TO: **DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES**
                     DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
                     FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS
                     HEALTH OFFICERS, LOCAL HEALTH DEPARTMENTS
                     LOCAL HEALTH DEPARTMENTS, ELIGIBILITY STAFF

FROM: **KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR**
                     CHARLES E. LEHMAN, EXECUTIVE DIRECTOR, DHMH, OOEP

RE: **AUTOMATIC CITIZENSHIP UNDER THE CHILD CITIZENSHIP ACT OF 2000**

PROGRAM AFFECTED: ALL PROGRAMS

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

The Child Citizenship Act (CCA) of 2000 was effective February 27, 2001. This Act declares that certain children who are younger than 18 years of age and have at least one parent who is a U.S. citizen, whether by birth or naturalization, will acquire automatic citizenship. Under the CCA, qualifying children who immigrate to the United States with a U.S. citizen parent automatically acquire citizenship upon entry. Children who live abroad acquire citizenship on approval of an application and the taking of the oath of allegiance. This information memo is about the children who obtain automatic citizenship under the CCA.

Under the CCA, children automatically acquire U.S. citizenship when all of the following conditions are met:
  ➢ At least one parent is a citizen, either by birth or by naturalization,
  ➢ The child is under 18,
  ➢ The child is not married,
  ➢ The child is a lawful permanent resident, and
  ➢ The child is living in the United States in the legal and physical custody of the citizen parent.
  ➢ If the child is adopted, the adoption must be full and final.

Children who met the Act's requirements on February 27, 2001 automatically became U.S. citizens as of that date.

Individuals who were 18 years of age or older on February 27, 2001, or who otherwise did not meet the Act's requirements, do not qualify for automatic citizenship under the CCA. If they wish to become U.S. citizens they must apply with the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. They will receive a certificate of citizenship if they meet the requirements for adult permanent residents.

Although citizenship is automatic under the CCA, the child may not have proof of citizenship. Children may apply for a United States passport or Certificate of Citizenship, although there is no requirement for them to do so. Both documents are proof of citizenship. Some applicants or recipients may not have a U.S. passport or Certificate of Citizenship because of the cost and time involved with obtaining the documents.

Many U.S. citizen parents are unaware that their children have acquired citizenship, yet this could be important in determining a child's eligibility for programs such as Medical Assistance (MA) and the Maryland Children's Health Program (MCHP), so that the 5-year bar to eligibility is not erroneously applied. Additional information about the Child Citizenship Act is available on the web site of:

U.S. Department of State at:
http://travel.state.gov/family/adoption/info/info_457.html

Reminder: For all programs **except MA and MCHP**, although verification of immigration status is required for non-citizens, verification of **citizenship** is required only when questionable. The citizenship of children who meet the criteria under the CCA would not be questionable except in unusual circumstances.

For MA and MCHP refer to Manual Release 135, issued 8/06 and Action Transmittal 07-05 revised, issued 12/01/06 for the requirements for verification of citizenship.

INQUIRIES:

Please direct food stamp questions to Kay Finegan at 410-767-7939 or Rick McClendon at 410-767-7307. Direct TCA questions to Marilyn Lorenzo at 410-767-7333 or Gretchen Simpson at 410-767-7937. Contact DHMH Division of Eligibility Policy at 410-767-1463 for Medical Assistance and MCHP questions.

cc: FIA Management Staff
       DHMH Management Staff
       Constituent Services
       OTHS System Support Center