



## Fact Sheet

# U.S. CITIZENSHIP AT BIRTH FOR CHILDREN OF U.S. CITIZEN(S) BORN OUTSIDE THE UNITED STATES

This fact sheet addresses questions about U.S. citizenship at birth for children who were born outside the United States to U.S. citizen parents.

## I Am a U.S. Citizen and My Child Was Born in Wedlock Outside the United States. Is My Child a U.S. Citizen?

Your child may be a U.S. citizen at the time of birth if the eligibility requirements of INA 301 were met and your child satisfies one of the definitions of child (see the following question).

If the child was born in wedlock on or after Nov. 14, 1986, and if:

- Both parents were U.S. citizens, then one parent must have resided in the United States or outlying possession (OLP) before the birth of the child (no specific time period is required);
- Only one parent was a U.S. citizen, then the U.S. citizen parent must have been physically present in the United States or OLP for 5 years before the birth of the child, at least 2 years of which were after age 14.

For requirements to gain citizenship for children born before Nov. 14, 1986, please see USCIS Policy Manual, Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309), [[12 USCIS-PM H.3](#)].

## Who Is Considered to Be a Child?

For purposes of citizenship, a child is defined as:

- The genetic child of a U.S. citizen mother;
- The adopted (including an orphan or Hague Convention adoptee) child of a U.S. citizen mother or father (See [uscis.gov/adoption](https://uscis.gov/adoption));
- The genetic, legitimated child of a U.S. citizen father;
- The child of a non-genetic gestational U.S. citizen mother (person who carried and gave birth to the child) who is recognized as the child's legal parent; or
- The child of a U.S. citizen mother or father who is married to the child's genetic or gestational parent at the time of the child's birth (even if no genetic or gestational relationship exists with the U.S. citizen mother) if both parents are recognized as the child's legal parents.

## Who is Considered to Be Born in Wedlock?

USCIS considers a child to be born in wedlock when the legal parents are married to one another at the time of the child's birth and at least one of the legal parents has a genetic or gestational relationship to the child.

## I Am a U.S. Citizen Mother and My Child Was Born Out of Wedlock. Is My Child a U.S. Citizen?

If your child satisfies one of the definitions of child, the child may have gained citizenship under INA 309(c) depending on the child's date of birth and the mother's physical presence in the United States as listed below:

Child born on or after Dec. 24, 1952, and before June 12, 2017	Mother was physically present in the United States or OLP for a continuous period of 1 year, without any breaks, before the child's birth.
Child born on or after June 12, 2017	Mother was physically present in the United States or OLP for at least 5 years before the child's birth, 2 of which were after the mother reached the age of 14.

## I Am a U.S. Citizen Father and My Child Was Born Out of Wedlock. Is My Child a U.S. Citizen?

If the child was born on or after Nov. 14, 1986, the following requirements must have been met.

- The child was legitimated or acknowledged before age 18 (legitimated under the laws of the child's residence or domicile; or paternity acknowledged in writing under oath; or paternity established by court order);
- Blood relationship between the child and the U.S. citizen father was established;
- The U.S. citizen father, unless deceased, has agreed in writing to financially support the child until the age of 18; and
- The U.S. citizen father was physically present in the United States or OLP for at least 5 years, 2 of which were after the father reached the age of 14, before the child's birth.

## My Child Was Born Out of Wedlock to Two U.S. Citizen Parents. Is My Child a U.S. Citizen?

If both parents are U.S. citizens and the child was born out of wedlock, the child may qualify under either parent. The child must meet the requirements for acquisition of citizenship under the mother OR the father; the child does not need to meet both requirements.

The child may meet the requirements for acquisition of citizenship under the mother if the mother was physically present in the United States or OLP for a continuous period of 1 year, without any breaks, before the child's birth. The child may meet the requirements for acquisition of citizenship under the father if the child meets the requirements listed above under "I Am a U.S. Citizen Father and My Child Was Born Out of Wedlock."

## I Am a U.S. Citizen who Adopted a Child Outside the United States. Is My Child a U.S. Citizen from Birth?

No, an adopted child does not automatically gain U.S. citizenship at the time of birth through an adoption. For additional information see [www.uscis.gov/adoption](http://www.uscis.gov/adoption).

## What Should I Do to Obtain Proof of U.S. Citizenship for My Child?

To obtain proof of your child's U.S. citizenship, the child's U.S. citizen parent or legal guardian may file USCIS Form N-600, Application for Certificate of Citizenship.

You may report the child's birth with the Department of State (DOS) (at the nearest U.S. Embassy or Consulate). The DOS will issue a Consular Report of Birth Abroad (CRBA or Form FS-240). The CRBA is proof of U.S. citizenship for your child. See DOS website for more information on CRBA, at <https://travel.state.gov/content/travel/en/international-travel/while-abroad/birth-abroad.html>.

Alternatively, you may also apply for a U.S. passport for your child with DOS to serve as evidence of U.S. citizenship. See <https://travel.state.gov/content/travel/en/passports/need-passport.html>.

## If I Want a Certificate of Citizenship for my Child, What Documents Do I Need to Submit to USCIS?

Together with Form N-600, you should submit the following required evidence:

- The child's birth certificate or record and any legal name changes;
- Evidence of the parent(s)' U.S. citizenship (for example, copy of birth certificate, naturalization certificate or passport); and evidence of marriage or termination of any previous marriage of each parent (if applicable); and
- Evidence of the parent(s)' physical presence or residence in the United States for the required period.

If the child was born out of wedlock and the father is the U.S. citizen, you must also provide:

- Evidence of agreement in writing from the U.S. citizen father, unless deceased, to financially support the child until the age of 18;
- Evidence to establish a blood relationship between the child and the U.S. citizen father; and
- Evidence of child's legitimation before the age of 18. If the child is not legitimated by the law, provide evidence that before the child reached the age of 18:
  - The father acknowledged the child's paternity in writing under oath, or
  - The child's paternity was established by a competent court.

## Resources

- USCIS Policy Manual, Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309), [[12 USCIS-PM H.3](#)]
- [FACT SHEET](#) - Citizenship for Children of U.S. Citizens Residing in the United States
- [FACT SHEET](#) - Citizenship for Children of U.S. Citizens Residing Outside the United States
- [FACT SHEET](#) - Citizenship for Children of U.S. Armed Forces Members Residing Outside the United States