RESOLVED, That the American Bar Association urges the United States Department of State to:

1) interpret the Immigration and Nationality Act, 8 U.S.C. § 1401, to recognize those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child, so long as at least one of the intended parents is a U.S. citizen who is legally recognized as the child’s parent by the country of birth or the intended parent’s state of domicile and the relevant resident or physical presence requirements are met;

2) create guidelines related to the recognition of children born to intended parents that will ensure the validity of the intended parent relationship and that it is demonstrated prior to acquisition of citizenship;
3) recognize children born to parents who are legally bound by marriage, civil unions, or other similar forms of legal partnership as not “born out of wedlock” and analyze them under 8 U.S.C. § 1401 rather than 8 U.S.C. § 1409; and

4) apply these three expanded interpretations retroactively.