

H.R. 1386 (Redlined)

**§ 1431. Children born outside the United States and lawfully admitted for permanent residence; conditions under which citizenship automatically acquired**

**(a) In general**

A child born outside of the United States automatically becomes a citizen of the United States when **each of the following conditions** have been fulfilled:

(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

(2) **If the parent is a naturalized citizen, the child is under the age of eighteen years at the time of the parent's naturalization.**

(3) **While under the age of eighteen, the child resides in the United States in the legal custody of the citizen parent pursuant to a lawful admission for permanent residence, or a pending application to adjust status to lawful permanent resident.**

**(b) Adoption**

Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 1101(b)(1) of this title.

**(c) Children of military and Federal Government personnel residing abroad**

Subsection (a)(3) is deemed satisfied in the case of a child who is lawfully admitted for permanent residence in the United States if-

(1) the child is residing in the legal and physical custody of a citizen parent who is-

(A) stationed and residing abroad as an employee of the Government of the United States; or

(B) residing abroad in marital union with an employee of the Government of the United States who is stationed abroad; or

(2) the child is-

(A) residing in the legal and physical custody of a citizen parent who is-

(i) stationed and residing abroad as a member of the Armed Forces of the United States; or

(ii) authorized to accompany and reside abroad with a member of the Armed Forces of the United States pursuant to the member's official orders, and is so accompanying and residing abroad with the member in marital union; and

(B) authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member.

**(d) Name and birth date**

A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a State court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.

**(e) Definition**

For purposes of this section, the term 'child' has the meaning given such term in section 101(c), except that such term includes the nonmarital child of a legal custodial citizen

father, and the child of a United States citizen parent if the parent-child relationship satisfies the parentage laws of the child's or parent's residence or domicile, whether in the United States or elsewhere.

**(f) Clarifications**

Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provide for a person's loss of citizenship if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in this section. Any provision of law (including sections 301 and 309 of the Immigration and Nationality Act, and the provisos of 201(g) and 205 the Nationality Act of 1940) that require the citizen parent to reside in the United States for a number of years shall be deemed satisfied by subsection (a)(3).

**(g) Retroactive Application**

This section, as amended by the Equal Citizenship for Children Act of 2023 shall be applied to persons born after noon (Eastern Standard Time), January 9, 1941, as though this section, as amended, had been in effect on the date of their birth, except that the retroactive application described in this subsection shall not affect the validity of citizenship of anyone who has obtained citizenship under any other provision of law.