

107TH CONGRESS
1ST SESSION

S. 672

To amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens “age-out” while awaiting immigration processing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2 (legislative day, MARCH 30), 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens “age-out” while awaiting immigration processing, 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 “Child Status Protec-
5 tion Act”.

1 **SEC. 2. CHILD STATUS PROTECTION.**

2 (a) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1151(b)(2)(A)) is amended by adding at the end the fol-
5 lowing:

6 “(iii) Notwithstanding section 101(b)(1), an un-
7 married alien 21 years of age or older on whose be-
8 half a petition was filed under section 204 to classify
9 the alien as an immediate relative under clause (i)
10 shall be classified as a child of a citizen of the
11 United States for purposes of that clause, and the
12 petition shall be considered a petition for classifica-
13 tion under that clause, if the alien attained 21 years
14 of age after the date on which the petition was filed
15 but while the petition is pending before the Attorney
16 General.

17 “(iv) An unmarried alien under 21 years of age
18 on whose behalf a petition was filed under section
19 204 to classify the alien as an immigrant under sec-
20 tion 203(a)(2)(A) shall be classified as a child of a
21 citizen of the United States for purposes of clause
22 (i), and the petition shall be considered a petition for
23 classification under that clause, if a petitioning par-
24 ent became a naturalized citizen of the United
25 States after the petition was filed but while the peti-
26 tion is pending before the Attorney General.

1 “(v) An unmarried alien who was in a marriage
 2 on the date a petition was filed under section 204
 3 to classify the alien as an immigrant under section
 4 203(a)(3) shall be classified as a child of a citizen
 5 of the United States for purposes of clause (i), and
 6 the petition shall be considered a petition for classi-
 7 fication under that clause, if—

8 “(I) the alien’s marriage was legally termi-
 9 nated while the petition is pending before the
 10 Attorney General; and

11 “(II) the alien was under 21 years of age
 12 on the date of legal termination of the mar-
 13 riage.”.

14 (b) FAMILY-SPONSORED, EMPLOYMENT-BASED, AND
 15 DIVERSITY IMMIGRANTS.—Section 203(d) of the Immi-
 16 gration and Nationality Act (8 U.S.C. 1153(d)) is amend-
 17 ed to read as follows:

18 “(d) TREATMENT OF FAMILY MEMBERS.—

19 “(1) IN GENERAL.—A spouse or child (as de-
 20 fined in subparagraph (A), (B), (C), (D), or (E) of
 21 section 101(b)(1)) shall, if not otherwise entitled to
 22 immigrant status and the immediate issuance of a
 23 visa under subsection (a), (b), or (c), be entitled to
 24 the same status, and the same order of consideration

provided in the respective subsection, if accompanying or following to join, the spouse or parent.

“(2) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien 21 years of age or older on whose behalf a petition was filed under section 204 to classify the alien as an immigrant under subsection (a), (b), or (c), who is accompanying or following to join his or her parent under this section, shall be classified as a child for purposes of entitlement to the same immigrant status of the parent, and the petition shall be considered a petition for classification for such purposes, if the alien attained 21 years of age after the date on which the petition was filed but while the petition is pending before the Attorney General.”.

(c) ASYLEES.—Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended—

(1) by striking “A spouse” and inserting “(A)

IN GENERAL.—A spouse”; and

(2) by adding at the end the following:

“(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN FOR ASYLUM ELIGIBILITY.—An unmarried alien who is accompanying or seeking to join a parent granted asylum under this subsection, who is seeking to

1 be granted asylum under this paragraph, and
2 who was under 21 years of age on the date on
3 which the alien's parent applied for asylum
4 under this section shall continue to be classified
5 as a child for purposes of this paragraph, if the
6 alien attained 21 years of age after the applica-
7 tion was filed but while the application is pend-
8 ing before the Attorney General.”.

9 **SEC. 3. EFFECTIVE DATE.**

10 Section 2, and the amendments made by section 2,
11 shall apply to—

12 (1) all applications and petitions filed before the
13 date of enactment of this Act and pending on such
14 date; and

15 (2) all applications and petitions filed on or
16 after such date.

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