

## Ask the U.S. Embassy

**January 9<sup>th</sup>, 2013**

*Q. When I applied for a Consular Report of Birth Abroad to document my Jamaican-born son as a U.S. citizen, my application was denied because the Consular officer stated that I was not physically present in the U.S. for five years. However, I obtained my U.S. citizenship through naturalization, which required me to spend five years in the U.S., so why am I now unable to transmit citizenship to my son?*

The requirements to obtain U.S. citizenship through naturalization are entirely different from the requirements to transmit citizenship to your child born outside of the United States. In most cases, in order to naturalize a person must demonstrate that they were in Lawful Permanent Resident status for more than five years and physically resided in the U.S. for a total of at least 30 months prior to naturalization. Being in Lawful Permanent Resident status is not the same as being physically present in the United States.

To transmit citizenship to a child, the U.S. citizen parent must demonstrate that he or she was physically present in the United States for a certain period of time before the child's birth. In some cases, the U.S. citizen parent must have been present in the United States for a total of five years before the child's birth, including at least two years after the parent turned 14 years old. The parent does not have to have been a U.S. citizen during that period of physical presence. Physical presence in the United States can be demonstrated through old passports, school transcripts, pay stubs, and other documentation.

The U.S. citizen parent must also show that he or she is the biological parent of the child. In some cases, a DNA test may be the best option to demonstrate the biological relationship. If all requirements are met, the child qualifies for U.S. citizenship and can be issued a Consular Report of Birth Abroad (CRBA), as well as a U.S. passport.

If the American Citizen Services Unit determines that you do not meet the physical presence requirements necessary to transmit citizenship to your child, you may choose to file an immigrant visa petition with U.S. Citizenship and Immigration Services (USCIS) in order for your child to immigrate to the United States. To file an immigrant visa petition on behalf of a child residing in Jamaica, the U.S. citizen parent must file an I-130 petition with USCIS in the United States. Once the petition is approved by USCIS, it is sent to the U.S. Embassy in Kingston for processing of the immigrant visa. Before issuing the visa, consular officers will verify that the child has the claimed relationship with the petitioning parent.

Consular Report of Birth Abroad applications are accepted by appointment only. Information on scheduling an appointment at the American Citizen Services Unit at the U.S. Embassy in Kingston or at the consular agencies in Montego Bay and in the Cayman Islands can be found on the Embassy's website. Individuals who submit their applications in Montego Bay or the

Cayman Islands may be asked to visit the U.S. Embassy at a later date in order to provide further information about their applications. The application cost for a CRBA is \$100 USD, and the