

Union Calendar No. 213

103D CONGRESS
1ST SESSION

H. R. 783

[Report No. 103-387]

A BILL

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

NOVEMBER 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 213103^D CONGRESS
1ST SESSION**H. R. 783****[Report No. 103-387]**

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

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

NOVEMBER 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 3, 1993]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Nationality and Natu-*
3 *ralization Amendments of 1993”.*

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

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

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

10 (2) *by adding at the end the following new para-*
11 *graph:*

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

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

1 *in section 301(h) of the Immigration and Nationality Act*
2 *(as added by subsection (a)).*

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

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

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

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

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

22 (3) *by striking “this section” and inserting “this*
23 *paragraph”, and*

24 (4) *by adding at the end the following new sub-*
25 *section:*

1 “(b)(1) *The requirements of subsection (a) shall not*
2 *apply to any person who is unable because of physical or*
3 *developmental disability or mental impairment to comply*
4 *therewith.*

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

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

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

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

24 (b) CONFORMING AMENDMENTS.—Section
25 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is

1 amended by striking “312” each place it appears and in-
2 serting “312(a)”.

3 (c) *EFFECTIVE DATE.*—The amendments made by sub-
4 section (a) shall take effect on the date of the enactment
5 of this Act and shall apply to applications for naturaliza-
6 tion filed on or after such date and to such applications
7 pending on such date.

8 **SEC. 4. NATURALIZATION OF CHILDREN ON APPLICATION**
9 **OF CITIZEN PARENT.**

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

13 “CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION
14 FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

15 “SEC. 322. (a) A parent who is a citizen of the United
16 States may apply to the Attorney General for a certificate
17 of citizenship on behalf of a child born outside the United
18 States. The Attorney General shall issue such a certificate
19 of citizenship upon proof to the satisfaction of the Attorney
20 General that the following conditions have 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 physically
7 present in the United States or its outlying posses-
8 sions for a period or periods totaling not less than
9 five years, at least two of which were after attaining
10 the age of fourteen years—

11 “(A) the child is residing permanently in
12 the United States with the citizen parent, pursu-
13 ant 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 periods
18 totaling not less than five years, at least two of
19 which were after attaining the age of fourteen
20 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 ful-*
7 *filled.”.*

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

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

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

13 *(d) EFFECTIVE DATE.—The amendments made by this*
14 *section shall take effect on the first day of the first month*
15 *beginning more than one hundred twenty days after the*
16 *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 adding*
21 *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
6 any of the other provisions of this title except the provisions
7 of section 313. Nothing in this subsection or any other pro-
8 vision of law shall be construed as conferring United States
9 citizenship retroactively upon such person during any pe-
10 riod 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 sub-
16 section (a) shall take effect on the first day of the first
17 month beginning more than one hundred twenty days after
18 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 the
22 Immigration and Naturalization Service shall prepare and
23 submit to the Congress a report concerning the citizenship
24 status of aliens legalized under section 245A and section
25 210 of the Immigration and Nationality Act. Such report

1 *shall include the following information by district office for*
2 *each national origin group:*

3 (1) *The number of applications for citizenship*
4 *filed.*

5 (2) *The number of applications approved.*

6 (3) *The number of applications denied.*

7 (4) *The number of applications pending.*