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AD09-01

## Memorandum

TO: Field Leadership

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DATE: December 1, 2008

SUBJECT: “Taiwan” as Country of Former Nationality on Certificates of Naturalization or as  
Country of Birth on Certificates of Citizenship

Revision to *Adjudicator’s Field Manual* (AFM) Chapters 71 and 74  
(AFM Update AD09-01)

### **1. Purpose**

This memorandum provides field guidance and the Adjudicator’s Field Manual (AFM) update on the use of “Taiwan” as country of former nationality on Certificates of Naturalization or as country of birth on Certificates of Citizenship.

### **2. Background**

Although the United States Government recognizes the government of the People's Republic of China to be the government of all of China, to include Taiwan, section 3303 of Title 22 of the United States Code provides that Taiwan is to be considered a separate independent country for purposes of United States immigration law.<sup>1</sup>

In addition, the Department of State’s (DOS) policies and standards on passport issuance accept the use of “Taiwan” as a place or country of birth, depending on the preference of the Taiwanese

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<sup>1</sup> See 22 U.S.C. 3303(b)(6). Also see 68 No. 26 INTERREL 857.

applicant and the supporting documentation.<sup>2</sup> USCIS should be consistent with DOS policy on accepting the use of “Taiwan” as a place or country of birth, as provided in this memorandum.

Given that USCIS Certificates of Naturalization list the naturalized citizen’s country of former nationality rather than their country of birth, this memorandum also clarifies that “Taiwan” may be used as a country of nationality, to include country of former nationality.<sup>3</sup>

### **3. Field Guidance and AFM Update**

All USCIS offices are directed to comply with the following guidance. The Adjudicator’s Field Manual (AFM) Chapter 71.1 entitled “Acquisition and Derivation” and Chapter 74.2 entitled “Part-by-Part Discussion of Form N-400 Data” are amended by:

- Adding one paragraph and a “note” to subchapter 71.1(f)(2) at the end of the bulleted point entitled “Birth Data;”
- Revising the title heading of subchapter 74.2(a)(2) and adding six paragraphs and a “note” at the end of (a)(2); and
- Adding one sentence to subchapter 74.2(c)(3) at the end of subparagraph (B).

The revisions read as follows:

#### **71.1 Acquisition and Derivation.**

##### **(f) Adjudicating the Application.**

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##### **(2) A Review of a Number of Important Data Elements on the Forms.**

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- Birth data:

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The adjudicator should confirm that the applicant has indicated the correct country of birth and nationality on their Form N-600, Form N-600K, or Form N-644. (Note that Certificates of Citizenship denote country of birth and not country of nationality.)

**Note:** In the case of Taiwan, an applicant may indicate “Taiwan” as the country of birth on their application so long as the proof of birth documentation submitted supports their claim. Accordingly, the Certificate of Citizenship of such an applicant should be issued showing “Taiwan” as the country of birth. See Chapter 74.2(a)(2) of this manual for further guidance on the use of “Taiwan” as country of birth or nationality.

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<sup>2</sup> See 7 Foreign Affairs Manual (FAM) 1340 Appendix D. Note that United States passports may not be issued showing place of birth as “Taiwan, China,” “Taiwan, Republic of China,” or “Taiwan ROC.”

<sup>3</sup> USCIS Certificates of Citizenship and DOS United States passports denote country or place of birth rather than country of nationality.

## 74.2. Part-by-Part Discussion of Form N-400 Data.

### (a) Part 1: Information About You.

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#### (2) Review of Applicant’s Information:

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#### 4. Country of Birth and Country of Nationality.

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In the case of Taiwan, an applicant who was born in Taiwan may indicate “Taiwan” as the country of birth on their Form N-400 so long as the proof of birth documentation submitted supports their claim.

Similarly, an applicant who holds a Taiwan passport may indicate “Taiwan” as the country of nationality on their Form N-400. (Taiwan passports denote “Republic of China”). Accordingly, the Certificates of Naturalization of such applicants, holding Taiwan passports at the time of the favorable adjudication of their Form N-400, should be issued showing “Taiwan” as the country of former nationality.

The adjudicator must not require an applicant to list “Taiwan, PRC,” “Taiwan, China,” “Taiwan, Republic of China,” “Taiwan, ROC,” or “People’s Republic of China” as the country of birth or nationality on Form N-400 if the applicant has indicated “Taiwan” and the documentary evidence submitted supports their claim.

On the other hand, an applicant who holds a People’s Republic of China (PRC) passport should indicate “People’s Republic of China” as the country of nationality on their Form N-400. (PRC passports denote “People’s Republic of China”). Accordingly, the Certificates of Naturalization of such applicants, holding PRC passports at the time of the favorable adjudication of their Form N-400, should be issued showing “People’s Republic of China” as the country of former nationality.

Note that some applicants may have been born in the PRC but currently hold a Taiwan passport because they moved from the mainland (PRC) to Taiwan long ago. For those applicants, the country of birth should be listed as “People’s Republic of China” and the country of nationality should be listed as “Taiwan” on their Form N-400.

For purposes of data entry into Central Index System (CIS) or Computer Linked Application Information Management System Version 4.0 (CLAIMS 4), the corresponding country codes are “TAIWA” (268) for Taiwan and “CHINA” (245) for People’s Republic of China. (These country codes exist in CIS and CLAIMS 4.)

**Note:** In general, if a Certificate of Naturalization is issued that does not conform to the supportable facts shown on the applicant’s Form N-400, or a clerical error was made by USCIS in preparing the certificate, the applicant may file Form N-565, Application for Replacement Naturalization/Citizenship Document, without fee

requesting issuance of a corrected certificate. See 8 CFR 338.5(a) and Chapter 75.2(e) of this manual.

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**(c) Part 3: Additional Information about You.**

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(3) Citizenship:

\* \* \*

(B) Additional Information.

See Interpretations 334.1(f) for a discussion on nationality and statelessness. See Chapter 74.2(a)(2) of this manual for guidance on the use of “Taiwan” as country of birth or nationality on Form N-400 and Certificates of Naturalization.

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AD09-01 [INSERT DATE]	<b>Chapters 71.1(f)(2); 74.2(a)(2) and (c)(3).</b>	This memorandum revises subchapters 71.1(f)(2), 74.2(a)(2) and (c)(3) of the AFM to provide guidance on the use of “Taiwan” as country of birth or nationality.
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**4. Use**

This memorandum is intended solely for the instruction and guidance of USCIS personnel in performing their duties relative to adjudications. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

**5. Contact Information**

Questions regarding this memorandum may be directed through appropriate supervisory channels to the Citizenship Branch of the Office of Field Operations; Oscar Silwany, Office of Policy & Strategy; Thomas E. Curley, Office of Refugee, Asylum & International Operations; or Dee Garner, Office of Service Center Operations.

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