

[106th Congress Public Law 395]
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[DOCID: f:publ395.106]

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Public Law 106-395
106th Congress

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. <<NOTE: Oct. 30, 2000 - [H.R. 2883]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Child Citizenship Act of 2000.>>

SECTION 1. SHORT TITLE. <<NOTE: 8 USC 1101 note.>>

This Act may be cited as the ``Child Citizenship Act of 2000''.

TITLE I--CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES

SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CERTAIN CHILDREN BORN
OUTSIDE THE UNITED STATES.

(a) In General.--Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

``children born outside the united states and residing permanently in the united states; conditions under which citizenship automatically acquired

``Sec. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

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

``(2) The child is under the age of eighteen years.

``(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

``(b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).''.

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(b) Clerical Amendment.--The table of sections of such Act is amended by striking the item relating to 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 automatically acquired.''.

SEC. 102. ACQUISITION OF CERTIFICATE OF CITIZENSHIP FOR CERTAIN CHILDREN
BORN OUTSIDE THE UNITED STATES.

(a) In General.--Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

``children born and residing outside the united states; conditions for
acquiring certificate of citizenship

``Sec. 322. (a) A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320.

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

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

``(2) The United States citizen parent--

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

or

``(B) has a citizen parent who has been physically present in the United States or its outlying possessions
for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

``(3) The child is under the age of eighteen years.

``(4) The child is residing outside of the United States
in

the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

``(b) Upon approval of the application (which may be filed from abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the

United States and shall be furnished by the Attorney General with a certificate of citizenship.

``(c) Subsections (a) and (b) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).''.

(b) Clerical Amendment.--The table of sections of such Act is amended by striking the item relating to section 322 and inserting the following:

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

SEC. 103. CONFORMING AMENDMENT.

(a) In General.--Section 321 of the Immigration and Nationality Act (8 U.S.C. 1432) is repealed.

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(b) Clerical Amendment.--The table of sections of such Act is amended by striking the item relating to section 321.

SEC. 104. EFFECTIVE DATE. <<NOTE: Applicability.>>

The <<NOTE: 8 USC 1431 note.>> amendments made by this title shall take effect 120 days after the date of the enactment of this Act and shall apply to individuals who satisfy the requirements of section 320 or 322 of the Immigration and Nationality Act, as in effect on such effective date.

TITLE II--PROTECTIONS FOR CERTAIN ALIENS VOTING BASED ON REASONABLE BELIEF OF CITIZENSHIP

SEC. 201. PROTECTIONS FROM FINDING OF BAD MORAL CHARACTER, REMOVAL FROM

THE UNITED STATES, AND CRIMINAL PENALTIES.

(a) Protection From Being Considered Not of Good Moral Character.--

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(1) In general.--Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by adding at the

end the following:

``In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.''.

(2) <<NOTE: Applicability. 8 USC 1101 note.>> Effective date.--The amendment made by paragraph (1) shall be effective as

if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act pending on or after September 30, 1996.

(b) Protection From Being Considered Inadmissible.--

(1) Unlawful voting.--Section 212(a)(10)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(D)) is amended to read as follows:

((D) Unlawful voters.--

((i) In general.--Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is inadmissible. who ((ii) Exception.--In the case of an alien voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen

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(whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation 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 violation.''.

(2) Falsely claiming citizenship.--Section 212(a)(6)(C)(ii)

of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended to read as follows:

((ii) Falsely claiming citizenship.--

((I) In general.--Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible. an ((II) Exception.--In the case of alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an

adopted alien, each adoptive parent of
the alien) is or was a citizen
(whether
by birth or naturalization), the alien
States permanently resided in the United
prior to attaining the age of 16, and
that the alien reasonably believed at the
time of making such representation
shall he or she was a citizen, the alien
not be considered to be inadmissible
under any provision of this subsection
based on such representation.''.
Nationality

(3) <<NOTE: 8 USC 1182 note.>> Effective dates.--The
amendment made by paragraph (1) shall be effective as if
included in the enactment of section 347 of the Illegal
Immigration 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 paragraph (2) shall be effective as if
included in the enactment of section 344 of the Illegal
Immigration Reform and Immigrant Responsibility Act of 1996
(Public Law 104-208; 110 Stat. 3009-637) and shall apply to
representations made on or after September 30,
1996. <<NOTE: Applicability.>> Such amendments shall apply to
individuals in proceedings under the Immigration and
Nationality Act on or after September 30, 1996.

(c) Protection From Being Considered Deportable.--

(1) Unlawful voting.--Section 237(a)(6) of the Immigration
and Nationality Act (8 U.S.C. 1227(a)(6)) is amended to read
as

follows:

``(6) Unlawful voters.--

``(A) In general.--Any alien who has voted in
violation of any Federal, State, or local
constitutional
provision, statute, ordinance, or regulation is
deportable.

``(B) Exception.--In the case of an alien who
voted

in a Federal, State, or local election (including an
initiative, recall, or referendum) in violation of a
lawful restriction of voting to citizens, if each
natural parent of the alien (or, in the case of an
adopted alien, each adoptive parent of the alien) is

or
was a citizen (whether by birth or naturalization),
the
alien permanently resided in the

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United States prior to attaining the age of 16, and
the
alien reasonably believed at the time of such
violation
that he or she was a citizen, the alien shall not be

considered to be deportable under any provision of
this subsection based on such violation.''.
(2) Falsely claiming citizenship.--Section 237(a)(3)(D) of
the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(D))
is amended to read as follows:
``(D) Falsely claiming citizenship.--
``(i) In general.--Any alien who falsely
represents, or has falsely represented, himself
to be a citizen of the United States for any
purpose or benefit under this Act (including section
274A) or any Federal or State law is deportable.
``(ii) Exception.--In the case of an alien
making a representation described in clause (i),
if each natural parent of the alien (or, in the
case of an adopted alien, each adoptive parent
of the alien) is or was a citizen (whether by birth
or naturalization), the alien permanently
resided in the United States prior to attaining 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
deportable under any provision of this
subsection based on such representation.''.
(3) <<NOTE: 8 USC 1227 note.>> Effective dates.--The
amendment made by paragraph (1) shall be effective as if
included in the enactment of section 347 of the Illegal
Immigration 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 paragraph (2) shall be effective as if
included in the enactment of section 344 of the Illegal
Immigration Reform and Immigrant Responsibility Act of 1996
(Public Law 104-208; 110 Stat. 3009-637) and shall apply to
representations made on or after September 30,
1996. <<NOTE: Applicability.>> Such amendments shall apply to
individuals in proceedings under the Immigration and
Nationality Act on or after September 30, 1996.

(d) Protection From Criminal Penalties.--

(1) Criminal penalty for voting by aliens in federal
election.--Section 611 of title 18, United States Code, is
amended by adding at the end the following:

``(c) Subsection (a) does not apply to an alien if--
``(1) each natural parent of the alien (or, in the case of
an adopted alien, each adoptive parent of the alien) is or was
a citizen (whether by birth or naturalization);
``(2) the alien permanently resided in the United States

prior to attaining the age of 16; and
in ` `(3) the alien reasonably believed at the time of voting
the violation of such subsection that he or she was a citizen of
 United States.'`.

(2) Criminal penalty for false claim to citizenship.--
Section 1015 of title 18, United States Code, is amended by
adding at the end the following:

` `Subsection (f) does not apply to an alien if each natural parent of
the alien (or, in the case of an adopted alien, each adoptive

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parent of the alien) is or was a citizen (whether by birth or
naturalization), the alien permanently resided in the United States
prior to attaining the age of 16, and the alien reasonably believed at
the time of making the false statement or claim that he or she was a
citizen of the United States.'`.

(3) <<NOTE: 18 USC 611 note.>> Effective dates.--The
amendment made by paragraph (1) shall be effective as if
included in the enactment of section 216 of the Illegal
Immigration Reform and Immigrant Responsibility Act of 1996
(Public Law 104-208; 110 Stat. 3009-572). The amendment made
by
enactment paragraph (2) shall be effective as if included in the
3009- enactment
 of section 215 of the Illegal Immigration Reform and Immigrant
 Responsibility Act of 1996 (Public Law 104-208; 110 Stat.
572). <<NOTE: Applicability.>> The amendments made by
paragraphs
 (1) and (2) shall apply to an alien prosecuted on or after
 September 30, 1996, except in the case of an alien whose
 criminal proceeding (including judicial review thereof) has
been
 finally concluded before the date of the enactment of this
Act.

Approved October 30, 2000.

LEGISLATIVE HISTORY--H.R. 2883:

HOUSE REPORTS: No. 106-852 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 12, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 30, Presidential statement.

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Source: <http://www.gpo.gov/fdsys/pkg/PLAW-106publ395/html/PLAW-106publ395.htm>