

106TH CONGRESS  
2D SESSION

# H. R. 3667

To amend the Immigration and Nationality Act to modify the provisions governing naturalization of children born outside of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Mr. DELAHUNT (for himself and Mr. GEJDENSON) 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 modify the provisions governing naturalization of children born outside 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 “Child Citizenship Act  
5 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  
11 States when all of the following conditions have been ful-  
12 filled:

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

16 “(2) The United States citizen parent—

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

22 “(B) has a citizen parent who has been  
23 physically present in the United States or its  
24 outlying possessions for a period or periods to-  
25 taling not less than five years, at least two of

1 which were after attaining the age of fourteen  
2 years.

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

5 “(4) The child is residing in the United States  
6 in the legal and physical custody of the citizen par-  
7 ent pursuant to a lawful admission for permanent  
8 residence.

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

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 of such Act is amended by striking the item relating to  
15 section 320 and inserting the following:

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

16 **SEC. 3. ACQUISITION OF CERTIFICATE OF NATURALIZA-**  
17 **TION FOR CERTAIN CHILDREN BORN OUT-**  
18 **SIDE UNITED STATES.**

19 (a) IN GENERAL.—Section 322 of the Immigration  
20 and Nationality Act (8 U.S.C. 1433) is amended to read  
21 as follows:

1 “CHILDREN BORN AND RESIDING OUTSIDE UNITED  
2 STATES; CONDITIONS FOR ACQUIRING CERTIFICATE  
3 OF NATURALIZATION

4 “SEC. 322. (a) A parent who is a citizen of the  
5 United States may apply for naturalization on behalf of  
6 a child born outside of the United States. The Attorney  
7 General shall issue a certificate of naturalization to such  
8 parent upon proof, to the satisfaction of the Attorney Gen-  
9 eral, that the following conditions have been fulfilled:

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

12 “(2) The United States citizen parent—

13 “(A) has been physically present in the  
14 United States or its outlying possessions for a  
15 period or periods totaling not less than five  
16 years, at least two of which were after attaining  
17 the age of fourteen years; or

18 “(B) has a citizen parent who has been  
19 physically present in the United States or its  
20 outlying possessions for a period or periods to-  
21 taling not less than five years, at least two of  
22 which were after attaining the age of fourteen  
23 years.

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

1           “(4) The child is residing outside of the United  
2           States in the legal and physical custody of the cit-  
3           izen parent, is temporarily present in the United  
4           States pursuant to a lawful admission, and is main-  
5           taining such lawful status.

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

14          “(c) Subsections (a) and (b) shall apply to a child  
15          adopted by a United States citizen parent if the child sat-  
16          isfies the requirements for being a child under subpara-  
17          graph (E) or (F) of section 101(b)(1).”.

18          (b) CLERICAL AMENDMENT.—The table of sections  
19          of such Act is amended by striking the item relating to  
20          section 322 and inserting the following:

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

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

22          Section 321 of the Immigration and Nationality Act  
23          (8 U.S.C. 1432) is repealed.

1 **SEC. 5. EFFECTIVE DATE; SPECIAL PROVISION FOR PER-**  
2 **SONS BORN OUTSIDE UNITED STATES AND**  
3 **ADMITTED WHILE UNDER 18.**

4 (a) **EFFECTIVE DATE.**—The amendments made by  
5 this Act shall take effect 120 days after the date of the  
6 enactment of this Act.

7 (b) **SPECIAL PROVISION FOR CERTAIN PERSONS AD-**  
8 **MITTED AS LAWFUL PERMANENT RESIDENTS WHILE**  
9 **UNDER AGE 18 ON OR AFTER JANUARY 1, 1988.**—

10 (1) **IN GENERAL.**— A person may apply to the  
11 Attorney General for a certificate of naturalization if  
12 such person—

13 (A) on the date of the enactment of this  
14 Act, is 18 years of age or older;

15 (B) while under the age of 18, and on or  
16 after January 1, 1988, was admitted to the  
17 United States for lawful permanent residence;  
18 and

19 (C) after such admission, satisfied the re-  
20 quirements relating to children born outside of  
21 the United States in section 322 of the Immi-  
22 gration and Nationality Act (8 U.S.C. 1433)  
23 (as in effect on the date of the enactment of  
24 this Act).

25 (2) **ISSUANCE OF CERTIFICATE.**—Upon ap-  
26 proval of the application (which may be filed from

1       abroad) and upon taking and subscribing before an  
2       officer of the Immigration and Naturalization Serv-  
3       ice within the United States to the oath of allegiance  
4       required by the Immigration and Nationality Act of  
5       an applicant for naturalization, the applicant shall  
6       become a citizen of the United States and shall be  
7       furnished by the Attorney General with a certificate  
8       of naturalization.

9               (3) EFFECTIVE DATE.—This subsection shall  
10       take effect on the date of the enactment of this Act.

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