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DHS Announces Rule for Certain Children Born in the United States to Foreign Government Employees

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The Department of Homeland Security today issued an [interim final rule](#) amending its regulations to allow certain children born in the United States to foreign government employees who are not U.S. citizens to register as lawful permanent residents.

The rule amends existing regulations that allow children born in the United States to foreign diplomatic officers to register as lawful permanent residents. Consistent with President Trump's Executive Order 14418, the rule extends that opportunity to eligible children when neither parent is a U.S. citizen and at least one parent is a foreign government employee at the time of the child's birth.

The interim final rule replaces the term "foreign diplomatic officer" with the broader term "foreign government employee." Under the rule, "foreign government employee" includes foreign diplomatic officers accredited to the United States, certain foreign embassy or consulate employees who are nationals of that foreign country, persons employed by a foreign government in an official capacity, and persons employed by an international organization that possesses international-organization immunity. The rule also clarifies categories that are not included, such as personal employees or attendants of foreign officials, certain employees of state-owned enterprises, third-country nationals working for foreign governments, certain contractors, and foreign government employees visiting the United States in a personal capacity.

DHS is also updating [Form I-485, Application to Register Permanent Residence or Adjust Status](#), and the related form instructions, to replace references to "Individuals Born in the United States Under Diplomatic Status" with "Individuals Born to a Foreign Government Employee in the United States" and provide other updates to reflect these changes. DHS is also updating [Form G-325R, Biographic Information \(Registration\)](#), to account for children born in the United States who do not acquire U.S.

citizenship at birth, choose not to register their permanent residence under the amended regulations, and are subject to the alien registration requirements in the INA.

The interim final rule is effective Sept. 4, 2026, and applies to children born on or after the rule's effective date.

Given the injunction currently in place in *Casa Inc. v. Trump*, No. 8:25-cv-00201 (D. Md Sep. 2, 2026), DHS will not take actions to implement the rule 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, DHS will implement the rule accordingly.

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