

Born to American mom, in-vitro twins denied citizenship

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A pair of twin girls may have come from the womb of a Chicago native, but in the eyes of the government, they are children without a country.

Ellie Lavi, an American citizen living in Israel, wanted her children to be American as well, despite the fact that they were born in Israel. But her twin daughters, Maya and Shira, now 2 ½ years old, are unable to gain status as U.S. citizens. Lavi, a single mother in her 40s, used a donor sperm and egg from a clinic in Israel to conceive her children through in-vitro fertilization. Now, the U.S. State Department is refusing to grant citizenship to her children because she is unable to prove that any of the donors are American citizens.

“I have been embarrassed, humiliated, horrified, ashamed,” Lavi told NBC News.

When Lavi went to the U.S. Embassy in Israel to register her children, she said she was asked over a loudspeaker in a crowded room by an embassy official how she conceived the children.

“It’s an outrageous question,” she said, recalling the experience. She later left the embassy in tears after more questioning.

Children adopted by U.S. citizens or born to foreign citizens in the U.S. are granted status as Americans. However, as Lavi was informed, children born to Americans overseas through in-vitro fertilization are denied American citizenship unless a donor can be proved to be a U.S. citizen. The laws were created to prevent people from fraudulently attaining status as Americans.

“They are my kids, I carried them for nine months, but they can’t be American,” Lavi said. “U.S. policy is not keeping up with the technology. That’s essentially what the issue is.”

Lavi does have one option to get citizenship for her daughters – by living in America for six months and completing the paperwork there. But Lavi and her children still live in Israel, and what she believes is an automatic right – that children born to an American should be considered American – is just more complicated for in-vitro babies.

“You can have a child that is a child without a country,” family law attorney Paul Talbert told NBC News. “They are not granted U.S. citizenship because there is no biological connection, and the laws of that foreign country may say [they] don’t recognize this child as [their] citizen, either, and the law really needs to address this.”

There are 200,000 U.S. citizens living in Israel, many of whom have dual citizenship. Fertility treatments also are free in Israel, so they are used more frequently, according to a report by USA Today. Many pregnant Americans living overseas come back to the United States to give birth in order to ensure their children are Americans, or they lie to officials at overseas embassies, the founder of Parents Via Egg Donation told USA Today.

In a statement released to NBC News, U.S. State Department officials say they are sympathetic to the Lavi family's situation but are following the law.

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