

Documenting your Foreign-born Child as a U.S Citizen

Is your Child a U.S. Citizen?

When a child is born to at least one U.S. citizen parent outside of the United States, U.S. law may confer citizenship on the child, depending on various factors. Citizenship laws are complex, and it is impossible to address all factual situations here. Below, however, are the most common ones. Please note that in order to process a child's claim to U.S. citizenship, the U.S. parent must establish that he/she is the biological parent.

A CHILD BORN AFTER NOVEMBER 14th, 1986 can claim U.S. citizenship if he/she meets ONE of the following conditions at birth:

- **BOTH OF THE CHILD'S BIOLOGICAL PARENTS ARE U.S. CITIZENS** and at **least one** parent has had a residence in the U.S. or its territories **before** the child's birth or,
- **ONLY ONE OF THE CHILD'S BIOLOGICAL PARENTS IS A U.S. CITIZEN**, the child's parents were married at the time of the birth, and the U.S. citizen parent was physically present in the United States for at least **five (5) years prior to the child's birth**, with at least a **two-year (2)** presence after the age of fourteen (14) or,
- **THE CHILD IS THE BIOLOGICAL SON OR DAUGHTER OF AN UNMARRIED U.S. CITIZEN MALE** who was physically present in the United States at least **five (5) years prior to the child's birth**, with a **two-year (2)** presence after the age of fourteen (14). Father must acknowledge paternity and must agree in writing to support child until the child is 18 years old or,
- **THE CHILD IS THE BIOLOGICAL SON OR DAUGHTER OF AN UNMARRIED U.S. CITIZEN FEMALE** who can demonstrate a continuous, uninterrupted physical presence **at least 365 days** of in the United States at any time prior to the child's birth.

A CHILD BORN BETWEEN DECEMBER 24, 1952, AND NOVEMBER 14th, 1986: can claim U.S. citizenship if he/she meets ONE of the following conditions at birth:

- **BOTH OF CHILD'S BIOLOGICAL PARENTS ARE U.S. CITIZEN** and at **least one parent** had a residence in the U.S. or its territories **before** the child's birth or,
- **ONLY ONE OF THE CHILD'S BIOLOGICAL PARENTS IS A U.S. CITIZEN**, the child's parents were married at the time of the birth, and the U.S. citizen parent was physically present in the United States for at least **ten (10) years prior to the child's birth**, with at least a **five-year (5)** presence after the age of fourteen (14) or,
- **THE CHILD IS THE BIOLOGICAL SON OR DAUGHTER OF AN UNMARRIED U.S. CITIZEN MALE** who was physically present in the United States at least **ten (10) years prior to the child's birth**, with **a five-year (5)** presence after the age of fourteen (14). Paternity established under age 21 by the legitimation law of father's or child's residence/domicile or,

- **THE CHILD IS THE BIOLOGICAL SON OR DAUGHTER OF AN UNMARRIED U.S. CITIZEN FEMALE** who can demonstrate a continuous, uninterrupted physical presence at least 365 days of in the United States at any time prior to the child's birth.

In some cases, time spent overseas working for the U.S. government and other organizations may count under the physical presence requirements noted above. Other specific laws may also affect citizenship in particular cases. If you think your child may be a U.S. citizen but you are not sure, please contact the Embassy's American Citizen Services office at ACSCuracao@state.gov for guidance.

If Your Foreign-Born Child is a U.S. Citizen: How to Document Your Child

If your child was born outside of the United States and you believe he/she is a U.S. citizen, your first step is to apply for the child's Consular Report of Birth Abroad (CRBA). This document serves as proof of U.S. citizenship and is generally a prerequisite for the issuance of a U.S. passport. Although applications are accepted up until the child's 18th birthday, you should apply for your child's CRBA as soon after his/her birth as practical. Applications submitted years after the child's birth may take significant time to resolve because evidence to prove the child's citizenship may be difficult to obtain. In some delayed cases it may be impossible to establish the child's citizenship.

To request a Consular Report of Birth, an application must be personally submitted to the U.S. Consulate in Curacao. Please keep in mind that the Consulate serves and processes CRBAs for births in Aruba, Bonaire, Curacao, Saba, St. Eustatius, and St. Maarten. CRBA applications for births in Saint Martin (French side) should be registered with the U.S. Embassy in Barbados. CRBA applications for births elsewhere should be registered at the appropriate U.S. Embassy or Consulate. **Applications must be made at the Consulate and no appointment is necessary.**

While the Consular Report of Birth Abroad is an essential document, it cannot be used to travel. Consequently, at the same time that you apply for your child's Consular Report of Birth Abroad, you may also apply for his/her U.S. passport. There is no need to visit us twice to apply for your child's Consular Report of Birth Abroad and passport; you may apply for both at the same time.

Finally, most parents will also want to apply for their child's Social Security number, which is required for most U.S. government services, or to declare a child as a dependent on the parents' U.S. tax returns. The application may be submitted when you apply for your child's Consular Report of Birth Abroad and U.S. passport.

Who must appear at the time of application?

In all cases, the child and at least one of the parents must appear in person at the time of application. If practical, both parents should accompany the child, since the consular officer will be better able to

determine citizenship if he/she has the opportunity to interview both parents in person. If only one parent is present, the consular officer has the discretion, depending on the facts of the case, to withhold a determination of citizenship pending an interview with both parents. Additionally, bear in mind that both parents must ordinarily appear or otherwise consent to the issuance of the child's U.S. passport. Please see our [passport information](#) for details about this consent requirement and further instructions about the passport application process.

Required Forms

When you visit the Consulate, you will be asked to submit up to five different forms. To keep your visit as short as possible, we ask that you print and complete these forms before your visit.

- **Application for the Consular Report of Birth Abroad:** This form can be filled out and signed by either parent. The signature must be notarized by a notary public, either in the United States or the Netherlands Antilles, or at the U.S. Embassy or Consular Agency when you submit your application.
- **Application for your child's Social Security number:** A Social Security number is required for many U.S. government services, and to declare your child as a dependent on your U.S. tax returns.
- **Affidavit of paternity/maternity and physical presence:** This form which must be completed by the U.S. citizen parent if the other parent is not also a U.S. citizen. It is not required if both parents are U.S. citizens. The affidavit requires the U.S. citizen parent to acknowledge that the child is his/hers, and to state, as specifically as possible, the parent's periods of physical presence in the United States. Extra sheets may be attached as necessary. The document must be notarized or signed in front of the consular officer at the time of application.
- **Application for the child's U.S. passport:** While you are not required to apply for your child's passport at the same time that you apply for his/her Consular Report of Birth Abroad, you are encouraged to do so. Please use the [passport application wizard](#) to complete and print the [DS-11](#) form but do not sign the application until the consular officer interviews you.
- **Statement of consent for the issuance of a passport:** This form must be submitted if one of the parents does not accompany his/her child to the Consulate. A parent who cannot appear must fill out the form, sign it in front of a Netherlands Antilles or U.S. notary, and give the form (original, fax, or emailed .pdf version) to the other parent, who must then present it at the time of application, along with a photocopy of the absent parent's photo ID. If the parent is unavailable to fill out the consent form, the form may also be used to explain the parent's unavailability in the section titled "special circumstances." This form must be completed only in English.

Required and Suggested Evidence

- **Proof of physical presence in the United States:** In cases in which only one parent is a U.S. citizen, that parent must submit evidence that he/she was present in the United States for the required amount of time prior to the birth of the child. (See above.) Such evidence frequently takes the form of passports; tax records, including W-2 forms; pay statements or other evidence of employment; photos; school transcripts; apartment leases; or annual Social Security statements. These are suggestions, and you are encouraged to submit all available documentary proof. If no such evidence is available, the consular officer will advise you at the time of your application what alternatives you may have for proving your presence in the United States.
- **Child's birth certificate:** You must submit a certified copy of the child's Netherlands Antilles birth certificate.
- **Proof of parents' identity:** Each parent must submit an original or certified copy of a government-issued photo ID, such as a driver's license, or the photo page of his/her passport.
- **If parents are married - proof of parents' marriage and termination of previous marriages:** If the child's parents are married, the consular officer may also request a certified copy of their marriage certificate. If either parent has been married previously, the consular officer may request evidence that any previous marriages were terminated, such as a certified divorce decree or death certificate. While these documents are not always required, it is to your advantage to bring them in case the consular officer requests them.
- **Proof of paternity/maternity:** In cases in which paternity or maternity is in question, the consular officer may request additional proof. Sometimes this proof may take the form of family photographs, baptism records, medical records, or other documents. In other cases, DNA testing may be suggested. If DNA testing is appropriate in your case, the consular officer will advise you about the process. Please note that DNA testing will not be accepted if it is performed without the consular officer's guidance.
- **Additional evidence:** The consular officer, in his/her discretion, may request additional documents or other evidence as necessary. You will be advised at the time of application if such evidence is required in your case.

Passport Photos

No photo is required for the Consular Report of Birth Abroad. If you are also applying for your child's passport, you must bring one recent photo of the child, measuring 5x5 cm (2x2 inches) and with a white background. The photo is identical to the photo used for a U.S. visa.

Fees

The cost of applying for a Consular Report of Birth Abroad is **US\$100**, and is not refundable even if your application is denied. The fee for applying for your child's passport is an additional **US\$105**, also non-refundable. These fees are payable at the time of application, in dollars or guilders. Checks and credit and debit cards are not accepted. The fee for delivery of documents to your home is additional and is described below.

Pickup or Delivery of Documents

The method of pickup or delivery depends on where you live. If you live on Curacao, your child's Consular Report of Birth Abroad and U.S. passport will be available for pickup at the Consulate ten calendar days after your application is approved. Pickup hours are 08:00 a.m. to 5:00 p.m., Mondays, Wednesdays, Thursdays and Fridays except [holidays](#). If you live elsewhere in the Netherlands Antilles, delivery of the documents by courier service is available at an additional charge, payable in cash, while you are at the Consulate. That fee, current as of July, 2010 is **\$30** U.S. Dollars. The documents will arrive by courier service 2 weeks after your application is approved.

If you apply for your child's Social Security number, a Social Security card will be delivered to you by international mail directly from the Social Security Administration to your address in the Netherlands Antilles. Because of delays in processing of overseas Social Security applications, delivery of your child's card will take 8-12 months. If one of the child's parents will be in the United States before the card arrives, you are encouraged to visit a Social Security office while there to request an update on your application. Please visit the [Social Security Administration's website](#) for the location of Social Security offices in the United States.

Children Born in Other Foreign Countries

If your child was born in another foreign country but is currently in the Netherlands Antilles, you may still submit an application for the child's Consular Report of Birth Abroad and passport in Netherlands Antilles, as described above. Your application will then be sent to the U.S. Embassy or to a U.S. Consulate in the country where your child was born, and a consular officer there will make a determination of the child's citizenship. This process may take several months, and you are therefore encouraged to apply in the country where your child was born, if practical.

Replacement Copies of your Consular Report of Birth Abroad

Official copies of a previously issued Consular Report of Birth Abroad are not available from the Consulate and must be requested directly from the Department of State in Washington. Please see the [Department of State website](#) for ordering instructions.

Additional Questions

If you have additional questions, please email Consulate's American Citizen Services at ACSCuracao@State.gov.