

106TH CONGRESS
2^D SESSION

H. R. 2883

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2000

Received

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-

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

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

19 (3) EFFECTIVE DATES.—The amendment made
20 by paragraph (1) shall be effective as if included in
21 the enactment of section 347 of the Illegal Immigra-
22 tion Reform and Immigrant Responsibility Act of
23 1996 (Public Law 104–208; 110 Stat. 3009–638)
24 and shall apply to voting occurring before, on, or
25 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:

JEFF TRANDAHL,

Clerk.