



April 21, 2023

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Policy Alert

SUBJECT: Citizenship for Adopted Children

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify how citizenship and naturalization provisions apply to adopted children.

Background

Under U.S. laws, children may obtain U.S. citizenship other than through birth in the United States.¹ In general, persons born outside of the United States, including adopted children, may obtain U.S. citizenship after birth, before the age of 18, through a U.S. citizen parent.

Some children immigrating based on adoption automatically acquire U.S. citizenship upon their admission to the United States as lawful permanent residents. Others do not, and their adoptive parents need to take additional steps before an adopted child turns 18 years of age for the child to obtain U.S. citizenship through the adoptive parent(s). Adoptees who do not obtain citizenship through their adoptive parents before turning 18 may be eligible to apply for naturalization after the age of 18.²

This guidance, contained in Volume 5 of the Policy Manual, consolidates and clarifies existing guidance on how citizenship and naturalization provisions apply to adoptees and supplements policy in Volume 12 of the Policy Manual on citizenship and naturalization. This guidance is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Clarifies how citizenship and naturalization provisions apply to adopted children (for the orphan, Hague, and family-based petition processes).

¹ See [INA 301](#), [INA 309](#), [INA 320](#), and [INA 322](#).

² See [INA 316](#). See Volume 12, Citizenship and Naturalization, Part D, General Naturalization Requirements [[12 USCIS-PM D](#)].

- Describes requirements for adopted children to meet the definition of a child for citizenship and naturalization purposes, including having an adoption that is considered full, final, and complete for immigration purposes.
- Explains eligibility for U.S. citizenship for adopted children who reside in the United States and how to obtain a Certificate of Citizenship.
- Explains eligibility for U.S. citizenship for adopted children who reside outside of the United States and how to apply for citizenship and issuance of a certificate.
- Clarifies that a child may still qualify for citizenship, depending on the circumstances, if the adoption is disrupted or dissolved.

Summary of Changes

Affected Section: Volume 5, Adoptions

- Adds new Part F (Citizenship for Adopted Children).
- Updates footnotes throughout Parts A, C, D, and E to add cross-references to new Part F.

Affected Section: Volume 12, Citizenship and Naturalization

- Adds references throughout Parts A, H, and K to new Volume 5, Part F.
- In Part A (Citizenship and Naturalization Policies and Procedures), Chapter 2 (Becoming a U.S. Citizen), adds language to the end of the third paragraph.

Affected Section: Volume 12 > Part H, Children of U.S. Citizens

- In Chapter 1 (Purpose and Background), revises last sentence of first paragraph of Section A (Purpose) and revises second paragraph of Section B (Background).
- In Chapter 2 (Definition of Child and Residence for Citizenship and Naturalization), Section C (Adopted Child), removes second paragraph with bulleted list.
- In Chapter 4 (Automatic Acquisition of Citizenship After Birth (INA 320)), Section D (Acquiring Citizenship Before the Child Citizenship Act of 2000), revises first paragraph, adds a new italicized subheading after the first paragraph, and edits the footnote at the end of the last paragraph.
- In Chapter 4, Section F (Documentation and Evidence), removes adoption related sub-bullets under ninth bullet.
- In Chapter 5 (Child Residing Outside of the United States (INA 322)), Section G (Documentation and Evidence), removes adoption related sub-bullets under ninth bullet.

- Adds references to Volume 5 in Appendix: Nationality Chart 3 – Derivative Citizenship of Children and Appendix: Nationality Chart 4 - Children of U.S. Citizens Regularly Residing Outside United States (INA 322).
- In Nationality Chart 3, in the second to last row, removes information on age at time of adoption requirements, and replaces with reference to where these requirements are addressed in Volume 5.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 5: Adoptions, Part F, Citizenship for Adopted Children [[5 USCIS-PM F](#)].

Volume 12: Citizenship and Naturalization, Part A, Citizenship and Naturalization Policies and Procedures, Chapter 2, Becoming a U.S. Citizen [[12 USCIS-PM A.2](#)].

Volume 12: Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 1, Purpose and Background [[12 USCIS-PM H.1](#)]; Chapter 2, Definition of Child and Residence for Citizenship and Naturalization [[12 USCIS-PM H.2](#)]; Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [[12 USCIS-PM H.4](#)]; Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)].