

Union Calendar No. 28

107TH CONGRESS
1ST SESSION

H. R. 1209

[Report No. 107-45]

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2001

Mr. GEKAS (for himself and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 20, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, 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 Status Protec-
3 tion Act of 2001”.

4 **SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT’S**
5 **NATURALIZATION DATE, OR MARRIAGE TER-**
6 **MINATION DATE, IN DETERMINING STATUS**
7 **AS A CHILD OF A CITIZEN.**

8 (a) IN GENERAL.—Section 201(b)(2)(A) of the Im-
9 migration and Nationality Act (8 U.S.C. 1151(b)(2)(A))
10 is amended by adding at the end the following:

11 “(iii)(I) For purposes of clause (i), a determina-
12 tion of whether an unmarried alien is a child (as de-
13 fined in section 101(b)(1) in the matter preceding
14 subparagraph (A) of such section) of a citizen of the
15 United States shall be made using the age of the
16 alien on the date on which the petition is filed with
17 the Attorney General under section 204 to classify
18 the alien as an immediate relative under clause (i).

19 “(II) In the case of a petition under section 204
20 initially filed for an alien child’s classification as a
21 family-sponsored immigrant under section
22 203(a)(2)(A), based on the child’s parent being law-
23 fully admitted for permanent residence, if the peti-
24 tion is later converted, due to the naturalization of
25 the parent, to a petition to classify the alien as an
26 immediate relative under clause (i), the determina-

1 tion described in subclause (I) shall be made using
2 the age of the alien on the date of the parent’s natu-
3 ralization.

4 “(III) In the case of a petition under section
5 204 initially filed for an alien’s classification as a
6 family-sponsored immigrant under section 203(a)(3),
7 based on the alien’s being a married son or daughter
8 of a citizen, if the petition is later converted, due to
9 the legal termination of the alien’s marriage, to a
10 petition to classify the alien as an immediate relative
11 under clause (i), the determination described in sub-
12 clause (I) shall be made using the age of the alien
13 on the date of the termination of the marriage.”.

14 (b) APPLICABILITY.—The amendment made by sub-
15 section (a) shall apply to determinations made under sec-
16 tion 201(b)(2)(A)(i) of the Immigration and Nationality
17 Act, and classification petitions filed under section 204 of
18 such Act, before, on, or after the date of the enactment
19 of this Act.

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