

9. Citizenship



9.1 U.S. Citizenship

All persons born in, and subject to the jurisdiction of the U.S., are U.S. citizens. Citizenship can be established by an applicant's statement on the appropriate Statement of Facts. For CalWORKs, acceptable verification must be in the case record. Acceptable verification includes:

- U.S. birth certificate
- Baptismal certificate
- Military discharge papers
- U.S. Passport
- "Certificate of Citizenship" (N-560 OR N-561) from USCIS
- "Certificate of Naturalization" (N-550 or N-570)
- "United States Citizen Identification Card" (I-179)
- "United States Citizen Identification Card" (I-197)
- USCIS Identification form, or
- Similar proof which shows the date and place of birth.



9.2 Birth in U.S. Territories

Persons born in U.S. territories are American nationals entitled to enter the U.S. for permanent residence at any time without going through immigration procedures and are considered U.S. citizens. Citizenship through U.S. territorial birth is established by an applicant's statement on the appropriate Statement of Facts. (CalWORKs must have verification.) The U.S. territories are:

- American Samoa
- Guam
- Northern Mariana Islands (NMI); they are not nationals [Refer to "Northern Mariana Islands," page 9-2]
- Puerto Rico
- Swains Island
- Virgin Islands.



9.3 Former Trust Territories

In October-November 1986, two laws became effective relative to what was previously known as the Trust Territories of the Pacific Islands (TTPI). The TTPI (created in 1947) has been dissolved and four separate sovereign nations were created. The four nations are:

- Republic of Palau
- The Northern Mariana Islands (NMI)
- Republic of the Marshall Islands (MIS)
- Federated States of Micronesia (FSM).

U.S. citizenship is not the same for all four sovereign nations. See the following sections.

9.3.1 Republic of Palau

Citizens of Palau must qualify as immigrants or non-immigrants.

Noncitizens from the Republic of Palau must meet the normal noncitizen documentation verification requirements for all aids.

This group may be considered PRUCOL. [[Refer to "Rule," page 11-49.](#)]

9.3.2 Northern Mariana Islands

Citizens of the Northern Mariana Islands (NMI) were declared citizens of the United States under Public Laws 94-241 and 99-239, if certain conditions are met. The person must have been issued either:

- A U.S. passport, or
- A certificate of identity issued by the Commonwealth of the NMI.

Main islands of the Marianas are Saipan, Tinian and Rota.

Citizens of NMI who do not provide either a U.S. passport or a certificate of identity, issued by the Commonwealth of NMI, are to be considered noncitizens and must meet all noncitizen verification requirements.

9.3.3 Republic of the Marshall Islands

The Republic of the Marshall Islands (MIS) is considered a Freely Associated State. Citizens of MIS are allowed to enter the U.S. to live, work or study and are considered indefinite legal residents. They are given an "Arrival-Departure Form" (I-94) with an admission stamp followed by the notation CFA/MIS (CFA stands for Compact Free Association). The I-94 is stamped "Employment Authorized." Citizens of MIS are eligible for CalWORKs and Medi-Cal if they have the above verification.

This group may be considered PRUCOL. [[Refer to "Rule," page 11-49.](#)]

9.3.4 Federated States of Micronesia

The Federated States of Micronesia (FSM) is considered a Freely Associated State in all aspects to MIS above. Citizens are allowed to enter the U.S. to live, work or study, and are considered indefinite legal residents. They are given an I-94 with an admission stamp followed by the notation CFA/FSM. The I-94 is stamped "Employment Authorized". Citizens of FSM are eligible for all aids if they have the above verification.

This group may be considered PRUCOL. [[Refer to "Rule," page 11-49.](#)]



9.4 Derivative Citizenship

Derivative citizenship is conveyed to spouses of citizens at or during marriage.

9.4.1 Documents

Persons who have met all USCIS requirements to obtain derivative citizenship will have either an N-560 or N-561.



9.5 Child Citizenship Act

The Child Citizenship Act of 2000, amends the Immigration and Nationality Act (INA) to permit children born outside the United States, including adopted children, to acquire citizenship automatically if they meet certain requirements. This Act became effective on February 27, 2001.

9.5.1 Requirements

Under this Act, a child born outside of the U.S. automatically becomes a citizen of the U.S. when **ALL** of the following conditions are met:

- At least one parent of the child is a citizen of the U.S., whether by birth or naturalization,
- The child is under the age of eighteen years,
- The child is residing in the U.S. in the legal and physical custody of the citizen parent and the child entered the U.S. lawfully for admission to permanent residence. (Admission in ANY immigrant category will satisfy the requirement that the applicant be admitted to the U.S. as a lawful permanent resident), and
- In the case of an adopted child, that child is under the age of sixteen and has resided in the legal and physical custody of the citizen parent(s) for at least two years. Sibling children adopted by the same parent(s) have until the age of 18.

9.5.2 Documents

At the present time, the Bureau of United States Citizenship and Immigration Services (USCIS) is **NOT** able to automatically provide most parents with documentation of their foreign-born child's citizenship. USCIS plans to eventually be able to provide a Certificate of Citizenship to ALL children who qualify for citizenship under the Child Citizenship Act.

9.5.3 Determination of Citizenship

Until the Certificate of Citizenship is issued, the EW must determine if the child meets this citizenship status by verifying ALL of the following elements:

- The age of the child,
- The legal relationship of the child to the parent,
- The citizenship status of at least one custodial parent,
- That the child entered the U.S. lawfully for admission to permanent residence. (Admission in any immigrant classification will satisfy the requirement that the applicant be admitted to the U.S. as a lawful permanent resident), and
- In the case of adopted children, that the child is under the age of sixteen and has resided in the legal and physical custody of the citizen parent(s) for at least two years. Sibling children adopted by the same parent(s) have until the age of 18.

Foreign Birth Certificates

A foreign birth certificate that has been registered with the American Consulate in the foreign country indicates U.S. citizenship if the document has all of the following:

- A written statement to this effect
- The official stamp of the Consulate
- The signature of an officer of the Consulate.

Persons holding these registered birth certificates are usually issued a U.S. passport.

When the child of U.S. parents first enters the country the foreign birth certificate of that child (U.S. person born abroad) stamped by USCIS at the time is NOT in itself proof of acquired citizenship. Although the child was legally admitted to this country, he/she must meet certain requirements to automatically obtain citizenship. The EW must make a determination whether the child met the requirements. [\[Refer to "Determination of Citizenship," page 9-4 for instructions.\]](#)

9.5.4 Date of Acquired Citizenship

A child acquires citizenship at whichever of the following occurs LATER:

- The date the Act became effective (February 27, 2001) if he/she met ALL of the Child Citizenship Act requirements on that date, or
- The date, after February 27, 2001, on which the child meets ALL of the Child Citizenship Act requirements.

Example:

A family consisting of a husband, wife and their 2 children (ages 3 and 5) entered the U.S. as lawful permanent residents in 1991. The father became a naturalized U.S. citizen in 1998. On 02/27/01 (the date the Act became effective), their 13-year old daughter and 15-year old son automatically acquired U.S. citizenship.

Example:

A family consisting of a husband, wife and their 2 children (ages 3 and 5) entered the U.S. as lawful permanent residents in 1995. The father became a naturalized U.S. citizen on 12/11/01. Their 10-year old daughter and 12-year old son automatically acquired U.S. citizenship on the date (12/11/01) that their father became a U.S. citizen.

Children who turned 18 years of age before the act became effective (February 27, 2001) do NOT qualify for citizenship under this act, even if they meet all of the other criteria. If they choose to become United States citizen, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

Example:

A family consisting of a husband, wife, 9-year old daughter and 10-year old son entered the U.S. as lawful permanent residents in 1991. The father became a naturalized U.S. citizen in 1998. Since both children turned 18 years of age before the Act took effective, they do NOT qualify to become U.S. citizens under this Act.

For non-citizen children who turned 18 years of age since February 27, 2001, EWs must explore if the child met the new citizenship rule anytime during the period of February 27, 2001 until the day prior to the child's 18th birthday. A child who met the requirements, before turning 18, qualify for citizenship under this act.

Example:

On March 11, 2002, a family consisting of a husband, wife and their 18-year old son (DOB 07/23/83) apply for CalFresh. The family entered the U.S. as lawful permanent residents in 1995 and the father became a naturalized U.S. citizen on 06/30/01. The EW determines that the 18-year old child met the Child Citizenship Act requirements prior to his 18th birthday, and therefore has acquired citizenship under the Act.

Children who turn 18 years of age after February 27, 2001 but before meeting all of the other criteria, do not qualify for citizenship under this act. If they choose to become United States citizen, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

Example:

A family consisting of a husband, wife, their daughter (DOB - 3/3/84) and their son (DOB - 4/16/83) entered the U.S. in 1991 as lawful permanent residents. The father became a naturalized U.S. citizen on 05/17/01. As of that date, their 17-year old daughter automatically acquired U.S. citizenship. However, their 18-year old son does NOT qualify for automatic U.S. citizenship because he turned 18 years of age BEFORE his father became a citizen.



9.6 Naturalization

Naturalization is the process by which a lawful permanent resident becomes a U.S. citizen.

9.6.1 Rule

Naturalization requires that the person meet the following criteria:

- Be over 18 years old
- Be lawfully admitted to the U.S.
- Reside in the country continuously for five years (three years if married to a U.S. citizen)
- Pass a test to prove basic knowledge of English and American government and history
- File an application for naturalization with USCIS.

9.6.2 Documents

Persons who meet all USCIS requirements to become a naturalized citizen will have a "Certificate of Naturalization" (N-550) or a replacement certificate (N-570) issued by USCIS if the original (N-550) is lost or destroyed.



9.7 “Citizen Identification Card” (I-179 or I-197)

Persons who have become naturalized U.S. citizens, and lived along the Mexican Border were issued a “Resident Citizen Identification Card” (I-197 [previously known as I-179]) from USCIS. This identification card was introduced in 1960 to provide a conveniently carried identification for U.S. citizens. The I-179 and I-197 were revised in 1973 and 1976, then discontinued in 1983. The card is still valid. [\[Refer to “I-197 “U.S. Citizen Identification Card,”” page 13-7 and “I-179 “U.S. Citizen Identification Card,”” page 13-6.\]](#)

Note:

If the applicant is unable to present the above document, a letter from the Clerk of the U.S. District Court where citizenship was obtained may be secured to verify naturalization. A small fee will be charged.



9.8 U.S. Passport

A U.S. passport is a travel document issued by the State Department showing the bearer’s country of origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country.

A U.S. Passport is verification of U.S. citizenship. There have been 12 revisions in the format since 1976. All passports contain the person’s photograph, signature and biographic data.