County of Orange Social Services Agency Family Self-Sufficiency Division

Program/Area: CalWORKs

Title: Child Citizenship Act of 2000 and CalWORKs Eligibility

Number: 100-E9 Status: Signature on file

Effective Date: 02/19/02 Revision Date: 01/01/09

Approved:

PURPOSE

The purpose of this policy is to provide information on how the Child Citizenship Act of 2000 impacts eligibility for CalWORKs.

POLICY

Effective February 27, 2001, the Child Citizenship Act of 2000, amended the Immigration and Nationality Act by granting automatic U.S. citizenship to children born outside the U.S. with at least one U.S. citizen parent, when specific conditions are met. These children are considered to be U.S. citizens and federally eligible for CalWORKs benefits.

This act applies to children who have at least one U.S. citizen parent at the time of their birth or the parent becomes a naturalized U.S. citizen prior to the child's 18th birthday.

Previously, a child born outside the U.S., with at least one U.S. citizen parent, was required to apply to INS to change the child's status from noncitizen to citizen. For CalWORKs eligibility, these children were required to provide eligible noncitizen documentation pending receipt of a Certificate of Citizenship.

CONDITIONS OF ELIGIBILITY FOR CHILD CITIZENSHIP

Under this Act, a child born outside of the U.S. automatically becomes a citizen of the U.S. when all 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. pursuant to a lawful admission for permanent residence.

Adopted children under the age of sixteen must reside in the legal and physical custody of the citizen parent(s) for at least two years.

VERIFICATION REQUIREMENTS

The Child Citizenship Act of 2000 will provide these children with a Certificate of Citizenship.

In order to determine the child's citizenship status, when the Certificate of Citizenship is pending, the client must provide all of the following:

- The citizenship status of at least one parent; and
- The age of the child: and
- The child entered the U.S. pursuant to a lawful admission for permanent residence; and
- The legal relationship of the child to the parent.

CalWIN ENTRIES

The following entries must be made in CalWIN for those children who have met the condition of eligibility for Child Citizenship and have provided the required verifications:

- In the **Collect Individual Demographic Detail** window, complete all mandatory fields including the following:
 - Select the country of birth from the Place drop down menu
 - o Enter "Y" in the US citizen [Y/N] field
 - Select Certificate of Birth Abroad from the Source drop down menu
 - In the Display Individual Eligibility Summary window, verify that the funding source for CalWORKs is indicated as federal.

CASE SITUATIONS

Example #1

One parent is a U.S. citizen. The second parent and the child are born outside the U.S. and enter the U.S. as lawful permanent residents. They join the first parent and apply for CalWORKs. There is automatic U.S. citizenship for the child. CalWORKs is approved for the family when all eligibility requirements are met.

Example #2

One parent is a U.S. citizen. The second parent and the child are born outside the U.S. and enter the U.S. illegally. They join the first parent and apply for CalWORKs. There is no automatic U.S. citizenship for the child since the child is not a lawful permanent resident. CalWORKs is denied because there is no eligible child in the home.

Example #3

Parent and two children enter the U.S. as lawful permanent residents. They apply for CalWORKs and are aided as state only qualified aliens. Four years later, the parent becomes a naturalized U.S. citizen, reports the change and provides verification. The two children automatically become U.S. citizens. All family members are now federally eligible U.S. citizens.

REFERENCES