United States or its
3 outlying possessions for a period or periods total-
4 ing not less than five years, at least two of which
5 were after attaining the age of fourteen years.

6 “(3) The child is under the age of eighteen years.

7 “(4) The child is residing outside of the United
8 States in the legal and physical custody of the citizen
9 parent, is temporarily present in the United States
10 pursuant to a lawful admission, and is maintaining
11 such lawful status.

12 “(b) Upon approval of the application (which may be
13 filed from abroad) and, except as provided in the last sen-
14 tence of section 337(a), upon taking and subscribing before
15 an officer of the Service within the United States to the
16 oath of allegiance required by this Act of an applicant for
17 naturalization, the child shall become a citizen of the
18 United States and shall be furnished by the Attorney Gen-
19 eral with a certificate of naturalization.

20 “(c) Subsections (a) and (b) shall apply to a child
21 adopted by a United States citizen parent if the child satis-
22 fies the requirements for being a child under subparagraph
23 (E) or (F) of section 101(b)(1).”.

1 **(b) CLERICAL AMENDMENT.**—*The table of sections of*
2 *such Act is amended by striking the item relating to section*
3 *322 and inserting the following:*

*“Sec. 322. Children born and residing outside United States; conditions for ac-
quiring certificate of naturalization.”.*

4 **SEC. 4. CONFORMING AMENDMENT.**

5 *Section 321 of the Immigration and Nationality Act*
6 *(8 U.S.C. 1432) and the item relating to section 321 in*
7 *the table of sections are repealed.*

8 **SEC. 5. EFFECTIVE DATE.**

9 *The amendments made by this Act shall take effect 120*
10 *days after the date of the enactment of this Act.*

Amend the title so as to read: “A bill to amend the
Immigration and Nationality Act to modify the provisions
governing acquisition of citizenship by children born out-
side of the United States.”.

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