

104TH CONGRESS  
1ST SESSION

# H. R. 375

To provide for asylum reform, prohibition of Federal benefits to certain aliens, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. STUMP (for himself and Mr. CALLAHAN) introduced the following bill; which was referred to the Committee on the Judiciary and, in addition, to the Committees on Ways and Means, Agriculture, Banking and Financial Services, and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for asylum reform, prohibition of Federal benefits to certain aliens, and for other purposes.

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 “Immigration Account-  
5       ability Act of 1995”.

# **TITLE I—ASYLUM**

## **2 SEC. 101. EXAMINATION AND EXCLUSION.**

3 (a) EXAMINATIONS.—Section 235(b) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1225(b)) is amended  
5 to read as follows:

6 “(b) EXAMINATION AND EXCLUSION BY IMMIGRA-  
7 TION OFFICERS.—

8 “(1) An immigration officer shall examine every  
9 person seeking to come into the United States from  
10 a foreign port or place, and every such person shall  
11 present himself for examination by an immigration  
12 officer upon arrival at a port of entry or land border  
13 of the United States.

14 “(2)(A) If an examining immigration officer de-  
15 termines that an alien seeking entry—

16 “(i) does not present any document re-  
17 quired by this Act or by regulations prescribed  
18 thereunder to obtain entry to the United States;  
19 and

20 “(ii) does not express either an intention to  
21 apply for asylum or a fear of persecution if ex-  
22 cluded,

23 the officer shall order the alien excluded from the  
24 United States without further hearing or review.

1           “(B) An examining immigration officer shall  
2 refer for immediate examination by an asylum offi-  
3 cer any alien who has expressed an intention to  
4 apply for asylum or a fear of persecution if excluded.

5           “(C) The asylum officer to whom an alien is re-  
6 ferred under subparagraph (B) shall determine  
7 whether the alien has a credible fear of persecution  
8 if excluded. If the officer determines that the alien  
9 has a credible fear of persecution if excluded, the  
10 alien shall be permitted to apply for asylum under  
11 section 208. If the officer determines that the alien  
12 does not have a credible fear of persecution if ex-  
13 cluded, the officer shall order the alien excluded  
14 from the United States without further hearing or  
15 review.

16           “(3)(A) Except as provided in subparagraph  
17 (B) and subsection (c), if an examining immigration  
18 officer determines that an alien seeking entry is not  
19 clearly and beyond a doubt entitled to enter, the  
20 alien shall be detained for further inquiry by a spe-  
21 cial inquiry officer.

22           “(B) The provisions of subparagraph (A) shall  
23 not apply—

24           “(i) to an alien crewman, or

1           “(ii) to an alien described in paragraph  
2           (2)(A) or paragraph (2)(B).

3           “(4) The decision of an examining immigration  
4           officer to admit any alien shall be subject to chal-  
5           lenge by any other immigration officer, and such  
6           challenge shall operate to take the alien before a  
7           special inquiry officer for further inquiry.

8           “(5)(A) Subject to subparagraph (B), an alien  
9           has not entered the United States for purposes of  
10          this Act unless and until such alien has been exam-  
11          ined and admitted by an immigration officer pursu-  
12          ant to this subsection.

13          “(B) An alien who has not been examined and  
14          admitted by an immigration officer shall, upon the  
15          completion of 365 days of continuous physical pres-  
16          ence in the United States, be deemed to have en-  
17          tered the United States without inspection on the  
18          first day of such presence.

19          “(6) INTERIOR REPATRIATION.—The Secretary  
20          of State shall undertake to enter into, on behalf of  
21          the United States, arrangements with the govern-  
22          ments of countries contiguous to the United States  
23          that any excludable or deportable alien who is to de-  
24          part the United States to such country under an  
25          order of deportation, under a grant of voluntary de-

1       parture with safeguards, or at a time when the alien  
2       is in Federal custody shall be transported to a point  
3       in the contiguous country that, to the extent prac-  
4       ticable, is not less than 500 kilometers from the bor-  
5       der of the United States.

6               “(7) PERSECUTION DEFINED.—For purposes of  
7       this subsection, the term ‘persecution’ shall have the  
8       same meaning as under section 208 of the Immigra-  
9       tion and Nationality Act.”.

10       (b) GROUNDS FOR EXCLUSION.—Section 212(a)(6)  
11 of the Immigration and Nationality Act (8 U.S.C.  
12 1182(a)(6)) is amended by adding at the end the follow-  
13 ing:

14               “(G) Any alien who, in seeking entry to the  
15       United States or boarding a common carrier for the  
16       purpose of coming to the United States, presents  
17       any document that is forged, counterfeit, altered,  
18       falsely made, stolen, or inapplicable to the alien pre-  
19       senting the document, or otherwise contains a mis-  
20       representation of material fact, is excludable.

21               “(H) Any alien who, in boarding a common car-  
22       rier for the purpose of coming to the United States,  
23       presents a document that relates or purports to re-  
24       late to the alien’s eligibility to enter the United  
25       States, and fails to present such document to an im-

1 migration officer upon arrival at a port of entry or  
2 land border of the United States, is excludable.”.

3 (c) CONFORMING AMENDMENTS.—Section 235(a) of  
4 the Immigration and Nationality Act (8 U.S.C. 1225a) is  
5 amended by striking the second sentence.

6 **SEC. 102. ASYLUM.**

7 (a) ASYLUM OFFICER DEFINED.—Section 101(a) of  
8 the Immigration and Nationality Act (8 U.S.C. 1101(a))  
9 is amended by adding the following new paragraph:

10 “(47) The term ‘asylum officer’ means an offi-  
11 cer of the Service who has been designated by the  
12 Commissioner as having special training in the ap-  
13 plication of the provisions of this Act pertaining to  
14 asylum and special knowledge of pertinent conditions  
15 outside the United States.”.

16 (b) GRANTING AND TERMINATION OF ASYLUM.—  
17 Section 208 of the Immigration and Nationality Act (8  
18 U.S.C. 1158) is amended to read as follows:

19 “ASYLUM

20 “SEC. 208. (a) GRANTING AND TERMINATING ASY-  
21 LUM.—

22 “(1) APPLICATION.—An alien physically present  
23 in the United States or at a land border or port of  
24 entry may apply for asylum in accordance with this  
25 section.

26 “(2) CONDITION FOR GRANTING.—

1           “(A) GRANTS BY ATTORNEY GENERAL.—

2           The Attorney General may in the sole discretion  
3           of the Attorney General grant asylum to an  
4           alien if the alien applies for asylum in accord-  
5           ance with this section and the alien establishes,  
6           as a condition of being granted asylum, that it  
7           is more probable than not that the government  
8           of the country in which the alien last resided  
9           before his arrival in the United States would  
10          persecute the alien on account of the alien’s  
11          race, religion, nationality, or political opinion if  
12          the alien came into that government’s custody.

13          “(B) EXCEPTIONS.—Subparagraph (A)  
14          shall not apply to an alien if the Attorney Gen-  
15          eral determines that—

16                 “(i) the alien ordered, incited, as-  
17                 sisted, or otherwise participated in the per-  
18                 secution of any person on account of race,  
19                 religion, nationality, or political opinion;

20                 “(ii) the alien was convicted of a fel-  
21                 ony in the United States or of an equiva-  
22                 lent nonpolitical crime outside the United  
23                 States;

24                 “(iii) the alien poses a danger to the  
25                 security of the United States; or

1           “(iv) there is a country to which the  
2           alien can be deported or returned and the  
3           alien does not establish that it is more  
4           probable than not that the government of  
5           that country would persecute the alien on  
6           account of the alien’s race, religion, nation-  
7           ality, or political opinion if the alien came  
8           into that government’s custody.

9           “(3) ASYLUM STATUS.—If an alien has been  
10          granted asylum under paragraph (2) and such asy-  
11          lum has not been terminated under paragraph (4),  
12          the Attorney General—

13               “(A) shall not deport or return the alien;

14               “(B) may authorize the alien to engage in  
15          employment in the United States; and

16               “(C) may permit the alien to depart the  
17          United States for a purpose not inconsistent  
18          with the grant of asylum and to enter the Unit-  
19          ed States when the purpose for the departure  
20          has been served.

21           “(4) TERMINATION.—The Attorney General  
22          shall monitor the conditions outside the United  
23          States that are the basis of outstanding grants of  
24          asylum. Asylum granted to an alien under this sec-  
25          tion shall be terminated if the Attorney General de-



1       termines in the sole discretion of the Attorney Gen-  
2       eral that—

3               “(A) the condition described in paragraph  
4               (2)(A) no longer exists with respect to the alien;  
5               or

6               “(B) one of the exceptions described in  
7               paragraph (2)(B) applies to the alien.

8               “(5) ANNUAL AFFIRMATION.—Each alien  
9       granted asylum shall submit, not less than annually,  
10      and in accordance with regulations prescribed by the  
11      Attorney General, an affirmation under penalty of  
12      perjury whether the conditions upon which asylum  
13      was granted still exist. The Attorney General shall  
14      establish a procedure for review of such affirmations  
15      and shall terminate asylum for any alien that has  
16      failed to submit such affirmation. An affirmation  
17      that the condition on which asylum was granted no  
18      longer exists, but that a present condition warrants  
19      a continuation of asylum, shall be regarded as a new  
20      application for asylum, and asylum shall not be ter-  
21      minated on the basis of such an affirmation until a  
22      determination is reached on such new application.

23              “(6) PERSECUTION DEFINED.—For purposes of  
24      this section, the term ‘persecution’ refers exclusively  
25      to physical torture, maiming, the taking of life, in-

1       carceration for a period or periods of more than one  
2       year, or the return or deportation of an alien to a  
3       country the government of which would more prob-  
4       ably than not persecute the alien on account of race,  
5       religion, nationality, or political opinion if the alien  
6       came into that government's custody.

7       “(b) ASYLUM PROCEDURES.—

8               “(1) APPLICATIONS.—

9                       “(A) TIME OF APPLICATION.—

10                               “(i) If the condition on which an asy-  
11                               lum application is based exists when an  
12                               alien arrives in the United States, the alien  
13                               must present himself or herself for exam-  
14                               ination to an immigration officer and give  
15                               notice of his or her intention to apply for  
16                               asylum and must apply for asylum before  
17                               entry into the United States.

18                               “(ii) If the condition on which an asy-  
19                               lum application is based did not exist until  
20                               after the alien's arrival in the United  
21                               States, the alien must apply on or before  
22                               the 60th day after such condition first  
23                               arises, or the 60th day preceding the end  
24                               of the alien's authorized stay in the United  
25                               States, whichever day occurs later.

1 “(B) IDENTIFICATION REQUIREMENTS.—

2 An application for asylum shall not be consid-  
3 ered unless the alien submits to the taking of  
4 fingerprints, a photograph, and such other iden-  
5 tification procedures as the Attorney General  
6 may prescribe.

7 “(C) FEES.—The Attorney General may  
8 provide for a reasonable fee for the consider-  
9 ation of an application for asylum or for any  
10 employment authorization under subsection  
11 (a)(3)(B).

12 “(D) NOTICE OF PRIVILEGE OF COUN-  
13 SEL.—Upon the earlier of an alien’s application  
14 for asylum or giving notice of intention to apply  
15 for asylum, the alien shall be advised of the  
16 privilege of being represented (at no expense to  
17 the government) by such counsel, authorized to  
18 practice in such proceedings, as the alien shall  
19 choose.

20 “(2) CONSIDERATION OF APPLICATIONS; HEAR-  
21 INGS.—

22 “(A) ASYLUM OFFICERS.—Each applica-  
23 tion for asylum shall be considered by an asy-  
24 lum officer.

25 “(B) SCHEDULING OF HEARINGS.—

1           “(i) IN GENERAL.—Upon the receipt  
2 of an application for asylum, an asylum of-  
3 ficer, at the earliest practicable time and  
4 after consultation with the attorney for the  
5 Government and the attorney (if any) for  
6 the applicant, shall set the application for  
7 hearing on a day certain or list it on a  
8 weekly or other short-term calendar, so as  
9 to assure a speedy hearing.

10           “(ii) DEADLINE.—Unless the appli-  
11 cant (or an attorney for the applicant) con-  
12 sents in writing to the contrary, the hear-  
13 ing on the asylum application shall com-  
14 mence not later than 45 days after the  
15 date the application was made.

16           “(iii) NOTICE.—Written notice of the  
17 time and place of the hearing and of any  
18 change in the time or place of the hearing  
19 shall be given to the applicant and to the  
20 applicant’s attorney (if any).

21           “(iv) WAIVER.—An applicant for asy-  
22 lum or his attorney may waive the oppor-  
23 tunity of a hearing, in which case the asy-  
24 lum officer shall not set the application for

1           hearing and shall proceed directly to a de-  
2           termination.

3           “(C) PUBLIC HEARINGS.—A hearing on an  
4           asylum application shall be open to the public  
5           unless the applicant requests that it be closed  
6           to the public or the Attorney General deter-  
7           mines in the sole discretion of the Attorney  
8           General that an open hearing would endanger  
9           the security of the United States.

10          “(D) HEARING PROCEDURES.—The asy-  
11          lum officer shall, to the extent practicable, con-  
12          duct the hearing in a nonadversarial manner.  
13          During such hearing, the applicant shall have  
14          the privilege of the assistance and participation  
15          of counsel and both the government and the ap-  
16          plicant shall be entitled to present evidence and  
17          witnesses, to examine and object to evidence,  
18          and to cross-examine all witnesses.

19          “(E) COUNTRY CONDITIONS.—An asylum  
20          officer may request opinions regarding country  
21          conditions from the Secretary of State, but  
22          shall not request or consider recommendations  
23          from the Secretary of State as to whether a  
24          particular individual should or should not be  
25          granted asylum.

1           “(F) RECORD OF HEARINGS.—A complete  
2           verbatim record of the hearing and of evidence  
3           produced at the hearing shall be kept. Upon the  
4           request of the applicant or his attorney, the  
5           Service shall provide a copy of such record to  
6           the applicant or the applicant’s attorney.

7           “(G) DEADLINE FOR DETERMINATIONS.—  
8           The asylum officer shall render a determination  
9           on the application not later than 30 days after  
10          the date of completion of the hearing. The de-  
11          termination of the officer shall be based only on  
12          the officer’s knowledge of conditions outside the  
13          United States and evidence produced at the  
14          hearing.

15          “(H) NO RIGHTS CREATED.—Nothing in  
16          this paragraph relating to scheduling or dead-  
17          lines shall be construed as creating any right or  
18          benefit, substantive or procedural, that is le-  
19          gally enforceable by any party against the Unit-  
20          ed States, its agencies, its officers, or any other  
21          person.

22          “(I) SANCTIONS FOR FAILURE TO AP-  
23          PEAR—

24                  “(i) The application for asylum of an  
25                  alien who does not appear for a hearing on

1 such application shall be summarily dis-  
2 missed unless the asylum officer, in the  
3 sole discretion of the asylum officer, deter-  
4 mines that the alien's failure to appear was  
5 due to exceptional circumstances (as de-  
6 fined in section 242B(f)(2)).

7 “(ii) An application summarily dis-  
8 missed in accordance with clause (i) shall  
9 not be reopened or reconsidered, nor shall  
10 a new application for asylum from the ap-  
11 plicant be entertained by the Attorney  
12 General at any time.

13 “(J) FINALITY OF DETERMINATIONS.—

14 “(i) IN GENERAL.—Except as pro-  
15 vided in clause (ii), the decision of the asy-  
16 lum officer shall be the final administrative  
17 determination of a claim for asylum.

18 “(ii) REVIEW BY ATTORNEY GEN-  
19 ERAL.—The Attorney General may reverse  
20 an asylum officer's determination to grant  
21 asylum if, in the sole discretion of the At-  
22 torney General, the Attorney General de-  
23 termines that the grant of asylum was not  
24 warranted or was not in the public inter-  
25 est.

1       “(c) DENIAL OF IMMIGRATION BENEFITS FOR FRIV-  
2 OLOUS APPLICATIONS.—If the asylum officer determines  
3 that an alien has made a frivolous or fraudulent applica-  
4 tion for asylum under this section, the alien shall be per-  
5 manently ineligible for any benefits under this Act, effec-  
6 tive as of the date of a final determination on such appli-  
7 cation.”.

8       **SEC. 103. FAILURE TO APPEAR FOR ASYLUM HEARING.**

9       Section 242B(e)(4) (8 U.S.C. 1252b(e)(4)) is amend-  
10 ed in subparagraph (A), by striking all after clause (iii)  
11 and inserting “shall not be eligible for any benefits under  
12 this Act.”.

13       **SEC. 104. JUDICIAL REVIEW.**

14       Section 235 of the Immigration and Nationality Act  
15 (8 U.S.C. 1225) is amended by adding at the end the fol-  
16 lowing:

17       “(d) Notwithstanding any other provision of law, no  
18 court shall have jurisdiction to review, except by petition  
19 for habeas corpus, any determination made with respect  
20 to an alien found excludable pursuant to titles I or II of  
21 this Act. In any such case, review by habeas corpus shall  
22 be limited to examination of whether the petitioner (I) is  
23 an alien, and (II) was ordered excluded from the United  
24 States pursuant to the provisions of this Act. Regardless  
25 of the nature of the suit or claim, no court shall have juris-



1 diction except as provided in this subsection to consider  
2 the validity of any adjudication or determination of exclu-  
3 sion, to certify a class in an action challenging the exclu-  
4 sion provisions of this Act or any portion or implementa-  
5 tion thereof, or to provide declaratory or injunctive relief  
6 with respect to the exclusion of any alien.

7 “(e) In any action brought for the assessment of pen-  
8 alties for improper entry or reentry of an alien under sec-  
9 tions 275, 276, 277, or 278 of the Immigration and Na-  
10 tionality Act, no court shall have jurisdiction to hear  
11 claims collaterally attacking the validity of orders of exclu-  
12 sion, or deportation entered under sections 235, 236, or  
13 242 of that Act.”.

14 **SEC. 105. CONFORMING AMENDMENTS.**

15 (a) LIMITATION ON DEPORTATION.—Section 243 (8  
16 U.S.C. 1253) is amended by striking subsection (h).

17 (b) ADJUSTMENT OF STATUS.—Section 209(b) of the  
18 Immigration and Nationality Act (8 U.S.C. 1159(b)) is  
19 amended—

20 (1) in paragraph (2) by striking “one year” and  
21 inserting “5 years”; and

22 (2) by amending paragraph (3) to read as  
23 follows:

24 “(3) continues to be eligible for asylum under  
25 section 208,”.

1 (c) ALIENS INELIGIBLE FOR TEMPORARY PRO-  
 2 TECTED STATUS.—Section 244A(c)(2)(B)(ii) of the Immi-  
 3 gration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii))  
 4 is amended by striking “section 243(h)(2)” and inserting  
 5 “clauses (i), (ii), or (iii) of section 208(a)(2)(B)”.

6 (d) ELIGIBILITY FOR NATURALIZATION.—Section  
 7 316(f)(1) of the Immigration and Nationality Act (8  
 8 U.S.C. 1427(f)(1)) is amended by striking “subpara-  
 9 graphs (A) through (D) of paragraph 243(h)(2)” and in-  
 10 serting “clauses (i), (ii) or (iii) of section 208(a)(2)(B)”.

11 (e) FAMILY UNITY.—Section 301(e) of the Immigra-  
 12 tion Act of 1990 (Public Law 101–649) is amended by  
 13 striking “section 243(h)(2)” and inserting “clauses (i), (ii)  
 14 or (iii) of section 208(a)(2)(B)”.

15 **SEC. 106. EFFECTIVE DATE.**

16 The amendments made by this title shall take effect  
 17 30 days after the date of the enactment of this Act.

18 **TITLE II—PROHIBITION OF FED-**  
 19 **ERAL BENEFITS FOR CER-**  
 20 **TAIN ALIENS**

21 **SEC. 201. PROHIBITION OF DIRECT FEDERAL FINANCIAL**  
 22 **BENEFITS TO CERTAIN ALIENS.**

23 (a) IN GENERAL.—Except as otherwise provided in  
 24 this section, notwithstanding any other provision of law,

1 no direct Federal financial or inkind benefit or social in-  
2 surance benefit, including (but not limited to)—

3 (1) old age, survivors, and disability benefits  
4 under title II of the Social Security Act;

5 (2) payments under the aid to families with de-  
6 pendent children program under part A of title IV  
7 of the Social Security Act;

8 (3) benefits under the supplemental security in-  
9 come program under title XVI of the Social Security  
10 Act;

11 (4) medical insurance for the elderly and dis-  
12 abled under title XVIII of the Social Security Act;

13 (5) medical assistance for families, the elderly,  
14 and disabled under title XIX of the Social Security  
15 Act;

16 (6) food stamps under the Food Stamp Act of  
17 1977;

18 (7) financial assistance as defined in section  
19 214(b) of the Housing and Community Development  
20 Act of 1980;

21 (8) legal services under the Legal Services Cor-  
22 poration Act of 1974; and

23 (9) unemployment benefits under an unemploy-  
24 ment compensation law of the United States or any  
25 State;

1 may be paid or otherwise made available to any person  
2 unless the requirements of subsection (e) are satisfied.

3 (b) UNEMPLOYMENT BENEFITS.—Notwithstanding  
4 any other provision of law, no period of an alien’s employ-  
5 ment that is not authorized under the Immigration and  
6 Nationality Act and no compensation paid with respect to  
7 such employment shall be counted in determining either  
8 eligibility for unemployment benefits or the amount of un-  
9 employment benefits payable to any person under any un-  
10 employment compensation law of the United States or any  
11 State.

12 (c) SOCIAL SECURITY BENEFITS.—Notwithstanding  
13 any other provision of law, wages paid with respect to em-  
14 ployment of an alien that is not authorized under the Im-  
15 migration and Nationality Act shall not be taken into ac-  
16 count in crediting quarters of coverage for any person  
17 under title II of the Social Security Act.

18 (d) EXCEPTION.—Subsection (a) shall not apply to  
19 medical treatment for conditions that, if not treated  
20 promptly, would endanger life, prolong severe pain, result  
21 in permanent and severe physical disability, or pose a  
22 grave public health risk.

23 (e) In the case of any application by or on behalf of  
24 any person for any direct Federal financial or in-kind ben-

1   efit or social insurance benefit, the requirements of this  
2   subsection are satisfied only if—

3           (1) application for the benefit is made in writ-  
4           ing to the agency or department authorized to pay  
5           or make available the benefit;

6           (2) the application includes the name, sex, birth  
7           date, birth place, social security number, and alien  
8           identification number (if any) of such person (and of  
9           any parent or guardian making application on behalf  
10          of a minor or incompetent person);

11          (3) the application includes an affirmation  
12          under penalty of perjury by such person, or by a  
13          parent or guardian making application on behalf of  
14          a minor or incompetent person, that—

15                (A) such person is a citizen of the United  
16                States or an alien who is a grantee of asylum,  
17                a lawfully admitted refugee, or other alien law-  
18                fully admitted for permanent residence, and

19                (B) to the best of the affiant's knowledge,  
20                all information in the application is true and  
21                correct;

22          (4) the application is accompanied by a photo-  
23          copy of such person's certificate of birth in the  
24          United States, certificate of naturalization, or

1 unexpired alien identification document issued by  
2 the Immigration and Naturalization Service;

3 (5) the application, if made on behalf of such  
4 person by a parent or guardian of such person, in-  
5 cludes an affirmation under penalty of perjury by  
6 such parent or guardian that such parent or guard-  
7 ian is a citizen of the United States, an alien not  
8 present in the United States, an alien lawfully  
9 present in the United States, or an alien unlawfully  
10 present in the United States;

11 (6) the application, if made on behalf of such  
12 person by a parent or guardian of such person, is  
13 accompanied by—

14 (A) a photocopy of such parent's or guard-  
15 ian's certificate of birth in the United States,  
16 certificate of naturalization, or alien identifica-  
17 tion document, or

18 (B) a statement by such parent or guard-  
19 ian under penalty of perjury that such agent or  
20 guardian is an alien outside the United States  
21 who has not been issued an unexpired alien  
22 identification document by the Immigration and  
23 Naturalization Service; and

24 (7) the Social Security Administration has con-  
25 firmed to such agency or department that the social

1 security number of such person and the social secu-  
2 rity number of such parent or guardian, if any, is  
3 valid and existing and was issued to the person hav-  
4 ing the name, sex, birth date, and birth place given  
5 in the application;

6 (8) the registrar of births or equivalent official  
7 of each State that issued any birth certificate or cer-  
8 tificates accompanying the application has confirmed  
9 the authenticity of each such certificate to such de-  
10 partment or agency; and

11 (9) the Immigration and Naturalization Service  
12 has confirmed to such department or agency that—

13 (A) the alien identification number, if any,  
14 of such person and the alien identification num-  
15 ber, if any, of such parent or guardian is valid  
16 and existing and was issued to the person hav-  
17 ing the name, sex, birth date, and birth place  
18 given in the application, and

19 (B) any certificate of naturalization or  
20 alien identification document accompanying the  
21 application is authentic and was issued to the  
22 person having the name, birth date, and birth  
23 place given in the application.

1           **TITLE III—CITIZENSHIP**

2   **SEC. 301. BASIS OF CITIZENSHIP CLARIFIED.**

3           In the exercise of its powers under section 5 of the  
4 Fourteenth Article of Amendment to the Constitution of  
5 the United States, the Congress has determined and here-  
6 by declares that any person born after the date of enact-  
7 ment of this title to a mother who is neither a citizen or  
8 national of the United States nor admitted to the United  
9 States as a lawful permanent resident, and which person  
10 is a citizen or national of another country of which either  
11 of his or her natural parents is a citizen or national, or  
12 is entitled upon application to become a citizen or national  
13 of such country, shall be considered as born subject to the  
14 jurisdiction of that foreign country and not subject to the  
15 jurisdiction of the United States within the meaning of  
16 section 1 of such Article and shall therefore not be a citi-  
17 zen of the United States or of any State solely by reason  
18 of birth in the United States.

19           **TITLE IV—BORDER PATROL**

20   **SEC. 401. BORDER PATROL PERSONNEL.**

21           The number of full-time officer positions in the Bor-  
22 der Patrol of the United States shall be increased from  
23 the number authorized in fiscal year 1995 by 1,000 in  
24 each of the succeeding 5 fiscal years.





HR 375 IH—2