



U.S. Embassy and Consulate  
in the Netherlands

## Proof of Physical Presence

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When a U.S. citizen has a child born overseas some basic legal requirements must be met to document the child as a U.S. citizen. Depending on your situation, you will have to show evidence proving you were actually in the United States for enough time to qualify to transmit U.S. citizenship.

**Situation A:** My child was born in wedlock, out of two U.S. citizen parents: Check our ["residence in the U.S."](#) page.

**Situation B:** My child was born in wedlock, out of a U.S. citizen mother and a non-U.S. citizen parent: The U.S. citizen parent must present evidence she or he has been physically present in the United States for a minimum of five years total, two at least must have been after age 14.

**Situation C:** My child was born in wedlock, out of a U.S. citizen father and a non-U.S. citizen mother: The U.S. citizen parent must present evidence she or he has been physically present in the United States for a minimum of five years total, two at least must have been after age 14.

**Situation D:** My child was born out of wedlock, out of two U.S. citizen parents: If the claim is through the father you must present evidence he has been physically present in the United States for a minimum of five years total, two at least must have been after age 14. If the claim is through the mother there are two requirements possible:

- Your child was born on or before June 11, 2017: The U.S. citizen mother must prove she was physically present in the United States for one uninterrupted period of 365 days, at any time prior to the birth of your child.
- Your child was born after June 11, 2017: The U.S. citizen mother can follow the exact same guidance as per situation B, i.e. she must present evidence she has been physically present in the United States for a minimum of five years total, two at least must have been after age 14.

**Situation E:** My child was born out of wedlock, out of a U.S. citizen mother and a non-U.S. citizen other parent: There are two requirements possible:

- Your child was born on or before June 11, 2017: The U.S. citizen mother must prove she was physically present in the United States for one uninterrupted period of 365 days, at any time prior to the birth of your child.
- Your child was born after June 11, 2017: The U.S. citizen mother can follow the exact same guidance as per situation B, i.e. she must present evidence she has been physically present in the United States for a minimum of five years total, two at least must have been after age 14.

**Situation F:** My child was born out of wedlock, out of a U.S. citizen father and a non-U.S. citizen other parent: You must bring evidence as per situation B, i.e. the U.S. citizen parent has been physically present in the United States for a minimum of five years total, two at least must have been after age 14.

Physical presence means the actual time you were in the United States. It is an exact accounting. If you were a student in the United States, for an academic year and went abroad for the summer for instance, you have only 9 months of physical presence, not 12. There is no waiver. The exceptions to being on U.S. soil are for active U.S. military or U.S. government service overseas only.

**Remember: the burden of proof is on you.** You must be able demonstrate to the Consular Officer's satisfaction that you meet the physical presence requirement in order to transmit citizenship to your child.

Physical presence proof is only required of the U.S. citizen parent. A non-U.S. citizen parent does not even have to list times in the United States.

### **How can you prove it?**

There are several ways to prove physical presence in the U.S. Original documents showing physical presence over time are the best.

Some examples of documentary evidence may include (but are not limited to):

#### **Academic transcripts:**

Certified/official high school or university transcripts, military records and official vaccination records are often excellent documents to present. Other types of documents are also acceptable if they have the cumulative effect of showing presence over time. A diploma does not necessarily show presence over time.

#### **Employment records & Social Security:**

Employment and court records (including incarceration records) can also be used to prove physical presence. A Social Security statement can be helpful, but because income can be earned outside the U.S., it should be supported by other evidence. To access and print a copy of your Social Security statement, visit this website: <http://www.ssa.gov/mystatement/>.

#### **Medical Records:**

Medical records showing treatment or care over a period of time are often helpful. (Pre-natal records, early child immunization records, lengthy treatments, etc.)

#### **Rental receipts:**

Rent paid, rental contracts, etc...

#### **Military / U.S. Government service:**

Records of U.S. military service, employment with the U.S. government or certain intergovernmental international organizations; or as a dependent, unmarried child and member of the household of a parent in such service are

helpful. If you were an **unmarried** U.S. citizen partner to someone in the circumstances listed above, this doesn't count toward **your** physical presence.

**Travel records:**

U.S. passport stamps may be considered a part of the evidence submitted, but should not be the sole documentary evidence. We only review these in the absence of any other evidence, as it is time consuming for our staff.

**Note:** Birth certificates or drivers' licenses **do not** constitute evidence of physical presence.

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