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Do in vitro babies need American donors to qualify for U.S. citizenship?

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There's little doubt that technology is shaping how we live our lives, but is it also changing who is eligible for U.S. citizenship? In fact, it may be. Consider the case of Ellie Lavi, an American citizen who turned to in vitro fertilization to become pregnant. She gave birth to twins while living outside the United States. When she sought to obtain citizenship for her daughters, she discovered it wasn't so easy.

In general, children born to or adopted by an American while overseas automatically acquire citizenship, according to federal immigration officials.

But in Lavi's case, her decision to use in vitro complicated matters. U.S. Embassy officials in Tel Aviv informed Lavi that in order for her daughters to receive citizenship, she needed to prove that the egg or the sperm used to create the embryos came from a U.S. citizen, according to USA Today.

That's not always so easy to prove. Clinics may not keep records of donors' citizenship status, making it nearly impossible to establish a biological link to an American citizen.

But Lavi's case also raises a thorny issue in immigration law: Are all children of Americans born abroad entitled to citizenship? The answer is complex and has changed over time. For example, the gender of a parent plays a key role. In 2001, the U.S. Supreme Court was asked whether it was OK to require an unwed father to meet a higher set of standards than an unwed mother in cases in which a single parent wanted to impart citizenship to a child born overseas. The case involved whether a child born in Vietnam to a U.S. father and a Vietnamese mother who were not married was a U.S. citizen. The high court found it was not unconstitutional to require different standards.

It will be interesting to see if the rules are challenged in court. Stay tuned.

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--Sandra Hernandez

Photo: An egg is shown as it is prepared for fertilization. Credit: Béatrice de Géa / Los Angeles Times

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