

# Naturalization and Children: Common Questions

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**I'm a lawful permanent resident in the process of becoming a U.S. citizen through naturalization. Will my child also become a U.S. citizen when I naturalize?**

Yes, if the following are true in your case:

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

◆ The law regarding when children automatically naturalize through a parent changed in 2001. If your child was over the age of 18 on or before February 27, 2001, it's still possible s/he derived U.S. citizenship from you under laws that were in effect at that time. In order to find out whether your child derived citizenship from you, speak with an immigration attorney. If your child didn't derive citizenship from you, s/he may be able to apply for naturalization on his/her own.

*You must list **all** your children on your application for naturalization ([form N-400](#)) 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're not already here.*

**If my child does automatically derive citizenship when I naturalize, do I have to file any special papers with U.S. Citizenship and Immigration Services (USCIS)?**

It's not *necessary* to do so. But we recommend you obtain some proof of the child's citizenship anyway. If you wait, it may be harder to collect all the evidence you need to show the child is a citizen. You can get proof of your child's citizenship by applying for a certificate of citizenship from USCIS on [form N-600](#) or, in some cases, by applying for a U.S. passport.

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

Yes. 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 thereafter to reside in the U.S. as a lawful permanent resident while still under the age of 18. If your child doesn't have legal immigration status, speak to an immigration attorney about filing a family visa petition.

**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?**

Send a cover letter with your naturalization application that explains the situation and requests expedited processing. Note: there's no guarantee that USCIS will be able to process the case quickly. **Try to submit your naturalization application well in advance of your child's eighteenth birthday.**

**I'm a U.S. citizen. I have a child who was born in another country. Is s/he a citizen?**

Maybe. It depends 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; and
- the periods of time that you or the child's other parent resided in the U.S. prior to the child's birth.

To find out if your child acquired citizenship from you, speak with an immigration attorney.

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

Yes. 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.

◆ You may visit a lawyer in person or get advice from a lawyer by calling a legal hotline. If you're low-income and don't live in King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association's Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice.

This publication was originally prepared by Northwest Immigrant Rights Project. Updated by Northwest Justice Project 6/11.

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