

Mary L. Landrieu

*MC
547p
6-11-13*

AMENDMENT NO. _____ Calendar No. _____

Purpose: To apply the amendments made by the Child Citizenship Act of 2000 retroactively to all individuals adopted by a citizen of the United States in an international adoption and to repeal the pre-adoption parental visitation requirement for automatic citizenship and to amend section 320 of the Immigration and Nationality Act relating to automatic citizenship for children born outside of the United States who have a United States citizen parent.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

AMENDMENT N^o		1222	form and for
By	<u>LANDRIEU</u>		_____ and
To:	<u>S. 744</u>		_____
	<u>3</u>		_____ printed
	Page(s)		_____ LANDRIEU
	(for herself and <u>Ms. KLOBUCHAR</u>)		

Viz:

Mr. Coats and

- 1 On page 1300, between lines 11 and 12, insert the
- 2 following:
- 3 **SEC. 2554. UNITED STATES CITIZENSHIP FOR INTER-**
- 4 **NATIONALLY ADOPTED INDIVIDUALS.**
- 5 (a) AUTOMATIC CITIZENSHIP.—Section 104 of the
- 6 Child Citizenship Act of 2000 (Public Law 106–395; 8
- 7 U.S.C. 1431 note) is amended to read as follows:

1 **“SEC. 104. APPLICABILITY.**

2 “The amendments made by this title shall apply to
3 any individual who satisfies the requirements under sec-
4 tion 320 or 322 of the Immigration and Nationality Act,
5 regardless of the date on which such requirements were
6 satisfied.”.

7 (b) MODIFICATION OF PREADoption VISITATION
8 REQUIREMENT.—Section 101(b)(1)(F)(i) (8 U.S.C.
9 1101(b)(1)(F)(i)), as amended by section 2312, is further
10 amended by striking “at least twenty-five years of age,
11 who personally saw and observed the child prior to or dur-
12 ing the adoption proceedings;” and inserting “who is at
13 least 25 years of age, at least 1 of whom personally saw
14 and observed the child before or during the adoption pro-
15 ceedings;”.

16 (c) AUTOMATIC CITIZENSHIP FOR CHILDREN OF
17 UNITED STATES CITIZENS WHO ARE PHYSICALLY
18 PRESENT IN THE UNITED STATES.—

19 (1) IN GENERAL.—Section 320(a)(3) (8 U.S.C.
20 1431(a)(3)) is amended to read as follows:

21 “(3) The child is physically present in the
22 United States in the legal custody of the citizen par-
23 ent pursuant to a lawful admission.”.

24 (2) APPLICABILITY TO INDIVIDUAL’S WHO NO
25 LONGER HAVE LEGAL STATUS.—Notwithstanding
26 the lack of legal status or physical presence in the

1 United States, a person shall be deemed to meet the
2 requirements under section 320 of the Immigration
3 and Nationality Act, as amended by paragraph (1),
4 if the person—

5 (A) was born outside of the United States;

6 (B) was adopted by a United States citizen
7 before the person reached 18 years of age;

8 (C) was legally admitted to the United
9 States; and

10 (D) would have qualified for automatic
11 United States citizenship if the amendments
12 made by paragraph (1) had been in effect at
13 the time of such admission.

14 (d) RETROACTIVE APPLICATION.—Section 320(b) (8
15 U.S.C. 1431(b)) is amended by inserting “, regardless of
16 the date on which the adoption was finalized” before the
17 period at the end.

18 (e) APPLICABILITY.—The amendments made by this
19 section shall apply to any individual adopted by a citizen
20 of the United States regardless of whether the adoption
21 occurred prior to, on, or after the date of the enactment
22 of the Child Citizenship Act of 2000.