

Public Law 95-417
95th Congress

An Act

To amend the Immigration and Nationality Act to facilitate the admission into the United States of more than two adopted children, and to provide for the expeditious naturalization of adopted children.

Oct. 5, 1978

[H.R. 12508]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(a) (8) of the Immigration and Nationality Act is amended by adding the following sentences: "No immigrant visa shall be issued under this paragraph to an adopted child or prospective adopted child of a United States citizen or lawfully resident alien unless (A) a valid home-study has been favorably recommended by an agency of the State of the child's proposed residence, or by an agency authorized by that State to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency which is licensed in the United States; and (B) the child has been irrevocably released for immigration and adoption: *Provided,* That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act. No immigrant visa shall otherwise be issued under this paragraph to an unmarried child under the age of sixteen except a child who is accompanying or following to join his natural parent."

Immigration and
Nationality Act,
amendment.
8 USC 1153.

SEC. 2. Section 204(c) of the Immigration and Nationality Act is amended to delete the language "no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b) (1) (E) or (F) unless necessary to prevent the separation of brothers and sisters and".

8 USC 1154.

8 USC 1101.

SEC. 3. Subsection (e) of section 204 of the Immigration and Nationality Act is renumbered subsection (f) and a new subsection (e) is inserted to read as follows:

8 USC 1154.

"(e) Notwithstanding the provisions of subsections (a) and (b) no petition may be approved on behalf of a child defined in section 101(b) (1) (F) unless a valid home-study has been favorably recommended by an agency of the State of the child's proposed residence, or by an agency authorized by that State to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency which is licensed in the United States."

SEC. 4. Paragraphs (1) and (2) of section 320(a) of the Immigration and Nationality Act are amended to delete the word "sixteen" and substitute in lieu thereof the word "eighteen", and subsection (b) of section 320 is amended to read as follows:

8 USC 1431.

"(b) Subsection (a) (1) of this section shall apply to a child adopted while under the age of sixteen years who is residing in the United States at the time of naturalization of such adoptive parent, in the custody of his adoptive parents, pursuant to a lawful admission for permanent residence."

8 USC 1432. SEC. 5. Paragraphs (4) and (5) of section 321(a) of the Immigration and Nationality Act are amended to delete the word "sixteen" and substitute in lieu thereof the word "eighteen", and subsection (b) of section 321 is amended to read as follows:

"(b) Subsection (a) of this section shall apply to a child adopted while under the age of sixteen years who is residing in the United States at the time of naturalization of such adoptive parent or parents, in the custody of his adoptive parent or parents, pursuant to a lawful admission for permanent residence."

8 USC 1433. SEC. 6. Subsection (b) of section 322 of the Immigration and Nationality Act is amended to read as follows:

"(b) Subsection (a) of this section shall apply to a child adopted while under the age of sixteen years who is residing in the United States, in the custody of the adoptive parent or parents, pursuant to a lawful admission for permanent residence."

Repeal. 8 USC 1434. SEC. 7. Section 323 of the Immigration and Nationality Act and the title preceding that section are hereby repealed.

SEC. 8. The table of contents, title III, chapter 2, is amended by deleting the following:

"Sec. 323. Children adopted by United States citizens."

Approved October 5, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1301 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 124 (1978):

July 18, considered and passed House.

Sept. 20, considered and passed Senate.