

Nationality Chart No. 4
Children's Citizenship Through Application

Guidelines for all Section 322 adjudications on or after February 27, 2001

Both the child and the citizen parent must regularly reside outside the U.S.		
The child must be living in the legal and physical custody of citizen parent.		
Both the child and the citizen parent must appear at an interview.		
Child		Citizen Parent
Natural Child	Adopted Child	One citizen parent can file the application. Parent's requirements are identical for natural or adopted child.
N-600 filed	N-643 may be used in place of N-600	
Must meet definition of child in INA 101(c)(1)	Must meet definition of adopted child in INA 101(b)(1)	At time of adjudication, must have been physically present in the United States for periods totaling 5 years, at least 2 of these years must be after the parent's 14 th birthday. OR A citizen parent of the citizen parent must have met these physical presence requirements.
I.e., the child must be legitimate <u>or</u> legitimated before their 16 th birthday. Benefits under this law are not available for stepchildren or for illegitimate children.	I.e., must either have an approved I-600 or be <u>eligible</u> to have an I-130 (which does not have to be filed) approved under INA 101(b)(1)(E).	
The adjudication and the taking of the oath, unless waived because the child is unable to understand its meaning by reason of mental incapacity or young age, must be completed before the child's 18 th birthday.		
Must be in legal status (non-immigrant <u>or</u> immigrant) at time of the interview and adjudication.		Note - <u>Only</u> a citizen <u>parent</u> can file the application. Note - It is <u>now</u> required that the citizen parent of the citizen parent (citizen <u>grandparent</u>) still be living at the time of the filing or the adjudication.