

Public Law 106-139
106th Congress

An Act

Dec. 7, 1999

[H.R. 2886]

To amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.

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

(1) in subparagraph (E)—

(A) by inserting “(i)” after “(E)”; and

(B) by adding at the end the following:

“(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years; or”; and

(2) in subparagraph (F)—

(A) by inserting “(i)” after “(F)”; and

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).”

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking “sixteen years,” and inserting “16 years (except to

the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)),”.

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

(A) by striking “16 years” and inserting “16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))”; and

(B) by striking “subparagraph (E) or (F) of section 101(b)(1).” and inserting “either of such subparagraphs.”.

Approved December 7, 1999.

LEGISLATIVE HISTORY—H.R. 2886 (S. 1743):

HOUSE REPORTS: No. 106-383 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 18, considered and passed House.

Nov. 19, considered and passed Senate.