

118TH CONGRESS
1ST SESSION

H. R. 1386

To amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship for certain children born outside the United States to a parent who is or becomes a United States citizen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Ms. CLARKE of New York (for herself, Ms. ADAMS, Ms. NORTON, Mr. ESPAILLAT, Ms. LEE of California, Mr. MCGOVERN, Ms. TOKUDA, Mr. BOWMAN, Mr. GARCÍA of Illinois, Ms. TLAIB, Mr. VARGAS, Ms. JACOBS, Ms. BARRAGÁN, Mr. CASAR, Ms. MENG, Ms. WILLIAMS of Georgia, Mr. TRONE, Mr. JOHNSON of Georgia, and Mr. IVEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship for certain children born outside the United States to a parent who is or becomes a United States citizen, and for other purposes.

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 “Equal Citizenship for
5 Children Act of 2023”.

1 **SEC. 2. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR**
2 **CERTAIN CHILDREN BORN OUTSIDE THE**
3 **UNITED STATES.**

4 Section 320 of the Immigration and Nationality Act
5 (8 U.S.C. 1431) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “all of the following conditions” and
9 inserting “each of the following applicable con-
10 ditions”;

11 (B) by amending paragraph (2) to read as
12 follows:

13 “(2) If the parent is a naturalized citizen, the
14 child is under the age of eighteen years at the time
15 of the parent’s naturalization.”; and

16 (C) in paragraph (3)—

17 (i) by striking “The child is residing”
18 and inserting “While under the age of
19 eighteen, the child resides”;

20 (ii) by striking “legal and physical
21 custody” and inserting “legal custody”;
22 and

23 (iii) by inserting before the period at
24 the end the following: “, or a pending ap-
25 plication to adjust status to lawful perma-
26 nent resident”; and

1 (2) by adding at the end the following:

2 “(e) DEFINITION.—For purposes of this section, the
3 term ‘child’ has the meaning given such term in section
4 101(c), except that such term includes the nonmarital
5 child of a legal custodial citizen father, and the child of
6 a United States citizen parent if the parent-child relation-
7 ship satisfies the parentage laws of the child’s or parent’s
8 residence or domicile, whether in the United States or
9 elsewhere.

10 “(f) CLARIFICATIONS.—Any provision of law (includ-
11 ing section 301(b) of the Immigration and Nationality Act
12 (as in effect before October 10, 1978), and the provisos
13 of section 201(g) of the Nationality Act of 1940) that pro-
14 vide for a person’s loss of citizenship if the person failed
15 to come to, or reside or be physically present in, the
16 United States shall not apply in the case of a person
17 claiming United States citizenship based on such person’s
18 descent from an individual described in this section. Any
19 provision of law (including sections 301 and 309 of the
20 Immigration and Nationality Act, and the provisos of
21 201(g) and 205 the Nationality Act of 1940) that require
22 the citizen parent to reside in the United States for a
23 number of years shall be deemed satisfied by subsection
24 (a)(3).

1 “(g) **RETROACTIVE APPLICATION.**—This section, as
2 amended by the Equal Citizenship for Children Act of
3 2023 shall be applied to persons born after noon (Eastern
4 Standard Time), January 9, 1941, as though this section,
5 as amended, had been in effect on the date of their birth,
6 except that the retroactive application described in this
7 subsection shall not affect the validity of citizenship of
8 anyone who has obtained citizenship under any other pro-
9 vision of law.”.

10 **SEC. 3. CHILDREN BORN AND RESIDING OUTSIDE THE**
11 **UNITED STATES.**

12 Section 322 of the Immigration and Nationality Act
13 (8 U.S.C. 1433) is amended by adding at the end the fol-
14 lowing:

15 “(e) **DEFINITION.**—For purposes of this section, the
16 term ‘child’ has the meaning given such term in section
17 320.”.

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