

OVERVIEW OF U.S. CITIZENSHIP

This section is for individuals who have been placed in removal, exclusion, deportation or other immigration proceedings AND who might be U.S. citizens.

Are you a U.S. Citizen?

You are a U.S. citizen if:

- You were born in the United States or one of its possessions.
- You were a legal permanent resident who became a naturalized U.S. citizen.

You may be a U.S. citizen if:

- One of your parents or grandparents was born in the United States or one of its territories OR one or both of your parents was a U.S. citizen at the time of your birth (this is called *acquired* citizenship).
- If one or both of your parents became a naturalized U.S. citizen before your 18th birthday (this is called *derivative* citizenship).
- If any of these facts apply to you, you should tell the immigration judge.

What are the rules for acquiring or deriving U.S. citizenship?

The rules for being an automatic U.S. citizen through “acquisition” or “derivation” *are complicated and depend on when you were born*. If you think you might be a U.S. citizen because one or more of your parents was a U.S. citizen when you were born OR if one or more of your parents naturalized when you were under 18 years of age, you should contact a lawyer or ask the judge to see if you are a U.S. citizen.

What is the difference between acquiring or deriving U.S. citizenship and *naturalization*?

Naturalization is the process of applying to change your immigration status from lawful permanent residency to U.S. citizenship.

If you have acquired or derived citizenship, you are already an U.S. citizen under the law and can apply for proof of your status (a U.S. passport or Certificate of Citizenship). You do not need to naturalize.

How do you claim U.S. citizenship?

- If you are making a claim to either *acquired* or *derivative* citizenship, you should fill out and file an [N-600 form](#) or application for a U.S. passport. You must submit proof of your claim to citizenship.
- If you are claiming citizenship through your own birth in the United States, then you do not need to file an N-600 form. You should obtain a copy of your birth certificate to prove your citizenship.
- If you are in removal proceedings, you should tell the immigration judge that you believe you are a United States citizen.
- If you are in reinstatement of removal or administrative removal proceedings, you do not have the right to see an Immigration Judge, but you have the right to present a claim of citizenship to ICE.

What kind of proof must you submit along with your claim?

As mentioned above, the rules for deriving or acquiring U.S. citizenship are complicated and depend on when you were born. You should consult with a lawyer if you think you are a U.S. citizen and you should tell the immigration judge.

The kind of proof you submit depends on whether you are making a *derivative* or an *acquired* citizenship claim.

Proof for *derivative* citizenship claims:

- Proof of your parents' naturalization;
- Copy of your birth certificate;
- Copy of your lawful permanent resident card;
- If applicable: copies of divorce, legal separation or custody documents.

Proof for *acquired* citizenship claims:

- Proof of your parents' U.S. citizenship at the time of your birth. This proof may include your parents':
 - Birth certificate;
 - Naturalization certificate;
 - Passport;
 - Certificate of citizenship.
- You may need proof of parents' residency in the United States for acquired citizenship claims. This proof may include your parent School records;
 - Records from church or other religious institutions;
 - Work records;
 - Tax returns;
 - Census records;
 - Rent records/home ownership records;
 - Military or draft records;
 - Affidavits from witness.

If you are returned to your country, can you still make a U.S. citizenship claim?

- If you leave the United States under an order of removal or voluntary departure, you can still present your claim for U.S. citizenship to the U.S. Department of State from outside the United States. Because it may be difficult to prepare your case from outside the country, you should try to make your claim while still inside the United States.