

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 698

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2005

Mr. DEAL of Georgia (for himself, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. KINGSTON, Mr. ROHRABACHER, Mr. SMITH of Texas, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. MANZULLO, Mr. GARY G. MILLER of California, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

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 “Citizenship Reform  
5       Act of 2005”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to deny automatic citi-  
3 zenship at birth to children born in the United States to  
4 parents who are not citizens or permanent resident aliens.

5 **SEC. 3. CITIZENSHIP AT BIRTH FOR CHILDREN OF NON-CIT-**  
6 **IZEN, NON-PERMANENT RESIDENT ALIENS.**

7 (a) IN GENERAL.—Section 101 of the Immigration  
8 and Nationality Act (8 U.S.C. 1101) is amended by insert-  
9 ing after subsection (c) the following new subsection:

10 “(d) For purposes of section 301(a), a person born  
11 in the United States shall be considered as ‘subject to the  
12 jurisdiction of the United States’ if—

13 “(1) the child was born in wedlock in the  
14 United States to a parent either of whom is (A) a  
15 citizen or national of the United States, or (B) an  
16 alien who is lawfully admitted for permanent resi-  
17 dence and maintains his or her residence (as defined  
18 in subsection (a)(33)) in the United States; or

19 “(2) the child was born out of wedlock in the  
20 United States to a mother who is (A) a citizen or  
21 national of the United States, or (B) an alien who  
22 is lawfully admitted for permanent residence and  
23 maintains her residence in the United States.

24 For purposes of this subsection, a child is considered to  
25 be ‘born in wedlock’ only if both parents are married to

1 each other and parents are not considered to be married  
2 if such marriage is only a common law marriage.”.

3 (b) CONFORMING AMENDMENT.—Section 301 of  
4 such Act (8 U.S.C. 1401) is amended by inserting “(as  
5 defined in section 101(d))” after “subject to the jurisdic-  
6 tion thereof”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to aliens born on or after the date  
9 of the enactment of this Act.

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