



Common Questions about Naturalization and Children

Q: *I'm a lawful permanent resident (LPR) in the process of naturalization. Will my child become a U.S. citizen when I naturalize?*

A: Under a law that became effective on February 27, 2001, your child will automatically become a U.S. citizen when you naturalize if the following conditions are met:

- (1) the child is under the age of 18; and
- (2) he/she is residing in your legal and physical custody in the U.S.; and
- (3) he/she is a lawful permanent resident (or begins to reside in the U.S. as a lawful permanent resident before reaching the age of 18.)

It is very important that you list all your children on your N-400 form in order to enable them to derive citizenship from you, or in case you decide to petition for them to immigrate to the U.S. if they are not already here.

Q: *If my child does not automatically derive citizenship when I naturalize, do I have to file any special papers with U.S. Citizenship and Immigration Services?*

A: Since the child automatically derives citizenship it is ***not necessary*** to submit any special paperwork or for the child to be examined or sworn in. However, it is a ***good idea*** to obtain some proof of the child's citizenship. If you wait, it may be harder to collect all the evidence you need to show the child is a citizen. You can obtain proof of your child's citizenship by applying for a certificate of citizenship from U.S. Citizenship and Immigration Services (USCIS) on form N-600 or, in some cases, by applying for a U.S. passport.

Q: *Does my child have to be legally present in the U.S. in order to automatically derive citizenship when I naturalize?*

A: Your child must ***either*** be residing in the U.S. pursuant to a lawful admission for permanent residence at the time of your naturalization ***or*** must begin to reside in the U.S. as a lawful permanent resident **while still under the age of 18**. If your child does not have legal immigration status you should speak to an immigration attorney about filing a family visa petition.

Q: *I'm applying for naturalization and one of my children is going to turn 18 soon. Is there any way to have my application expedited?*

A: If your child will soon be turning 18, it's a good idea to send a cover letter with your naturalization application explaining the situation and requesting expedited processing. *However, USCIS is receiving a record number of naturalization applications, and you should not count on their being able to process the case quickly. Whenever possible, you should submit your naturalization application well in advance of your child's eighteenth birthday.*

Q: *My child was already 18 years old when the law of 2001 went into effect. Is it possible she derived citizenship from me when I naturalized?*

A: U.S. Citizenship and Immigration Services says the law only applies to those children who were under 18 as of February 27, 2001. However, as long as you naturalized while your child was still under the age of 18, it's possible she derived citizenship from you under laws that were in effect at that time. If your child did not derive citizenship from you, she may be able to apply for naturalization on her own. In order to find out whether your child derived citizenship, speak to an immigration attorney.

Q: *I'm a U.S. citizen and I have a child who was born in another country. Is he or she a citizen?*

A: It's possible that your child acquired citizenship from you, even if he or she was born in another country. The answer will depend on several factors, including the child's date of birth, whether you or the child's other parent were a citizen at the time of the child's birth, whether you and the child's other parent were married at the time of the child's birth, the periods of time that you or the child's other parent resided in the U.S. prior to the child's birth, and whether the child has satisfied certain requirements for residency in the U.S. In order to find out if your child acquired citizenship from you, speak with an immigration attorney.

Q: *Neither my spouse nor I have legal immigration status in the United States, but our children were born here. Are they citizens?*

A: Under the U.S. constitution, all persons born in the U.S. and subject to its jurisdiction are citizens at birth (with the exception of children of certain diplomats). Your U.S. citizen children may be able to help you obtain legal immigration status, but you may have to wait. Only U.S. citizens who are **21 years of age or older** may petition for their parents to obtain lawful permanent residence.

The foregoing is intended to provide general information only. It is current only as of the date it is written. To receive information on how this material may apply to a specific situation, you should consult with an immigration attorney. Prepared by Northwest Immigrant Rights Project, updated by WNA February 4, 2009.