



## SNAP 301-1 NON-FINANCIAL REQUIREMENTS Citizenship

**Supersedes:** SNAP 301-1 (10/01/09); Bulletin 80 (01/24/11)

**Reference:** 7 CFR 273.4; Food Stamp Act of 1977

**Overview:** All members of the assistance unit must be United States (U.S.) citizens, Nationals or eligible aliens. A SNAP applicant must:

1. Be a U.S citizen, U.S. National or an eligible alien. **Verification of citizenship is only required if status is questionable.** Eligible alien status must be verified (SNAP 301-2); or,  
**NOTE:** Expedited services cannot be delayed solely for verification of citizenship or eligible alien status.
2. Sign a declaration under penalty of perjury the applicant is a U.S. citizen or U.S. National. This declaration is included on the HCS-250, 'Application for Assistance'.

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

A U.S. 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 United States are U.S. citizens including children whose parents are present in the U.S. illegally.

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

A U.S. National is someone born in:

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

**NOTE:** There is no requirement U.S. Nationals register with the U.S. Citizenship and Immigration Services (USCIS) or carry any documentation.

**CHILD CITIZENSHIP ACT OF 2000:**

Beginning February 27, 2001, the 'Child Citizenship Act of 2000' allows children who are born abroad including children adopted from a foreign country to acquire citizenship automatically. All of the following conditions must be met:

1. At least one parent of the child is a U.S. citizen by birth or naturalization; and,
2. The child is under the age of 18 years; and,
3. The child is a lawful and permanent resident residing in the legal and physical custody of the U.S. citizen parent; and,
4. The adoption is final, if the child is adopted.

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 continues to be met (e.g., child turns 18 after 02/27/01).

**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 but spouses 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, the situation is referred through the USCIS status verifier. **NOTE:** These children may qualify through the 'Child Citizen Act of 2000'.

Citizenship acquired by naturalization can be verified in the county where naturalization occurred. Each county Clerk of Court has an index of all individuals naturalized in the county. If the person's record cannot be located or the county of naturalization is not known, verification can be obtained from USCIS who maintains an index of all naturalized individuals.

**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, but the child might also claim U.S. citizenship. Refer the individual to USCIS to complete the necessary paperwork and provide status verification. **NOTE:** These children may qualify through the 'Child Citizen Act of 2000'.

### **PERSON BORN ABROAD:**

There are many legal considerations in determining the citizenship of a person born abroad. In the absence of verification, these situations are referred for determination through the USCIS status verifier.

**NOTE:** These individuals may qualify through the 'Child Citizen Act of 2000'.

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

Since foreign-born adopted children do not acquire U.S. citizenship by virtue of adoption by U.S. citizens, determine if the child has been granted U.S. citizenship by application to USCIS. **NOTE:** These individuals may qualify through the 'Child Citizen Act of 2000'. 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:**

All assistance unit members must be a U.S. citizen, a U.S. National or eligible alien (SNAP 301-2) to receive benefits. Any of the following documents can be used to verify U.S. citizenship or U.S. National status:

1. Birth certificate;
2. U.S. passport;
3. Report of Birth Abroad of a Citizen of the U.S.;
4. Religious record;
5. Certificate of citizenship (form N-560 or N-561) or naturalization (form N-550 or N-570) provided by USCIS, such as identification cards for the use of resident citizens in the U.S.;
6. Participation in another program if verification of citizenship or non-citizen national status was obtained for the program; or,
7. If the household cannot obtain a form of verification listed above and the household can provide a reasonable explanation as to why verification is not available, the eligibility staff member must accept a signed statement by an individual who is a U.S. citizen, under penalty of perjury, indicating a reasonable basis for knowledge the individual in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud.

**Effective Date:** October 01, 2011