

## Introduction

There are four ways to become a citizen of the United States: by birth in the U.S.; by birth in the U.S. territories; by birth outside the U.S. to U.S. parents; and by naturalization. This handout provides general information about each of these four methods.

### OTHER RESOURCES:

US Embassy in Japan:  
<http://japan.usembassy.gov/>

U.S Citizenship and Immigration Services:  
<http://www.uscis.gov/portal/site/uscis>

**Legal Assistance Hours:**  
By Appointment Only

**Notary Hours:**  
Monday - Thursday  
0900-1500



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# CITIZEN AND NATURALIZATION OF CHILDREN

### This Brochure Includes:

- Birth in U.S.
- Birth to U.S. Parents Overseas
- Naturalization
- Dual Citizenship
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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## Citizenship by Birth

Any child born in the U.S. or its territories is automatically granted citizenship. Non-citizen parents are not automatically given naturalization status by virtue of their child's citizenship. If the parents are not U.S. citizens, they must go through the naturalization procedures.

### Birth Outside the U.S. to U.S. Parents

Children born overseas may be granted citizenship under the Immigration and Nationality Act. For information about the necessary documents to file for citizenship, contact the Military Personnel Flight at 225-9913. **Note:** *Parents of children born overseas must register births at a U.S. embassy or consulate as a consular report of birth abroad (for U.S. military personnel and their dependents, this report is filed through the Military Personnel Flight).*

#### 1. Children Born to Parents in Wedlock:

A. A child born abroad to two U.S. citizen parents acquires U.S. citizenship at birth.

One of the parents must have resided in the U.S. prior to the child's birth, but no specific period of time for such residence is required. The child need not meet any residence or presence requirements in the U.S. to retain citizenship and does not necessarily acquire foreign citizenship by virtue of being born in a foreign country.

B. A child born abroad to one U.S. citizen and one alien parent acquires U.S. citizenship at birth, provided the citizen parent was physically present in the U.S. for the time period required by the law at the time of the child's birth. (For birth on or after 14 November 1986, a period of five years physical presence, two after the age of fourteen is required). A parent's service in the U.S. armed forces overseas or time spent overseas as a dependent of a military member counts toward this "physical presence" requirement. There is no requirement for children in this category to reside in the U.S. to retain citizenship.:

#### 2. Children Born Out of Wedlock

A. A child born to a U.S. citizen mother can be granted citizenship if the mother was a U.S. citizen at the time of the child's birth, and if the mother had previously been physically present in the U.S. or one of its possessions for a continuous period of one year.

B. A child born to a U.S. citizen father can be granted citizenship as of birth if:

- A blood relationship between the child and the father is established by clear and convincing evidence;
- The child's father was a U.S. citizen at the time of the child's birth;
- The child's father (unless deceased) has agreed in writing to provide financial support for the child until the child reaches 18 years of age; and
- One of the following criteria is met before the child reaches 18 years of age:
  - The child is legitimated under the law of his or her residence or domicile;
  - The father acknowledges in writing and under oath the paternity of the child; or
  - The paternity of the child is established by adjudication of a competent court.

## Naturalization

Naturalization is defined as the process by which a person acquires nationality after birth and becomes entitled to the privileges of U.S. citizenship. Naturalization can only occur upon the candidate appearing before a proper official while in the U.S.

1. A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled :

- At least one parent of the child is a citizen of the United States, whether by birth or naturalization;
- The child is under the age of eighteen years; and
- The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence

2. In certain situations, children may be naturalized upon petition of a citizen parent if:

- The child is under 18 at the time;
  - The child is residing outside of the United States in the legal and physical custody of the applicant (or, if the citizen parent is deceased, an individual who does not object to the application). OR
  - The child is present in the U.S. pursuant to a lawful admission, and is maintaining such lawful status. at the time of naturalization;
3. A foreign born adopted child may receive a certificate of citizenship if
- The child legally resides in the U.S in the legal and physical custody of the U.S. Citizen parent and meets the following conditions after February 27, 2001, but before her/her 18th birthday:
    - The child was adopted by a parent who is a citizen of the U.S. before the child's 16th (sometimes 18th) birthday and had legal custody of the child for at least two years; OR
    - The child was admitted to the United States as an orphan (IR-3) or Convention adoptee (IH-3) whose adoption by his or her U.S. citizen parent(s) was fully completed abroad; OR
  - The child was admitted to the United States as an orphan (IR-4) or Convention adoptee (IH-4) who was coming to the United States to be adopted and the child's adoptive parent(s) completed the adoption before his or her 18<sup>th</sup> birthday.

## Dual Citizenship

Dual citizenship is defined as citizenship in two different countries. The concept of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that a person asserts the right of citizenship of a foreign country does not mean that the person renounces U.S. citizenship. Children born of a U.S. parent and a foreign national may be eligible for dual citizenship. If a child is born in Japan to a Japanese citizen and a U.S. citizen, the child will be entitled to dual citizenship. A child born in the U.S. to a Japanese citizen and a U.S. citizen is entitled to dual citizenship if the birth is registered at the Japanese Consulate within 90 days of birth.