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Application of the Child Citizenship Act of 2000 (“CCA”)

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On October 30, 2000, the Child Citizenship Act of 2000 (“CCA”) was enacted. Under this act, Congress created two other pathways for a child of a U.S. parent(s) to acquire U.S. nationality.

First, in cases where the U.S. parent resides outside the United States, it is possible for a U.S. citizen parent to transmit his or her U.S. nationality in cases where the parent does not themselves satisfy the physical presence requirement. Physical presence of the U.S. parent is one of the requirements for a Consular Report of Birth Abroad Application. Instead, the U.S. parent can satisfy this condition by submitting proof that the U.S. parent’s parent (i.e. the child’s grandparent) themselves satisfies the physical presence requirement. It should be noted, this application is only designed to be used by U.S. parents who reside outside the United States that has at least no immediate intention of moving to the United States. In addition, this application can only be made when the child is under 18 years of age.

If the U.S. parent does intend to move to the United States in the near future, then there is a second procedure to follow. In summary, this requires the U.S. parent to submit an immigrant visa petition to USCIS. At the end of this petition, the child will receive an immigrant visa from a U.S. Embassy abroad. The child then enters the United States while his or her immigrant visa is valid. Assuming that the other criteria are met under the applicable U.S. Immigration laws, upon entering the United States on the immigrant visa, the child automatically becomes a U.S. citizen as a matter of law. This means that there are no other formalities in order for the child to become a U.S. citizen. Nevertheless, after the child enters the U.S., the U.S. parent has the possibility to make an application for a Certificate of U.S. Citizenship for his or her child. This application is strongly recommended as it can later be used as proof of the child’s U.S. citizenship.

Finally, it should be noted that procedurally these applications must be submitted directly to USCIS for adjudication.

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For more information concerning the U.S. citizenship for children of a U.S. parent, please do not hesitate to contact the Law Firm of Shawn Quinn – Attorney at Law.

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