

107TH CONGRESS
1ST SESSION

H. R. 1209

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2001

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, 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. SHORT TITLE.**

4 This Act may be cited as the “Child Status Protec-
5 tion Act of 2001”.

6 **SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT’S**
7 **NATURALIZATION DATE, OR MARRIAGE TER-**
8 **MINATION DATE, IN DETERMINING STATUS**
9 **AS A CHILD OF A CITIZEN.**

10 (a) IN GENERAL.—Section 201 of the Immigration
11 and Nationality Act (8 U.S.C. 1151) is amended by add-
12 ing at the end the following:

13 “(f) RULES FOR DETERMINING WHETHER CERTAIN
14 ALIENS ARE IMMEDIATE RELATIVES.—

15 “(1) AGE ON PETITION FILING DATE.—Except
16 as provided in paragraphs (2) and (3), for purposes
17 of subsection (b)(2)(A)(i), a determination of wheth-
18 er an alien satisfies the age requirement in the mat-
19 ter preceding subparagraph (A) of section 101(b)(1)
20 shall be made using the age of the alien on the date
21 on which the petition is filed with the Attorney Gen-
22 eral under section 204 to classify the alien as an im-
23 mediate relative under subsection (b)(2)(A)(i).

24 “(2) AGE ON PARENT’S NATURALIZATION
25 DATE.—In the case of a petition under section 204

1 initially filed for an alien child’s classification as a
2 family-sponsored immigrant under section
3 203(a)(2)(A), based on the child’s parent being law-
4 fully admitted for permanent residence, if the peti-
5 tion is later converted, due to the naturalization of
6 the parent, to a petition to classify the alien as an
7 immediate relative under subsection (b)(2)(A)(i), the
8 determination described in paragraph (1) shall be
9 made using the age of the alien on the date of the
10 parent’s naturalization.

11 “(3) AGE ON MARRIAGE TERMINATION DATE.—

12 In the case of a petition under section 204 initially
13 filed for an alien’s classification as a family-spon-
14 sored immigrant under section 203(a)(3), based on
15 the alien’s being a married son or daughter of a citi-
16 zen, if the petition is later converted, due to the
17 legal termination of the alien’s marriage, to a peti-
18 tion to classify the alien as an immediate relative
19 under subsection (b)(2)(A)(i), the determination de-
20 scribed in paragraph (1) shall be made using the age
21 of the alien on the date of the termination of the
22 marriage.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act and shall apply to all petitions and appli-

