

110TH CONGRESS
1ST SESSION

H. R. 133

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

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

A BILL

To amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

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 “Citizenship Reform
5 Act of 2007”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to deny automatic citi-
3 zenship at birth to children born in the United States to
4 parents who are not citizens or permanent resident aliens.

5 **SEC. 3. DENYING CITIZENSHIP AT BIRTH FOR CHILDREN**
6 **OF NON-CITIZEN, NON-PERMANENT RESI-**
7 **DENT ALIENS.**

8 (a) IN GENERAL.—Section 101 of the Immigration
9 and Nationality Act (8 U.S.C. 1101) is amended by insert-
10 ing after subsection (c) the following new subsection:

11 “(d) For purposes of section 301(a), a person born
12 in the United States shall be considered as ‘subject to the
13 jurisdiction of the United States’ if—

14 “(1) the child was born in wedlock in the
15 United States to a parent who is—

16 “(A) a citizen or national of the United
17 States; or

18 “(B) an alien lawfully admitted for perma-
19 nent residence in the United States who main-
20 tains his or her residence (as defined in sub-
21 section (a)(33)) in the United States; or

22 “(2) the child was born out of wedlock in the
23 United States—

24 “(A) to a mother who is—

25 “(i) a citizen or national of the United
26 States; or

1 “(ii) an alien lawfully admitted for
2 permanent residence in the United States
3 who maintains her residence (as defined in
4 subsection (a)(33)) in the United States;
5 or

6 “(B) to a father who is a citizen or na-
7 tional of the United States, or an alien lawfully
8 admitted for permanent residence in the United
9 States who maintains his residence (as defined
10 in subsection (a)(33)) in the United States, but
11 only if—

12 “(i) a blood relationship between the
13 father and the child is established by clear
14 and convincing evidence;

15 “(ii) the father had the nationality of
16 the United States or was a permanent resi-
17 dent of the United States at the time of
18 the child’s birth;

19 “(iii) the father (unless deceased) has
20 agreed in writing to provide financial sup-
21 port for the child until the child reaches 18
22 years of age; and

23 “(iv) while the child is under 18 years
24 of age—

1 “(I) the father acknowledges pa-
2 ternity of the child in writing under
3 oath; or

4 “(II) the paternity of the child is
5 established by adjudication of a com-
6 petent court.

7 For purposes of this subsection, a child is considered to
8 be ‘born in wedlock’ only if both parents are married to
9 each other and parents are not considered to be married
10 if such marriage is only a common law marriage.”.

11 (b) CONFORMING AMENDMENT.—Section 301 of
12 such Act (8 U.S.C. 1401) is amended by inserting “(as
13 defined in section 101(d))” after “subject to the jurisdic-
14 tion thereof”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to aliens born on or after the date
17 of the enactment of this Act.

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