

107TH CONGRESS
2D SESSION

H. R. 3846

To amend the Immigration and Nationality Act to authorize the submission of an application for naturalization under section 322 of such Act on behalf of a child by the child's grandparent or legal guardian, if the parent who otherwise would be authorized to submit such application is deceased.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2002

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

A BILL

To amend the Immigration and Nationality Act to authorize the submission of an application for naturalization under section 322 of such Act on behalf of a child by the child's grandparent or legal guardian, if the parent who otherwise would be authorized to submit such application is deceased.

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 Rights of Citi-
5 zenship for Children of Deceased Parents Act”.

1 **SEC. 2. APPLICATION FOR NATURALIZATION BY ALTER-**
2 **NATIVE APPLICANT IF CITIZEN PARENT HAS**
3 **DIED.**

4 Section 322(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1433(a)) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by inserting “(or, if the citizen parent
8 has died during the preceding 10 years, a cit-
9 izen grandparent or citizen legal guardian)”
10 after “citizen of the United States”; and

11 (B) by striking “such parent” and insert-
12 ing “such applicant”;

13 (2) in paragraph (1), by inserting “(or, at the
14 time of his or her death, was)” after “parent”;

15 (3) in paragraph (2)—

16 (A) in subparagraph (A), by inserting “(or,
17 at the time of his or her death, had)” after
18 “has”; and

19 (B) in subparagraph (B), by inserting
20 “(or, at the time of his or her death, had)”
21 after “has” the first place such term appears;

22 (4) by amending paragraph (4), to read as fol-
23 lows:

24 “(4) The child is residing outside of the United
25 States in the legal and physical custody of the appli-

1 cant (or, if the citizen parent is deceased, an indi-
2 vidual who does not object to the application).”; and

3 (5) by adding at the end the following:

4 “(5) The child is temporarily present in the
5 United States pursuant to a lawful admission, and
6 is maintaining such lawful status.”.

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