

By Mark T. McDermott

# Automatic Citizens

**A new law makes our children adopted from abroad citizens as soon as they set foot on US soil.**



**DEAR ADOPTIVE FAMILIES:**

I have heard that Congress passed a new law which confers automatic U.S. citizenship on children adopted from abroad. When does the law take effect and how does it work? Do I apply for naturalization for my child?

*from an Adoptive Families reader*

The Child Citizenship Act of 2000 (Public Law No. 106-395) will take effect on February 27, 2001. The new law confers automatic U.S. citizenship on children adopted from other countries by U.S. citizens. In the vast majority of intercountry adoptions, the adoption is finalized in the child's country of origin. In those cases, the new law provides that the child becomes a citizen immediately upon entering the U.S. as a lawful permanent resident. Some countries of origin, such as Korea, require the adoption to be finalized by the adoptive parents in the United States. In such cases, the new citizenship law makes the child a U.S. citizen when the adoption is finalized in the United States.

The children who are covered by the new law are those who are (1) under 18 years of age, (2) admitted to the United States as a lawful permanent resident, and (3) in the legal and physical custody of at least one parent who is a U.S. citizen. Under previous law, a child adopted from another country did not become a U.S. citizen unless and until the child went through a separate process known as naturalization. That process presented unnecessary extra delays and expenses to parents who had already gone through a costly and cumbersome adoption process.

In some cases under previous law, adoptive parents either did not realize that the naturalization process was necessary or just neglected to com-

plete the process. This resulted in hardship, especially in some highly-publicized cases in which adopted children were deported under a law requiring deportation of non-citizens who commit certain crimes.

The new citizenship law also applies to children who were adopted before the February 27, 2001 effective date. Consequently, families which have not already started the naturalization process do not need to do so. If families have already started but not yet completed the naturalization process, they need not complete the process. In some situations, however, families close to completing the naturalization process may wish to go ahead and complete the process. This is because the time it will take to complete the naturalization process could be shorter than the time it will take to obtain a certificate from the government evidencing the automatic citizenship conferred by the new law.

Since the new law makes citizenship automatic, no further action on the part of the family or the government is required. At the same time, most families will probably wish to obtain an official document to evidence citizenship. Such documentation could be in the form of a passport or a separate certificate of citizenship. It will be necessary for the Immigration and Naturalization Service to develop procedures for issuing certificates of citizenship under the new law, and it may take some time

before the new procedures are in place. There are also unanswered questions at this point concerning what the passport offices and other agencies, such as the Social Security Administration, will require.

Once all of the implementation issues are resolved, the new citizenship law will eliminate an unnecessary burden which has long faced adoptive families. Those within Congress and outside of Congress who worked on this project deserve our thanks. [AE]

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## Yankee Doodle Dandies

To celebrate their child's adoption, finalization, or naturalization, many adoptive parents like to mark the occasion by purchasing the flag that flew over the US Capitol on that day. It's easy enough to do. Just contact one of the senators from your state, either by phone (202-224-4543) or over the Internet. To locate your senator via the web, visit [www.senate.gov](http://www.senate.gov) and enter the name of your state. Under constituent services on each senator's homepage, there'll be a flag link. Just fill in the form to order your flag. Flags come in two materials—cotton or nylon—and two sizes. They range in price from \$7.50 to \$18.75. Add \$8 shipping and flag-flying fee.

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