

7 FAM 1130

ACQUISITION OF U.S. CITIZENSHIP BY BIRTH ABROAD TO U.S. CITIZEN PARENT

(CT:CON-367; 04-09-2011)
(Office of Origin: CA/OCS/PR1)

7 FAM 1131 BASIS FOR DETERMINATION OF ACQUISITION

7 FAM 1131.1 Authority

7 FAM 1131.1-1 Federal Statutes

(CT:CON-349; 12-13-2010)

- a. Acquisition of U.S. citizenship by birth abroad to a U.S. citizen parent is governed by Federal statutes. Only insofar as Congress has provided in such statutes, does the United States follow the traditionally Roman law principle of "jus sanguinis" under which citizenship is acquired by descent (see 7 FAM 1111 a(2)).
- b. Section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) gives the Secretary of State the responsibility for the administration and enforcement of all nationality laws relating to "the determination of nationality of a person not in the United States."

7 FAM 1131.1-2 Applicable Statute

(TL:CON-68; 04-01-1998)

The law applicable in the case of a person born abroad who claims citizenship is the law in effect when the person was born, unless a later law applies retroactively to persons who had not already become citizens. Instructions in 7 FAM 1130 will note when a law is retroactive.

7 FAM 1131.1-3 Delegation of Authority

(TL:CON-68; 04-01-1998)

State Gov Foreign Affairs Manual

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