

108TH CONGRESS
2D SESSION

H. R. 4561

To amend the Immigration and Nationality Act to modify the treatment
of adopted children.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2004

Ms. LOFGREN (for herself, Mr. CAMP, Mr. CONYERS, Mr. PORTMAN, Mr. BERMAN, Mr. DELAHUNT, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to modify
the treatment of adopted children.

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. MODIFICATION OF TREATMENT OF ADOPTED**
4 **CHILDREN.**

5 (a) IN GENERAL.—Section 101(b)(1) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1101(b)(1)) is
7 amended—

8 (1) in subparagraph (E)(i), by striking “a child
9 adopted while under the age of sixteen years if the

1 child has been in the legal custody of, and has re-
2 sided with, the adopting parent or parents for at
3 least two years:” and inserting “a child adopted
4 while under the age of 18 years if the child has been
5 in the legal custody of, and has resided with, the
6 adopting parent or parents for at least two years
7 and the adoption was officially initiated while the
8 child was under the age of 16 years:”; and

9 (2) in subparagraph (F)—

10 (A) in clause (i)—

11 (i) by striking “child, under the age of
12 sixteen at the time a petition is filed in his
13 behalf to accord a classification as an im-
14 mediate relative under section 201(b),
15 who” and inserting “child who”;

16 (ii) by inserting “while under the age
17 of 18 years” after “who has been adopted
18 abroad”; and

19 (iii) by striking “the Attorney General
20 is satisfied that proper care will be fur-
21 nished the child if admitted to the United
22 States:” and inserting “the Secretary of
23 Homeland Security is satisfied that proper
24 care will be furnished the child if admitted
25 to the United States and that the adoption

1 abroad, or the compliance with domestic
2 preadoption requirements, was officially
3 initiated while the child was under the age
4 of 16 years.”; and

5 (B) in clause (ii), by striking “except that
6 the child is under the age of 18 at the time a
7 petition is filed in his or her behalf to accord
8 a classification as an immediate relative under
9 section 201(b).” and inserting “except that the
10 Secretary of Homeland Security shall be satis-
11 fied that the adoption abroad, or the compli-
12 ance with domestic preadoption requirements,
13 was officially initiated while the child was under
14 the age of 18 years.”.

15 (b) PROVISIONS EFFECTIVE UPON ENTRY INTO
16 FORCE OF CONVENTION.—

17 (1) IN GENERAL.—Section 101(b)(1)(G) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1101(b)(1)(G)) is amended—

20 (A) in the matter preceding clause (i)—

21 (i) by striking “child, under the age of
22 sixteen at the time a petition is filed on the
23 child’s behalf to accord a classification as
24 an immediate relative under section

1 201(b), who” and inserting “child who”;
2 and

3 (ii) by inserting “while under the age
4 of 18 years” after “who has been adopt-
5 ed”; and

6 (B) in clause (i)—

7 (i) in subclause (IV), by striking
8 “and” at the end; and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(VI) in the case of a child who—

12 “(aa) has been adopted, the
13 adoption was officially initiated while
14 the child was under the age of 16
15 years; or

16 “(bb) has not been adopted, the
17 approval described in subparagraph
18 (V)(aa) was officially sought while the
19 child was under the age of 16 years;
20 and”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect as if included in
23 the enactment of section 302(a) of the Intercountry
24 Adoption Act of 2000 (Public Law 106–279).

1 (c) NATURALIZATION PURPOSES.—Section 101(c)(1)
2 of the Immigration and Nationality Act (8 U.S.C.
3 1101(c)(1)) is amended to read as follows:

4 “(1) The term ‘child’ means an unmarried person
5 under 21 years of age and includes—

6 “(A) a child legitimated under the law of the
7 child’s residence or domicile, or under the law of the
8 father’s residence or domicile, whether in the United
9 States or elsewhere, if such legitimation takes place
10 before the child reaches the age of 16 years and the
11 child is in the legal custody of the legitimating par-
12 ent or parents at the time of such legitimation; and

13 “(B) except as otherwise provided in sections
14 320 and 321, a child adopted in the United States,
15 if such adoption is officially initiated before the child
16 reaches the age of 16 years and the child is in the
17 legal custody of the adopting parent or parents at
18 the time of such adoption.”.

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