



September 18, 2020

PA-2020-15

Policy Alert

SUBJECT: Residency Requirements for Children of Service Members and Government Employees Residing Outside of the United States for Purposes of Acquisition of Citizenship

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) regarding residency requirements under Section 320 of the Immigration and Nationality Act (INA), as amended by the Citizenship for Children of Military Members and Civil Servants Act.¹

Background

In order to acquire citizenship under INA 320, the child of a U.S. citizen generally must be residing in the United States in the legal and physical custody of the U.S. citizen parent.² Previously, children of members of the U.S. armed forces or U.S. government employees stationed outside the United States were not considered to be residing in the United States for purposes of INA 320. On March 26, 2020, Congress amended INA 320 to create an exception to the U.S. residency requirement for such children for purposes of acquisition of citizenship.³ Accordingly, the updated provisions apply to such children who were under the age of 18 on that date.⁴ This guidance, contained in Volume 12 of the Policy Manual, is controlling and supersedes any prior guidance on the topic.

Policy Highlights

- Provides that, under certain conditions, children of U.S. armed forces members, U.S. government employees, or spouses of U.S. armed forces members and U.S. government employees stationed outside of the United States acquire citizenship under INA 320.

Citation

Volume 12: Citizenship and Naturalization, Part H, Children of U.S. Citizens [[12 USCIS-PM H](#)] and Part I, Military Members and their Families [[12 USCIS-PM I](#)].

¹ See [Pub. L. 116-133](#) (March 26, 2020).

² See [INA 320](#). See [8 CFR 320.2](#).

³ See [Pub. L. 116-133](#) (March 26, 2020).

⁴ The amendments do not affect children who have already been recognized by USCIS or the U.S. Department of State as having acquired U.S. citizenship under [INA 320](#) through the issuance of a Certificate of Citizenship or passport.