

115TH CONGRESS
2D SESSION

H. R. 5233

To provide for automatic acquisition of United States citizenship for certain internationally adopted individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2018

Mr. SMITH of Washington (for himself, Mr. SMITH of New Jersey, Mrs. MIMI WALTERS of California, Mr. MACARTHUR, Ms. JUDY CHU of California, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for automatic acquisition of United States citizenship for certain internationally adopted individuals, 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 “Adoptee Citizenship
5 Act of 2018”.

6 **SEC. 2. UNITED STATES CITIZENSHIP FOR CERTAIN INTER-**
7 **NATIONALLY ADOPTED INDIVIDUALS.**

8 Section 320(b) of the Immigration and Nationality
9 Act (8 U.S.C. 1431(b)) is amended to read as follows:

1 “(b) ADOPTED CHILDREN OF CITIZEN PARENT.—

2 “(1) IN GENERAL.—Subsection (a) shall apply
3 to a child adopted by a United States citizen parent
4 if the child satisfies the requirements applicable to
5 adopted children under subparagraph (E), (F), or
6 (G) of section 101(b)(1).

7 “(2) LIMITED APPLICATION TO CERTAIN
8 ADOPTED INDIVIDUALS RESIDING IN THE UNITED
9 STATES.—Notwithstanding section 318, an indi-
10 vidual born outside of the United States who was
11 adopted by a United States citizen parent shall auto-
12 matically become a citizen of the United States when
13 all of the following conditions have been fulfilled:

14 “(A) The individual was adopted by a
15 United States citizen before the individual
16 reached 18 years of age.

17 “(B) The individual was physically present
18 in the United States in the legal custody of the
19 citizen parent pursuant to a lawful admission
20 before the individual reached 18 years of age.

21 “(C) The individual never acquired United
22 States citizenship before the date of the enact-
23 ment of the Adoptee Citizenship Act of 2018.

24 “(D) The individual was residing in the
25 United States on the date of the enactment of

1 the Adoptee Citizenship Act of 2018 pursuant
2 to a lawful admission.

3 “(3) LIMITED APPLICATION TO CERTAIN
4 ADOPTED INDIVIDUALS RESIDING OUTSIDE OF THE
5 UNITED STATES.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graphs (B) through (D), an individual who
8 meets all of the criteria described in subpara-
9 graphs (A) through (C) of paragraph (2) shall
10 automatically become a citizen of the United
11 States on the date on which the individual is
12 physically present in the United States pursu-
13 ant to a lawful admission.

14 “(B) INAPPLICABILITY OF GROUNDS OF
15 INADMISSIBILITY.—The grounds of inadmis-
16 sibility set forth in section 212(a) shall not
17 apply to an individual described in subpara-
18 graph (A) who is seeking admission to the
19 United States.

20 “(C) CRIMINAL BACKGROUND CHECK.—An
21 individual described in subparagraph (A) may
22 not be issued a visa unless—

23 “(i) the individual was subjected to a
24 criminal background check; and

1 “(ii) if the background check con-
2 ducted pursuant to clause (i) reveals that
3 the individual has committed a crime that
4 was not properly resolved, the Secretary of
5 Homeland Security and the Secretary of
6 State coordinated with relevant law en-
7 forcement agencies to ensure that appro-
8 priate action is taken to resolve such crimi-
9 nal activity.

10 “(D) DEPORTABLE OFFENSES.—An indi-
11 vidual described in subparagraph (A) may not
12 be granted automatic citizenship under this
13 paragraph if the individual—

14 “(i) has been found guilty of a deport-
15 able offense that has as an element the
16 use, attempted use, or threatened use of
17 physical force against another person; and

18 “(ii) was deported.”.

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