

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 783

To amend title III of the Immigration and Nationality Act to make changes  
in the laws relating to nationality and naturalization.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. MAZZOLI introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend title III of the Immigration and Nationality Act  
to make changes in the laws relating to nationality and  
naturalization.

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 “Nationality and Natu-  
5       ralization Amendments of 1993”.

6       **SEC. 2. EQUAL TREATMENT OF WOMEN IN CONFERRING**  
7               **CITIZENSHIP FOR CHILDREN BORN ABROAD.**

8       (a) IN GENERAL.—Section 301 of the Immigration  
9       and Nationality Act (8 U.S.C. 1401) is amended—

1 (1) by striking the period at the end of para-  
2 graph (g) and inserting “; and”, and

3 (2) by adding at the end the following new  
4 paragraph:

5 “(h) a person born before noon (Eastern Stand-  
6 ard Time) May 24, 1934, outside the limits and ju-  
7 risdiction of the United States of an alien father and  
8 a mother who is a citizen of the United States who,  
9 prior to the birth of such person, had resided in the  
10 United States.”.

11 (b) WAIVER OF RETENTION REQUIREMENTS.—Any  
12 provision of law (including section 301(b) of the Immigra-  
13 tion and Nationality Act (as in effect before October 10,  
14 1978), and the provisos of section 201(g) of the National-  
15 ity Act of 1940) that provided for a person’s loss of citi-  
16 zenship or nationality if the person failed to come to, or  
17 reside or be physically present in, the United States shall  
18 not apply in the case of a person claiming United States  
19 citizenship based on such person’s descent from an indi-  
20 vidual described in section 301(h) of the Immigration and  
21 Nationality Act (as added by subsection (a)).

22 (c) RETROACTIVE APPLICATION.—The immigration  
23 and nationality laws of the United States shall be applied  
24 (to persons born before, on, or after the date of the enact-  
25 ment of this Act) as though such amendment and such

1 subsection had been in effect as of the date of their birth.  
2 However, the retroactive application of the amendment  
3 and provision shall not affect the validity of citizenship  
4 of anyone who has obtained citizenship under section 1993  
5 of the Revised Statutes (as in effect before the enactment  
6 of the Act of May 24, 1934, 48 Stat. 797).

7 **SEC. 3. EXPANDING WAIVER OF THE GOVERNMENT KNOWL-**  
8 **EDGE, UNITED STATES HISTORY, AND ENG-**  
9 **LISH LANGUAGE REQUIREMENTS FOR NATU-**  
10 **RALIZATION.**

11 (a) IN GENERAL.—Section 312 of the Immigration  
12 and Nationality Act (8 U.S.C. 1423) is amended—

13 (1) by inserting “(a)” after “312.”,

14 (2) by striking “this requirement” and all that  
15 follows through “That” the second place it appears,

16 (3) by striking “this section” and inserting  
17 “this paragraph”, and

18 (4) by adding at the end the following new sub-  
19 section:

20 “(b)(1) The requirements of subsection (a) shall not  
21 apply to any person who is unable because of physical or  
22 developmental disability or mental impairment to comply  
23 therewith.

24 “(2) The requirement of subsection (a)(1) shall not  
25 apply to any person who, on the date of the filing of the

1 person's application for naturalization as provided in sec-  
2 tion 334, either—

3           “(A) is over fifty years of age and has been liv-  
4           ing in the United States for periods totalling at least  
5           twenty years subsequent to a lawful admission for  
6           permanent residence, or

7           “(B) is over fifty-five years of age and has been  
8           living in the United States for periods totaling at  
9           least fifteen years subsequent to a lawful admission  
10          for permanent residence.

11          “(3) The requirement of subsection (a)(2) shall not  
12          apply to any person who, on the date of the filing of the  
13          person's application for naturalization as provided in sec-  
14          tion 334, is over sixty-five years of age and has been living  
15          in the United States for periods totaling at least twenty  
16          years subsequent to a lawful admission for permanent res-  
17          idence.”.

18          (b) CONFORMING AMENDMENTS.—Section  
19          245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is  
20          amended by striking “312” each place it appears and in-  
21          serting “312(a)”.

22          (c) EFFECTIVE DATE.—The amendments made by  
23          subsection (a) shall take effect on the date of the enact-  
24          ment of this Act and shall apply to applications for natu-

1 ralization filed on or after such date and to such applica-  
2 tions pending on such date.

3 **SEC. 4. NATURALIZATION OF CHILDREN ON APPLICATION**  
4 **OF CITIZEN PARENT.**

5 (a) IN GENERAL.—Section 322 of the Immigration  
6 and Nationality Act (8 U.S.C. 1433) is amended to read  
7 as follows:

8 “CHILD BORN OUTSIDE THE UNITED STATES; APPLICA-  
9 TION FOR CERTIFICATE OF CITIZENSHIP REQUIRE-  
10 MENTS

11 “SEC. 322. (a) A parent who is a citizen of the Unit-  
12 ed States may apply to the Attorney General for a certifi-  
13 cate of citizenship on behalf of a child born outside the  
14 United States. The Attorney General shall issue such a  
15 certificate of citizenship upon proof to the satisfaction of  
16 the Attorney General that the following conditions have  
17 been fulfilled:

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

20 “(2) The child is physically present in the Unit-  
21 ed States pursuant to a lawful admission.

22 “(3) The child is under the age of 18 years and  
23 in the legal custody of the citizen parent.

24 “(4) If the parent is an adoptive parent of the  
25 child, the child was adopted by the parent before the  
26 child reached the age of 16 years.

1           “(5) If the citizen parent has not been phys-  
2           ically present in the United States or its outlying  
3           possessions for a period or periods totalling not less  
4           than five years, at least two of which were after at-  
5           taining the age of fourteen years—

6                   “(A) the child is residing permanently in  
7           the United States with the citizen parent, pur-  
8           suant to a lawful admission for permanent resi-  
9           dence, or

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

16           “(b) Upon approval of the application and, except as  
17           provided in the last sentence of section 337(a), upon tak-  
18           ing and subscribing before an officer of the Service within  
19           the United States to the oath of allegiance required by  
20           this Act of an applicant for naturalization, the child shall  
21           become a citizen of the United States and shall be fur-  
22           nished by the Attorney General with a certificate of citi-  
23           zenship.

24           “(c) Subsection (a) of this section shall apply to the  
25           adopted child of a United States citizen adoptive parent

1 if the conditions specified in such subsection have been  
2 fulfilled.”.

3 (b) CONFORMING AMENDMENT.—Subsection (c) of  
4 section 341 of such Act (8 U.S.C. 1452) is repealed.

5 (c) CLERICAL AMENDMENT.—The item in the table  
6 of contents of such Act relating to section 322 is amended  
7 to read as follows:

“Sec. 322. Child born outside the United States; application for certificate of  
citizenship requirements.”.

8 (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on the first day of the first  
10 month beginning more than one hundred twenty days  
11 after the date of the enactment of this Act.

12 **SEC. 5. FORMER CITIZENS OF UNITED STATES REGAINING**  
13 **UNITED STATES CITIZENSHIP.**

14 (a) IN GENERAL.—Section 324 of the Immigration  
15 and Nationality Act (8 U.S.C. 1435) is amended by add-  
16 ing at the end the following new subsection:

17 “(d)(1) A person who was a citizen of the United  
18 States at birth and lost such citizenship for failure to meet  
19 the physical presence retention requirements under section  
20 301(b) (as in effect before October 10, 1978), shall, from  
21 and after taking the oath of allegiance required by section  
22 337 be a citizen of the United States and have the status  
23 of a citizen of the United States by birth, without filing  
24 an application for naturalization, and notwithstanding any

1 of the other provisions of this title except the provisions  
2 of section 313. Nothing in this subsection or any other  
3 provision of law shall be construed as conferring United  
4 States citizenship retroactively upon such person during  
5 any period in which such person was not a citizen.

6 “(2) The provisions of paragraphs (2) and (3) of sub-  
7 section (c) shall apply to a person regaining citizenship  
8 under paragraph (1) in the same manner as they apply  
9 under subsection (c)(1).”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall take effect on the first day of the first  
12 month beginning more than one hundred twenty days  
13 after the date of the enactment of this Act.

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