

## **The Child Citizenship Act of 2000**

### **Public Law No. 106-395**

The Child Citizenship Act amends the Immigration and Nationality Act to grant automatic citizenship to children born abroad who are (1) under 18 years of age; (2) admitted to the U.S. as a lawful permanent resident; and (3) in the legal and physical custody of at least one parent who is a U.S. citizen. The bill eliminates the current requirement that the parents of such children submit an application to have their children naturalized. It applies equally to all children of U.S. citizen parents who are lawfully admitted for permanent residence, regardless of whether or not they were adopted.

Title II of the Act provides relief from deportation to one particular group of noncitizens who are subject to deportation under the 1996 amendments to the Immigration and Nationality Act: namely, those who voted or registered to vote in U.S. elections, in the reasonable but mistaken belief that they were citizens at the time.

#### **FREQUENTLY ASKED QUESTIONS**

##### ***When did the Act go into effect?***

The Act was signed into law by President Clinton on October 30, 2000, and went into effect on February 27, 2001.

##### ***How does the Act affect adopted children?***

Under the Act, children adopted from abroad by U.S. citizens receive the same treatment as children born abroad to U.S. citizens. A child whose adoption is completed abroad becomes a citizen immediately upon entering the U.S. as a lawful permanent resident. In cases where the child is coming to the U.S. for purposes of adoption (but has not yet been adopted), that child becomes a citizen (having previously entered the U.S. as a lawful permanent resident) the moment the adoption becomes final.

##### ***Does the Act apply to children adopted before it went into effect?***

Yes. The Act applies to every child who (1) was a lawful permanent resident (2) under 18 years old (3) in the legal and physical custody of at least one U.S. citizen parent when the Act went into effect—and to every child who meets these three criteria in the future—regardless of the date the child was adopted or entered the U.S. The Act is not “retroactive”, i.e., it does not apply to individuals who were over 18 years of age on February 27, 2001. If they wish to become U.S. citizens, they must apply for naturalization under the eligibility requirements for adult lawful permanent residents.

##### ***Does “automatic” really mean “automatic”, or are parents still required to take steps to ensure that their children are granted citizenship?***

If a child is eligible under the Act, citizenship is conferred by operation of law, without any further action required on the part of the family or the government. The child requires no documentation of any kind to attest to his or her new status.

***What if my child wants a passport or wishes to have other proof of citizenship?***

Those who need or wish to obtain a passport may do so using the same procedures available to children born in the United States. *Guidance regarding the documents that must be submitted to the Passport Office by foreign-born children will be posted on the State Department website at [www.travel.state.gov](http://www.travel.state.gov).*

Since children covered by the Act will no longer need to go through a naturalization process, they will not receive a naturalization certificate. For those who wish nevertheless to obtain a certificate of citizenship, we are working with the INS to develop simplified and streamlined procedures for doing so. We would advise families to wait until these new procedures are in place; however, should any wish to proceed before that time, they will need to apply under the current process.

***What should I do if I have already applied for naturalization for my child?***

Nothing. While naturalization is no longer required, the INS will continue to process pending applications and will issue certificates of citizenship in due course.

***Will children of American citizens who do not live in the U.S. be able to become citizens as well?***

Yes, but they will not be able to do so automatically, except in certain cases where the U.S. citizen parents are lawful permanent residents who are temporarily residing abroad. In all other cases in which the child is born and residing outside the United States, the parent will need to apply for naturalization on behalf of the child and the child will need to enter the United States temporarily to complete the naturalization process and take the oath of allegiance. *Detailed information regarding the naturalization process will be posted on the INS website at [www.ins.gov](http://www.ins.gov).*

UPDATES AND FURTHER INFORMATION REGARDING THE CHILD CITIZENSHIP ACT WILL BE POSTED AT  
[WWW.HOUSE.GOV/DELAHUNT](http://WWW.HOUSE.GOV/DELAHUNT).