

Department of Public Health  
and Human Services

Section:  
Non-financial Requirements

HEALTHY MONTANA KIDS

Subject:  
Citizenship

**Supersedes: New to HMK Manual**

**General Rule** – To be eligible for Healthy Montana Kids (HMK) coverage, a child must be a United States (U.S.) citizen, national or a qualified alien.

All children seeking HMK coverage who declare they are U.S. citizens or U.S. Nationals are required to provide documentation of both citizenship and identity. Children who are not U.S. citizens or U.S. Nationals must have their alien status evaluated by the HMK Enrollment Manager.

NOTE: Parents need not be U.S. citizens to have their children insured by HMK. Families must be given a reasonable opportunity to provide documentation concerning citizenship or alien status.

**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; or
6. The Northern Mariana Islands.

NOTE: Individuals born in the U.S. are U.S. citizens. This principle applies to children whose parents are illegally present in the U.S.

**U.S. NATIONAL**

A U.S. national is someone born in:

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

NOTE: There is no requirement that U.S. nationals register with the United States Citizenship and Immigration Service (USCIS, formerly known as the Immigration and Naturalization Service (INS)) or carry any documentation.

**NATURALIZATION**

Individuals 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.

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. Children may also become citizens under the Child Citizenship Act of 2000.

### **CHILD CITIZENSHIP ACT OF 2000**

A child born outside 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 of the following have been met on or after February 27, 2001:

1. At least one parent is a U.S. citizen, 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.

NOTE: Once all of 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 continue to be met.

### **DERIVATIVE CITIZENSHIP**

Children can derive citizenship from their parent(s). For example, a child born abroad to a U.S. citizen may 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, refer the individual to USCIS to complete the necessary paperwork.

### **INDIVIDUALS BORN ABROAD**

If an individual born abroad has not gained citizenship under the Child Citizenship Act of 2000, the individual should be referred to USCIS.

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

When an adopted child has not gained citizenship under the Child Citizenship Act of 2000, the individual should be referred to USCIS.

### **CITIZENSHIP**

**VERIFICATION**

Acceptable documentation of U.S. citizenship or national status include:

1. U.S. Passport (does not have to be currently valid but cannot have been issued with limitations);
2. Certificate of Naturalization (Form N-550 or N-570) issued by the Department of Homeland Security via USCIS;
3. Certificate of Citizenship (Form N-560 or N-561) issued by the Department of Homeland Security via USCIS for individuals who derive citizenship through a parent;

NOTE: U.S. Passports, Certificates of Naturalization, and Certificates of Citizenship can also be used to prove a child's identity.

4. U.S. public birth records showing birth in any of the 50 states, the District of Columbia, American Samoa, Swain's Island, Puerto Rico, Virgin Islands, Northern Mariana Islands or Guam;

NOTE: Verify citizenship for Montana born children using Montana Vital Statistics records. Most children assigned Social Security numbers beginning with 516 or 517 (i.e., 516-XX-XXXX) were born in Montana.

5. Certificate of Report of Birth Abroad (Form DS-1350) – issued by the Department of State (Washington D.C.) to citizens born outside the U.S. who acquired citizenship at birth;
6. Consular Report of Birth Abroad of a Citizen of the United States of American (Form FS-240) – issued by the Department of State consular office. Children born outside the U.S. to U.S. military personnel usually have this documentation;
7. Final Adoption Decree – The decree must show the child's name and a U.S. place of birth.

NOTE: If the adoption is not finalized and the child's birth state will not release a birth certificate prior to the final adoption, a statement from a state approved adoption agency showing the child's name and U.S. birth place is acceptable. The adoption agency must state the source of the birth place information is the child's original birth certificate.

o o o