



**U.S. Citizenship
and Immigration
Services**

March 15, 2017

COW2016000517

Jacqueline Stevens
601 University Place
Department of Political Science
Northwestern University
Evanston, IL 60208

Dear Jacqueline Stevens:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office June 06, 2016 regarding your appeal of COW2013000557 which requested data and policies on the adjudication of N-600 applications since 1970. You also requested all policies, procedures and emails conveying local and national protocols for responding to inquiries from agent and attorneys employed by the Immigration and Customs Enforcement for those N-600 applicants who are in removal proceedings.

We have completed our search for records that are responsive to your request. The record consists of 47 pages of material and one Excel spreadsheet which we have determined to release in full. The enclosed record consists of the best reproducible copies available.


No records responsive to your request were located regarding protocols for responding to inquiries from Immigration and Customs Enforcement for applicants in removal proceedings. You may wish to contact Immigration and Customs Enforcement regarding this portion of your request. The ICE FOIA Office mailing address is 500 12th Street, S.W., MS 5009, Washington, D.C. 20536-5009.

Documents responsive to your request may contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Eggleston". The signature is fluid and cursive, with a large initial "J" and "E".

Jill A. Eggleston
Director, FOIA Operations

Enclosure(s)

-For Official Use Only-

USCIS Policy Manual

Current as of August 03, 2016

Volume 12 - Citizenship & Naturalization

Part H - Children of U.S. Citizens

Chapter 1 - Purpose and Background

A. Purpose

United States laws allow for children to acquire U.S. citizenship other than through birth in the United States. ^[1] See INA 301, INA 320, and INA 322. Persons who were born outside of the United States to a U.S. citizen parent or parents may acquire or derive U.S. citizenship at birth. Persons may also acquire citizenship after birth, but before the age of 18, through their U.S. citizen parents.

Previously, acquisition of citizenship generally related to those persons who became U.S. citizens at the time of birth, and derivation of citizenship to those who became U.S. citizens after birth due to the naturalization of a parent.

In general, current nationality laws only refer to acquisition of citizenship for persons who automatically become U.S. citizens either at the time of birth or after. In general, a person must meet the applicable definition of child at the time he or she acquires citizenship and must be under 18 years of age.

B. Background

The law in effect at the time of birth determines whether someone born outside the United States to a U.S. citizen parent or parents is a U.S. citizen at birth. In general, these laws require a combination of

at least one parent being a U.S. citizen when the child was born and having lived in the United States for a period of time. In addition, children born abroad may become U.S. citizens after birth. Citizenship laws have changed extensively over time with two major changes coming into effect in 1978 and 2001.

Prior to the Act of October 10, 1978, U.S. citizens who had acquired citizenship through birth abroad to one citizen parent had to meet certain physical presence requirements in order to retain citizenship. ^[2] See Act of October 10, 1978, Pub. L. 95-432, 92 Stat. 1046. This legislation removed all retention requirements. Prior to the Child Citizenship Act of 2000 (CCA), effective February 27, 2001, the INA had two provisions for derivation of citizenship. ^[3] See the Child Citizenship Act of 2000, Sec. 101, Pub. L. 106-395, 114 Stat 1631, October 30, 2000 (Effective February 27, 2001). The CCA removed one provision and revised the other making it the only method for children under 18 years of age in the United States to automatically acquire citizenship after birth. ^[4] The CCA amended INA 320 and removed INA 321 to create only one statutory provision and method for children in the United States to automatically acquire citizenship after birth. See INA 320. See Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [12 USCIS-PM H.4].

C. Table of General Provisions

A child born outside of the United States may acquire U.S. citizenship through various ways. The table below serves as a quick reference guide to the acquisition of citizenship provisions. ^[5] Except for the reference to INA 321, the references in the table are to the current statutory requirements for citizenship. Previous versions of the law may apply. The chapters that follow the table provide further guidance.

| General Provisions for Acquisition of Citizenship for Children Born Abroad | | | |
|---|--------------------------------|---|--------------------------------|
| INA Section | Status of Parents | Residence or Physical Presence Requirements | Child is a U.S. Citizen |
| <u>301(c)</u> | Both parents are U.S. citizens | At least one U.S. citizen parent has resided in the United States or outlying possession prior to child's birth | At Birth |

| | | | |
|--|---|--|---|
| <u>301(d)</u> | One parent is a U.S. citizen; other parent is U.S. national | U.S. citizen parent was physically present in the United States or its outlying possession for one year prior to child's birth | At Birth |
| <u>301(f)</u> | Unknown parentage | Child is found in the United States while under 5 years of age | At Birth |
| <u>301(g)</u> | One parent is a U.S. citizen; other parent is a foreign national | U.S. citizen parent was physically present in United States or its outlying possessions for at least 5 years (2 after age 14) prior to child's birth | At Birth |
| <u>301(h)</u> | Mother is a U.S. citizen and father is a foreign national | U.S. citizen mother resided in the United States prior to child's birth | At Birth (only applies to birth prior to 1934) |
| <u>309(a)</u> | Out of wedlock birth, claiming citizenship through father | Requirements depend on applicable provision: <u>INA 301 (c), (d), (e), or (g)</u> | At Birth (Out of wedlock) |
| <u>309(c)</u> | Out of wedlock birth, claiming citizenship through mother | U.S. citizen mother physically present in the U.S. or its outlying possessions for one year prior to the child's birth | At Birth (for birth after December 23, 1952) |
| <u>320</u> | At least one parent is a U.S. citizen (through birth or naturalization) | Child resides in the United States as a lawful permanent resident | At Time Criteria is Met |
| 321 Repealed by CCA | Both parents naturalize, or in certain cases, one parent naturalizes | Child resides in the United States as a lawful permanent resident | At Time Criteria is Met |

| | | | |
|------------|---|---|-------------------------------------|
| <u>322</u> | At least one parent is a U.S. citizen (through birth or naturalization) | Child resides outside of the United States and child's parent (or grandparent) was physically present in the U.S. or its outlying possessions for at least 5 years (2 after age 14) | At Time Oath is Administered |
|------------|---|---|-------------------------------------|

D. Legal Authorities

- INA 101(c) – Definition of child for citizenship and naturalization
- INA 301 – Nationals and citizens of the United States at birth
- INA 309 – Children born out of wedlock
- INA 320; 8 CFR 320 – Children residing permanently in the United States
- INA 322; 8 CFR 322 – Children residing outside the United States

Footnotes

1.

See INA 301, INA 320, and INA 322.

2.

See Act of October 10, 1978, Pub. L. 95-432, 92 Stat. 1046.

3.

See the Child Citizenship Act of 2000, Sec. 101, Pub. L. 106-395, 114 Stat 1631, October 30, 2000 (Effective February 27, 2001).

4.

The CCA amended INA 320 and removed INA 321 to create only one statutory provision and method for children in the United States to automatically acquire citizenship after birth. See INA 320. See Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [12 USCIS-PM H.4].

5.

Except for the reference to INA 321, the references in the table are to the current statutory requirements for citizenship. Previous versions of the law may apply.

Chapter 2 - Definition of Child for Citizenship and Naturalization

A. Definition of Child

The definition of “child” for citizenship and naturalization differs from the definition used for other parts of the INA. ^[1] See INA 101(b) and INA 101(c). The INA provides two different definitions of “child.”

- One definition of child applies to approval of visa petitions, issuance of visas, and similar issues. ^[2] See INA 101(b).
- The other definition of child applies to citizenship and naturalization. ^[3] See INA 101(c).

The most significant difference between the two definitions of child is that a stepchild is not included in the definition relating to citizenship and naturalization. Although a stepchild may be the stepparent’s “child” for purposes of visa issuance, the stepchild is not the stepparent’s “child” for purposes of citizenship and naturalization. A stepchild is ineligible for citizenship or naturalization through the U.S. citizen stepparent, unless the stepchild is adopted and the adoption meets certain requirements. ^[4] See Section C, Adopted Child [12 USCIS-PM H.2(C)].

In general, a child for the citizenship and naturalization provisions is an unmarried person under 21 years of age who is:

- The genetic, legitimated, ^[5] A child can be legitimated under the laws of the child’s residence or domicile, or under the law of the father’s residence or domicile. See INA 101(c). A person’s “residence” is his or her place of general abode, that is, his or her principal, actual dwelling

place without regard to intent. See INA 101(a)(33). A person's "domicile" refers to a person's legal permanent home and principal establishment, to include an intent to return if absent. Black's Law Dictionary (9th ed. 2009). In most cases, a person's residence is the same as a person's domicile, or adopted son or daughter of a U.S. citizen; or

- The son or daughter of a non-genetic gestational U.S. citizen mother who is recognized by the relevant jurisdiction as the child's legal parent.

The term "genetic child" refers to a child who shares genetic material with his or her parent, and "gestational mother" is the person who carries and gives birth to the child. A genetic parent, as well as a non-genetic gestational mother who is recognized by the relevant jurisdiction as the child's legal parent, is included within the phrase "natural" parent as referenced in the INA.^[6] See INA 101(b) and INA 101(c). In general, absent other evidence, USCIS considers a child's birth certificate as recorded by a proper authority as sufficient evidence to determine a child's genetic relationship to the parent (or parents). The child's parent (or parents) who is included in the birth certificate is presumed to have legal custody of the child absent other evidence.^[7] In certain cases, a court may terminate a parent's parental rights or a parent may relinquish his or her parental rights depending on the laws of the relevant jurisdiction.

In addition to meeting the definition of a child, the child must also meet the particular requirements of the specific citizenship or naturalization provision, which may include references to birth in wedlock or out of wedlock, and which may require that certain conditions be met by 18 years of age, instead of 21.^[8] See Chapter 3, United States Citizens at Birth (INA 301 and 309) [12 USCIS-PM H.3]; Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [12 USCIS-PM H.4]; and Chapter 5, Child Residing Outside of the United States (INA 322) [12 USCIS-PM H.5].

B. Legitimated Child

Legitimation means "placing a child born out of wedlock in the same legal position as a child born in wedlock."^[9] See Matter of Moraga, 23 I&N Dec. 195, 197 (BIA 2001). The law of the child's residence or domicile, or the law of the father's residence or domicile, is the relevant law to determine whether a child has been legitimated.^[10] See INA 101(c)(1). Generally, unless otherwise specified by the specific provision, if the father or child had various residences or domiciles before the child reached 16, 18 or 21 years of age (depending on the applicable provision), then the laws of the various places of residence or domicile must be analyzed to determine whether the requirements for legitimation have been met.^[11] Importantly, certain citizenship provisions limit the place of legitimation to the child's residence. See INA 309(a)(4)(A). In such cases, only the law of the place of residence will be analyzed to determine whether the requirements for legitimation have been met.

A child is considered the legitimated child of his or her parent if:

- The child is legitimated in the United States or abroad under the law of either the child's residence or domicile, or the law of the child's father's residence or domicile, depending on the applicable provision;^[12] See INA 101(a)(33), which defines the term "residence" as the "place of general abode." The place of general abode of a person means his or her "principal, actual dwelling place in fact, without regard to intent."
- The child is legitimated before he or she reaches 16 years of age (except for certain cases where the child may be legitimated before reaching 18 or 21 years of age);^[13] For example, the current version of INA 309 allows for legitimation until the age of 18, while INA 101(c) requires legitimation by the age of 16, and
- The child is in the legal custody of the legitimating parent or parents at the time of the legitimation.^[14] See INA 101(c)(1). See also Matter of Rivers, 17 I&N Dec. 419, 422 (BIA 1980) (presuming a legitimated child to be in the legal custody of the legitimating parent).

A non-genetic gestational mother may legitimate her child. While legitimation has been historically applied to father-child relationships, the gestational mother of a child conceived through Assisted Reproductive Technology (ART) may be required to take action after the birth of the child to formalize the legal relationship. Whether such action is required depends on the law of the relevant jurisdiction.

Post-birth formalization of the legal relationship between a gestational mother and her child should be viewed as relating back to the time of birth. This is because the relevant jurisdiction's recognition of the legal relationship between a non-genetic gestational mother and her child is based on the circumstances of the child's birth, including that she carried and bore the child of whom she is the legal parent. This rule applies unless it is otherwise specified in the law of the relevant jurisdiction.^[15] See Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2 (E)].

An officer reviews the specific facts of a case when determining whether a child has been legitimated accordingly and to determine the appropriate citizenship provision.

C. Adopted Child

An adopted child means that the child has been adopted through a full, final, and complete adoption.

^[16] See 8 CFR 320.1. See 8 CFR 322.1. This includes certain siblings of adopted children who are permitted to be adopted while under 18 years of age. ^[17] See INA 101(b)(1)(E)(ii).

A child is an adopted son or daughter of his or her U.S. citizen parent if the following conditions are met:

- The child is adopted in the United States or abroad;
- The child is adopted before he or she reaches 16 years of age (except for certain cases where the child may be adopted before reaching 18 years of age); ^[18] See INA 101(b)(1)(E)(ii) and INA 101(b)(1)(F)(ii). and
- The child is in the legal custody of the adopting parent or parents at the time of the adoption. ^[19] See INA 101(c)(1).

In general, the adoption must:

- Be valid under the law of the country or place granting the adoption;
- Create a legal permanent parent-child relationship between a child and someone who is not already the child's legal parent; and
- Terminate the legal parent-child relationship with the prior legal parent(s). ^[20] See Adjudicator's Field Manual, Chapter 21.15, Self Petitions by Parents of U.S. Citizens.

D. Orphan ^[21] See INA 101(b)(1).

In general, the definition for adopted children applies to adopted orphans. USCIS, however, does not consider an orphan adopted if any of the following conditions apply:

- The foreign adoption was not full and final;
- The foreign adoption was defective; or
- An unmarried U.S. citizen parent or a U.S. citizen parent and spouse jointly did not see and observe the child in person prior to or during the foreign adoption proceedings. ^[22] See 8 CFR 320.1. See 8 CFR 322.1.

If the orphan is not considered adopted:

- The child must be must be readopted in the United States; or
- The child must be adopted while under 16 years of age and must have been residing in the legal custody of the adopting parent or parents for at least two years. ^[23] See INA 101(b)(1)(E).

In all cases, the condition that the child must have been residing in the legal custody of the adopting parent or parents is not required if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household.

E. Child Born Abroad through Assisted Reproductive Technology**1. Background**

Assisted Reproductive Technology (ART)

A child may be born through ART. ART refers to fertility treatments where either the egg or sperm, or both, is handled outside the body. ART includes intrauterine insemination (IUI) and in vitro fertilization (IVF), among other reproductive technology procedures.^[24] See Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA), Pub. L. No. 102-493, 106 Stat. 3146. In these procedures, the parent or parents may use a combination of his or her own genetic material or donated genetic material (donated egg, sperm, or both) in order to conceive a child.^[25] In addition, a couple may use a gestational carrier (also called a gestational surrogate). A gestational surrogate is a woman, who gestates, or carries, an embryo that was formed from the egg of another woman on behalf of the intended parent or parents. The gestational carrier usually has a contractual obligation to return the infant to his or her intended legal parents. For additional information on ART, see the Centers for Disease Control (CDC) Web site.

ART and the Immigration and Nationality Act (INA)

ART was not considered at the time the INA and many of its subsequent amendments were enacted. One of the most significant impacts of ART is that ART allows for a woman to bear a child to whom she does not have a genetic relationship through the use of a donor egg. As such, a mother could have a biological relationship to her child but not a genetic relationship.

Children Born Abroad through ART

USCIS and the Department of State (DOS), who share authority over these issues, collaborated in the development of this policy. A non-genetic gestational mother (person who carried and gave birth to the child) who is also the child's legal mother may be recognized in the same way as genetic legal mothers are treated under the INA. A mother who is the gestational and legal parent of a child under the law of the relevant jurisdiction at the time of the child's birth consequently may transmit U.S. citizenship to the child if all other requirements are met.^[26] Previously, a genetic relationship with a U.S. citizen parent was required in order for a child born abroad to acquire U.S. citizenship through that parent.

Child Born Abroad through ART in the Citizenship and Naturalization Contexts

A child born through ART may acquire U.S. citizenship from his or her non-genetic gestational mother at the time of birth, or after birth, depending on the applicable citizenship or naturalization provision, if:

- The child's gestational mother is recognized by the relevant jurisdiction as the child's legal parent at the time of the child's birth; and
- The child meets all other applicable requirements under the relevant citizenship or naturalization provision.

2. Jurisdiction's Recognition of Mother-Child Relationship

The relevant jurisdiction must recognize the mother-child relationship as the legal parental relationship. Whether a parent is recognized as the legal parent is generally assessed under the jurisdiction of the child's birth at the time of birth. In some jurisdictions, the non-genetic gestational mother is recognized as the legal mother without her having to take any additional affirmative steps after birth. However, in other jurisdictions, a non-genetic gestational mother may be required to take certain action after the child's birth to establish the legal relationship.

Post-birth formalization of the legal relationship between a non-genetic gestational mother and her child should be viewed as relating back to the time of birth. This is because the relevant jurisdiction's recognition of the legal relationship between a non-genetic gestational mother and her child is based on the circumstances of the child's birth, including that she carried and bore the child of whom she is the legal parent. This rule applies unless it is otherwise specified in the law of the relevant jurisdiction.

In either case, the law of the relevant jurisdiction governs whether the non-genetic gestational mother is the legal mother for purposes of U.S. immigration law. Importantly, a non-genetic gestational mother who is not the legally recognized mother may not transmit U.S. citizenship to the child. USCIS will follow a court judgment of the relevant jurisdiction if parentage is disputed. In addition, USCIS will not adjudicate cases involving children whose legal parentage remains in dispute unless there has been a determination by a proper authority.

The applicable citizenship provision may depend upon whether the child is born in wedlock or out of wedlock. USCIS must determine whether a child born through ART is born in wedlock or out of

wedlock and will treat a child born to a legal gestational mother in the same manner as a child born to a genetic mother when determining if the child is born in or out of wedlock.

Footnotes

1.

See [INA 101\(b\)](#) and [INA 101\(c\)](#).

2.

See [INA 101\(b\)](#).

3.

See [INA 101\(c\)](#).

4.

See Section C, Adopted Child [[12 USCIS-PM H.2\(C\)](#)].

5.

A child can be legitimated under the laws of the child's residence or domicile, or under the law of the father's residence or domicile. See [INA 101\(c\)](#). A person's "residence" is his or her place of general abode, that is, his or her principal, actual dwelling place without regard to intent. See [INA 101\(a\)\(33\)](#). A person's "domicile" refers to a person's legal permanent home and principal establishment, to include an intent to return if absent. Black's Law Dictionary (9th ed. 2009). In most cases, a person's residence is the same as a person's domicile.

6.

See [INA 101\(b\)](#) and [INA 101\(c\)](#).

7.

In certain cases, a court may terminate a parent's parental rights or a parent may relinquish his or her parental rights depending on the laws of the relevant jurisdiction.

8.

See Chapter 3, United States Citizens at Birth ([INA 301](#) and [309](#)) [[12 USCIS-PM H.3](#)]; Chapter 4, Automatic Acquisition of Citizenship after Birth ([INA 320](#)) [[12 USCIS-PM H.4](#)]; and Chapter 5, Child Residing Outside of the United States ([INA 322](#)) [[12 USCIS-PM H.5](#)].

9.

See *Matter of Moraga*, 23 I&N Dec. 195, 197 (BIA 2001).

10.

See [INA 101\(c\)\(1\)](#).

11.

Importantly, certain citizenship provisions limit the place of legitimation to the child's residence. See INA 309(a)(4)(A). In such cases, only the law of the place of residence will be analyzed to determine whether the requirements for legitimation have been met.

12.

See INA 101(a)(33), which defines the term "residence" as the "place of general abode." The place of general abode of a person means his or her "principal, actual dwelling place in fact, without regard to intent."

13.

For example, the current version of INA 309 allows for legitimation until the age of 18, while INA 101(c) requires legitimation by the age of 16.

14.

See INA 101(c)(1). See also *Matter of Rivers*, 17 I&N Dec. 419, 422 (BIA 1980) (presuming a legitimated child to be in the legal custody of the legitimating parent).

15.

See Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2(E)].

16.

See 8 CFR 320.1. See 8 CFR 322.1.

17.

See INA 101(b)(1)(E)(ii).

18.

See INA 101(b)(1)(E)(ii) and INA 101(b)(1)(F)(ii).

19.

See INA 101(c)(1).

20.

See Adjudicator's Field Manual, Chapter 21.15, Self Petitions by Parents of U.S. Citizens.

21.

See INA 101(b)(1).

22.

See 8 CFR 320.1. See 8 CFR 322.1.

23.

See INA 101(b)(1)(E).

24.

See Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA), Pub. L. No. 102-493, 106 Stat. 3146.

25.

In addition, a couple may use a gestational carrier (also called a gestational surrogate). A gestational surrogate is a woman, who gestates, or carries, an embryo that was formed from the egg of another woman on behalf of the intended parent or parents. The gestational carrier usually has a contractual obligation to return the infant to his or her intended legal parents. For additional information on ART, see the Centers for Disease Control (CDC) Web site.

26.

Previously, a genetic relationship with a U.S. citizen parent was required in order for a child born abroad to acquire U.S. citizenship through that parent.

Chapter 3 - United States Citizens at Birth (INA 301 and 309)

A. General Requirements for Acquisition of Citizenship at Birth

A person born in the United States who is subject to the jurisdiction of the United States is a U.S. citizen at birth, to include a person born to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe.^[1] See INA 301(a) and INA 301(b). Children of certain diplomats who are born in the United States are not U.S. citizens at birth because they are not subject to the jurisdiction of the United States. See 8 CFR 101.3.

In general, a person born outside of the United States may acquire citizenship at birth if:

- The person has at least one parent who is a U.S. citizen; and
- The U.S. citizen parent meets certain residence or physical presence requirements in the United States or an outlying possession prior to the person's birth in accordance with the pertinent provision.^[2] Any time spent abroad in the U.S. armed forces or other qualifying organizations counts towards that physical presence requirement. See INA 301(g).

A person born abroad through Assisted Reproductive Technology (ART) to a U.S. citizen gestational mother who is not also the genetic mother acquires U.S. citizenship at birth under INA 301 or INA 309 if:

- The person's gestational mother is recognized by the relevant jurisdiction as the child's legal parent at the time of the person's birth; and
- The person meets all other applicable requirements under either INA 301 or INA 309.^[3] For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2(E)].

Until the Act of October 10, 1978, persons who had acquired U.S. citizenship through birth outside of the United States to one U.S. citizen parent had to meet certain physical presence requirements to retain their citizenship. This legislation eliminated retention requirements for persons who were born after October 10, 1952. There may be cases where a person who was born before that date, and therefore subject to the retention requirements, may have failed to retain citizenship.^[4] The Act of October 10, 1978, Pub. L. 95-432, repealed the retention requirements of former INA 301(b). The amending legislation was prospective only and did not restore citizenship to anyone who, prior to its enactment, had lost citizenship for failing to meet the retention requirements.

An officer should determine whether a person acquired citizenship at birth by referring to the applicable statutory provisions and conditions that existed at the time of the person's birth. These provisions have been modified extensively over the years.^[5] Officers should use the Nationality Charts to assist with the adjudication of these applications. The following sections provide the current law.

B. Child Born in Wedlock^[6] See INA 301. See Nationality Chart 1.

1. Child of Two U.S. Citizen Parents^[7] See INA 301(c).

A child born outside of the United States and its outlying possessions acquires citizenship at birth if at the time of birth:

- Both of the child's parents are U.S. citizens; and
- At least one parent had resided in the United States or one of its outlying possessions.

2. Child of U.S. Citizen Parent and U.S. National^[8] See INA 301(d).

A child born outside of the United States and its outlying possessions acquires citizenship at birth if at the time of birth:

- One parent is a U.S. citizen and the other parent is a U.S. national; and
- The U.S. citizen parent was physically present in the United States or one of its outlying possessions for a continuous period of at least one year.

3. Child of U.S. Citizen Parent and Foreign National Parent^[9] See INA 301(g).

A child born outside of the United States and its outlying possessions acquires citizenship at birth if at the time of birth:

- One parent is a foreign national and the other parent is a U.S. citizen; and
- The U.S. citizen parent was physically present in the United States for at least 5 years, including at least 2 years after 14 years of age.

Time abroad counts as physical presence in the United States if the time abroad was:

- As a member of the U.S. armed forces in honorable status;
- Under the employment of the U.S. government or other qualifying organizations; or

- As a dependent unmarried son or daughter of such persons.

4. Child of a U.S. Citizen Mother and Foreign National Father^[10] See INA 301(h).

A child born outside of the United States and its outlying possessions acquires citizenship at birth if:

- The child was born before noon (Eastern Standard Time) May 24, 1934;
- The child's father is a foreign national;
- The child's mother was a U.S. citizen at the time of the child's birth; and
- The child's U.S. citizen mother resided in the United States prior to the child's birth.

C. Child Born Out of Wedlock^[11] See INA 309. See Nationality Chart 2.

Child of a U.S. Citizen Father

The provisions listed above^[12] See INA 301(c), INA 301(d), INA 301(e), and INA 301(g). for a child born in wedlock apply to a child born out of wedlock outside of the United States claiming citizenship through a U.S. citizen father if:

- A blood relationship between the child and the father is established by clear and convincing evidence;
- The child's father was a U.S. citizen at the time of the child's birth;
- The child's father (unless deceased) has agreed in writing to provide financial support for the child until the child reaches 18 years of age; and

- One of the following criteria is met before the child reaches 18 years of age:
 - The child is legitimated under the law of his or her residence or domicile;
 - The father acknowledges in writing and under oath the paternity of the child; or
 - The paternity of the child is established by adjudication of a competent court.

In addition, the residence or physical presence requirements contained in the relevant paragraph of INA 301 continue to apply to children born out of wedlock claiming citizenship through their fathers.

Child of a U.S. Citizen Mother

A child born out of wedlock outside of the United States and its outlying possessions acquires citizenship at birth if:

- The child was born after December 23, 1952;
- The child's mother was a U.S. citizen at the time of the child's birth; and
- The child's U.S. citizen mother was physically present in the United States or outlying possession for one continuous year prior to the child's birth.^[13] See INA 309(c).

D. Application for Certificate of Citizenship (Form N-600)

A person born abroad who acquires U.S. citizenship at birth is not required to file an Application for Certificate of Citizenship (Form N-600). A person who seeks documentation of such status, however, must submit an application to obtain a Certificate of Citizenship from USCIS. A person may also apply for a U.S. passport with the Department of State to serve as evidence of his or her U.S. citizenship.^[14] See 8 CFR 341.1. The Secretary of State has jurisdiction over claims of U.S. citizenship made by persons who are abroad, and the Secretary of Homeland Security has jurisdiction

over the administration and enforcement of the INA within the United States. See INA 103(a)(1) and INA 104(a)(3). There is nothing precluding USCIS from accepting a Form N-600 filed under INA 301 or INA 309 by a person who does not live in the United States. See INA 341(a).

A person who is at least 18 years of age may submit the Application for Certificate of Citizenship on his or her own behalf. If the application is for a child who has not reached 18 years of age, the child's U.S. citizen parent or legal guardian must submit the application. ^[15] See 8 CFR 341.1.

USCIS will issue a proof of U.S. citizenship in the form of a Certificate of Citizenship if the Application for Certificate of Citizenship is approved and the person takes the Oath of Allegiance, if required to do so. ^[16] See Section F, Decision and Oath of Allegiance [12 USCIS-PM H.3(F)]. See 8 CFR 341.5(b).

E. Citizenship Interview and Waiver

In general, an applicant must appear in person for an interview before a USCIS officer after filing an Application for Certificate of Citizenship. This includes the U.S. citizen parent or legal guardian if the application is filed on behalf of a child under 18 years of age. ^[17] See 8 CFR 341.2(a)(2). USCIS, however, may waive the interview requirement if all the required documentation necessary to establish the applicant's eligibility is already included in USCIS administrative records, or if the application is accompanied by one of the following:

- Department of State Form FS-240 (Consular Report of Birth Abroad of a U.S. Citizen);
- Applicant's unexpired U.S. passport issued initially for a full five or ten-year period; or
- Certificate of Naturalization of the applicant's parent or parents. ^[18] See 8 CFR 341.2(a).

F. Decision and Oath of Allegiance

1. Approval of Application, Oath of Allegiance, and Waiver for Children under 14 Years of Age

If an officer approves the Application for Certificate of Citizenship, USCIS administers the Oath of Allegiance before issuing a Certificate of Citizenship.^[19] See INA 337(a). See 8 CFR 341.5(b). See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

However, the INA permits USCIS to waive the taking of the Oath of Allegiance if USCIS determines the person is unable to understand its meaning.^[20] See INA 337(a). See 8 CFR 341.5(b). USCIS has determined that children under the age of 14 are generally unable to understand the meaning of the oath.

Accordingly, USCIS waives the oath requirement for a child younger than 14 years of age. If USCIS waives the oath requirement, USCIS issues a Certificate of Citizenship after the officer approves the application.

2. Denial of Application

If an officer denies the Certificate of Citizenship application, the officer must notify the applicant in writing of the reasons for denial and include information on the right to appeal in the notice.^[21] See 8 CFR 341.5(d) and 8 CFR 103.3(a). An applicant may file an appeal within 30 calendar days after service of the decision (33 days if the decision was mailed).

Footnotes

1.

See INA 301(a) and INA 301(b). Children of certain diplomats who are born in the United States are not U.S. citizens at birth because they are not subject to the jurisdiction of the United States. See 8 CFR 101.3.

2.

Any time spent abroad in the U.S. armed forces or other qualifying organizations counts towards that physical presence requirement. See INA 301(g).

3.

For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2(E)].

4.

The Act of October 10, 1978, Pub. L. 95-432, repealed the retention requirements of former INA 301(b). The amending legislation was prospective only and did not restore citizenship to anyone who, prior to its enactment, had lost citizenship for failing to meet the retention requirements.

5.

Officers should use the Nationality Charts to assist with the adjudication of these applications.

6.

See [INA 301](#). See [Nationality Chart 1](#).

7.

See [INA 301\(c\)](#).

8.

See [INA 301\(d\)](#).

9.

See [INA 301\(g\)](#).

10.

See [INA 301\(h\)](#).

11.

See [INA 309](#). See [Nationality Chart 2](#).

12.

See [INA 301\(c\)](#), [INA 301\(d\)](#), [INA 301\(e\)](#), and [INA 301\(g\)](#).

13.

See [INA 309\(c\)](#).

14.

See [8 CFR 341.1](#). The Secretary of State has jurisdiction over claims of U.S. citizenship made by persons who are abroad, and the Secretary of Homeland Security has jurisdiction over the administration and enforcement of the INA within the United States. See [INA 103\(a\)\(1\)](#) and [INA 104\(a\)\(3\)](#). There is nothing precluding USCIS from accepting a Form N-600 filed under [INA 301](#) or [INA 309](#) by a person who does not live in the United States. See [INA 341\(a\)](#).

15.

See [8 CFR 341.1](#).

16.

See Section F, Decision and Oath of Allegiance [[12 USCIS-PM H.3\(F\)](#)]. See [8 CFR 341.5\(b\)](#).

17.

See 8 CFR 341.2(a)(2).

18.

See 8 CFR 341.2(a).

19.

See INA 337(a). See 8 CFR 341.5(b). See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

20.

See INA 337(a). See 8 CFR 341.5(b).

21.

See 8 CFR 341.5(d) and 8 CFR 103.3(a).

Chapter 4 - Automatic Acquisition of Citizenship after Birth (INA 320)

A. General Requirements: Genetic, Legitimated, or Adopted Child Automatically Acquiring Citizenship after Birth^[1] See INA 320. See Nationality Chart 3.

A child born outside of the United States automatically becomes a U.S. citizen when all of the following conditions have been met on or after February 27, 2001: ^[2] February 27, 2001 is the effective date for these CCA amendments.

- The child has at least one parent, including an adoptive parent ^[3] If the requirements of INA 101(b)(1)(E), INA 101(b)(1)(F), or INA 101(b)(1)(G) are met. who is a U.S. citizen by birth or through naturalization;
- The child is under 18 years of age;
- The child is a lawful permanent resident (LPR); ^[4] A person is generally considered to be an LPR at the time USCIS approves the applicant's adjustment application or at the time the applicant enters the United States with an immigrant visa. See INA 245(b). For certain

classifications, however, the effective date of becoming an LPR is a date that is earlier than the actual approval of the status (commonly referred to as a “rollback” date). See Part D, General Naturalization Requirements, Chapter 2, LPR Admission for Naturalization, Section A, LPR at Time of Filing and Naturalization [12 USCIS-PM D.2(A)], and

- The child is residing in the United States in the legal and physical custody of the U.S. citizen parent.^[5] See INA 320. See 8 CFR 320.2. Children of U.S. government employees temporarily stationed abroad are considered to be “residing in the United States” for purposes of acquisition of citizenship under INA 320.

A child born abroad through Assisted Reproductive Technology (ART) to a U.S. citizen gestational mother who is not also the genetic mother may acquire U.S. citizenship under INA 320 if:

- The child’s gestational mother is recognized by the relevant jurisdiction as the child’s legal parent at the time of the child’s birth; and
- The child meets all other requirements under INA 320, including that the child is residing in the United States in the legal and physical custody of the U.S. citizen parent.^[6] For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2 (E)].

A stepchild who has not been adopted does not qualify for citizenship under this provision.

B. Legal and Physical Custody of U.S. Citizen Parent

Legal custody refers to the responsibility for and authority over a child. For purposes of this provision, USCIS presumes that a U.S. citizen parent has legal custody of a child and recognizes that the parent has lawful authority over the child, absent evidence to the contrary, in all of the following scenarios:^[7] See 8 CFR 320.1.

- A biological child who currently resides with both biological parents who are married to each other, living in marital union, and not separated;

- A biological child who currently resides with a surviving biological parent, if the other parent is deceased;
- A biological child born out of wedlock who has been legitimated and currently resides with the parent;
- An adopted child with a final adoption decree who currently resides with the adoptive U.S. citizen parent;^[8] If the requirements of INA 101(b)(1)(E), or INA 101(b)(1)(F), or INA 101(b)(1)(G) are met.
- A child of divorced or legally separated parents where a court of law or other appropriate government entity has awarded primary care, control, and maintenance of the child to a parent under the laws of the state or country of residence.

USCIS considers a U.S. citizen parent who has been awarded “joint custody” to have legal custody of a child. There may be other factual circumstances under which USCIS may find the U.S. citizen parent to have legal custody to be determined on a case-by-case basis.

C. Acquisition of Citizenship Prior to Child Citizenship Act of 2000

The Child Citizenship Act (CCA) applies only to those children born on or after February 27, 2001, or those who were under 18 years of age as of that date. Persons who were 18 years of age or older on February 27, 2001, do not qualify for citizenship under INA 320. For such persons, the law in effect at the time the last condition was met before reaching 18 years of age is the relevant law to determine whether they acquired citizenship.^[9] See Chapter 3, United States Citizens at Birth (INA 301 and 309) [12 USCIS-PM H.3].

In general, former INA 321 applies to children who were already 18 years of age on February 27, 2001, but who were under 18 years of age in 1952, when the current Immigration and Nationality Act became effective.

In general, a child born outside of the United States to two foreign national parents, or one foreign national parent and one U.S. citizen parent who subsequently lost U.S. citizenship, acquires citizenship under former INA 321 if:

- The child's parent(s) meet one of the following conditions:
 - Both parents naturalize;
 - One surviving parent naturalizes if the other parent is deceased;
 - One parent naturalizes who has legal custody of the child if there is a legal separation of the parents; or
 - The child's mother naturalizes if the child was born out of wedlock and paternity has not been established by legitimation
- The child is under 18 years of age when his or her parent(s) naturalize; and
- The child is residing in the United States pursuant to a lawful admission for permanent residence at the time the parent(s) naturalized or thereafter begins to reside permanently in the United States.

As originally enacted in 1952, this section did not apply to adopted children of naturalized citizens.^[10] See Section 321(b) of INA of 1952, Pub. L. 82-414, 66 Stat. 163, 245 (June 27, 1952). Beginning on October 5, 1978, however, INA 321 became generally applicable to an adopted child if the child was residing in the United States at the time the adoptive parent or parents naturalized and the child was in the custody of his or her adoptive parents pursuant to a lawful admission for permanent residence.^[11] See Section 5 of the Act of October 5, 1978, Pub. L. 95-417. The 1978 amendment limited this benefit to a child adopted while under 16 years of age. This restriction was removed in 1981 by the Act of December 21, 1981, Pub. L. 97-116, but is also included in the definition of "child" in INA 101(c).

D. Application for Certificate of Citizenship (Form N-600)

A person who automatically obtains citizenship is not required to file an Application for Certificate of Citizenship (Form N-600). A person who seeks documentation of such status, however, must submit

an application to obtain a Certificate of Citizenship from USCIS. A person may also apply for a U.S. passport with the Department of State to serve as evidence of his or her U.S. citizenship.

A person who is at least 18 years of age may submit the Application for Certificate of Citizenship on his or her own behalf. If the application is for a child who has not reached 18 years of age, the child's U.S. citizen biological parent, adoptive parent, or legal guardian must submit the application.^[12] See 8 CFR 320.3(a).

USCIS will issue proof of U.S. citizenship in the form of a Certificate of Citizenship if the Application for Certificate of Citizenship is approved and the person takes the Oath of Allegiance, if required to do so.^[13] See Section G, Decision and Oath of Allegiance [12 USCIS-PM H.4(G)]. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

E. Documentation and Evidence

The applicant must submit the following required documents unless such documents are already contained in the USCIS administrative record or do not apply:^[14] See 8 CFR 320.3(b).

- The child's birth certificate or record.
- Marriage certificate of child's parents, if applicable.
- Proof of termination of any previous marriage of each parent if either parent was previously married and divorced or widowed, for example:
 - Divorce Decree; or
 - Death Certificate.
- Evidence of United States citizenship of parent:

- Birth Certificate;
 - Naturalization Certificate;
 - Consular Report of Birth Abroad (FS-240);
 - A valid unexpired U.S. passport; or
 - Certificate of Citizenship.
-
- Documents verifying legitimation according to the laws of the child's residence or domicile or father's residence or domicile if the child was born out of wedlock.
 - Documentation of legal custody in the case of divorce, legal separation, or adoption.
 - Copy of Permanent Resident Card or Alien Registration Receipt Card or other evidence of lawful permanent resident status, such as an I-551 stamp in a valid foreign passport or travel document issued by USCIS.
 - Copy of the full, final adoption decree, if applicable:
 - For an adopted child (not orphans or Hague Convention adoptees), evidence that the adoption took place before the age of 16 (or 18, as appropriate) and that the adoptive parent(s) had custody of, and lived with, the child for at least two years.^[15] See INA 101(b)(1)(E). See Chapter 2, Definition of Child for Citizenship and Naturalization, Section C, Adopted Child [12.USCIS-PM H.2(C)].
 - For an adopted orphan, a copy of notice of approval of the orphan petition and supporting documentation for such petition (except the home study) or evidence that the child has been admitted for lawful permanent residence in the United States with the immigrant classification of IR-3 (Orphan adopted abroad by a U.S. citizen) or IR-4 (Orphan to be adopted by a U.S. citizen).^[16] If admitted as an IR-4 because there was no adoption abroad, the parent(s) must have completed the adoption in the United States. If admitted as an IR-4 because the parent(s) obtained the foreign adoption without having seen the child, the parent(s) must establish that they have either

“readopted” the child or obtained recognition of the foreign adoption in the State of residence (this requirement can be waived if there is a statute or precedent decision that clearly shows that the foreign adoption is recognized in the State of residence). See 8 CFR 320.1.

- For a Hague Convention adoptee, a copy of the notice of approval of Convention adoptee petition and its supporting documentation, or evidence that the child has been admitted for lawful permanent residence in the United States with the immigrant classification of IH-3 (Hague Convention Orphan adopted abroad by a U.S. citizen) or IH-4 (Hague Convention Orphan to be adopted by a U.S. citizen).^[17] If admitted as an IH-4, the parent(s) must have completed the adoption in the United States.
- If the child was admitted as an LPR as an orphan or Hague Convention adoptee.^[18] See INA 101(b)(1). (this evidence may already be in the child’s A-file).
- Evidence of all legal name changes, if applicable, for the child and U.S. citizen parent.

An applicant does not need to submit documents that were submitted in connection with:

- An immigrant visa application retained by the American Consulate for inclusion in the immigrant visa package; or
- An immigrant petition or application and included in a USCIS administrative file.

If necessary, an officer may continue the application to request additional documentation to make a decision on the application.

F. Citizenship Interview and Waiver

In general, an applicant must appear in person for an interview before a USCIS officer after filing an Application for Certificate of Citizenship. This includes the U.S. citizen parent or parents if the application is filed on behalf of a child under 18 years of age.^[19] See 8 CFR 320.4. USCIS, however,

may waive the interview requirement if all the required documentation necessary to establish the applicant's eligibility is already included in USCIS administrative records or if the required documentation is submitted along with the application.^[20] See 8 CFR 341.2. See Section E, Documentation and Evidence [12 USCIS-PM H.5(E)].

G. Decision and Oath of Allegiance

1. Approval of Application, Oath of Allegiance, and Waiver for Children under 14 Years of Age

If an officer approves the Application for Certificate of Citizenship, USCIS administers the Oath of Allegiance before issuing a Certificate of Citizenship.^[21] See 8 CFR 320.5(a) and 8 CFR 337.1. See INA 337. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

However, the INA permits USCIS to waive the taking of the Oath of Allegiance if USCIS determines the person is unable to understand its meaning.^[22] See INA 337(a). See 8 CFR 341.5(b). USCIS has determined that children under the age of 14 are generally unable to understand the meaning of the oath.

Accordingly, USCIS waives the oath requirement for a child younger than 14 years of age. If USCIS waives the oath requirement, USCIS issues a Certificate of Citizenship after the officer approves the application.

2. Denial of Application

If an officer denies the Certificate of Citizenship application, the officer must notify the applicant in writing of the reasons for denial and include information on the right to appeal in the notice.^[23] See 8 CFR 320.5(b) and 8 CFR 103.3(a). An applicant may file an appeal within 30 calendar days after service of the decision (33 days if the decision was mailed).

Footnotes

1.

See INA 320. See Nationality Chart 3.

2.

February 27, 2001 is the effective date for these CCA amendments.

3.

If the requirements of INA 101(b)(1)(E), INA 101(b)(1)(F), or INA 101(b)(1)(G) are met.

4.

A person is generally considered to be an LPR at the time USCIS approves the applicant's adjustment application or at the time the applicant enters the United States with an immigrant visa. See INA 245(b). For certain classifications, however, the effective date of becoming an LPR is a date that is earlier than the actual approval of the status (commonly referred to as a "rollback" date). See Part D, General Naturalization Requirements, Chapter 2, LPR Admission for Naturalization, Section A, LPR at Time of Filing and Naturalization [12 USCIS-PM D.2(A)].

5.

See INA 320. See 8 CFR 320.2. Children of U.S. government employees temporarily stationed abroad are considered to be "residing in the United States" for purposes of acquisition of citizenship under INA 320.

6.

For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2(E)].

7.

See 8 CFR 320.1.

8.

If the requirements of INA 101(b)(1)(E), or INA 101(b)(1)(F), or INA 101(b)(1)(G) are met.

9.

See Chapter 3, United States Citizens at Birth (INA 301 and 309) [12 USCIS-PM H.3].

10.

See Section 321(b) of INA of 1952, Pub. L. 82-414, 66 Stat. 163, 245 (June 27, 1952).

11.

See Section 5 of the Act of October 5, 1978, Pub. L. 95-417. The 1978 amendment limited this benefit to a child adopted while under 16 years of age. This restriction was removed in 1981 by the Act of December 21, 1981, Pub. L. 97-116, but is also included in the definition of "child" in INA 101(c).

12.

See 8 CFR 320.3(a).

13.

See Section G, Decision and Oath of Allegiance [12 USCIS-PM H.4(G)]. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

14.

See 8 CFR 320.3(b).

15.

See INA 101(b)(1)(E). See Chapter 2, Definition of Child for Citizenship and Naturalization, Section C, Adopted Child [12 USCIS-PM H.2(C)].

16.

If admitted as an IR-4 because there was no adoption abroad, the parent(s) must have completed the adoption in the United States. If admitted as an IR-4 because the parent(s) obtained the foreign adoption without having seen the child, the parent(s) must establish that they have either “readopted” the child or obtained recognition of the foreign adoption in the State of residence (this requirement can be waived if there is a statute or precedent decision that clearly shows that the foreign adoption is recognized in the State of residence). See 8 CFR 320.1.

17.

If admitted as an IH-4, the parent(s) must have completed the adoption in the United States.

18.

See INA 101(b)(1).

19.

See 8 CFR 320.4.

20.

See 8 CFR 341.2. See Section E, Documentation and Evidence [12 USCIS-PM H.5(E)].

21.

See 8 CFR 320.5(a) and 8 CFR 337.1. See INA 337. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

22.

See INA 337(a). See 8 CFR 341.5(b).

23.

See 8 CFR 320.5(b) and 8 CFR 103.3(a).

Chapter 5 - Child Residing Outside of the United States (INA 322)

A. General Requirements: Genetic, Legitimated, or Adopted Child Residing Outside the United States ^[1] See Nationality Chart 4.

The Child Citizenship Act of 2000 (CCA) amended the INA to cover foreign-born children who did not automatically acquire citizenship under INA 320 and who generally reside outside the United States with a U.S. citizen parent. ^[2] See INA 322.

A genetic, legitimated, or adopted child who regularly resides outside of the United States is eligible for naturalization if all of the following conditions have been met:

- The child has at least one U.S. citizen parent by birth or through naturalization, (including an adoptive parent); ^[3] Adoptive parent must meet requirements of either INA 101(b)(1)(E), INA 101(b)(1)(F), or INA 101(b)(1)(G).
- The child's U.S. citizen parent or citizen grandparent meets certain physical presence requirements in the United States or an outlying possession; ^[4] See Section C, Physical Presence of U.S. Citizen Parent or Grandparent [12 USCIS-PM H.5(C)].
- The child is under 18 years of age;
- The child is residing outside of the United States in the legal and physical custody of the U.S. citizen parent, or of a person who does not object to the application if the U.S. citizen parent is deceased; and
- The child is lawfully admitted, physically present, and maintaining a lawful status in the United States at the time the application is approved and the time of naturalization.

A child born abroad through Assisted Reproductive Technology (ART) may be eligible for naturalization under INA 322 based on a relationship with his or her U.S. citizen gestational mother under INA 322 if:

- The child's gestational mother is recognized by the relevant jurisdiction as the child's legal parent at the time of the child's birth; and
- The child meets all other requirements under INA 322, including that the child is residing outside of the United States in the legal and physical custody of the U.S. citizen parent, or a person who does not object to the application if the U.S. citizen parent is deceased.^[5] For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [12 USCIS-PM H.2(E)].

There are certain exceptions to these requirements for children of U.S. citizens in the U.S. armed forces accompanying their parent abroad on official orders.

B. Eligibility to Apply on the Child's Behalf

Typically, a child's U.S. citizen parent files a Certificate of Citizenship application on the child's behalf. If the U.S. citizen parent has died, the child's citizen grandparent or the child's U.S. citizen legal guardian may file the application on the child's behalf within five years of the parent's death.^[6] As of November 2, 2002, a U.S. citizen grandparent or U.S. citizen legal guardian became eligible to apply for naturalization under this provision on behalf of a child. See the 21st Century Department of Justice Appropriations Authorization Act for Fiscal 2002, Pub. L. 107-273 (November 2, 2002), which amended INA 322 to permit U.S. citizen grandparents or U.S. citizen legal guardians to apply for naturalization on behalf of a child if the child's U.S. citizen parent has died.

C. Physical Presence of the U.S. Citizen Parent or Grandparent^[7] See INA 322(a)(2). See 8 CFR 322.2(a)(2).

1. Physical Presence of Child's U.S. Citizen Parent

A child's U.S. citizen parent must meet the following physical presence requirements:

- The parent has been physically present in the United States or its outlying possessions for at least five years; and

- The parent met such physical presence for at least 2 years after he or she reached 14 years of age.

A parent's physical presence is calculated in the aggregate and includes time accrued in the United States during periods when the parent was not a U.S. citizen.

2. Exception for U.S. Citizen Member of the U.S. Armed Forces

The child's U.S. citizen service member parent may count any period of time he or she has resided abroad on official orders as physical presence in the United States.^[8] See Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits, Section C, Children of Military Members [12 USCIS-PM I.9(C)]. See INA 322(d). See 8 CFR 322.2(c).

3. Reliance on Physical Presence of Child's U.S. Citizen Grandparent

If the child's parent does not meet the physical presence requirement, the child may rely on the physical presence of the child's U.S. citizen grandparent to meet the requirement. In such cases, the officer first must verify that the citizen grandparent, the citizen parent's mother or father, is a U.S. citizen at the time of filing. If the grandparent has died, the grandparent must have been a U.S. citizen and met the physical presence requirements at the time of his or her death.

Like in the case of the citizen parent, the officer also must ensure that:

- The U.S. citizen grandparent has been physically present in the United States or its outlying possessions for at least five years; and
- The U.S. citizen grandparent met such physical presence for at least 2 years after he or she reached 14 years of age.

Like the citizen parent, a grandparent's physical presence is calculated in the aggregate and includes time accrued in the United States during periods when the grandparent was not a U.S. citizen.

D. Temporary Presence by Lawful Admission and Status in United States

1. Temporary Presence and Status Requirements

In most cases, the citizenship process for a child residing abroad cannot take place solely overseas.

- The child is required to be lawfully admitted to United States, in any status, and be physically present in the United States;^[9] See INA 322(a)(5). See 8 CFR 322.2(a)(5).
- The child is required to maintain the lawful status that he or she was admitted under while in the United States;^[10] See INA 322(a)(5). and
- The child is required to take the Oath of Allegiance in the United States unless the oath requirement is waived.^[11] See INA 322(b). See Section G, Decision and Oath of Allegiance [12 USCIS-PM H.5(G)].

2. Exception for Child of U.S. Citizen Service Member of the U.S. Armed Forces

Certain children of U.S. citizen members of the U.S. armed forces are not required to be lawfully admitted to or physically present in the United States.^[12] See Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits [12 USCIS-PM I.9]. See INA 322(d). See 8 CFR 322.2(c).

E. Application for Citizenship and Issuance of Certificate under Section 322 (Form N-600K)

A U.S. citizen parent of a biological, legitimated, or adopted child born outside of the United States who did not acquire citizenship automatically may file an Application for Citizenship and Issuance of Certificate Under Section 322 (Form N-600K) for the child to become a U.S. citizen and obtain a Certificate of Citizenship. The application may be filed from outside of the United States.

If the U.S. citizen parent has died, the child's U.S. citizen grandparent or U.S. citizen legal guardian may submit the application, provided the application is filed not more than five years after the death of the U.S. citizen parent.^[13] See 8 CFR 322.3(a).

The child of a U.S. citizen member of the U.S. armed forces accompanying his or her parent abroad on official orders may be eligible to complete all aspects of the naturalization proceedings abroad. This includes interviews, filings, oaths, ceremonies, or other proceedings relating to citizenship and naturalization.

F. Documentation and Evidence

The applicant must submit the following required documents unless such documents are already contained in USCIS administrative record or do not apply.^[14] See 8 CFR 322.3(b).

- The child's birth certificate or record.

- Marriage certificate of child's parents, if applicable.

- Proof of termination of any previous marriage of each parent if either parent was previously married and divorced or widowed, for example:
 - Divorce Decree; or

 - Death Certificate.

- Evidence of United States citizenship of parent:

- Birth Certificate;
 - Naturalization Certificate;
 - FS-240, Consular Report of Birth Abroad;
 - A valid unexpired U.S. passport; or
 - Certificate of Citizenship.
-
- Documents verifying legitimation according to the laws of the child's residence or domicile or father's residence or domicile if the child was born out of wedlock.
 - Documentation of legal custody in the case of divorce, legal separation, or adoption.
 - Documentation establishing that the U.S. citizen parent or U.S. citizen grandparent meets the required physical presence requirements, such as school records, military records, utility bills, medical records, deeds, mortgages, contracts, insurance policies, receipts, or attestations by churches, unions, or other organizations.
 - Evidence that the child is present in the United States pursuant to a lawful admission and is maintaining such lawful status or evidence establishing that the child qualifies for an exception to these requirements as provided for children of members of the U.S. armed forces. ^[15] See INA 322(d)(2). Such evidence may be presented at the time of interview when appropriate.
 - Copy of the full, final adoption decree, if applicable
 - For an adopted child (not orphan or Hague Convention adoptees), evidence that the adoption took place before the age of 16 (or 18, as appropriate) and that the adoptive parents have had custody of, and lived with, the child for at least two years. ^[16] See INA 101(b)(1)(E). See Chapter 2, Definition of Child for Citizenship and Naturalization, Section C, Adopted Child [12 USCIS-PM H.2].

- For an adopted orphan, a copy of notice of approval of the orphan petition and supporting documentation for such petition (except the home study) or evidence that the child has been admitted for lawful permanent residence in the United States with the immigrant classification of IR-3 (Orphan adopted abroad by a U.S. citizen) or IR-4 (Orphan to be adopted by a U.S. citizen).^[17] If admitted as an IR-4 because there was no adoption abroad, the parent(s) must have completed the adoption in the United States. If admitted as an IR-4 because the parent(s) obtained the foreign adoption without having seen the child, the parent(s) must establish that they have either "readopted" the child or obtained recognition of the foreign adoption in the State of residence (this requirement can be waived if there is a statute or precedent decision that clearly shows that the foreign adoption is recognized in the State of residence). See 8 CFR 320.1.
- For a Hague Convention adoptee applying under INA 322, a copy of the notice of approval of Convention adoptee petition and its supporting documentation, or evidence that the child has been admitted for lawful permanent residence in the United States with the immigrant classification of IH-3 (Hague Convention Orphan adopted abroad by a U.S. citizen) or IH-4 (Hague Convention Orphan to be adopted by a U.S. citizen).^[18] If admitted as an IH-4, the parent(s) must have completed the adoption in the United States.
- Evidence of all legal name changes, if applicable, for the child, U.S. citizen parent, U.S. citizen grandparent or U.S. citizen legal guardian.

An applicant does not need to submit documents that were submitted in connection with:

- An immigrant visa application retained by the American Consulate for inclusion in the immigrant visa package, or
- An immigrant petition or application and included in a USCIS administrative file.

If necessary, an officer may continue the application to request additional documentation to make a decision on the application.

G. Citizenship Interview and Waiver

In general, an applicant must appear in person for an interview before a USCIS officer after filing an Application for Citizenship and Issuance of Certificate Under Section 322 (Form N-600K). This includes the U.S. citizen parent or parents if the application is filed on behalf of a child under 18 years of age.^[19] See 8 CFR 322.4. USCIS, however, waives the interview requirement if all the required documentation necessary to establish the applicant's eligibility is already included in USCIS administrative records or if any of the following documentation is submitted along with the application.^[20] See 8 CFR 341.2. See Section F, Documentation and Evidence [12 USCIS-PM H.5 (F)].

H. Decision and Oath of Allegiance

1. Approval of Application, Oath of Allegiance, and Waiver for Children under 14 Years of Age

If an officer approves the Application for Citizenship and Issuance of Certificate Under Section 322 (Form N-600K), USCIS administers the Oath of Allegiance before issuing a Certificate of Citizenship.^[21] See 8 CFR 322.5(a) and 8 CFR 337.1. See INA 337. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

However, the INA permits USCIS to waive the taking of the Oath of Allegiance if USCIS determines the person is unable to understand its meaning.^[22] See INA 337(a). See 8 CFR 341.5(b). USCIS has determined that children under the age of 14 are generally unable to understand the meaning of the oath.

Accordingly, USCIS waives the oath requirement for a child younger than 14 years of age. If USCIS waives the oath requirement, USCIS issues a Certificate of Citizenship after the officer approves the application.

2. Denial of Application

If an officer denies the Certificate of Citizenship application, the officer must notify the applicant in writing of the reasons for denial and include information on the right to appeal in the notice.^[23] See 8 CFR 322.5(b) and 8 CFR 103.3(a). An applicant may file an appeal within 30 days of service of the decision.

Footnotes

1.

See [Nationality Chart 4](#).

2.

See [INA 322](#).

3.

Adoptive parent must meet requirements of either [INA 101\(b\)\(1\)\(E\)](#), [INA 101\(b\)\(1\)\(F\)](#), or [INA 101\(b\)\(1\)\(G\)](#).

4.

See Section C, Physical Presence of U.S. Citizen Parent or Grandparent [[12 USCIS-PM H.5\(C\)](#)].

5.

For a more thorough discussion, see Chapter 2, Definition of Child for Citizenship and Naturalization, Section E, Child Born Abroad through Assisted Reproductive Technology [[12 USCIS-PM H.2\(E\)](#)].

6.

As of November 2, 2002, a U.S. citizen grandparent or U.S. citizen legal guardian became eligible to apply for naturalization under this provision on behalf of a child. See the 21st Century Department of Justice Appropriations Authorization Act for Fiscal 2002, Pub. L. 107-273 (November 2, 2002), which amended [INA 322](#) to permit U.S. citizen grandparents or U.S. citizen legal guardians to apply for naturalization on behalf of a child if the child's U.S. citizen parent has died.

7.

See [INA 322\(a\)\(2\)](#). See [8 CFR 322.2\(a\)\(2\)](#).

8.

See Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits, Section C, Children of Military Members [[12 USCIS-PM I.9\(C\)](#)]. See [INA 322\(d\)](#). See [8 CFR 322.2\(c\)](#).

9.

See [INA 322\(a\)\(5\)](#). See [8 CFR 322.2\(a\)\(5\)](#).

10.

See [INA 322\(a\)\(5\)](#).

11.

See [INA 322\(b\)](#). See Section G, Decision and Oath of Allegiance [[12 USCIS-PM H.5\(G\)](#)].

12.

See Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits [12 USCIS-PM I.9]. See INA 322(d). See 8 CFR 322.2(c).

13.

See 8 CFR 322.3(a).

14.

See 8 CFR 322.3(b).

15.

See INA 322(d)(2).

16.

See INA 101(b)(1)(E). See Chapter 2, Definition of Child for Citizenship and Naturalization, Section C, Adopted Child [12 USCIS-PM H.2].

17.

If admitted as an IR-4 because there was no adoption abroad, the parent(s) must have completed the adoption in the United States. If admitted as an IR-4 because the parent(s) obtained the foreign adoption without having seen the child, the parent(s) must establish that they have either “readopted” the child or obtained recognition of the foreign adoption in the State of residence (this requirement can be waived if there is a statute or precedent decision that clearly shows that the foreign adoption is recognized in the State of residence). See 8 CFR 320.1.

18.

If admitted as an IH-4, the parent(s) must have completed the adoption in the United States.

19.

See 8 CFR 322.4.

20.

See 8 CFR 341.2. See Section F, Documentation and Evidence [12 USCIS-PM H.5(F)].

21.

See 8 CFR 322.5(a) and 8 CFR 337.1. See INA 337. See Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [12 USCIS-PM J.2].

22.

See INA 337(a). See 8 CFR 341.5(b).

23.

See 8 CFR 322.5(b) and 8 CFR 103.3(a).

Chapter 6 - Special Provisions for the Naturalization of Children

A. Battered Children

The child of a U.S. citizen may naturalize if he or she obtained LPR status on the basis of having been battered or subjected to extreme cruelty by their citizen spouse or parent.^[1] For a more thorough discussion of this provision, see Part G, Spouses of U.S. Citizens, Chapter 3, Spouses of U.S. Citizens Residing in the United States, Section F, Eligibility for Persons Subjected to Battering or Extreme Cruelty [12 USCIS-PM G.3(F)].

B. Surviving Child of Members of the Armed Forces

The surviving child of a member of the U.S. armed forces may naturalize if his or her citizen parent dies during a period of honorable military service.^[2] For a more detailed discussion of this provision, see Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits, Section D, Naturalization for Surviving Spouse, Child, or Parent of Service Member (INA 319(d)) [12 USCIS-PM I.9(D)].

Footnotes

1.

For a more thorough discussion of this provision, see Part G, Spouses of U.S. Citizens, Chapter 3, Spouses of U.S. Citizens Residing in the United States, Section F, Eligibility for Persons Subjected to Battering or Extreme Cruelty [12 USCIS-PM G.3(F)].

2.

For a more detailed discussion of this provision, see Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits, Section D, Naturalization for Surviving Spouse, Child, or Parent of Service Member (INA 319(d)) [12 USCIS-PM I.9(D)].

Updates

POLICY ALERT – Effective Date of Lawful Permanent Residence for Purposes of Citizenship and Naturalization

July 27, 2016

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance regarding the date of legal permanent residence (LPR) for naturalization and citizenship purposes.

Technical Update – Child Citizenship Act and Children of U.S. Government Employees Residing Abroad

July 20, 2015

This technical update clarifies that the child of a U.S. government employee temporarily stationed abroad is considered to be residing in the United States for purposes of acquisition of citizenship under INA 320.

POLICY ALERT – Effect of Assisted Reproductive Technology (ART) on Immigration and Acquisition of Citizenship Under the Immigration and Nationality Act (INA)

October 28, 2014

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance relating to the use of Assisted Reproductive Technology (ART).

POLICY ALERT – Comprehensive Citizenship and Naturalization Policy Guidance

January 07, 2013

USCIS is issuing updated and comprehensive citizenship and naturalization policy guidance in the new USCIS Policy Manual.



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PART H – CHILDREN OF U.S. CITIZENS

Chapter 1: Purpose (CHAP-Volume12-PartH-Chapter1.aspx)

A. Purpose (./CHAP-Volume12-PartH-Chapter1.aspx#S-A)

Chapter 2: Definition of Child for Citizenship and Naturalization (CHAP-Volume12-PartH-Chapter2.aspx)

A. Definition of Child for Citizenship and Naturalization (./CHAP-Volume12-PartH-Chapter2.aspx#S-A)

Chapter 3: United States Citizens at Birth (INA 301 and 309) (CHAP-Volume12-PartH-Chapter3.aspx)

- A. General Requirements for Acquisition of Citizenship at Birth (./CHAP-Volume12-PartH-Chapter3.aspx#S-A)
- B. Child Born in Wedlock (./CHAP-Volume12-PartH-Chapter3.aspx#S-B)
- C. Child Born Out of Wedlock (./CHAP-Volume12-PartH-Chapter3.aspx#S-C)
- D. Accepting an Application for Certificate of Citizenship (Form N-600) from Applicants Residing Overseas (./CHAP-Volume12-PartH-Chapter3.aspx#S-D)

Chapter 4: Automatic Acquisition of Citizenship after Birth (INA 320) (CHAP-Volume12-PartH-Chapter4.aspx)

- A. General Requirements: Genetic, Legitimated, or Adopted Child Automatically Acquiring Citizenship after Birth (./CHAP-Volume12-PartH-Chapter4.aspx#S-A)
- B. Legal and Physical Custody of U.S. Citizen Parent (./CHAP-Volume12-PartH-Chapter4.aspx#S-B)
- C. Acquisition of Citizenship Prior to Child Citizenship Act (CCA) of 2000 (./CHAP-Volume12-PartH-Chapter4.aspx#S-C)
- D. Application for Certificate of Citizenship (Form N-600) (./CHAP-Volume12-PartH-Chapter4.aspx#S-D)
- E. Documentation and Evidence (./CHAP-Volume12-PartH-Chapter4.aspx#S-E)
- F. Citizenship Interview and Waiver (./CHAP-Volume12-PartH-Chapter4.aspx#S-F)

Chapter 5: Child Residing Outside of the United States (INA 322) (CHAP-Volume12-PartH-Chapter5.aspx)

- A. General Requirements: Genetic, Legitimated, or Adopted Child Residing Outside the United States (./CHAP-Volume12-PartH-Chapter5.aspx#S-A)
- B. Application for Citizenship and Issuance of Certificate under Section 322 (Form N-600K) (./CHAP-Volume12-PartH-Chapter5.aspx#S-B)
- C. Documentation and Evidence (./CHAP-Volume12-PartH-Chapter5.aspx#S-C)
- D. Decision and Oath of Allegiance (./CHAP-Volume12-PartH-Chapter5.aspx#S-D)

Chapter 6: Resources (CHAP-Volume12-PartH-Chapter6.aspx)

Resources

- Legal Authorities
- Forms
- Adjudicative Templates
- Policy Archive
- Standard Operating Procedures
- Training Materials

Policy Manual - Volume 12:
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(http://connect.uscis.dhs.gov/workingresources/
-Volume12.aspx)

Resources

| Legal Authorities |
|---|
| INA 101(c) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-101/0-0-0-434.html) - Definition of child for citizenship and naturalization |
| INA 309 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-9774.html%20) - Children born out of wedlock |
| 3 CFR 322 - Child Born outside the United States; Requirements for Application for Certificate of Citizenship (http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-31769.html#) |
| INA 103(a)(1) - Powers and duties of the Attorney General and the Commissioner (http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-769.html#) |
| INA 104(a)(3) - Powers and duties of the Secretary of State (http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-846.html#) |
| INA 301 (http://connect.uscis.dhs.gov/workingresources/Source/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-28/0-0-0-9695.html#0-0-0-375) - Nationals and citizens of the United States at birth |
| INA 320 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-9983.html), 8 CFR 320 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-31686.html) - Children residing permanently in the United States (http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-10018.html#) |
| INA 322 - Children born and residing outside the United States; conditions for acquiring certificate of citizenship (https://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-32547.html#0-0-0-9013#) |
| INA 337 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-10309.html), 8 CFR 337 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-32547.html) - Oath of renunciation and allegiance |
| INA 341(a) - Certificates of Citizenship (http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-10309.html#) |
| INA 341 (https://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-32825.html#0-0-0-9021#) |
| INA 341 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-10378.html), 8 CFR 341 (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-32825.html) - Certificates of Citizenship |
| Forms |
| N-600, Application for Certificate of Citizenship (http://www.uscis.gov/n-600#) |
| N-600K, Application for Citizenship and Issuance of Certificate Under Section 322 (http://www.uscis.gov/n-600k#) |
| Notification Letter with Credit Monitoring (http://connect.uscis.dhs.gov/workingresources/CHAP/Documents/Notification_Letter-with_credit_monitoring.doc#) |
| Adjudicative Templates |
| Denial, N-600 (http://connect.uscis.dhs.gov/org/OFO/Pages/N600_templates.aspx#) |
| Denial, N-600K (http://connect.uscis.dhs.gov/org/OFO/Pages/N600K_Templates.aspx#) |
| Policy Archive |
| Eligibility of Unlegitimated Children for Derivative Citizenship Memorandum Opinion (BCIS 07.24.03) (http://connect.uscis.dhs.gov/org/OFO/Documents/ins_opinion.pdf#) |
| Acquisition of Citizenship by Children of U.S. Military and Government Employees Stationed Abroad under Section 320 of the Immigration and Nationality Act (INA) (Policy Memorandum No. 103), 05/06/04 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo103.pdf#) |
| Attachment: Form N-600, Application for Certificate of Citizenship (http://connect.uscis.dhs.gov/org/OFO/Documents/N-600.pdf#) |
| Attachment: Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322 (http://connect.uscis.dhs.gov/org/OFO/Documents/N-600K.pdf#) |
| Attachment: Office of Legal Counsel Opinion, 07/24/03 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo98-atc.pdf#) |
| Correction regarding the fees for filing Form N-600, Application for Certificate of Citizenship, and Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322 (Policy Memorandum No. 95-A), 07/23/03 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo95APlus.pdf#) |
| Effect of Grandparent's Death on Naturalization under INA Section 322 (Policy Memorandum No. 94), 04/17/03 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo94Plus.pdf#) |
| Eligibility of Children Born out of Wedlock for Derivative Citizenship, (Policy Memorandum No. 98) 09/26/03 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo98plus.pdf#) |
| Expedited Naturalization for Certain Children Pursuant to the Revised Section 322 of the INA (Policy Memorandum No. 8) 12/02/97 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo08.pdf#) |
| Implementation Instructions for Title I of the Child Citizenship Act of 2000, Public Law 106-395 (CCA) 02/26/01 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo75.pdf#) |

| Policy Archive |
|--|
| Instructions for Ordering the New Form N-560 A / AB Certificate Stock and Destroying the Old N-560 A / AB Certificate Stock, 09/15/11 (http://connect.uscis.dhs.gov/org/OFO/Documents/InstructionsforOrderingNewN560AAB.pdf#) |
| Introducing revised Form N-600, Application for Certificate of Citizenship, and new Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322 (Policy Memorandum No. 95), 06/23/03 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo95Plus.pdf#) |
| Update of the Implementation Instructions for Title I of the Child Citizenship Act of 200, Public Law 106-395 (CCA) (Policy Memorandum No. 75) 07/02/01 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo75A.pdf#) |
| Update of the Implementation Instructions for Title I of the Child Citizenship Act of 200, Public Law 106-395 (CCA) (Policy Memorandum No. 75), 10/31/08 (http://connect.uscis.dhs.gov/org/OFO/Documents/PolicyMemo75.pdf#) |

| Standard Operating Procedures |
|---|
| Child Born Out of Wedlock: Legitimation Charts (http://connect.uscis.dhs.gov/workingresources/policymanual/Resources/Legitimation%20Charts.pdf#) |

| Training Materials |
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| Nationality Chart 1: Children Born in Wedlock (http://connect.uscis.dhs.gov/workingresources/policymanual/Pages/PDF/NationalityChart1.pdf#) |
| Nationality Chart 2: Children Born out of Wedlock (http://connect.uscis.dhs.gov/workingresources/policymanual/Pages/PDF/NationalityChart2.pdf#) |
| Nationality Chart 3: Derivative Citizenship (http://connect.uscis.dhs.gov/workingresources/policymanual/Pages/PDF/NationalityChart3.pdf#) |
| Nationality Chart 4: Children Living Abroad (http://connect.uscis.dhs.gov/workingresources/policymanual/Pages/PDF/NationalityChart4.pdf#) |

Updates

| Date | Details |
|--|--|
| April 11, 2016 CHAP UPDATE ALERT | New Content: NQP in ELIS (NQP 6) Part N was added to Volume 12. This new Part provides officers with procedural guidance on how to document the processing steps and adjudication of naturalization applications that were processed in the USCIS Electronic Immigration System (ELIS). |
| February 10, 2016 Technical Update | Documentation and Evidence Updated guidance pertaining to the documentation to be reviewed when determining eligibility for the issuance of a Certificate of Citizenship based on the filing of the Form N-600 has been added to CHAP. Officers should be aware that applicants who were initially admitted to the United States as refugees may not be able to provide a birth certificate. Refer to Volume 12, Part H, Chapter 4, Section E Documentation and Evidence, for detailed guidance. |
| September 03, 2015 Technical Update | Citizenship Already Acquired or Derived This update provides procedural guidance to officers who have determined, during the naturalization interview, that an applicant has already acquired or derived citizenship. |
| February 04, 2015 CHAP UPDATE ALERT | New Content: Accepting Form N-600 from Applicants Residing Overseas USCIS procedural guidance regarding the acceptance of an application for Certificate of Citizenship from applicants who reside overseas has been added to Volume 12 of CHAP in Part H, Chapter 3. |
| October 28, 2014 Technical Update | Assisted Reproductive Technology (ART) This update adds content that addresses the effect of Assisted Reproductive Technology (ART) on acquisition of citizenship. |
| February 12, 2014 Technical Update | Requesting Historical Files This update adds clarification on Requesting Historical Files. Historical files needed to determine an applicant's eligibility for citizenship can be requested by your local Records Manager IAW the Records Policy Manual. |
| January 07, 2013 CHAP UPDATE ALERT | Comprehensive Citizenship and Naturalization Policy Guidance (PDF) Comprehensive Citizenship and Naturalization Policy Guidance (PDF) |

