

NEWS FROM CONGRESSMAN BILL DELAHUNT

*For Immediate Release:
October 13, 2000
Steve Schwadron (202) 225-3111*

Fur

HOUSE AND SENATE CLEAR DELAHUNT CHILD CITIZENSHIP BILL Would Prevent Deportation For Some; Eliminate Red Tape For All

WASHINGTON, DC -- After months of negotiations, the Senate last night unanimously approved legislation authored by Congressman Bill Delahunt to confer automatic US citizenship on children adopted from abroad, and on other foreign-born children of American parents.

The Delahunt bill, which passed the House on September 19, would eliminate the need for these families to undergo the bureaucratic naturalization process. This is especially important for families that have already completed the exhaustive documentation required to adopt a child from overseas.

After what these parents have been through in bringing their children to the United States, the naturalization process is an extra burden they shouldn't have to bear, Delahunt said. Once the adoption is finalized and a child arrives in the US, that child is an American and should be treated as an American.

The bill would grant automatic citizenship to all foreign-born children who are under 18 years of age; admitted to the United States as lawful permanent residents; and in the legal and physical custody of at least one parent who is a US citizen. Parents would no longer be required to submit an application to have their children naturalized.

Tragic Consequences Result from Mandatory Deportation

In addition to cutting through red tape and years of delay, the bill would help prevent the tragic consequences experienced by some adoptive families. Under immigration reforms enacted in 1996, children who have lived in the US since infancy but were never naturalized are subject to mandatory deportation and permanent separation from their families if they commit certain crimes.

In one well-known case, John Gaul was adopted by a Florida family at the age of four. Though born in Thailand, he speaks no Thai, has no Thai relatives, knows nothing of Thai culture and had never been back to Thailand until the US government deported him last year as a criminal alien at the age of 25. The Gauls had obtained an American birth certificate for John shortly after adopting him, and didn't realize until he applied for a passport at age 17 that he had never been naturalized. They immediately filed the papers, but due to INS delays his application wasn't processed before he turned 18. An immigration judge ruled that the agency had taken too long to process the application, but that the 1996 law allowed him no discretion to halt the deportation.

In another recent instance, Joao Herbert, a 22-year-old Ohioan adopted as a young boy from Brazil, was ordered deported because he had sold 7.5 ounces of marijuana while in his teens. It was his first criminal offense, for which he was sentenced only to probation and community treatment. But because he had never been naturalized, he was considered an aggravated felon subject to deportation. He has been in detention for a year-and-a-half because the Brazilians consider his adoption irrevocable and refuse to accept him. Were they to do so, it is unclear how he would manage; he knows no one in his native country and no longer understands his native tongue.

No one condones criminal acts, Delahunt said. But the terrible price these young people and their families have paid is out of all proportion to their misdeeds. Whatever they did, they should be treated like any other American kid.

By granting automatic naturalization to minor children of US citizens, the Delahunt bill would prevent such cases from occurring in the future. His original legislation would also have permitted children over 18 such as Gaul and Herbert to avoid deportation by applying for naturalization under existing law. But while Delahunt was unable to win agreement to include this provision in the final bill, the final text does provide relief from deportation for one particular group of noncitizens who are deportable under the 1996 act: those who voted in U.S. elections in the reasonable (though mistaken) belief that they were citizens at the time.

Delahunt, a champion of international adoption reforms, thanked Reps. Lamar Smith (R-TX) and Sam Gejdenson (D-CT) for their help in moving the bill through the House -- as well as Senators Don Nickles (R-OK) and Mary Landrieu (D-LA), who sponsored identical legislation in the Senate.

The House and Senate have also approved a related Delahunt-sponsored measure to implement a 50-nation treaty to safeguard and streamline the overall adoption process. The President signed the Hague Treaty bill into law in an Oval Office ceremony on October 6.