

107TH CONGRESS
2D SESSION

S. 3159

To amend the Immigration and Nationality Act to render inadmissible to the United States the extended family of international child abductors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2002

Mrs. LINCOLN 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 render inadmissible to the United States the extended family of international child abductors, 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. INADMISSIBILITY OF ALIENS SUPPORTING**
4 **INTERNATIONAL CHILD ABDUCTORS AND**
5 **RELATIVES OF SUCH ABDUCTORS.**

6 (a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1182(a)(10)(C)(ii)) is amended—

(1) in the matter preceding subclause (I), by striking “Any alien who—” and inserting “Except as provided in clause (iii), an alien is inadmissible until a child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian’s place of residence, if the Secretary of State, at the Secretary’s sole and unreviewable discretion, determines that the alien—”;

(2) in subclause (I)—

(A) by striking “is known by the Secretary of State to have”; and

(B) by striking the comma at the end and inserting a semicolon;

(3) in subclause (II)—

(A) by striking “known by the Secretary of State to be”; and

(B) by striking “, or” at the end and inserting a semicolon;

(4) by amending subclause (III) to read as follows:

“(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the

1 abducted child), parent, sibling, cous-
 2 in, uncle, aunt, nephew, niece, or
 3 grandparent of an alien described in
 4 clause (i), is an agent of such an
 5 alien, or is a principal employing such
 6 an alien as an agent; or”; and

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

8 “(IV) is a spouse of the abducted
 9 child described in clause (i).”.

10 (b) IDENTIFICATION OF ALIENS SUPPORTING AB-
 11 DUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO
 12 CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT;
 13 DEFINITIONS.—Section 212(a)(10)(C) of the Immigration
 14 and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amend-
 15 ed by adding at the end the following:

16 “(iv) IDENTIFICATION OF ALIENS
 17 SUPPORTING ABDUCTORS AND RELATIVES
 18 OF ABDUCTORS.—In all instances in which
 19 an alien commits an act described in clause
 20 (i), the Secretary of State shall take appro-
 21 priate action to identify the individuals
 22 who are inadmissible under clause (ii).

23 “(v) NOTICE TO CUSTODIAL PARENTS
 24 AND GUARDIANS.—In all instances in
 25 which an alien commits an act described in

1 clause (i), the Secretary of State shall,
 2 upon request of the person granted custody
 3 of the child concerned, inform the person
 4 of whether, and when, any individual who
 5 is inadmissible under clause (ii) by reason
 6 of such act has been issued a visa or other-
 7 wise authorized to enter the United States.

8 “(vi) ANNUAL REPORT.—The Sec-
 9 retary of State annually shall submit to
 10 the Committee on International Relations,
 11 the Committee on Government Reform,
 12 and the Committee on the Judiciary of the
 13 House of Representatives, and the Com-
 14 mittee on Foreign Relations, the Com-
 15 mittee on Governmental Affairs, and the
 16 Committee on the Judiciary of the Senate,
 17 a report that provides, with respect to the
 18 preceding year, an accounting of the num-
 19 ber of cases known to the Secretary of
 20 State, disaggregated according to the na-
 21 tionality of the alien concerned—

22 “(I) in which an authority under
 23 this subparagraph was exercised,
 24 specifying which classes of individuals
 25 have been found inadmissible; and

1 “(II) in which an authority under
 2 this subparagraph has not been exer-
 3 cised but in which an alien, after
 4 entry of an order by a court in the
 5 United States granting custody to a
 6 person of a United States citizen
 7 child, detained or retained the child,
 8 or withheld custody of the child, out-
 9 side the United States from the per-
 10 son granted custody by that order.

11 “(vii) DEFINITIONS.— For purposes
 12 of this subparagraph—

13 “(I) the term ‘child’ means an in-
 14 dividual who was a child at the time
 15 the individual was detained or re-
 16 tained, or at the time custody of the
 17 individual was withheld, as described
 18 in clause (i), regardless of the age or
 19 marital status of the individual after
 20 such time; and

21 “(II) the term ‘sibling’ includes a
 22 step-sibling or half-sibling.”.

23 (c) CLERICAL AMENDMENTS.—Section
 24 212(a)(10)(C)(i) of the Immigration and Nationality Act
 25 (8 U.S.C. 1182(a)(10)(C)(i)) is amended—

- 1 (1) by striking “clause (ii)” and inserting
- 2 “clause (iii)”; and
- 3 (2) by striking “child who” and inserting
- 4 “child,”.

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