Who is a Citizen? Law of Blood or Law of Soil?

The Fourteenth Amendment of the United States Constitution says…

*Section I. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside…*

**Part I:** Define **“citizen”** in your own words using your notes and the definition of citizenship provided by the Fourteenth Amendment.

**Congress passed the following laws on “birthright citizenship.” Use these laws as a guide to help you answer the following questions in Parts II and III.**

*The following persons shall be citizens of the United States at birth:*

1. *A person born in the United States*
2. *A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other tribe*
3. *A person born outside the United States and its outlying possessions (territories) of parents both of whom are citizens of the United States and one of who has had a residence in the United States or one of its territories prior to the birth of such person*
4. *A person born outside the United States and its outlying possessions (territories) of parents, one of whom is a citizen of the United States who has been physically present in the United States or one of its territories for a continuous period of one year prior to the birth of such person*

**Part II**: Read each example of a natural born citizen. If the citizen is a natural born citizen by law of blood, write **“B”**. If the citizen is a natural born citizen by the law of soil write **“S”. *Explain your reasoning for each response***.

1. Anyone born inside the United States.
2. A person born before 05/24/1934 of an alien father and U.S. citizen mother who has lived in the U.S.
3. Anyone found in the U.S. under the age of five, whose parentage cannot be determined, as long as proof of non-citizenship is not provided by age 21.
4. Anyone born outside the United States, if one parent is an alien and as long as the other parent is a citizen of the United States.
5. Anyone born in a U.S. territory, if one parent is a citizen.
6. Anyone born outside the United States, both of whose parents are citizens of the United States.
7. Any Indian or Eskimo born in the United States, provided being a citizen of the U.S. does not impair the person’s status as a citizen of the tribe.
8. Any child born to parents serving in the U.S. military overseas.

**Part III**: Read the following scenarios and determine of the person described was an American citizen at birth. ***Explain your answer.***

1. Sandra’s father works for a large company with offices all around the world. Sandra was born while her parents were living in Costa Rica for more than a year. Her father is a U.S. citizen, but her mother is from Costa Rica and is not a U.S. citizen. Her father grew up overseas and has never continuously lived one full year in the United States. However, her American grandmother came to Costa Rica when Sandra was born. Based on these facts, was Sandra a U.S. citizen at birth?
2. James was born overseas while his parents were visiting his father’s parents in Morocco. Both of James’ parents were born overseas, but became naturalized American citizens before James was born. Was James an American citizen at birth?
3. Maria lives in Mexico. Both her parents are Mexican. Maria is a Mexican citizen. She was born in an American hospital while her parents were on a short vacation in California. Was Maria an American citizen at birth?