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The Child Citizenship Act of 2000
Public Law No. 106-395

FREQUENTLY ASKED QUESTIONS
UPDATED MARCH 13, 2001

Who qualifies for automatic citizenship under the new law?

The Child Citizenship Act confers automatic citizenship on children born abroad who are (1) born on or after February 28, 1983 and under 18 years of age; (2) residing in 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.

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 finalized 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.

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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. There is no form or application to file, and the child requires no documentation of any kind to attest to his or her new status.

Is my child eligible to apply for a passport?

Yes. Those who wish to obtain a passport may do so using the same procedures available to children born in the United States. If your child is 15 or younger, the passport is good for five years. If your child is 16 or older, it is good for 10 years. In either case, it can be renewed when it expires.

Does a passport serve as proof of citizenship?

Yes. By law, a valid passport is proof of citizenship, with the same force and effect as certificates of naturalization or of citizenship.

If the passport expires, does this affect my child's citizenship?

No. The expiration of a passport has no effect on the child's citizenship. However, only a valid passport serves as *proof* of citizenship.

How can I apply for a passport for my child?

You may use the standard passport application (DSP-11), which is available from any passport office or post office. *For a list of locations in your area, or to download a copy of the application form, visit the website for the State Department's Office of Passport Services, at http://www.travel.state.gov/passport_services.html.*

What other documents will I need to include with the application?

The application must be accompanied by:

1. Two identical 2x2 photographs.
2. Parent's driver's license, passport or other valid form of identification.
3. Certified adoption decree (with English translation, if necessary).
4. Child's foreign passport with INS stamp I-551 *or* child's resident alien card.
5. Fee of $40.00 (for children under 16) or $60.00 (for children 16 and older).

Will we need to apply in person?

Children aged 13-17 must appear in person. Younger children do not need to appear unless requested to do so by the Passport Service. In most cases, the parent may apply on their behalf.

How long will it take to process our application?

The normal processing time is six weeks. Applications can be expedited for an additional fee of $35 per application plus overnight delivery costs, and are usually received within two weeks. *Further guidance regarding the passport process is available from the Office of Passport Services at the website listed above.*

What if my child wishes to have other proof of citizenship?

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, as those who wish to proceed before that time will have 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. Please note that the processing fee is nonrefundable.

My child is a lawful permanent resident of the U.S. but was abroad when the law went into effect on February 27, 2001. Did he or she become a citizen on that date?

No, but he or she will automatically become a citizen the next time he or she enters the U.S. in the legal and physical custody of a U.S. citizen parent.

Will children of American citizens who are born and reside abroad be able to become citizens as well?

Yes, but they will not be able to do so automatically. If a 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. *Information regarding the naturalization process is posted on the INS website at www.ins.gov.*

Do any other non-citizens benefit under the new law?

Yes. Title II of the Act provides relief to one particular group of non-citizens 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.

UPDATES AND FURTHER INFORMATION REGARDING THE CHILD CITIZENSHIP ACT WILL BE POSTED AT WWW.HOUSE.GOV/DELAHUNT.