

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

# H. R. 783

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Received

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## AN ACT

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”.

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

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

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

7 (2) by adding at the end the following new  
8 paragraph:

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

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

1 (c) RETROACTIVE APPLICATION.—The immigration  
2 and nationality laws of the United States shall be applied  
3 (to persons born before, on, or after the date of the enact-  
4 ment of this Act) as though such amendment and such  
5 subsection had been in effect as of the date of their birth.  
6 However, the retroactive application of the amendment  
7 and provision shall not affect the validity of citizenship  
8 of anyone who has obtained citizenship under section 1993  
9 of the Revised Statutes (as in effect before the enactment  
10 of the Act of May 24, 1934, 48 Stat. 797).

11 **SEC. 3. EXPANDING WAIVER OF THE GOVERNMENT KNOWL-**  
12 **EDGE, UNITED STATES HISTORY, AND ENG-**  
13 **LISH LANGUAGE REQUIREMENTS FOR NATU-**  
14 **RALIZATION.**

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

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

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

20 (3) by striking “this section” and inserting  
21 “this paragraph”, and

22 (4) by adding at the end the following new sub-  
23 section:

24 “(b)(1) The requirements of subsection (a) shall not  
25 apply to any person who is unable because of physical or

1 developmental disability or mental impairment to comply  
2 therewith.

3 “(2) The requirement of subsection (a)(1) shall not  
4 apply to any person who, on the date of the filing of the  
5 person’s application for naturalization as provided in sec-  
6 tion 334, either—

7 “(A) is over fifty years of age and has been liv-  
8 ing in the United States for periods totaling at least  
9 twenty years subsequent to a lawful admission for  
10 permanent residence, or

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

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

22 (b) CONFORMING AMENDMENTS.—Section  
23 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is  
24 amended by striking “312” each place it appears and in-  
25 serting “312(a)”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act and shall apply to applications for natu-  
4 ralization filed on or after such date and to such applica-  
5 tions pending on such date.

6 **SEC. 4. NATURALIZATION OF CHILDREN ON APPLICATION**  
7 **OF CITIZEN PARENT.**

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

11 “CHILD BORN OUTSIDE THE UNITED STATES; APPLICA-  
12 TION FOR CERTIFICATE OF CITIZENSHIP REQUIRE-  
13 MENTS

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

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

23 “(2) The child is physically present in the  
24 United States pursuant to a lawful admission.

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

1           “(4) If the citizen parent is an adoptive parent  
2 of the child, the child was adopted by the parent be-  
3 fore the child reached the age of 16 years and the  
4 child meets the requirements for being a child under  
5 subparagraph (E) or (F) of section 101(b)(1).

6           “(5) If the citizen parent has not been phys-  
7 ically present in the United States or its outlying  
8 possessions for a period or periods totaling not less  
9 than five years, at least two of which were after at-  
10 taining the age of fourteen years—

11           “(A) the child is residing permanently in  
12 the United States with the citizen parent, pur-  
13 suant to a lawful admission for permanent resi-  
14 dence, or

15           “(B) a citizen parent of the citizen parent  
16 has been physically present in the United States  
17 or its outlying possessions for a period or peri-  
18 ods totaling not less than five years, at least  
19 two of which were after attaining the age of  
20 fourteen years.

21           “(b) Upon approval of the application (which may be  
22 filed abroad) and, except as provided in the last sentence  
23 of section 337(a), upon taking and subscribing before an  
24 officer of the Service within the United States to the oath  
25 of allegiance required by this Act of an applicant for natu-

1 ralization, the child shall become a citizen of the United  
2 States and shall be furnished by the Attorney General with  
3 a certificate of citizenship.

4 “(c) Subsection (a) of this section shall apply to the  
5 adopted child of a United States citizen adoptive parent  
6 if the conditions specified in such subsection have been  
7 fulfilled.”.

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

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

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

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

17 **SEC. 5. FORMER CITIZENS OF UNITED STATES REGAINING**  
18 **UNITED STATES CITIZENSHIP.**

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

22 “(d)(1) A person who was a citizen of the United  
23 States at birth and lost such citizenship for failure to meet  
24 the physical presence retention requirements under section

1 301(b) (as in effect before October 10, 1978), shall, from  
2 and after taking the oath of allegiance required by section  
3 337 be a citizen of the United States and have the status  
4 of a citizen of the United States by birth, without filing  
5 an application for naturalization, and notwithstanding any  
6 of the other provisions of this title except the provisions  
7 of section 313. Nothing in this subsection or any other  
8 provision of law shall be construed as conferring United  
9 States citizenship retroactively upon such person during  
10 any period in which such person was not a citizen.

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

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

19 **SEC. 6. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED**  
20 **ALIENS.**

21 Not later than June 30, 1996, the Commissioner of  
22 the Immigration and Naturalization Service shall prepare  
23 and submit to the Congress a report concerning the citi-  
24 zenship status of aliens legalized under section 245A and  
25 section 210 of the Immigration and Nationality Act. Such

