

106TH CONGRESS
1ST SESSION

S. 1753

To amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 1999

Mr. HATCH (for himself, Mr. ABRAHAM, Mr. LEAHY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

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. PROVIDING THAT AN ADOPTED ALIEN WHO IS**
2 **LESS THAN 18 YEARS OF AGE MAY BE CON-**
3 **SIDERED A CHILD UNDER THE IMMIGRATION**
4 **AND NATIONALITY ACT IF ADOPTED WITH OR**
5 **AFTER A SIBLING WHO IS A CHILD UNDER**
6 **SUCH ACT.**

7 (a) IN GENERAL.—Section 101(b)(1) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1101(b)(1)) is
9 amended—

10 (1) in subparagraph (E)—

11 (A) by inserting “(i)” after “(E)”; and

12 (B) by adding at the end the following:

13 “(ii) subject to the same proviso as in clause
14 (i), a child who (I) is a natural sibling of a child de-
15 scribed in clause (i) or subparagraph (F)(i); (II) was
16 adopted by the adoptive parent or parents of the sib-
17 ling described in such clause or subparagraph; and
18 (III) is otherwise described in clause (i), except that
19 the child was adopted while under the age of eight-
20 een years; or”; and

21 (2) in subparagraph (F)—

22 (A) by inserting “(i) after “(F)”; and

23 (B) by striking the period at the end and
24 inserting “; or”; and

25 (C) by adding at the end the following:

1 “(ii) subject to the same provisos as in clause
2 (i), a child who (I) is a natural sibling of a child de-
3 scribed in clause (i) or subparagraph (E)(i); (II) has
4 been adopted abroad, or is coming to the United
5 States for adoption, by the adoptive parent (or pro-
6 spective adoptive parent) or parents of the sibling
7 described in such clause or subparagraph; and (III)
8 is otherwise described in clause (i), except that the
9 child is under the age of eighteen at the time a peti-
10 tion is filed in his or her behalf to accord a classi-
11 fication as an immediate relative under section
12 201(b).”.

13 (b) CONFORMING AMENDMENTS RELATING TO NAT-
14 URALIZATION.—

15 (1) DEFINITION OF CHILD.—Section 101(c)(1)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1101(c)) is amended by striking “sixteen years,”
18 and inserting “sixteen years (except to the extent
19 that the child is described in subparagraph (E)(ii) or
20 (F)(ii) of subsection (b)(1)),”.

21 (2) CERTIFICATE OF CITIZENSHIP.—Section
22 322(a)(4) of the Immigration and Nationality Act (8
23 U.S.C. 1433(a)(4)) is amended—

24 (A) by striking “16 years” and inserting
25 “16 years (except to the extent that the child

1 is described in clause (ii) of subparagraph (E)
2 or (F) of section 101(b)(1)”; and

3 (B) by striking “subparagraph (E) or (F)
4 of section 101(b)(1).” and inserting “either of
5 such subparagraphs.”.

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