

Naturalization and Children: Common Questions

I am 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 all these are true for the child: s/he

- Is under age 18
- Is living in your legal and physical custody in the U.S.
- Is a lawful permanent resident (or starts living in the U.S. as a lawful permanent resident between your naturalization and reaching age 18)

❖ The law about when children automatically naturalize through a parent changed in 2001. If your child was over age 18 on or before February 27, 2001, s/he may have derived U.S. citizenship from you under the laws in effect then. Even if s/he did not derive citizenship from you, s/he may be able to apply for naturalization on his/her own. Talk to an immigration lawyer.

You must list all your children on your application for naturalization ([form N-400](#)) for them to derive citizenship from you, or if you decide to petition for them to immigrate to the U.S. if they are not already here.

My child will automatically derive citizenship when I naturalize. Do I have to file any special papers with U.S. Citizenship and Immigration Services (USCIS)?

No. You should get 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. to automatically derive citizenship after I naturalize?

Yes. Your child must either be living in the U.S. pursuant to a lawful admission for permanent residence at the time of your naturalization OR must start living in the U.S. as a lawful permanent resident while still under age 18. If your child does not have legal immigration status, talk to an immigration lawyer about filing a family visa petition.

My child turns 18 soon. Can I get my application expedited?

Send a cover letter with your naturalization application explaining your situation and asking for expedited processing.

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- ❖ There is no guarantee USCIS will process the case quickly. Try to submit your naturalization application well before your child turns eighteen.
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I am a U.S. citizen. My child was born in another country. Is s/he a citizen?

It depends on factors including:

- the child's date of birth
- whether you or the other parent were a U.S. citizen at the time of the child's birth
- whether you and the other parent were married at the time of the child's birth
- the periods you or the other parent lived in the U.S. before the child's birth

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- ❖ To find out if your child acquired citizenship from you, speak with an immigration lawyer.
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Neither my spouse nor I have legal immigration status in the United States. 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 some 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 or older** may petition for their parents to obtain lawful permanent residence.

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- ❖ You may visit a lawyer in person or get advice from one by calling a legal hotline. If you are low-income and do not 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.
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