

**NATIONALITY CHART NO. 3
DERIVATIVE CITIZENSHIP OF CHILDREN**

A child may derive U.S. citizenship during the below listed historical periods if such child was under the statutory age AND:

- a. the child was lawfully admitted for permanent residence **AND**
- b. the parent(s) naturalized. It does not matter in which order the actions occurred.

Period in which last action took place.	Child became a LPR before the statutory age of:	Naturalization of parent(s) prior to the statutory age of the child.	Remarks
Prior to 5/24/34	21 years	Either parent	NONE
On/after 5/24/34 & prior to 1/13/41	21 years	Either parent	U.S. citizenship effective 5 years from date child became a LPR.** Illegitimate child could only derive from the mother.
		Both parents*	NONE
On/after 1/13/41 & prior to 12/24/52	18 years	Both parents*	Child born out of wedlock was not eligible at this time.
On/after 12/24/52 & prior to 10/5/78	18 years	Both parents*	Child not eligible in prior period derived on 12/24/52 if under the age of 16, remained an LPR and the mother was still a USC. Child unmarried
On/after 10/5/78 & prior to 2/27/01	18 years	Both parents*	Adopted child now included and can derive up to age 18 provided the adoption occurred prior to age 16. Child must be residing in the U.S. at the time of the adoptive parents' naturalization, in the custody of the adoptive parents and pursuant to lawful admission Child unmarried
On/after 2/27/01	18 years	One USC parent by naturalization or birth.	Child is residing in the U.S. pursuant to a lawful admission for permanent residence in the legal and physical custody of the USC parent. Adopted child of a USC must meet the adopted child requirements of §101(b)(1) INA. Any other child*** must meet definition in §101(c)(1) INA.

* The definition of both parents includes:

- a. The surviving parent should one die, **OR**
- b. The naturalized parent having legal custody where there has been a divorce or after 1/13/41 a legal separation, **OR**
- c. The alien parent who naturalizes when the other parent is already a USC, **OR**
- d. The mother of a child born out of wedlock, as long as the child had not been legitimated.
Except when the last condition was fulfilled on/after 1/13/41 and prior to 12/24/52.

** Child relieved of the remainder of the 5-year wait **if** the naturalized parent comes to meet definition of '**both parents**'.

*** Any child not adopted must meet the definition in §101(c)(1) INA as used in title III-

The term "child" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 320, and 321 of title III, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.