The **FIRST STEP** in any child immigration matter is to determine whether the child is unknowingly a U.S. citizen, which is possible.

A child may be a U.S. citizen in any one of the following ways:

- **By being born in the United States or one of its possessions or territories.**
- **By being born outside the United States to at least one U.S. citizen-parent (genetic parent, for now), if certain other requirements are met.**
  - This is called “acquisition” of citizenship.
  - See INA § 301 and 309
  - Depends on physical presence of U.S. citizen-parent prior to child’s birth
  - Non-marital children
    - Different rules, very complicated
- **By their parent naturalizing.** This is called “derivation” of citizenship. The child derives their U.S. citizenship through his or her parent.
  - **WARNING** – beware of TPRs of birth parents if they have immigration or naturalization petitions pending which could benefit the child.
- **By being adopted by a U.S. citizen, if certain other requirements are met.**
  - **WARNING** – adoption alone will not make a child a U.S. citizen. In fact, in some cases, adoption can actually harm a child’s potential for immigration relief.
  - See INA § 320, the Child Citizenship Act
  - 6 requirements
    - At least one AP is a U.S. citizen by birth or naturalization
    - The child is under 18 (at the time all other elements are satisfied, not necessarily at the time the N-600 is filed)
    - The child lives in the legal and physical custody of U.S. citizen-AP
    - The child is residing in the United States pursuant to a lawful admission for permanent residence
    - The child was adopted under the age of 16
    - If adopted, the child is described in INA § 101(b)(1)

If the child does not satisfy any of the above, he or she may “naturalize” after they turn 18, in some cases. To “naturalize” means to become a U.S. citizen by filing an application with USCIS, showing you satisfy the following 9 requirements:

- 18 years old
- Legal Permanent Resident for 5 years
• Continuous residence for 5 years (no trips of 6 months or longer outside the United States, 5 years may accrue while child is under 18)
• Physical presence for at least half of the 5 years (30 months)
• Resident of USCIS district for 3 months
• Good moral character
• English test
• Civics test
• Attachment to the United States, its principles, and the Constitution (willing to take Oath of Allegiance)