

117TH CONGRESS
2D SESSION

H. R. 9671

To protect stateless persons in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 22, 2022

Mr. RASKIN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect stateless persons in the United States, 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 “Stateless Protection
5 Act of 2022”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

- 1 (1) to resolve the status of stateless persons in
2 the United States and to promote their access to
3 fundamental human rights and human dignity; and
4 (2) to prevent statelessness from occurring
5 under United States law or on United States terri-
6 tory.

7 **SEC. 3. FINDINGS; SENSE OF CONGRESS.**

- 8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The international community has recognized
11 the significance of the right to a nationality in the
12 International Covenant on Civil and Political Rights,
13 done at New York December 16, 1966, to which the
14 United States is a signatory, as well as the Uni-
15 versal Declaration of Human Rights and numerous
16 international treaties, including the Convention Re-
17 lating to the Status of Stateless Persons, done at
18 New York September 28, 1954, and the Convention
19 on the Reduction of Statelessness, done at New York
20 August 30, 1961.

21 (2) Statelessness is an abhorrent violation of
22 fundamental human rights and human dignity, and
23 a life of statelessness has been recognized by the Su-
24 preme Court of the United States as a form of pun-
25 ishment more primitive than torture.

1 (3) Government action and inaction causes
2 statelessness; therefore, governments have the power
3 to resolve and prevent statelessness.

4 (4) The United Nations High Commissioner for
5 Refugees—

6 (A) is the United Nations agency responsible
7 for preventing and reducing statelessness;
8 and

9 (B) estimates that there are more than
10 4,200,000 stateless persons worldwide.

11 (5) A 2020 study found that there are approximately
12 218,000 individuals living in the United States who are stateless or at risk of statelessness.

14 (6) Stateless individuals live in all 50 States,
15 and many such individuals have lived in the United States for years or decades without relief.

17 (7) Despite the presence of stateless persons in
18 the United States, there is no law relating to the identification of stateless persons in the United States or to provide them with a path to legal status.

22 (8) Stateless persons generally—

23 (A) live without the means to work legally
24 or to travel; and

(B) face barriers in opening bank accounts, pursuing higher education, and obtaining health care.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that to resolve statelessness and its related human
10 suffering, lost potential, and societal impacts, the United
11 States should—

12 (1) provide a legal status to protect stateless
13 persons; and

16 SEC. 4. PROTECTION OF STATELESS PERSONS IN THE
17 UNITED STATES.

18 (a) IN GENERAL.—Chapter 5 of title II of the Immig-
19 ration and Nationality Act (8 U.S.C. 1255 et seq.) is
20 amended by inserting after section 245A the following:

21 "SEC. 245B. PROTECTION OF STATELESS PERSONS IN THE
22 UNITED STATES.

23 "(a) DEFINITIONS.—In this section:

“(1) COMPETENT AUTHORITY.—With respect to
a foreign country, the term ‘competent authority’—

1 “(A) means the authority responsible for—

2 “(i) conferring nationality on, or withdrawing nationality from, individuals; or

3 “(ii) in the case of nationality having been acquired or withdrawn automatically, clarifying the nationality status of an individual; and

4 “(B) includes a Federal, local, or regional government entity, a consular official, and a government official at any level, notwithstanding any process by which a decision by such an entity or official may later be overridden.

5 “(2) NATIONAL; NATIONALITY.—The terms ‘national’ and ‘nationality’—

6 “(A) refer to a formal link, of a political and legal character, between an individual and a country; and

7 “(B) do not include the concept of nationality relating to membership in a religious, linguistic, or ethnic group.

8 “(3) NONCITIZEN.—The term ‘noncitizen’ has the meaning given the term ‘alien’ in section 101(a).

1 “(4) OPERATION OF LAW; OPERATION OF ITS
2 LAW.—The terms ‘operation of law’ and ‘operation
3 of its law’—

4 “(A) refer to the consideration by a com-
5 petent authority of a country with respect to an
6 individual in practice, including under the legis-
7 lation, ministerial decrees, regulations, orders,
8 judicial case law, and customary practices of
9 the competent authority; and

10 “(B) include situations in which the posi-
11 tion of the competent authority differs from the
12 law as written, if the position of the competent
13 authority that an individual is not a national of
14 the country is determinative.

15 “(5) RELEVANT ASSOCIATION.—The term ‘rel-
16 evant association’ means a natural person’s connec-
17 tion to a country through—

18 “(A) birth on the territory of the country;

19 “(B) descent from 1 or more individuals
20 who are nationals of the country;

21 “(C) marriage to an individual who is a
22 national of the country;

23 “(D) adoption by an individual who is a
24 national of the country; or

25 “(E) habitual residence in the country.

1 “(6) STATELESS PERSON.—The term ‘stateless
2 person’ means an individual who is not considered as
3 a national by any state under the operation of its
4 law.

5 “(b) MECHANISMS FOR REGULARIZING THE STATUS
6 OF STATELESS PERSONS.—

7 “(1) STATELESS PROTECTED STATUS.—

8 “(A) PRINCIPAL APPLICANTS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of Homeland Security shall provide
11 stateless protected status to a noncitizen who—

12 “(i) is a stateless person present in
13 the United States;

14 “(ii) applies for such relief;

15 “(iii) has not formally renounced his
16 or her nationality as a result of voluntary,
17 affirmative, and intentional action after ar-
18 rival in the United States and after the
19 date of the enactment of this section, un-
20 less the renunciation was the result of du-
21 ress, coercion, or a reasonable expectation
22 that the noncitizen had acquired or would
23 acquire another nationality or citizenship;
24 and

1 “(iv) is not inadmissible under
2 212(a)(3), except as provided in paragraph
3 (2) of this subsection; and

4 “(v) is not described in section
5 241(b)(3)(B)(i).

6 “(B) TREATMENT OF SPOUSE AND CHIL-
7 DREN.—Notwithstanding any other provision of
8 law, the Secretary of Homeland Security shall
9 provide stateless protected status to a noncit-
10 izen who—

11 “(i) is the spouse or child of a noncit-
12 izen described in subparagraph (A), if such
13 spouse or child is not otherwise eligible for
14 admission under that subparagraph;

15 “(ii) is accompanying, or following to
16 join, such noncitizen;

17 “(iii) established the qualifying rela-
18 tionship to such noncitizen before the date
19 on which such noncitizen applied for state-
20 less protected status;

21 “(iv) is not inadmissible under
22 212(a)(3), except as provided in paragraph
23 (2) of this subsection; and

24 “(v) is not described in section
25 241(b)(3)(B)(i).

1 “(C) STATELESS PROTECTED STATUS.—

2 Noncitizens with stateless protected status—

3 “(i) shall—

4 “(I) receive relevant protections
5 against deportation, removal, and de-
6 tention, as described in paragraph (3);

7 “(II) be authorized for employ-
8 ment, as described in paragraph (4);
9 and

10 “(III) be eligible to apply for a
11 travel document, as described in para-
12 graph (5); and

13 “(ii) shall not face limitations from
14 immigration enforcement officials on their
15 domestic travel.

16 “(D) CONCURRENT GRANT OF LAWFUL
17 PERMANENT RESIDENCE.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), notwithstanding any
20 other provision of law, immediately on
21 granting stateless protected status to a
22 noncitizen, the Secretary of Homeland Se-
23 curity shall adjust the status of the noncit-
24 itizen to that of a noncitizen lawfully admit-
25 ted for permanent residence.

1 “(ii) EXCEPTION.—The Secretary of
2 Homeland Security may not adjust the sta-
3 tus of a noncitizen with stateless protected
4 status who is inadmissible under section
5 212(a)(2).

6 “(2) WAIVERS.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, the Secretary of Home-
9 land Security may, for humanitarian purposes,
10 in the interests of access to fundamental or en-
11 abling rights, to ensure family unity, or when it
12 is otherwise in the public interest, waive the op-
13 eration of the grounds of inadmissibility set
14 forth in paragraphs (2) and (3) of section
15 212(a), for relief under this section.

16 “(B) FACTORS.—In making a determina-
17 tion under subparagraph (A), the Secretary of
18 Homeland Security shall consider all relevant
19 factors, including—

20 “(i) mitigating and aggravating fac-
21 tors of the basis for inadmissibility;

22 “(ii) the duration of the noncitizen’s
23 residence in the United States; and

24 “(iii) the degree to which the nonciti-
25 zen’s removal, or denial of the noncitizen’s

1 application, would adversely affect the non-
2 citizen or the noncitizen's United States
3 citizen or lawful permanent resident family
4 members.

5 “(3) RELEASE FROM POST-REMOVAL DETEN-
6 TION.—A grant of stateless protected status under
7 this section shall—

8 “(A) trigger immediate release of an indi-
9 vidual from post-removal detention;

10 “(B) be considered to establish that there
11 is no significant likelihood of the individual’s re-
12 moval in the reasonably foreseeable future; and

13 “(C) establish a presumption that travel
14 documents are not available for the individual.

15 “(4) EMPLOYMENT AUTHORIZATION.—

16 “(A) IN GENERAL.—An individual granted
17 stateless protected status under this section
18 shall receive employment authorization for a re-
19 newable period not less than 5 years.

20 “(B) PENDING APPLICATION.—

21 “(i) IN GENERAL.—During the 150-
22 day period after the date on which an ap-
23 plication for status under this section is
24 submitted, the Secretary of Homeland Se-

1 curity may authorize the applicant to en-
2 gage in employment in the United States.

3 “(ii) MANDATORY EMPLOYMENT AU-
4 THORIZATION.—If the Secretary of Home-
5 land Security has not issued a decision
6 within the 150-day period beginning on the
7 date on which an application for status
8 under this section is submitted, the Sec-
9 retary of Homeland Security shall author-
10 ize the applicant to engage in employment
11 in the United States until the date on
12 which a decision is issued on the applica-
13 tion for lawful permanent residence or
14 stateless protected status.

15 “(5) TRAVEL DOCUMENTS.—

16 “(A) IN GENERAL.—On request, the Sec-
17 retary of Homeland Security shall provide to
18 any noncitizen granted relief under this section,
19 a travel document that facilitates the nonciti-
20 zen’s ability to travel abroad and to be admitted
21 to the United States upon return.

22 “(B) VALIDITY.—The minimum period of
23 validity for a document issued under subpara-
24 graph (A) shall be 10 years.

1 “(6) NATURALIZATION.—Notwithstanding any
2 other provision of law, an individual granted lawful
3 permanent residence status under paragraph (1)(D)
4 may apply for naturalization after having resided
5 continuously in the United States for at least 3
6 years beginning on the date on which such individual
7 is granted lawful permanent resident status.

8 “(c) EVIDENTIARY MATTERS.—

9 “(1) IN GENERAL.—In determining if an indi-
10 vidual is a stateless person under this section, the
11 Secretary of Homeland Security shall consider and
12 obtain any credible evidence relevant to the applica-
13 tion, including information from—

14 “(A) the Department of State, particularly
15 the Bureau of Population, Refugees, and Mi-
16 gration and the Bureau of Democracy, Human
17 Rights, and Labor; and

18 “(B) relevant international and foreign
19 bodies, such as the United Nations High Com-
20 missioner for Refugees, nongovernmental orga-
21 nizations, and the competent authorities of
22 other countries.

23 “(2) DESIGNATION OF SPECIFIC GROUPS OF
24 STATELESS PERSONS.—The Secretary of Homeland
25 Security, in consultation with the Secretary of State,

1 may designate 1 or more specific groups of individuals
2 who shall be considered stateless persons for purposes of this section, and a noncitizen who belongs to a group so designated shall be considered
3
4 a stateless person.

5 “(3) BURDEN OF PROOF.—The burden of proof
6 with respect to evidentiary matters relating to an application under this section shall be shared between the Secretary of Homeland Security and the
7
8 applicant.

9 “(4) STANDARD OF PROOF.—

10 “(A) IN GENERAL.—A noncitizen shall be considered to be a stateless person if it is established to a reasonable degree that the noncitizen meets the definition of the term ‘stateless person’ under this section.

11 “(B) ASSESSMENT OF NATIONALITY.—The nationality of an individual shall be assessed as of the date on which a determination of eligibility under this section is made.

12 “(5) SUBMISSION OF DOCUMENTARY EVIDENCE.—

13 “(A) SUPPORTING DOCUMENTS FROM APPLICANT.—An applicant for relief under this

1 section shall submit, as part of the application
2 for such relief—

3 “(i) a full and truthful account, to the
4 best of the noncitizen’s knowledge, of such
5 noncitizen’s legal status with regard to any
6 country in which the applicant was born or
7 resided before entering the United States
8 or to which the applicant has a relevant as-
9 sociation; and

10 “(ii) all evidence reasonably available,
11 including any valid or expired travel docu-
12 ment.

13 “(B) EVIDENCE AVAILABLE TO SEC-
14 RETARY OF HOMELAND SECURITY.—The Sec-
15 retary of Homeland Security shall obtain and
16 submit to the immigration officer or immigra-
17 tion judge and the applicant or, as applicable,
18 the applicant’s counsel, all available evidence re-
19 garding the legal status of the applicant in the
20 applicant’s country of birth or prior residence
21 or any country to which the applicant has a rel-
22 evant association, including information on the
23 relevant laws and practices of the countries con-
24 cerned.

1 “(C) CONSIDERATION OF RESPONSE.—The
2 Secretary of Homeland Security may consider
3 as substantial evidence that an individual is not
4 considered by a country to be a national of the
5 country the following:

6 “(i) After 120 days have elapsed after
7 the Secretary of Homeland Security has
8 requested information from the country
9 with respect to the nationality status of the
10 individual, the lack of response from the
11 competent authority of the country.

12 “(ii) A pro forma response from the
13 country that lacks an application of the
14 law or facts to the particular individual.

15 “(iii) The refusal of the country to ac-
16 cept the individual for deportation or re-
17 moval.

18 “(d) FEES.—The Secretary of Homeland Security
19 may not charge a noncitizen any fee in connection with
20 an application for, or issuance of, lawful status under this
21 section, employment authorization, or travel documents.

22 “(e) JURISDICTION AND REVIEW.—

23 “(1) IN GENERAL.—The Director of U.S. Citi-
24 zenship and Immigration Services shall have juris-
25 diction over an application for stateless protected

1 status and adjustment of status filed by a noncitizen
2 under this section.

3 “(2) REVIEW.—A denial by the Secretary of
4 Homeland Security of an application for relief under
5 this section shall be subject to review by the Admin-
6 istrative Appeals Office of U.S. Citizenship and Im-
7 migration Services.

8 “(f) EFFECT ON REMOVAL PROCEEDINGS.—With re-
9 spect to a noncitizen in removal proceedings who files an
10 application for relief under this section, the Attorney Gen-
11 eral shall postpone the removal proceedings pending the
12 adjudication of the application.

13 “(g) APPLICANTS WITH FINAL ORDERS OF RE-
14 MOVAL.—

15 “(1) MOTIONS TO REOPEN.—

16 “(A) IN GENERAL.—A noncitizen whose
17 removal, deportation, or exclusion proceedings
18 were concluded before the date of the enact-
19 ment of this section, and who is eligible for re-
20 lief under this section, may file 1 motion to re-
21 open proceedings to apply for such relief not
22 later than 1 year after the date of the enact-
23 ment of this section.

24 “(B) EFFECT OF LIMITATIONS.—A time or
25 numerical limitation on motions to reopen re-

1 removal, deportation, or exclusion proceedings
2 may not be construed to restrict the filing of a
3 motion to reopen under this paragraph if such
4 limitation is based on previously unavailable evi-
5 dence or facts, or on changed facts or cir-
6 cumstances, including a discovery by a noncit-
7 izen that the noncitizen may be a stateless per-
8 son.

9 “(2) STAY OF REMOVAL.—

10 “(A) IN GENERAL.—An applicant for relief
11 under this section who has been issued a final
12 order of removal, deportation, or exclusion may
13 request a stay of removal, deportation, or exclu-
14 sion.

15 “(B) CONSIDERATION OF REQUEST.—With
16 respect to an individual who requests a stay
17 under subparagraph (A), if the Secretary of
18 Homeland Security determines that the applica-
19 tion for relief is bona fide, the Secretary shall
20 automatically stay the execution of the final
21 order of deportation, exclusion, or removal, and
22 the stay will remain in effect until a final deci-
23 sion is made on the applications.

24 “(C) EFFECT OF DENIAL.—If the applica-
25 tion is denied, the stay of the final order is

1 deemed lifted as of the date of such denial,
2 without regard to whether the noncitizen ap-
3 peals the decision.

4 “(3) TERMINATION.—On the grant of an appli-
5 cation for relief under this section to a noncitizen
6 with a final order of removal, deportation, or exclu-
7 sion, the final order shall be deemed canceled by op-
8 eration of law as of the date of the approval.

9 “(h) EXCLUSION FROM NUMERICAL LIMITATIONS.—
10 Individuals provided status under this section shall not be
11 counted against any numerical limitation under section
12 201(d), 202(a), or 203(b)(4).

13 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to authorize or require the admis-
15 sion of any noncitizen to the United States.

16 “(j) REPORTS.—

17 “(1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this section, and
19 every 90 days thereafter, the Secretary of Homeland
20 Security shall submit to the Committee on the Judi-
21 ciary of the Senate and the Committee on the Judi-
22 ciary of the House of Representatives a report on—

23 “(A) the number of applications submitted
24 under each of paragraphs (1), (4), and (5) of
25 subsection (b) since the date of the enactment

1 of this section, disaggregated by the country of
2 birth of the applicants; and

3 “(B) average timelines for processing each
4 such application.

5 “(2) PUBLIC AVAILABILITY.—The Secretary of
6 Homeland Security shall publish each report sub-
7 mitted under paragraph (1) on the internet website
8 of the Department of Homeland Security, respec-
9 tively.

10 “(k) PUBLICATION OF GUIDANCE.—Not later than
11 120 days after the date of the enactment of this Act, the
12 Secretary of Homeland Security shall publish all policy
13 manuals, guidance, and application instructions relating
14 to applications under this section on the internet website
15 of the Department of Homeland Security.

16 “(l) REGULATIONS.—The Secretary of Homeland Se-
17 curity may issue such regulations as the Secretary of
18 Homeland Security considers appropriate to carry out this
19 section.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
21 (1) TABLE OF CONTENTS.—The table of con-
22 tents for the Immigration and Nationality Act (8
23 U.S.C. 1101 et seq.) is amended by inserting after
24 the item relating to section 245A the following:

“Sec. 245B. Protection of stateless persons in the United States.”.

1 (2) EXCEPTION FOR UNLAWFUL PRESENCE OF
2 STATELESS PERSONS.—Section 212(a)(9)(B)(iii) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1182(a)(9)(B)(iii)) is amended by adding at the end
5 the following:

6 “(V) STATELESS PERSONS.—
7 Clause (i) shall not apply to a noncit-
8 izen who demonstrates that he or she
9 is a stateless person (as defined in
10 section 245B(a)).”.

11 **SEC. 5. PREVENTION OF STATELESSNESS.**

12 (a) BIRTHS TO UNITED STATES CITIZENS OVER-
13 SEAS.—Section 301 of the Immigration and Nationality
14 Act (8 U.S.C. 1401) is amended—

15 (1) in subsection (g), by striking “; and” and
16 inserting a semicolon;

17 (2) in subsection (h), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(i) a person born to a citizen of the United States
21 outside the United States or in an outlying possession of
22 the United States, if such person is born as a stateless
23 person (as defined in section 245B(a)).”.

1 (b) FOUNDLINGS.—Section 301 of the Immigration
2 and Nationality Act (8 U.S.C. 1401) is further amended
3 by striking subsection (f) and inserting the following:

4 “(f) a person of unknown parentage found in the
5 United States while under the age of 18 years, until
6 shown, prior to the person attaining the age of 21 years,
7 not to have been born in the United States;”.

8 (c) STATELESS SAFEGUARDS FOR DERIVATIVE CITI-
9 ZENSHIP AND INTERNATIONAL ADOPTIONS.—

10 (1) STATELESS SAFEGUARDS.—Section 320 of
11 the Immigration and Nationality Act (8 U.S.C.
12 1431) is amended by adding at the end the fol-
13 lowing:

14 “(e)(1) Notwithstanding any other provision of law,
15 a person born outside the United States or in an outlying
16 possession who is or becomes a stateless person (as defined
17 in section 245B(a)) automatically becomes a citizen of the
18 United States on the date on which one of the following
19 conditions has been fulfilled:

20 “(A) One parent is or was a citizen of the
21 United States.

22 “(B) The person was adopted by—

23 “(i) a citizen of the United States; or

1 “(ii) an individual who became a citizen of
2 the United States after the date of such adop-
3 tion.

4 “(2) This subsection applies to any person who meets
5 the criteria under paragraph (1) at any time.”.

6 (2) AGE.—Section 320(a) of the Immigration
7 and Nationality Act (8 U.S.C. 1431(a)) is amended
8 by striking paragraph (2) and inserting the fol-
9 lowing:

10 “(2) The child is under the age of 21 years.”.

11 (3) ENTRY AND CUSTODY.—Section 320(a) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1431(a)) is further amended by striking paragraph
14 (3) and inserting the following:

15 “(3) The child is residing in the United States,
16 and provided such child is under the legal age of
17 adulthood in the State in which the parent of the
18 child or the child resides, is in the legal and physical
19 custody of the citizen parent.”.

20 (d) PROGRAMS TO PREVENT STATELESSNESS.—The
21 Secretary of Homeland Security and Secretary of State
22 shall jointly establish and carry out initiatives to prevent
23 statelessness from occurring, which may include—

24 (1) an assessment of United States citizenship
25 law to determine and amend any provision of law

1 that results in statelessness or a delayed acquisition
2 of nationality that increases the risk of statelessness;

3 (2) studies on the profiles and number of state-
4 less people living in the United States;

5 (3) programs to promote inclusive and non-
6 discriminatory nationality laws and practices in
7 other countries, with particular attention to the pre-
8 vention of atrocity crimes;

9 (4) programs to encourage other countries to
10 establish stateless status determination and protec-
11 tion legislation; and

12 (5) grants to universities and nongovernmental
13 organizations to accelerate research, education, cur-
14 ricula, and knowledge on nationality law and prac-
15 tice and statelessness.

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