



## TANF 301-1 Citizenship

**Supersedes: TANF 301-1 (01/01/18)**

**Reference:** PL 104-193 and PL 106-395; ARM 37.78.208 and .220

**Overview:** All members of the filing and assistance units, including eligible adults, dependent children, and caretaker relatives or any other person whose needs are considered in determining the need of the child or relative claiming aid must be either a U.S. Citizen, U.S. National or a Qualified Alien who is lawfully admitted for permanent residence under various sections of the Immigration and Nationality Act (INA) out lined in TANF 301-2.

An applicant must:

1. Provide documentation of citizenship or U.S. National status; and
2. Sign a declaration under penalty of perjury that the applicant is a U.S. citizen or National.
  - a. This declaration is included on the HCS-250, "Application for Assistance."

When a new adult household member is added to the assistance unit, he/she must also sign a declaration of citizenship/alien status. This declaration is contained on Form HCS-261, Adding a New Household Member.

### **U.S. CITIZEN:**

A United States citizen is someone born in:

1. One of the 50 states.
2. The District of Columbia.
3. Puerto Rico.
4. Guam.
5. The Virgin Islands.
6. The Northern Mariana Islands.

Individuals born in the United States are U.S. citizens. This principle applies even to children whose parents are present in the U.S. illegally.

### **U.S. NATIONALS:**

A U.S. National is someone born in:

1. American Samoa.
2. Swain's Island.

There is no requirement to have U.S. Nationals register with the United States Citizenship and Immigration Service (USCIS) or carry any documentation.

**NATURALIZATION:**

People who are not U.S. citizens by birth may acquire citizenship by naturalization. Aliens do not become citizens simply by marrying a U.S. citizen. Spouses, however, can apply for naturalization and, if eligible, become citizens through the court.

In some instances, alien children become U.S. citizens when a parent is naturalized. These children might have their own separate naturalization records or papers. If so, their citizenship can be verified the same as an adult. If not, they may be eligible under the Child Citizenship Act of 2000.

**CHILD CITIZENSHIP ACT OF 2000:**

A child born outside of the U. S. to citizen parents or adopted from abroad by U.S. citizen parents automatically becomes a citizen of the U.S. when all the following conditions have been fulfilled on or after February 27, 2001:

1. At least one parent of the child is a citizen of the U.S. whether by birth or naturalization;
2. The child is under 18 years of age; and
3. The child is lawfully admitted for permanent residence to the U.S. and is residing in the legal and physical custody of the citizen parent. The child will have either a permanent resident (i.e., green card) or an I-551 stamp on his/her passport. The child may or may not have a certificate of citizenship.

Once all the above conditions have been met on or after February 27, 2001, citizenship is granted without further action required on the part of the family or government. When citizenship has been granted, it does not go away even if any of the above conditions no longer continues to be met (e.g., child turns 18 after 02/27/01).

**DERIVATIVE CITIZENSHIP:**

Children can derive citizenship from their parent(s). For example, a child born abroad to a U.S. citizen might acquire foreign citizenship depending on the laws of that country. The child, however, might also claim U.S. citizenship. If the individual has not gained citizenship under the Child Citizenship Act of 2000 and does not have other verification of citizenship, refer the individual to USCIS to complete the necessary paperwork and provide status verification.

**PERSON BORN ABROAD:**

There are many legal considerations in determining the citizenship of a person born abroad. If the individual has not gained citizenship under the Child Citizenship Act of 2000 and does not have other verification of citizenship, refer the individual to USCIS to complete the necessary paperwork and provide status verification.

**FOREIGN ADOPTION BY U.S. CITIZEN:**

If an adopted child has not gained citizenship under the Child Citizenship Act of 2000, determine if the child has been granted U.S. citizenship by application to USCIS.

If the birth certificate shows a foreign place of birth and the individual cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship.

**VERIFICATION:**

1. Birth certificate
2. U.S. Passports
3. Report of Birth Abroad of a Citizen of the U.S.
4. Certification of Birth (form FS-545)
5. U.S. Citizen I.D. Card
6. Naturalization Certificate (form N-550 or N-570)
7. Certificate of Citizenship (form N-560 or N-561)
8. Northern Marianas Card (form I-873)
9. Statement provided by U.S. consular official certifying the individual is a U.S. citizen
10. Receipt of SSI benefits

**INCONCLUSIVE EVIDENCE:**

When conclusive evidence is not available for applicants alleging birth in the U.S, obtain one of the following types of preferred evidence until conclusive evidence is available:

1. Certificate of Identity and Registration, Form FS-225, which was issued by Foreign Service Posts until June 1972;
2. A religious record of birth recorded in the U.S. within three (3) months of birth, which indicates a U.S. place of birth. The document must show either the birth date or the individual's age at the time the record was made;
3. Evidence of civil service employment by the U.S. government before June 1, 1976;
4. Census record showing U.S. citizenship or a U.S. place of birth;
5. Any document which:
  - a. was not issued by the Social Security Administration;
  - b. was established at least five (5) years before the initial application date;
  - c. indicates a U.S. place of birth; and
  - d. the place of birth on the document and the application agree.

When conclusive or preferred evidence is non-existent, obtain statements from at least two people, indicating a reasonable basis for their knowledge about the individual's birth in the U.S.

If the household cannot obtain any of these verifications and can reasonably explain why verification is not available, refer the individual to the proper authorities such as USCIS, county/state vital statistics offices, etc., and allow a reasonable amount of time for the individual to obtain the required documents before denying or terminating benefits.

Household member(s) attempting to obtain verification of citizenship are disqualified until they can comply. Eligibility determination should be made for the remaining household members if all necessary information is provided. If verification of citizenship is provided within 30 days of the application date, add the household member(s) as of the application date. If not, add them as of the first day of the month after verification is received.

**Effective Date:** February 1, 2023