

105TH CONGRESS  
1ST SESSION

# H. R. 2985

To amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible, deportable, and ineligible for naturalization, to authorize immigration officers to serve process in child support cases on aliens entering the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mr. CARDIN (for himself, Mr. BUNNING, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. STARK, and Mr. WELLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible, deportable, and ineligible for naturalization, to authorize immigration officers to serve process in child support cases on aliens entering the United States, 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,*

1 **SECTION 1. ALIENS INELIGIBLE TO RECEIVE VISAS AND**  
2 **EXCLUDED FROM ADMISSION FOR NONPAY-**  
3 **MENT OF CHILD SUPPORT.**

4 (a) IN GENERAL.—Section 212(a)(10) of the Immi-  
5 gration and Nationality Act (8 U.S.C. 1182(a)(10)), as  
6 redesignated and amended by sections 301(b), 347(a), and  
7 352(a) of the Illegal Immigration Reform and Immigrant  
8 Responsibility Act of 1996 (Public Law 104–208; 110  
9 Stat. 3009–576, 3009–639, 3009–641), is amended by  
10 adding at the end the following new subparagraph:

11 “(F) NONPAYMENT OF CHILD SUPPORT.—  
12 Any alien is inadmissible who is legally obli-  
13 gated under a judgment, decree, or order to pay  
14 child support (as defined in section 459(i) of  
15 the Social Security Act), and whose failure to  
16 pay such child support has resulted in an ar-  
17 rearage exceeding \$5,000, until child support  
18 payments under the judgment, decree, or order  
19 are satisfied or the alien is in compliance with  
20 an approved payment agreement.”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 this section shall apply to visas issued on or after 180 days  
23 after the date of the enactment of this Act.

1 **SEC. 2. REMOVAL OF ALIENS FOR NONPAYMENT OF CHILD**  
2 **SUPPORT.**

3 (a) IN GENERAL.—Section 237(a) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1227(a)), as redesign-  
5 nated by section 305(a)(2) of the Illegal Immigration Re-  
6 form and Immigrant Responsibility Act of 1996 (Public  
7 Law 104–208; 110 Stat. 3009–598) is amended by adding  
8 at the end the following:

9 “(7) NONPAYMENT OF CHILD SUPPORT.—Any  
10 alien is deportable who is legally obligated under a  
11 judgment, decree, or order to pay child support (as  
12 defined in section 459(i) of the Social Security Act),  
13 and whose failure to pay such child support has re-  
14 sulted in an arrearage exceeding \$5,000, until child  
15 support payments under the judgment, decree, or  
16 order are satisfied or the alien is in compliance with  
17 an approved payment agreement.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 this section shall take effect 180 days after the date of  
20 the enactment of this Act.

21 **SEC. 3. ALIENS INELIGIBLE FOR NATURALIZATION FOR**  
22 **NONPAYMENT OF CHILD SUPPORT.**

23 (a) IN GENERAL.—Section 318 of the Immigration  
24 and Nationality Act (8 U.S.C. 1429) is amended by add-  
25 ing at the end the following:

1 “No person shall be naturalized who is legally obligated  
 2 under a judgment, decree, or order to pay child support  
 3 (as defined in section 459(i) of the Social Security Act),  
 4 and whose failure to pay such child support has resulted  
 5 in any arrearage, until child support payments under the  
 6 judgment, decree, or order are satisfied or the alien is in  
 7 compliance with an approved payment agreement.”.

8 (b) EFFECTIVE DATE.—The amendment made by  
 9 this section shall apply to applications for naturalization  
 10 filed on or after 180 days after the date of the enactment  
 11 of this Act.

12 **SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN**  
 13 **CHILD SUPPORT CASES ON CERTAIN ARRIV-**  
 14 **ING ALIENS.**

15 (a) IN GENERAL.—Section 235(d) of the Immigra-  
 16 tion and Nationality Act (8 U.S.C. 1225(d)), as amended  
 17 by section 302 of the Illegal Immigration Reform and Im-  
 18 migrant Responsibility Act of 1996 (Public Law 104–208;  
 19 110 Stat. 3009–584), is amended by adding at the end  
 20 the following:

21 “(5) AUTHORITY TO SERVE PROCESS IN CHILD  
 22 SUPPORT CASES.—

23 “(A) IN GENERAL.—To the extent consist-  
 24 ent with State law, immigration officers are au-  
 25 thorized to serve on any alien who is an appli-

1 cant for admission to the United States legal  
2 process with respect to any action to enforce or  
3 establish a legal obligation of an individual to  
4 pay child support (as defined in section 459(i)  
5 of the Social Security Act).

6 “(B) DEFINITION.—For purposes of sub-  
7 paragraph (A), the term ‘legal process’ means  
8 any writ, order, summons or other similar proc-  
9 ess, which is issued by—

10 “(i) a court or an administrative  
11 agency of competent jurisdiction in any  
12 State, territory, or possession of the Unit-  
13 ed States; or

14 (ii) an authorized official pursuant to  
15 an order of such a court or agency or pur-  
16 suant to State or local law.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 this section shall apply to aliens applying for admission  
19 to the United States on or after 180 days after the date  
20 of the enactment of this Act.

21 **SEC. 5. AUTHORITY TO OBTAIN INFORMATION ON CHILD**  
22 **SUPPORT PAYMENTS BY ALIENS.**

23 Section 453(h) of the Social Security Act (42 U.S.C.  
24 653(h)) is amended by adding at the end the following:

1           “(3) PROVISION TO IMMIGRATION AND NATU-  
2       RALIZATION SERVICE OF INFORMATION ON PERSONS  
3       DELINQUENT IN CHILD SUPPORT PAYMENTS.—On  
4       request by the Immigration and Naturalization Serv-  
5       ice, the Secretary shall provide the Immigration and  
6       Naturalization Service with such information in the  
7       Federal Case Registry of Child Support Orders as  
8       may aid in determining whether an alien is delin-  
9       quent in the payment of child support.”.

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