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USCIS Implements New Law Related to Citizenship for Children of Military Members and U.S. Government Employees Stationed Overseas

Release Date : 09/18/2020

On Sept. 18, we updated our policy guidance concerning residency requirements under section 320 of the Immigration and Nationality Act (INA) to comply with the requirements of the recently enacted Citizenship for Children of Military Members and Civil Servants Act.

Under the new law, a child born outside of the United States acquires automatic citizenship under INA 320, even if the child is residing outside the United States, in cases where the child is a lawful permanent resident (LPR) and is in the legal and physical custody of his or her U.S. citizen parent who is:

- Stationed and residing outside of the United States as a member of the U.S. armed forces;
- Stationed and residing outside of the United States as an employee of the U.S. government; or
- The spouse residing outside the United States in marital union with a U.S. armed forces member or U.S. government employee who is stationed outside of the United States.

Additionally, the child must meet all generally applicable requirements for automatic acquisition of citizenship, except the residence requirement, under INA 320(a) and (b). In cases involving members of the U.S. armed forces, the child and the U.S. citizen parent (if the U.S. citizen parent is the spouse of the armed forces member) must be authorized to accompany and reside abroad with the armed forces member pursuant to the member's official orders.

In August 2019, USCIS issued policy guidance to align with existing State Department policy and federal law. The new law reverses this prior policy change.

As of March 26, 2020, U.S. citizen parents who are military or U.S. government employees or spouses of military or U.S. government employees, and are stationed outside the United States, can file Form N-600, Application for Certificate of Citizenship, for children residing outside the United States because their children, if eligible under the new INA 320(c), are exempt from the requirement to be residing in the United States. Upon meeting the requirements and traveling to the United States to complete the process, the child will obtain a Certificate of Citizenship.

This change applies to eligible children who were under the age of 18 on March 26, 2020.

For more information, read the updated guidance in the [USCIS Policy Manual](#).

Last Reviewed/Updated: 09/18/2020



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