

106TH CONGRESS  
2D SESSION

# H. R. 2883

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## AN ACT

To amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.



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## AN ACT

To amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Child Citizenship Act  
3 of 2000”.

4 **TITLE I—CITIZENSHIP FOR CER-**  
5 **TAIN CHILDREN BORN OUT-**  
6 **SIDE THE UNITED STATES**

7 **SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR**  
8 **CERTAIN CHILDREN BORN OUTSIDE THE**  
9 **UNITED STATES.**

10       (a) IN GENERAL.—Section 320 of the Immigration  
11 and Nationality Act (8 U.S.C. 1431) is amended to read  
12 as follows:

13 “CHILDREN BORN OUTSIDE THE UNITED STATES AND  
14 RESIDING PERMANENTLY IN THE UNITED STATES;  
15 CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATI-  
16 CALLY ACQUIRED

17 “SEC. 320. (a) A child born outside of the United  
18 States automatically becomes a citizen of the United  
19 States when all of the following conditions have been ful-  
20 filled:

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

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

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

5           “(b) Subsection (a) shall apply to a child adopted by  
 6           a United States citizen parent if the child satisfies the re-  
 7           quirements applicable to adopted children under section  
 8           101(b)(1).”.

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

          “Sec. 320. Children born outside the United States and residing permanently  
   in the United States; conditions under which citizenship auto-  
   matically acquired.”.

12       **SEC. 102. ACQUISITION OF CERTIFICATE OF CITIZENSHIP**  
 13                               **FOR CERTAIN CHILDREN BORN OUTSIDE THE**  
 14                               **UNITED STATES.**

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

18       “CHILDREN BORN AND RESIDING OUTSIDE THE UNITED  
 19               STATES; CONDITIONS FOR ACQUIRING CERTIFICATE  
 20               OF CITIZENSHIP

21       “SEC. 322. (a) A parent who is a citizen of the  
 22       United States may apply for naturalization on behalf of  
 23       a child born outside of the United States who has not ac-  
 24       quired citizenship automatically under section 320. The

1 Attorney General shall issue a certificate of citizenship to  
2 such parent upon proof, to the satisfaction of the Attorney  
3 General, that the following conditions have been fulfilled:

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

6 “(2) The United States citizen parent—

7 “(A) has been physically present in the  
8 United States or its outlying possessions for a  
9 period or periods totaling not less than five  
10 years, at least two of which were after attaining  
11 the age of fourteen years; or

12 “(B) has a citizen parent who has been  
13 physically present in the United States or its  
14 outlying possessions for a period or periods to-  
15 taling not less than five years, at least two of  
16 which were after attaining the age of fourteen  
17 years.

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

20 “(4) The child is residing outside of the United  
21 States in the legal and physical custody of the cit-  
22 izen parent, is temporarily present in the United  
23 States pursuant to a lawful admission, and is main-  
24 taining such lawful status.

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

9       “(c) Subsections (a) and (b) shall apply to a child  
 10   adopted by a United States citizen parent if the child sat-  
 11   isfies the requirements applicable to adopted children  
 12   under 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 322 and inserting the following:

“Sec. 322. Children born and residing outside the United States; conditions for  
 acquiring certificate of citizenship.”.

16   **SEC. 103. CONFORMING AMENDMENT.**

17       (a) IN GENERAL.—Section 321 of the Immigration  
 18   and Nationality Act (8 U.S.C. 1432) is repealed.

19       (b) CLERICAL AMENDMENT.—The table of sections  
 20   of such Act is amended by striking the item relating to  
 21   section 321.

22   **SEC. 104. EFFECTIVE DATE.**

23       The amendments made by this title shall take effect  
 24   120 days after the date of the enactment of this Act and

1 shall apply to individuals who satisfy the requirements of  
2 section 320 or 322 of the Immigration and Nationality  
3 Act, as in effect on such effective date.

4 **TITLE II—PROTECTIONS FOR**  
5 **CERTAIN ALIENS VOTING**  
6 **BASED ON REASONABLE BE-**  
7 **LIEF OF CITIZENSHIP**

8 **SEC. 201. PROTECTIONS FROM FINDING OF BAD MORAL**  
9 **CHARACTER, REMOVAL FROM THE UNITED**  
10 **STATES, AND CRIMINAL PENALTIES.**

11 (a) PROTECTION FROM BEING CONSIDERED NOT OF  
12 GOOD MORAL CHARACTER.—

13 (1) IN GENERAL.—Section 101(f) of the Immi-  
14 gration and Nationality Act (8 U.S.C. 1101(f)) is  
15 amended by adding at the end the following:

16 “In the case of an alien who makes a false statement or  
17 claim of citizenship, or who registers to vote or votes in  
18 a Federal, State, or local election (including an initiative,  
19 recall, or referendum) in violation of a lawful restriction  
20 of such registration or voting to citizens, if each natural  
21 parent of the alien (or, in the case of an adopted alien,  
22 each adoptive parent of the alien) is or was a citizen  
23 (whether by birth or naturalization), the alien permanently  
24 resided in the United States prior to attaining the age of  
25 16, and the alien reasonably believed at the time of such



1 statement, claim, or violation that he or she was a citizen,  
2 no finding that the alien is, or was, not of good moral  
3 character may be made based on it.”.

4 (2) EFFECTIVE DATE.—The amendment made  
5 by paragraph (1) shall be effective as if included in  
6 the enactment of the Illegal Immigration Reform  
7 and Immigrant Responsibility Act of 1996 (Public  
8 Law 104–208; 110 Stat. 3009–546) and shall apply  
9 to individuals having an application for a benefit  
10 under the Immigration and Nationality Act pending  
11 on or after September 30, 1996.

12 (b) PROTECTION FROM BEING CONSIDERED INAD-  
13 MISSIBLE.—

14 (1) UNLAWFUL VOTING.—Section  
15 212(a)(10)(D) of the Immigration and Nationality  
16 Act (8 U.S.C. 1182(a)(10)(D)) is amended to read  
17 as follows:

18 “(D) UNLAWFUL VOTERS.—

19 “(i) IN GENERAL.—Any alien who has  
20 voted in violation of any Federal, State, or  
21 local constitutional provision, statute, ordi-  
22 nance, or regulation is inadmissible.

23 “(ii) EXCEPTION.—In the case of an  
24 alien who voted in a Federal, State, or  
25 local election (including an initiative, re-

1 call, or referendum) in violation of a lawful  
2 restriction of voting to citizens, if each nat-  
3 ural parent of the alien (or, in the case of  
4 an adopted alien, each adoptive parent of  
5 the alien) is or was a citizen (whether by  
6 birth or naturalization), the alien perma-  
7 nently resided in the United States prior to  
8 attaining the age of 16, and the alien rea-  
9 sonably believed at the time of such viola-  
10 tion that he or she was a citizen, the alien  
11 shall not be considered to be inadmissible  
12 under any provision of this subsection  
13 based on such violation.”.

14 (2) FALSELY CLAIMING CITIZENSHIP.—Section  
15 212(a)(6)(C)(ii) of the Immigration and Nationality  
16 Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended to read  
17 as follows:

18 “(ii) FALSELY CLAIMING CITIZEN-  
19 SHIP.—

20 “(I) IN GENERAL.—Any alien  
21 who falsely represents, or has falsely  
22 represented, himself or herself to be a  
23 citizen of the United States for any  
24 purpose or benefit under this Act (in-

cluding section 274A) or any other  
Federal or State law is inadmissible.

“(II) EXCEPTION.—In the case  
of an alien making a representation  
described in subclause (I), if each nat-  
ural parent of the alien (or, in the  
case of an adopted alien, each adop-  
tive parent of the alien) is or was a  
citizen (whether by birth or natu-  
ralization), the alien permanently re-  
sided in the United States prior to at-  
taining the age of 16, and the alien  
reasonably believed at the time of  
making such representation that he or  
she was a citizen, the alien shall not  
be considered to be inadmissible under  
any provision of this subsection based  
on such representation.”.

(3) EFFECTIVE DATES.—The amendment made  
by paragraph (1) shall be effective as if included in  
the enactment of section 347 of the Illegal Immigra-  
tion Reform and Immigrant Responsibility Act of  
1996 (Public Law 104–208; 110 Stat. 3009–638)  
and shall apply to voting occurring before, on, or  
after September 30, 1996. The amendment made by

1 paragraph (2) shall be effective as if included in the  
2 enactment of section 344 of the Illegal Immigration  
3 Reform and Immigrant Responsibility Act of 1996  
4 (Public Law 104–208; 110 Stat. 3009–637) and  
5 shall apply to representations made on or after Sep-  
6 tember 30, 1996. Such amendments shall apply to  
7 individuals in proceedings under the Immigration  
8 and Nationality Act on or after September 30, 1996.

9 (c) PROTECTION FROM BEING CONSIDERED DE-  
10 PORTABLE.—

11 (1) UNLAWFUL VOTING.—Section 237(a)(6) of  
12 the Immigration and Nationality Act (8 U.S.C.  
13 1227(a)(6)) is amended to read as follows:

14 “(6) UNLAWFUL VOTERS.—

15 “(A) IN GENERAL.—Any alien who has  
16 voted in violation of any Federal, State, or local  
17 constitutional provision, statute, ordinance, or  
18 regulation is deportable.

19 “(B) EXCEPTION.—In the case of an alien  
20 who voted in a Federal, State, or local election  
21 (including an initiative, recall, or referendum)  
22 in violation of a lawful restriction of voting to  
23 citizens, if each natural parent of the alien (or,  
24 in the case of an adopted alien, each adoptive  
25 parent of the alien) is or was a citizen (whether

1 by birth or naturalization), the alien perma-  
2 nently resided in the United States prior to at-  
3 taining the age of 16, and the alien reasonably  
4 believed at the time of such violation that he or  
5 she was a citizen, the alien shall not be consid-  
6 ered to be deportable under any provision of  
7 this subsection based on such violation.”.

8 (2) FALSELY CLAIMING CITIZENSHIP.—Section  
9 237(a)(3)(D) of the Immigration and Nationality  
10 Act (8 U.S.C. 1227(a)(3)(D)) is amended to read as  
11 follows:

12 “(D) FALSELY CLAIMING CITIZENSHIP.—

13 “(i) IN GENERAL.—Any alien who  
14 falsely represents, or has falsely rep-  
15 resented, himself to be a citizen of the  
16 United States for any purpose or benefit  
17 under this Act (including section 274A) or  
18 any Federal or State law is deportable.

19 “(ii) EXCEPTION.—In the case of an  
20 alien making a representation described in  
21 clause (i), if each natural parent of the  
22 alien (or, in the case of an adopted alien,  
23 each adoptive parent of the alien) is or was  
24 a citizen (whether by birth or naturaliza-  
25 tion), the alien permanently resided in the

1 United States prior to attaining the age of  
2 16, and the alien reasonably believed at the  
3 time of making such representation that he  
4 or she was a citizen, the alien shall not be  
5 considered to be deportable under any pro-  
6 vision of this subsection based on such rep-  
7 resentation.”.

8 (3) EFFECTIVE DATES.—The amendment made  
9 by paragraph (1) shall be effective as if included in  
10 the enactment of section 347 of the Illegal Immigra-  
11 tion Reform and Immigrant Responsibility Act of  
12 1996 (Public Law 104–208; 110 Stat. 3009–638)  
13 and shall apply to voting occurring before, on, or  
14 after September 30, 1996. The amendment made by  
15 paragraph (2) shall be effective as if included in the  
16 enactment of section 344 of the Illegal Immigration  
17 Reform and Immigrant Responsibility Act of 1996  
18 (Public Law 104–208; 110 Stat. 3009–637) and  
19 shall apply to representations made on or after Sep-  
20 tember 30, 1996. Such amendments shall apply to  
21 individuals in proceedings under the Immigration  
22 and Nationality Act on or after September 30, 1996.

23 (d) PROTECTION FROM CRIMINAL PENALTIES.—

24 (1) CRIMINAL PENALTY FOR VOTING BY ALIENS  
25 IN FEDERAL ELECTION.—Section 611 of title 18,

1 United States Code, is amended by adding at the  
2 end the following:

3 “(c) Subsection (a) does not apply to an alien if—

4 “(1) each natural parent of the alien (or, in the  
5 case of an adopted alien, each adoptive parent of the  
6 alien) is or was a citizen (whether by birth or natu-  
7 ralization);

8 “(2) the alien permanently resided in the  
9 United States prior to attaining the age of 16; and

10 “(3) the alien reasonably believed at the time of  
11 voting in violation of such subsection that he or she  
12 was a citizen of the United States.”.

13 (2) CRIMINAL PENALTY FOR FALSE CLAIM TO  
14 CITIZENSHIP.—Section 1015 of title 18, United  
15 States Code, is amended by adding at the end the  
16 following:

17 “Subsection (f) does not apply to an alien if each natural  
18 parent of the alien (or, in the case of an adopted alien,  
19 each adoptive parent of the alien) is or was a citizen  
20 (whether by birth or naturalization), the alien permanently  
21 resided in the United States prior to attaining the age of  
22 16, and the alien reasonably believed at the time of mak-  
23 ing the false statement or claim that he or she was a cit-  
24 izen of the United States.”.

1           (3) EFFECTIVE DATES.—The amendment made  
2       by paragraph (1) shall be effective as if included in  
3       the enactment of section 216 of the Illegal Immigra-  
4       tion Reform and Immigrant Responsibility Act of  
5       1996 (Public Law 104–208; 110 Stat. 3009–572).  
6       The amendment made by paragraph (2) shall be ef-  
7       fective as if included in the enactment of section 215  
8       of the Illegal Immigration Reform and Immigrant  
9       Responsibility Act of 1996 (Public Law 104–208;  
10      110 Stat. 3009–572). The amendments made by  
11      paragraphs (1) and (2) shall apply to an alien pros-  
12      ecuted on or after September 30, 1996, except in the  
13      case of an alien whose criminal proceeding (includ-  
14      ing judicial review thereof) has been finally con-  
15      cluded before the date of the enactment of this Act.

Passed the House of Representatives September 19,  
2000.

Attest:

*Clerk.*