



October 28, 2014

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Policy Alert

SUBJECT: Effect of Assisted Reproductive Technology (ART) on Immigration and Acquisition of Citizenship Under the Immigration and Nationality Act (INA)

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) and [Adjudicator's Field Manual \(AFM\)](#) to provide guidance relating to the use of Assisted Reproductive Technology (ART).

Background

USCIS and the Department of State (DOS), who share authority over these issues, collaborated in the development of this policy. A non-genetic gestational mother (person who carried and gave birth to the child) who is also the child's legal mother may be recognized in the same way as genetic legal mothers are treated under the INA. Previously, a genetic relationship with a U.S. citizen parent was required in order for a child born abroad to acquire citizenship at birth through his or her parent.

Policy Highlights

- A "natural mother" or "natural father" is a genetic parent or gestational parent. Accordingly, the "natural mother" of a child born out of wedlock includes a non-genetic gestational mother if she is the legal parent at the time of birth.
- A gestational mother has a petitionable relationship without a genetic relationship to the child, as long as she is also the child's legal parent at the time of birth.
- A non-genetic gestational legal mother who is a U.S. citizen may transmit citizenship at birth, or after birth, when all other pertinent citizenship and naturalization requirements are met.

Citations

Volume 12: Citizenship and Naturalization, Part H, Children of U.S. Citizens [[12 USCIS-PM H](#)]; Adjudicator's Field Manual (AFM), Chapter 21.4, Petition by Citizen or Lawful Permanent Resident for Child, Son, or Daughter. [[AFM 21.4](#)].