

Citizenship of Children Born Abroad

All Americans should enjoy an equal right to transmit U.S. citizenship to their children at birth, including children born to or adopted by a U.S. citizen abroad. Children born abroad should be defined as “natural born” U.S. citizens. We propose alleviating conditions for recognizing children born abroad as U.S. citizens, in particular for unwed American mothers, by modifying Sections 301, 309 and 320 of the Immigration and Nationality Act to make transmission of U.S. citizenship possible in the following cases:

Allowing unwed American mothers the possibility of EITHER a one-year continuous U.S. residence OR a five-year U.S. presence, at least two of which were after the age of 14, which is the residence requirement for almost all other American parents abroad to transmit citizenship. There can be cases where the mother has five years of cumulative U.S. presence but not one full continuous year as required by present law. Changing the law would allow unwed mothers the possibility of transmitting citizenship in either case.

Recognizing children born abroad as citizens at birth if EITHER the American PARENT has satisfied the five-year U.S. presence requirement (at least two of which were after the age of 14) OR the American GRANDPARENT has satisfied the same five-year U.S. presence requirement, whether the GRANDPARENT is dead or alive. At present, U.S. citizenship is recognized at birth if the American parent satisfies the five-year U.S. presence requirement. Furthermore, it is possible to have a child NATURALIZED as a U.S. citizen if his/her American grandparent satisfies the five-year U.S. presence requirement and is living. Changing the law would make this "naturalization" automatic by having the child recognized as a U.S. citizen at birth if either the American parent OR American grandparent satisfies the five-year U.S. presence requirement.

Access to USCIS

Ensuring telephone access to designated persons or offices for Americans abroad seeking to obtain citizenship for their minor children. They need, but do not currently have, responsive information and assistance from the US government during the application process.

Consular officers abroad are not involved in the process until approval is granted and can be of no help. USCIS employees in the US are unreachable by phone and correspond by form letter. The approval process takes many months, every mistake adds more months, and if an arbitrary deadline is missed by the American parent overseas, that parent is generally required by USCIS to hire a lawyer in order to present missing documentation or correct a decision.

Alternatively, this responsibility could be given to consular officers abroad who would have the access and could inform the American parents in their consular areas.