



Resolution in Support of Legislation to Encourage Payment of Child Support Through Immigration Enforcement

Introduction

The National Child Support Enforcement Association (NCSEA) is committed to increasing child support collections owed to families and children. To achieve this outcome it is necessary to continuously expand the collection tools available to child support professionals enabling them to successfully collect support in cases that are not subject to traditional enforcement mechanisms.

Under current federal law, citizens of the United States are denied passports if they are delinquent in court or administratively ordered child support obligations. As a matter of equity, similar restrictions should be placed on persons wishing to immigrate to the United States.

THEREFORE, NCSEA resolves that:

1. NCSEA urges Congress to pass legislation that would restrict the issuance of visas and the admission of persons into the United States if the person wishing to immigrate to the United States is legally obligated to pay child support under a judgment, decree, or order and has an arrearage as a result of failing to comply with that child support judgment, decree, or order.
2. NCSEA recommends that any such legislation passed by Congress contain the following components.
 - The legislation should clearly define that the restriction is applicable to child support judgments, decrees, or orders issued by tribunals of the United States and to child support judgments, decrees, or orders issued by tribunals of other countries that are being enforced by the IV-D program.
 - The legislation should establish a threshold arrearage amount that would trigger the visa restriction process. The threshold amount should be the same as the threshold arrearage amount for passport denial for United States citizens.
 - The legislation should allow for the restriction on the issuance of visas and the admission of persons into the United States to be lifted when the



arrearage debt has been satisfied or the person has agreed to and/or is in compliance with an approved payment agreement.

- The legislation should authorize immigration officers to serve legal process with respect to any action to enforce a legal obligation of an individual to pay child support on any person who is applying for admission or admitted to the United States. The legislation should define “legal process” as any writ, order, summons, or other similar process that is issued by a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States or an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.
 - The legislation should require the Departments of Health and Human Services, Homeland Security, State, and Justice to cooperate and share information to aid in determining whether a person wishing to immigrate to the United States is delinquent in the payment of child support. Any legislation should address the operational method for communication between the federal agencies and state IV-D agencies and appropriate administrative procedures.,
3. NCSEA urges Congress to amend the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) to achieve these purposes.

Background

Under current federal law, citizens of other countries wishing to immigrate to the United States can do so regardless of their compliance with legal child support obligations. On the other hand, citizens of the United States are unable to secure a passport and are restricted from leaving the country if they have a child support arrearage.

To close this loophole and establish equity between foreign citizens and United States citizens, legislation such as the Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act has been introduced in Congress to amend the Immigration and Nationality Act to: (1) make an alien excludable from admission to the United States for nonpayment of child support (permits admission upon satisfaction of payments or in compliance with a payment schedule); (2) authorize an immigration officer to serve an alien with legal process in child support cases; and (3) include nonpayment of child support among the considerations for failure of an alien to establish good moral character.

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Re-ratified by the NCSEA Board of Directors on August 11th, 2018