

UNITED STATES CITIZENSHIP

Fact Sheet

THE UNITED STATES

Currently, under the Immigration and Nationality Act of 1952 (INA) effective from December 24, 1952 to the present, the definition of the "United States," for purposes of determining nationality purposes, includes:

- The United States
- Puerto Rico
- The United States Virgin Islands
 - Saint Croix
 - Saint John
 - Saint Thomas
 - Water Island
 - Many other surrounding minor islands
- Guam
- The Commonwealth of the Northern Mariana Islands
- American Samoa
- Swains Island

ACQUISITION OF CITIZENSHIP

Birth within the United States

Section 1 of the Fourteenth Amendment to the United States Constitution states that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

By virtue of the 14th Amendment, a person born in the U.S. becomes a citizen of the United States at the time of birth, if one of the following is true:

- His/her parents are subjects of a foreign power, but not in any diplomatic or official capacity of that foreign power.
- His/her parents have permanent domicile and residence in the United States.
- His/her parents are in the United States for business.¹

Birth Abroad to Two United States Citizens

A child born abroad to two U.S. citizens is automatically granted citizenship in one or more of the following cases:

- Both the child's parents were U.S. citizens at the time of the child's birth.
- The parents are married.
- At least one parent lived in the United States prior to the child's birth, and had a residence within the U.S.

A person's record of birth abroad, if registered with a U.S. consulate or embassy, is proof of citizenship.

Birth Abroad to One United States Citizen (in Wedlock)

A person born abroad on or after November 14, 1986 where one parent is a U.S. citizen, is also a U.S. citizen if all of the following are true:

- The person's parents were married at the time of his/her birth.
- One of the person's parents was a U.S. citizen when the person in question was born.
- The citizen parent lived at least five years in the United States before the child's birth.
- A minimum of two of these five years in the United States were after the citizen parent's 14th birthday.

For persons born abroad to one U.S. citizen in wedlock between December 24, 1952 and November 14, 1986, a person is a U.S. citizen if all of the following are true:

- The person's parents were married at the time of birth.
- One of the person's parents was a U.S. citizen when the person was born.
- The citizen parent lived at least ten years in the United States before the child's birth.
- A minimum of 5 of these 10 years in the United States were after the citizen parent's 14th birthday.

The Immigration and Nationality Act includes additional provisions to satisfy the physical-presence requirements for U.S. citizen parents, for time periods they spent abroad in “honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization”. For these individuals, time abroad can be counted to satisfy the physical-presence requirements. Additionally, citizens who spent time living abroad as the “dependent unmarried son or daughter and a member of the household of a person” in any of the previously mentioned organizations can also be counted.ⁱ

Out-of-Wedlock Birth Abroad to a Mother who is a U.S. Citizen

A person born abroad and out-of-wedlock to a U.S. citizen mother is a U.S. citizen if all the following apply:

- The mother was a U.S. citizen at the time of the birth.
- The mother was physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth.

Out-of-Wedlock Birth Abroad to a Father who is a U.S. Citizenⁱⁱⁱ

A person born abroad and out-of-wedlock to a U.S. citizen father may acquire U.S. citizenship provided:

- A blood relationship between the person and the father is established by clear and convincing evidence;
- The father was a U.S. national at the time of the birth;
- The father was physically present in the United States or its outlying possessions prior to the child's birth for five years, at least two of which were after reaching the age of 14.
- The father (unless deceased) has agreed in writing to provide financial support for the person until s/he reaches the age of 18 years, and

- While the person is under the age of 18 years --
 - s/he is legitimated under the law of his/her residence or domicile;
 - the father acknowledges paternity of the person in writing under oath; or
 - the paternity of the person is established by adjudication of a competent court.

Biological or Adopted Children Residing in the United States^{iv}

A child automatically becomes a U.S. citizen when all of the following conditions have been met:

- At least one parent of the child is a U.S. citizen, whether by birth or naturalization.
- The child is under the age of 18 years.
- The child is residing in the United States in the legal and physical custody of the U.S. citizen parent based on a lawful admission for permanent residence.

An adopted child may automatically become a citizen under section 320 of the INA if the child satisfies the requirements applicable to adopted children under sections 101(b)(1)(E), (F) or (G) of the INA.

To qualify as a “child” for purposes of this section, the individual must be unmarried.

Naturalization

A person who was not born a U.S. citizen may acquire U.S. citizenship through a process known as naturalization.

Eligibility for Naturalization (Being Granted Citizenship)

To become a naturalized United States citizen, generally one must meet the following eligibility requirements to apply for naturalization:^v

- Be 18 years or older
- Be a green card holder for at least 5 years immediately preceding the date of filing the [Form N-400, Application for Naturalization](#)
- Have lived within the state, or USCIS district with jurisdiction over the applicant's place of residence, for at least 3 months prior to the date of filing the application
- Have continuous residence in the United States as a green card holder for at least 5 years immediately preceding the date of the filing the application
- Be physically present in the United States for at least 30 months out of the 5 years immediately preceding the date of filing the application
- Reside continuously within the United States from the date of application for naturalization up to the time of naturalization
- Be able to read, write, and speak English and have knowledge and an understanding of U.S. history and government (civics).
- Be a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States during all relevant periods under the law.

Naturalization for Spouses of U.S. Citizens

In general, one may qualify for naturalization if one meets the following requirements:^{vi}

- Have been a permanent resident (green card holder) and have continuous residence in the United States as a green card holder for at least 3 years after having become a green card holder
- Have been living in marital union with the same U.S. citizen spouse during the 3 years prior to the date of filing the application, which spouse has been a U.S. citizen during all such 3 years

- Have been physically present in the U.S. for at least 18 months before applying and has resided within the State or USCIS district in which the applicant filed his application for at least 3 months before applying.
- Meet the other eligibility requirements for naturalization.

Certain exceptions to the English and civics requirements exist for long-time, older permanent residents and those with mental or physical disabilities.^{vii}

Naturalization for Biological or Adopted Children Residing Outside the United States^{viii}

Biological or adopted children who regularly reside outside of the United States may qualify for naturalization. In general, to be eligible for citizenship under section 322 of the INA, a child must meet the following requirements:

- At least one parent is a U.S. citizen or, if deceased, the parent was a U.S. citizen at the time of death.
- The U.S. citizen parent or his or her U.S. citizen parent has (or at the time of death had) been physically present in the United States or its outlying possessions for at least 5 years, at least two of which were after attaining the age of 14.
- The child is under the age of 18 years.
- The child is residing outside of the United States in the legal and physical custody of the U.S. citizen parent (or, if the citizen parent is deceased, an individual who does not object to the application).
- The child is temporarily present in the United States after having entered lawfully and is maintaining lawful status in the United States.

An adopted child may be eligible for naturalization under section 322 of the INA if the child satisfies the requirements applicable to adopted children under sections 101(b)(1)(E), (F) or (G) of the INA.

To qualify as a “child” for purposes of this section, the person must be unmarried.

Naturalization Tests

Since October 1, 2008, applicants who file to become naturalized (i.e., who file the N-400, Application for Naturalization) must pass a new test that examines the applicant's knowledge of U.S. society (also known as “Civics”) and the English language. Up until October 1, 2009, applicants who filed before October 1, 2008 had a choice to take the old test, which had a different set of test questions that were more basic and could generally be answered with one word.^{ix} On October 1, 2009, following a one-year transition, the new test became mandatory for all naturalization applicants.^x In addition to passing the tests, citizenship applicants must also submit to an in-person interview. Two opportunities to take the English and Civics tests will be given. Retests will be given on the portion of the test that is failed (English or Civics) between 60 and 90 days from the date of the initial interview.^{xi}

Civics Test

For the Civics portion of the test, applicants are asked up to ten questions, and must answer at least six of the questions with the correct answers. U.S. Citizenship and Immigration Services (USCIS) has published a list of 100 sample questions (with the answers that should be given when taking the test), from which the test questions are always chosen. The full list of questions is in the "A Guide to Naturalization," available for free from the USCIS.^{xii}

Sample questions and answers are published by the USCIS in English, Spanish, Chinese, Tagalog, and Vietnamese.

English Test

During the interview, in addition to knowledge of Civics, a USCIS officer tests the applicant's ability to read, write, and speak English:

- One sentence out of three sentences must be read correctly in English.
- One sentence out of three sentences must be written correctly in English.

Many Current U.S. Citizens Cannot Pass the Naturalization Test

In a study by *Newsweek*, 38% of American citizens surveyed did not pass the exam.^{xiii}

Study materials for the naturalization test are available on the U.S. Citizenship and Immigration Services website for reference at <http://www.uscis.gov>. (View "The Naturalization Test" under the Citizenship heading.)

WHO ARE THE UNITED STATES CITIZENS?^{xiv}

RACE

Race	# people	% of the total population	% increase from 2000
White	223,553,265	72.4%	5.7%
Black or African American	38,929,319	12.6%	12.3%
Some Other Race*	19,107,368	6.2%	24.4%
Asian	14,674,252	4.8%	43.3%
Two or More Races	9,009,073	2.9%	32%
American Indian and Alaska Native	2,932,248	0.9%	18.4%
Native Hawaiian and Other Pacific Islander	540,013	0.2%	35.4%

The above data come from the United States Census Bureau's "Overview of Race and Hispanic Origin: 2010." The category called "Some Other Race" includes all responses not within the other categories of White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander. Respondents reporting entries such as multiracial, mixed, interracial, or a Hispanic or Latino group (for example, Mexican, Puerto Rican, Cuban, or Spanish) are included in this category.

This report also collected information on the percentages of Hispanics. Hispanic origin is variously viewed as a heritage, nationality group, lineage, or an identity based on one's country of birth or the birth country of their parents or ancestors before arrival in the United States. People who identify their origin as Hispanic, Latino, or Spanish may be any race.

More than half of the growth in the total population of the United States between 2000 and 2010 represented an increase in the Hispanic population.

RELIGION

Please see World Religions Fact Sheet for demographics

Depending on the source one uses, there are up to 30 religious traditions within the borders of the U.S. Purdue University scholars found that between 1996 and 2004, members of the

U.S. population who consider Christian identity as a "very important" attribute of being American increased from 38 percent to 49 percent. In contrast, the researchers found that non-Christians and those with no religious affiliation overwhelmingly rejected a link between being Christian and being "truly American."^{xv}

SEX AT BIRTH^{xvi}

Female, 2009 = 50.7%

Male, 2009 = 49.3%

According to the Intersex Society of North America, about 1 percent of live births exhibit some degree of sexual ambiguity. This statistic is not specific to the United States.^{xvii}

AGE^{xviii}

Age Structure (2011 est.)

0-14 years: 20.1% (male 32,107,900/female 30,781,823)

15-64 years: 66.8% (male 104,411,352/female 104,808,064)

65 years and over: 13.1% (male 17,745,363/female 23,377,542)

Median Age in the U.S. (2011 est.)

Total: 36.9 years

Male: 35.6 years

Female: 38.2 years

SEXUAL ORIENTATION

According to a report published by the Williams Institute in April 2011, approximately 3.5% of American adults identify as lesbian, gay or bisexual (more than 8 million), while approximately 0.3% identify as transgender (nearly 700,000).^{xix}

IMMIGRATION

A SNAPSHOT OF IMMIGRATION IN THE UNITED STATES^{xx}

17th Century – 19th Century

Immigrants, or "settlers," came from locations throughout Europe including the British Isles, the German-speaking area of the Palatinate, France (Protestant Huguenots) and the Netherlands. While most of the new settlers of this era tended to hail from the British Isles, with English, Scottish, Welsh, and Ulster Irish gravitating toward different colonies (later states) and regions, the new immigrants included Jews from the Netherlands and from Poland. Many people came voluntarily and as indentured servants, but most Africans who came to the land that was to become the U.S. were stolen from their homes and forcibly brought over.

1820s – 1880s

Through the 1880s, about 15 million immigrants made their way to the United States, many choosing to pursue agriculture in the Midwest and Northeast, while others flocked to cities like New York, Philadelphia, Boston, and Baltimore. Immigrants tended to cluster by group in particular neighborhoods, cities, and regions. Economic and political factors in both Europe and the United States shaped this transition, including the end of the Napoleonic Wars in Europe, and an increase in industrial development in the United States. This era saw the first large-scale arrival of Catholic immigrants to the largely Protestant United States, primarily women and men from Ireland. This inspired serious nativism, which reflected both a widespread antipathy to immigrants in general, and fear of Catholicism and aversion to the Irish.

1890s – 1910s

During this period, innovations in steam transportation made it possible for larger ships to bring larger groups of immigrants to the United States. The immigrants of this era tended to come from southern and Eastern Europe. With their arrival, a second wave of organized xenophobia emerged. By the 1890s, many citizens of the United States, often white, native-born and from or identified with higher socio-economic status, considered immigration to pose a serious danger to the nation's health and security.

1920s – 1965

Restrictions on immigration were limited during the late 19th and early 20th centuries. However, the National Origins Act in 1921 (and its final form in 1924) restricted the number of immigrants who might enter the United States. The act also assigned slots according to quotas based on national origin. A complicated piece of legislation, it essentially gave preference to immigrants from northern and western Europe, severely limited the numbers from eastern and southern Europe, and declared all potential immigrants from Asia to be unworthy of entry into the United States. The legislation excluded the Western Hemisphere from the quota system. Therefore, immigrants could and did move quite freely from Mexico, the Caribbean (including Jamaica, Barbados, and Haiti), and other parts of Central and South America. This era, throughout which the 1924 legislation was applied, lasted until 1965.

1965 – Present Day

The Hart-Celler Act in 1965 was a by-product of the Civil Rights revolution and President Lyndon Johnson's Great Society programs. The measure ended the nation-of-origin based quota system. It was not intended to stimulate immigration from Asia, the Middle East, Africa, and elsewhere in the developing world, but rather, its authors had expected that immigrants from the "traditional" sending societies such as Italy, Greece, and Poland would immigrate to the U.S. But after 1970, following an initial influx from those European countries, immigrants in increasing numbers began to come from places like Korea, China, India, the Philippines, Pakistan and many countries in Africa.

IMMIGRATION TODAY^{xxi}

During the last four decades, the foreign-born population of the United States has risen both numerically and as a percent of the total population:

1970: 9.6 million or 4.7 % of the entire population was foreign-born
1980: 14.1 million or 6.2 % of the entire population was foreign-born
1990: 19.8 million or 7.9 % of the entire population was foreign-born
2000: 31.1 million or 11.1 % of the entire population was foreign-born
2009: 38.5 million or 12.5 % (1 in 8 residents) of the entire population was foreign-born

While the number of foreign-born represents a historical high, the proportion of the total population is lower than during the great migration of the late 1800s and early 1900s, when it fluctuated between 13 percent and 15 percent. In 1960, 75 percent of the foreign-born were from countries in Europe. By 2009, over 80 percent of the foreign-born were from countries in Latin America and Asia. Also, since 1960, the foreign-born increasingly have settled in states beyond the traditional gateway states of New York, California, Texas, Florida, and Illinois.

In 2009, **over half (53 percent) of all foreign-born residents were from Latin America.** Another **28 percent were from Asia.** The next largest region-of-origin group—the foreign-born from **Europe—represented 13 percent of all foreign-born, less than half the size**

of the foreign-born from Asia. About 4 percent of the foreign-born were from Africa, followed by about **3 percent from other regions, including Oceania and Northern America.**

In 2009, Mexico was the nation with the largest number of émigrés within the foreign-born population in the U.S. with 11.5 million foreign-born from Mexico, representing 30 percent of the total foreign-born population.

ⁱ *United States vs Wong Kim Ark*, 169 U.S. 649 (1898)

ⁱⁱ "INA: Act 301 – Nationals and Citizens of the United States at Birth," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-9679.html>>.

ⁱⁱⁱ "Acquisition of U.S. Citizenship by a Child Born Abroad," < http://travel.state.gov/law/citizenship/citizenship_5199.html>

^{iv} "Biological or Adopted Children Residing in the United States," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=d4c3a3ac86aa3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=d4c3a3ac86aa3210VgnVCM100000b92ca60aR CRD>>

^v 8 CFR PART 316, General Requirements for Naturalization, Sec. 316.2 Eligibility. < <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-30960/0-0-0-30975.html#0-0-0-19605>>

^{vi} 8 CFR PART 319, Special Classes of Persons Who May be Naturalized: Spouses of United States Citizens, Sec. 319.1 Persons living in marital union with United States citizen spouse < <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-31517/0-0-0-31522.html>>

^{vii} "Exceptions & Accommodations," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=ffe2a3ac86aa3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=ffe2a3ac86aa3210VgnVCM100000b92ca60aR CRD>>.

^{viii} "Biological or Adopted Children Residing Outside the United States," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=8554a3ac86aa3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=8554a3ac86aa3210VgnVCM100000b92ca60aR CRD>>

^{ix} "What You Need to Know About the US Citizenship Test," Legal Language Services, 10 February 2010 <<http://www.legallanguage.com/legal-articles/citizenship-test/>>.

^x "Applicant Performance on the Naturalization Test," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=6c40ec90d8668210VgnVCM100000082ca60aRCRD&vgnnextchannel=6c40ec90d8668210VgnVCM100000082ca60aR CRD>>

^{xi} "The Naturalization Test," U.S. Citizenship and Immigration Services < <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=dd7ffe9dd4aa3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=dd7ffe9dd4aa3210VgnVCM100000b92ca60aR CRD>>.

^{xii} *A Guide to Naturalization*, U.S. Citizenship and Immigration Services < <http://www.uscis.gov/files/article/M-476.pdf> >.

^{xiii} Romano, Andrew, "How Dumb Are We?," Newsweek, March 20, 2011 <<http://www.newsweek.com/2011/03/20/how-dumb-are-we.html>>.

^{xiv} Karen R. Humes, Nicholas A. Jones, and Roberto R. Ramirez, "Overview of Race and Hispanic Origin: 2010," U.S. Census Bureau, 2010 Census Briefs, March, 2011 <<http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>>.

^{xv} Adelle M. Banks, "Study: More Link Christian Faith to being American," Religion News Service, 20 October 2010 <http://www.religionnews.com/index.php?rnspremiumtext/study_more_link_christian_faith_to_being_american />. The findings are based on an analysis of data from the General Social Survey, collected by the National Opinion Research Center, in which more than 1,000 respondents were queried in 1996 and 2004.

^{xvi} "USA QuickFacts," U.S. Census Bureau <<http://quickfacts.census.gov/qfd/states/00000.html>>.

^{xvii} “How Common is Intersex,” Intersex Society of North America
<<http://www.isna.org/faq/frequency>>.

^{xviii} “The World FactBook,” Central Intelligence Agency <<https://www.cia.gov/library/publications/the-world-factbook/geos/us.html>>.

^{xix} Gary J. Gates, “How Many People are Lesbian, Gay, Bisexual, and Transgender?” The Williams Institute, April 2011 <<http://www3.law.ucla.edu/williamsinstitute/pdf/How-many-people-are-LGBT-Final.pdf>>.

^{xx} Hasia Diner, “Immigration and U.S. History,” America.gov Archive, 13 February 2008
<<http://www.america.gov/st/peopleplace-english/2008/February/20080307112004ebyeessedo0.1716272.html>>.

^{xxi} Elizabeth M. Grieco and Edward N. Trevelyan, “Place of Birth of the Foreign-Born Population: 2009,” American Community Survey Briefs, U.S. Census Bureau, October 2010
<<http://www.census.gov/prod/2010pubs/acsbr09-15.pdf>>.

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