



# AMERICAN CITIZENS ABROAD

EDUCATE, ADVOCATE AND INFORM

VIA EMAIL

April 1, 2021

The Honorable Jerrold Nadler  
Chairman, Committee on the Judiciary  
United States House of Representatives  
2138 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jim Jordan  
Ranking Member, Committee on the Judiciary  
United States House of Representatives  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Re: Proposed legislation "American Families United Act" HR-8708

Dear Chairman Nadler and Ranking Member Jordan:

American Citizens Abroad, Inc. (ACA), a qualified 501(c)(4) non-profit membership organization, has recently been made aware of proposed legislation (H.R. 8708, 116<sup>th</sup> Congress, the "American Families United Act"), which would recognize the right of US citizens to challenge decisions that separate them from their spouses and children via the existing case-specific waiver process.

ACA supports this legislation which would alleviate the difficulties that many US citizens suffer when trying to sponsor their own family members for immigration and/or change-of-status for their non-US spouse, child or parent.

Since 1978, ACA has been working to improve the conditions and change the laws concerning Americans residing outside the USA. Whether by choice or professional obligation, several million private US citizens are residing abroad perfectly legally in a foreign country. These US citizens are subject to the laws of their country of residence as well as many US laws especially concerning taxes and citizenship for their children.

According to the State Department, there are about 60,000 children born abroad each year to an American parent or parents. Approximately 10% of these children (6,000 every year) do not have a claim to US citizenship at birth because the American parent has not satisfied the US presence requirement before the birth of the child. Since 1986, the US presence time required is five years, at least two of which have to be after the age of 14 but before the birth of the child abroad. (Previously, before the year 1986, the time required was ten years, at least five after age 14.)

In order for these children to have a claim to US citizenship they have to be naturalized. Naturalization outside the USA is not possible (except for military personnel and their families on active duty). So, these children have to enter the USA legally in order to be naturalized. Often, difficulties are encountered in obtaining the necessary visas and affidavits of support in order for these children to enter the USA and be naturalized.



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Some of these children are already in the USA under precarious conditions, having entered illegally or under a temporary visa. They could have their status brought into line and be recognized as citizens or legal immigrants by the workings of the proposed legislation contained in H.R. 8708.

Furthermore, reducing the US presence time required of the American parent would allow many of the 6,000 children born abroad each year without US citizenship to have a claim to citizenship without having to enter the USA to be naturalized.

ACA's position on US citizenship for children born abroad, along with a history on the issue can be found here: [ACA's Position on Children's Citizenship \(americansabroad.org\)](http://americansabroad.org)

ACA supports American Families United Act and the proposed changes contained in H.R. 8708 to include additional language reducing the US presence time required of American parents needed to transmit US citizenship to their children born abroad.

Sincerely yours,

Marylouise Serrato, Executive Director

Karl M. Jauch, Citizenship Director

cc: Members of the House Committee on the Judiciary  
Senator Cassidy  
Senator Blumenthal