



September 9, 2026

PA-2026-12

Policy Alert

SUBJECT: Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address the regulatory changes on the registration of children born to foreign government employees in the United States as lawful permanent residents.¹ Additionally, this update provides definitions for key terminology.

Background

The Fourteenth Amendment grants United States citizenship at birth to “all persons born...in the United States, and subject to the jurisdiction thereof.” The Supreme Court has interpreted the words “subject to the jurisdiction thereof” to create certain exceptions to birthright citizenship, notably “children of members of the Indian tribes...children born of alien enemies in hostile occupation, and children of diplomatic representatives of a foreign state” with rights of extraterritoriality.² On August 6, 2026, President Trump issued E.O. 14418, *Continuing to Protect the Meaning and Value of American Citizenship*, identifying certain categories of children who do not fall within the rule of birthright citizenship as interpreted by the Supreme Court.³

Prior to September 4, 2026, children born in the United States to accredited foreign diplomatic officers assigned to the United States could register as lawful permanent residents from the time of birth.⁴ On September 4, 2026, DHS amended the regulations on registration of lawful permanent residence to include U.S. born children to foreign government employees when neither parent is a U.S. citizen. This guidance conforms to the regulatory changes and affects children born in the United States to foreign government employees on or after September 4, 2026, unless one parent is a U.S. citizen.

¹ See *Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States*, [91 FR 57249](#) (Sept. 9, 2026) (interim final rule).

² See *U.S. v. Wong Kim Ark*, 169 U.S. 649, 682 (1898); see also *Trump v. Barbara*, 146 S.Ct. 2438, 2456 (2026) (“[A] person is ‘subject to the jurisdiction’ of the government of the country in which he is physically present . . . unless he falls under one of the familiar exceptions, such as for ambassadors.”).

³ See [91 FR 51991](#).

⁴ See *Matter of Huang*, 11 I&N Dec. 190 (Reg. Comm. 1965) and *Matter of Chu*, 14 I&N Dec. 241 (Reg. Comm. 1972).

Registration as a lawful permanent resident is voluntary for children born in the United States to a foreign government employee.⁵ However, a child born in the United States who is not a U.S. citizen is subject to [INA 262](#) unless a statutory exception applies to the child or the child has the rights, privileges, exemptions, and immunities which may be claimed by a foreign diplomatic officer. If INA 262 applies, a child born in the United States to a foreign government employee must be registered as an alien if the child remains in the United States for 30 days or longer after birth. If the child is under 14 years of age, the child's parent must register the child on the child's behalf. Another pathway for these children to meet their obligation under INA 262 is by filing Biographic Information (Registration) (Form G-325R), unless exempt.⁶

This guidance, contained in Volumes 7 and 12 of the Policy Manual, is effective immediately and applies to U.S. born children of foreign government employees who are not citizens of the United States on or after the publication date of the Interim Final Rule, September 4, 2026. However, given the injunction currently in place in *Casa Inc. v. Trump*, No. 8:25-cv-00201 (D. Md Sep. 2, 2026), USCIS will not take actions to implement this guidance specifically to any member of the certified class, or otherwise conflict with the preliminary injunction, unless and until the government obtains relief from the injunction. If the government obtains timely relief from the injunction, USCIS will implement this guidance accordingly.

The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Explains that a child born in the United States to a foreign government employee is not a U.S. citizen at birth unless one of the parents is a U.S. citizen.
- Provides guidance on key terminology and definition of “foreign government employee.”
- Provides that a child born in the United States to a foreign government employee may register as a lawful permanent resident.
- Provides that children born in the United States who are not U.S. citizens are subject to INA 262 unless a statutory exception applies to the child or the child has the rights, privileges, exemptions, and immunities which may be claimed by a foreign diplomatic officer. If INA 262 applies, a child born in the United States to a foreign government employee must be registered as an alien if the child remains in the United States for 30 days or longer after birth. If the child is under 14 years of age, the child's parent must register the child on the child's behalf.

Summary of Changes

⁵ See [8 CFR 101.3\(b\)](#).

⁶ See [INA 263\(b\)](#).

Affected Section: Volume 7 > Part O > Chapter 3, Children Born in the United States to Accredited Diplomats

- Retitles and revises chapter in its entirety.

Affected Section: Volume 12 > Part A > Chapter 2, Becoming a U.S. Citizen

- Retitles and revises chapter in its entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 7: Adjustment of Status, Part O, Registration, Chapter 3, Children Born in the United States to Foreign Government Employees [[7 USCIS-PM O.3](#)].

Volume 12: Citizenship and Naturalization, Part A, Citizenship and Naturalization Policies and Procedures, Chapter 2, Born in the United States and Becoming a U.S. Naturalized Citizen [[12 USCIS-PM A.2](#)].