

Chart C*

Derivative Citizenship: Lawful permanent resident children obtaining citizenship through parents' citizenship

Date of last act	Requirements
Prior to 5/24/34	<ul style="list-style-type: none"> a. Either one or both parents must have been naturalized prior to the child's 21st birthday; b. Child must be lawful permanent resident before the 21st birthday; c. Illegitimate child may derive through mother's naturalization only; d. Legitimated child must have been legitimated according to the laws for the father's domicile; e. Adopted child and stepchild may not derive citizenship.
5/24/34 – 1/12/41	<ul style="list-style-type: none"> a. Both parents must have been naturalized and begun lawful permanent residence in the US prior to the child's 21st birthday; b. If only one parent is being naturalized, and she is not widowed or separated, the child must have five years lawful permanent residence in the US commencing during minority, unless the other parent is already a US citizen; c. Child must be lawful permanent resident before 21st birthday; d. Illegitimate child may derive through mother's naturalization only, in which case the status of the other parent is irrelevant; e. Legitimated children must have been legitimated according to the laws of the father's domicile; f. Adopted child and stepchild cannot derive citizenship.
1/31/41 – 12/23/52	<ul style="list-style-type: none"> a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a US citizen or deceased, or the parents must be legally separated and the naturalizing parent must have custody; b. Parent or parents must have been naturalized prior to the child's 18th birthday; c. Child must have been lawfully admitted for permanent residence before the 18th birthday; d. Illegitimate child can only derive if while she was under 16, she became a lawful permanent resident and mother naturalized and both of those events (naturalization of mother and permanent residence status of child) occurred on or after 1/13/41 and before 12/24/52; e. Legitimated child must be legitimated under the law of the child's residence or place of domicile before turning 16 and be in the legal custody of the legitimating parent; f. Adopted child and stepchild cannot derive citizenship.
12/24/52 – 10/5/78	<ul style="list-style-type: none"> a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a US citizen or deceased, or the parents must be legally separated and the naturalizing parent must have custody; b. In the case of a child who was illegitimate at birth, the child must NOT be legitimated, and it must be the mother who naturalizes. If the child is legitimated, s/he can only derive if both parents naturalize, or the non-naturalizing parent is dead; c. Parent or parents must have been naturalized prior to the child's 18th birthday; d. Child must have been lawfully admitted for permanent residence before the 18th birthday; e. Child must be unmarried; f. Adopted child and stepchild cannot derive citizenship.
10/5/78 – 2/26/01	<ul style="list-style-type: none"> a. Both parents must naturalize, or if only one parent naturalizes, the other parent must be either a US citizen or deceased, or the parents must be legally separated and the naturalizing parent must have custody; b. In the case of a child who was illegitimate at birth, the child must NOT be legitimated, and it must be the mother who naturalizes. If the child is legitimated, s/he can only derive if both parents naturalize, or the non-naturalizing parent is dead; c. Parent or parents must have been naturalized prior to the child's 18th birthday; d. Child must have been lawfully admitted for permanent residence before the 18th birthday; e. Child must be unmarried; f. Adopted child may derive citizenship if the child is residing in the US at the time of the adoptive parent(s)' naturalization, is in the legal custody of the adoptive parent(s), entered the US as a lawful permanent resident and adoption occurred before s/he turned 18. Stepchild cannot derive citizenship.
Anyone who, on or after 2/27/01, meets the following requirements is a US citizen	<ul style="list-style-type: none"> a. At least one parent is a US citizen either by birth or naturalization; b. If the child is illegitimate at birth, the child must have been legitimated by the father under either the law of the child's residence or domicile or the law of the father's residence or domicile and the legitimation must take place before the child reaches 16; c. Child is under 18 year old and unmarried; d. Child is a lawful permanent resident; e. Child is residing in the US in the legal and physical custody of the citizen parent; f. Adopted children qualify so long as s/he was adopted before the age of 16 and has been in the legal custody of, and has resided with, the adopting parent(s) for at least two years. An adopted child who qualifies as an orphan under INA sec 101(b)(1)(F) also will qualify for derivation. Stepchild cannot derive citizenship.

*From *A Guide for Immigration Advocates. San Francisco: Immigrant Legal Resource Center, 2005.*