



U.S. Citizenship  
and Immigration  
Services



# Fact Sheet

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

On October 30, 2000, The Child Citizenship Act of 2000 (CCA) was signed into law. The new law, Public Law 106-395, amended the Immigration and Nationality Act (INA) to permit foreign-born children — including adopted children — to acquire citizenship automatically if they meet certain requirements. It became effective on February 27, 2001.

### **Which Children Automatically Become Citizens Under the CCA?**

Since February 27, 2001, certain foreign-born children — including adopted children — residing permanently in the United States acquired citizenship automatically. The term “child” is defined differently under immigration law for purposes of naturalization than for other immigration purposes, including adoption.

To be eligible, a child must meet the definition of “child” for naturalization purposes under immigration law, and must also meet the following requirements:

- The child has at least one United States citizen parent (by birth or naturalization);
- The child is under 18 years of age;
- The child is currently residing permanently in the United States in the legal and physical custody of the United States citizen parent;
- The child is a lawful permanent resident;
- An adopted child meets the requirements applicable to adopted children under immigration law.

Children of U.S. Military or U.S. Government employees temporarily stationed abroad will be considered to be “residing in the United States” for purposes of acquisition of citizenship under section 320 of the INA.

Acquiring citizenship automatically means citizenship acquired by law without the need to apply for citizenship.

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### **Which children qualify for automatic citizenship under the CCA?**

Under the CCA, a child will automatically acquire U.S. citizenship on the date that all of the following requirements are satisfied:

- At least one adoptive parent is a U.S. citizen,
- The child is under 18 years of age,
- An adopted child meets the requirements applicable to adopted children under immigration law,
- The child is admitted to the United States as an immigrant.

### **Must an application be filed with USCIS to establish a child's citizenship?**

No. If a child satisfies the requirements listed above, he or she automatically acquires U.S. citizenship by operation of law either on the day of admission to the United States or on the day that the last condition is satisfied. If a full and final adoption is completed abroad, and the child meets the requirements applicable to adopted children under the immigration law, the child automatically becomes a citizen on the day he or she is admitted to the United States as an immigrant. If the adoption is completed in the U.S. or the child has to be re-adopted after the child has been admitted to the United States as an immigrant, the child automatically becomes a citizen when the adopted child meets the requirements applicable to adopted children under immigration law. The child's citizenship status is no longer dependent on USCIS approving a naturalization application.

### **Will Eligible Children Automatically Receive Proof of Citizenship — Such As Citizenship Certificates and Passports?**

Adopted children admitted in the IR-3 category on or after January 1, 2004, will automatically receive a Certificate of Citizenship within 45 days of admission into the U.S. The IR-3 visa accounts for approximately seventy percent of children adopted by U.S. Citizens, and is for cases where adoptions are made final overseas.

This program eliminates the need for the issuance of a Permanent Resident Card for newly entering children, since these cards are not applicable to U.S. citizens. The program, announced in November 2003, is managed from the USCIS Buffalo, New York District Office.

If parents desire a passport for their child, they should apply for one with the Department of State.

### **Is Automatic Citizenship Provided for Children (Including Adopted Children) Born and Residing Outside the United States?**

No. In order for a child born and residing outside the United States to acquire citizenship, the United States citizen parent must apply for naturalization on behalf of the child. This only applies to children who not acquire U.S. citizenship at birth. The naturalization process for such a child cannot take place overseas. The child will need to be in the United States temporarily to complete naturalization processing and take the oath of allegiance.

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To be eligible, a child must meet the definition of “child” for naturalization purposes under immigration law, and must also meet the following requirements:

- The child has at least one United States citizen parent (by birth or naturalization);
- The United States citizen parent has been physically present in the United States for at least five years, at least two of which were after the age of 14 — or the United States citizen parent has a citizen parent who has been physically present in the United States for at least five years, at least two of which were after the age of 14;
- The child is under 18 years of age;
- The child is residing outside the United States in the legal and physical custody of the United States citizen parent;
- The child is temporarily present in the United States — having entered the United States lawfully and maintaining lawful status in the United States;
- An adopted child meets the requirements applicable to adopted children under immigration law.

If the naturalization application is approved, the child must take the same oath of allegiance administered to adult naturalization applicants. If the child is too young to understand the oath, USCIS may waive the oath requirement.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.