

Cherokee Nation Code Annotated

Title 11: Citizenship

Chapter 2: Policies and Procedures for Citizenship Applications

§ 11A. Temporary automatic citizenship of newborn children

Cite as: 11 CNCA §11 A

A. This section 11A is enacted as an amendment to the Cherokee Nation Citizenship Act for the specific purpose of protecting the rights of Cherokee Nation under the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq.

B. Notwithstanding any provisions of this Title to the contrary, every newborn child who is a direct descendant of an original enrollee shall be automatically admitted as a citizen of Cherokee Nation for a period of two hundred forty (240) days following the birth of the child. No request or application for tribal citizenship or other documentation need be submitted or delivered to the Registrar as a prerequisite to the temporary tribal citizenship of a child under this section. Such temporary tribal citizenship shall be effective automatically from and after the birth of the child for all purposes although the name of the child is not entered on the Cherokee Register.

C. The temporary tribal citizenship granted to a child pursuant to subsection (A) of this section shall automatically expire without notice to the child or to the sponsor or any other interested person, at the end of the two hundred forty- (240) day period following the child's birth. Any citizen whose temporary tribal citizenship has expired pursuant to this section may apply for citizenship pursuant to 11 CNCA §§ 11, 12, 13 and 14.

D. The Registrar may, at the request of Cherokee Nation Children's Services, on his own initiative or pursuant to 11 CNCA § 13(C), determine whether or not a child qualifies for temporary tribal citizenship pursuant to this section. A determination by the Registrar that such child does not so qualify may be appealed by a sponsor in accordance with 11 CNCA §§ 21 through 27, inclusive.

Historical Data

LA 2–93, eff. August 11, 1993. Amended LA 20–05, eff. May 19, 2005.