

USCIS Implements Duckworth's Law Fixing Immigration Policy for Children of U.S. Servicemembers and Civil Servants

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WASHINGTON, D.C. – U.S. Citizenship and Immigration Services (USCIS) has now implemented a bipartisan law authored by U.S. Senator Tammy Duckworth (D-IL) that honors the service of our military and the dedication of our civil servants by making sure that their children born while stationed abroad, as well as stepchildren and adopted children, automatically acquire U.S. citizenship. Specifically, her *Citizenship for Children of Military Members & Civil Servants Act*—which she introduced with former Senator Johnny Isakson (R-GA)—cuts burdensome red tape, modernizes Section 320 of the *Immigration and Nationality Act (INA)* and saves U.S. servicemembers and civil servants from the insult and injury of being forced to pay more than \$1,000 in offensive application fees to apply on behalf of their children for citizenship of the country they serve.

“Children of Americans serving their nation abroad are just as worthy of automatic citizenship as any other children,” Duckworth said. “Forcing military families to jump through bureaucratic hoops and spend hundreds of dollars applying for citizenship on

behalf of their children was not right, which is why I'm glad that this bipartisan bill to ensure that children of U.S. servicemembers and civil servants abroad automatically gain citizenship is now in effect."

Under previous Republican and Democratic presidential administrations, U.S. Citizenship and Immigration Services (USCIS) considered children of members of the U. S. Armed Forces and employees of the U.S. Government stationed outside the U.S. to be considered "residing in the United States" for purposes of automatically acquiring citizenship under Section 320 of the *Immigration and Nationality Act (INA)*. In August 2019, Trump's USCIS announced it would change its policy to end automatic citizenship for certain children of U.S. Servicemembers and civil servants working and residing outside the U.S., forcing some of these Americans to navigate a complex bureaucratic process that carries no guarantee of their children receiving citizenship and to pay an application fee of \$1,170 per child.

Senator Duckworth [sent a letter](#) to the U.S. Department of Homeland Security (DHS) and the U.S. Citizenship and Immigration Services (USCIS) demanding both agencies quickly rescind this policy update. When the Trump administration refused to reverse its harmful policy, Senator Duckworth teamed up with U.S. House Judiciary Committee Chairman Jerrold Nadler (D-NY) and Ranking Member Doug Collins (R-GA) to introduce the bipartisan *Citizenship for Children of Military Members and Civil Servants Act* in the Senate and House, respectively, in October of 2019. This legislative proposal subsequently passed the House in December and [passed the Senate](#) in March. Duckworth's Senate companion was cosponsored by Senators Dick Durbin (D-IL), Dianne Feinstein (D-CA), Lindsey Graham (R-SC), Cory Gardner (R-CO), Kamala Harris (D-CA) and Jon Tester (D-MT).