

# ASSEMBLY RESOLUTION No. 52

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

Calls on federal government to recognize children of certain LGBTQ parents as United States citizens.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ASSEMBLY RESOLUTION** calling on the federal government to  
2       recognize the children of certain LGBTQ parents as United  
3       States citizens.  
4

5   **WHEREAS**, For years, under multiple presidents, the Department of  
6       State has ignored key federal court rulings that provide guidance on  
7       how the United States should grant citizenship to children who are  
8       born abroad to lesbian, gay, bisexual, transsexual, or queer  
9       (LGBTQ) Americans; and

10   **WHEREAS**, The Department of State has followed an outdated  
11       interpretation of the law, and an outdated notion of parenthood,  
12       under which it requires a biological tie between the United States  
13       citizen parent and the child; and

14   **WHEREAS**, The Department of State has followed this interpretation  
15       despite two court rulings by the United States Court of Appeals for  
16       the 9th Circuit, one in 2000 and one in 2005, which made clear that  
17       the “Immigration and Nationality Act,” on which the department’s  
18       policy is based, does not require a blood relationship to pass along  
19       United States citizenship to children born outside of this country;  
20       and

21   **WHEREAS**, The consequence of the dichotomy between Department of  
22       State policy and court rulings is that American parents can have one  
23       child the government recognizes as a citizen and another child the  
24       government does not recognize as a citizen; and

25   **WHEREAS**, There are currently two cases before the courts (Davash-  
26       Banks v. U.S. Department of State, and Blixt v. U.S. Department of  
27       State) involving married same-sex couples, in which one is  
28       American and the other is not, who used assistive reproductive  
29       technology to have children, and one child was granted citizenship  
30       and the other child was not, based on DNA testing; and

31   **WHEREAS**, The Department of State is making its decisions based on  
32       an internal policy that appears to require a biological or blood  
33       relationship between a child and a parent in order for the parent to  
34       pass along United States citizenship when the child is born abroad,  
35       despite court rulings that hold that it is the reality of being a parent,  
36       not a biological tie, that conveys citizenship to one’s newborn baby;  
37       and

38   **WHEREAS**, Updating the Department of State’s policy could be  
39       accomplished without Congress changing the law simply by  
40       following the rulings of earlier court cases so that LGBTQ  
41       Americans have the same ability to pass on their citizenship to their  
42       children as do straight Americans; and

43   **WHEREAS**, It is fitting and proper for this House to call on the  
44       federal government to recognize the children of certain LGBTQ  
45       parents as United States citizens; now, therefore,  
46

47       **BE IT RESOLVED** *by the General Assembly of the State of New*  
48       *Jersey:*

## AR52 QUIJANO, MURPHY

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1        1. This House calls on the federal government to recognize the  
2        children of certain LGBTQ parents as United States citizens.

4        2. Copies of this resolution, as filed with the Secretary of State,  
5 shall be transmitted by the Clerk of the General Assembly to the  
6 President of the United States and the Secretary of the federal  
7 Department of State.

10 STATEMENT

12        This Assembly Resolution calls on the federal government to  
13        recognize the children of certain LGBTQ parents as United States  
14        citizens.