

USCIS Response to Coronavirus 2019 (COVID-19)



U.S. Citizenship
and Immigration
Services

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Chapter 3 - U.S. Citizens at Birth (INA 301 and 309)

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Appendices

Appendix: History of Acquiring Citizenship under INA 320 for Children of U.S. Citizens who are Members of the U.S. Armed Forces, U.S. Government Employees, or their Spouses ▼

Appendix: Nationality Chart 1 - Children Born Outside the United States in Wedlock ▼

Appendix: Nationality Chart 2 - Children Born Outside the United States Out of Wedlock ▲

Nationality Chart 2 (4 tables below)

Children^[1] Born Outside the United States Out of Wedlock

Child Born Out of Wedlock to U.S. Citizen Mother (Table 1 of 4)

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
<p><i>Prior To</i> May 24, 1934</p>	<p>The mother resided in the United States at any time before the child's birth.^[2]</p>
<p><i>On or After</i> May 24, 1934 <i>and Prior To</i> Dec. 24, 1952</p>	<p>The mother resided in the United States or OLP at any time prior to the child's birth.</p>
<p><i>On or After</i> Dec. 24, 1952 <i>and Prior To</i> June 12, 2017</p>	<p>The mother maintained at least 1 year of continuous physical presence in the United States or OLP at any time prior to the child's birth.</p>
<p><i>On or After</i> June 12, 2017^[3]</p>	<p>The mother was physically present in the United States or OLP for at least 5 years prior to the child's birth (at least 2 years of which were after age 14).</p>

Child Born Out of Wedlock to U.S. Citizen Father and Alien Mother

Child Legitimated by Father (Table 2 of 4)

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
<p><i>Prior To</i> May 24, 1934</p>	<ul style="list-style-type: none"> • The child was legitimated at any time after birth under the laws of the father’s domicile; • The USC father resided in the United States prior to the child’s birth; and • No residence required for the child to retain U.S. citizenship.
<p><i>On or After</i> May 24, 1934 <i>and Prior To</i> Jan. 13, 1941</p>	<ul style="list-style-type: none"> • The child was legitimated at any time after birth under the laws of the father’s domicile; • The USC father resided in the United States prior to the child’s birth; [4] and • The child met retention requirements. <p style="text-align: right;"><i>See Nationality Chart 1 for retention requirements.</i></p>
<p><i>On or After</i> Jan. 13, 1941 <i>and Prior To</i> Dec. 24, 1952</p>	<ul style="list-style-type: none"> • The child was legitimated before age 21 under the laws of the father’s domicile; • The USC father resided in the United States or OLP for at least 10 years, at least 5 years of which were after age 14, at the time of the child’s birth; and • The child met retention requirements. <p><i>See Nationality Chart 1 for special provisions and for retention requirements.</i></p>

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
<p><i>On or After</i></p> <p>Dec. 24, 1952</p> <p><i>and Prior To</i></p> <p>Nov. 14, 1986</p>	<ul style="list-style-type: none"> • The child was legitimated before age 21 under the laws of the father's domicile;^[5] • The child was legitimated PRIOR TO Nov. 14, 1986; • The child must be unmarried; • The USC father was physically present in the United States or OLP for 10 years, at least 5 years of which were after age 14, at the time of the child's birth; and • No residence required for the child to retain U.S. citizenship. <p style="text-align: right;"><i>See Nationality Chart 1 for special provisions.</i></p>

Child Born Out of Wedlock to U.S. Citizen Father and Alien Mother

Child Legitimated or Acknowledged by Father (Table 3 of 4)

DATE RELATIONSHIP ESTABLISHED	ELIGIBILITY REQUIREMENTS

DATE RELATIONSHIP ESTABLISHED	ELIGIBILITY REQUIREMENTS
<p><i>On or After</i></p> <p>Nov. 14, 1986</p>	<ul style="list-style-type: none"> • The child was legitimated OR acknowledged before age 18* (legitimated under the laws of the child’s residence or domicile; or paternity acknowledged in writing under oath; or paternity established by court order); • A blood relationship between the child and father was established; • The father, unless deceased, has agreed in writing to provide financial support until child reaches age 18;^[6] • The child must be unmarried; and • The USC father was physically present in the United States or OLP for 5 years, at least 2 years of which were after age 14, at the time of the child’s birth. <p><i>*A child age 18 or over on Nov. 14, 1986 could use the old law.^[7] A child at least age 15, but under 18, could use either law (date of birth on or after Nov. 15, 1968).</i></p>

Child Born Out of Wedlock to Two U.S. Citizen Parents (Table 4 of 4)

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
	<p>If both parents are U.S. citizens, the child may qualify under either parent. The child must meet the requirements for acquisition of citizenship under the mother OR the father; the child does not need to meet both requirements.</p>

<p>PERIOD IN WHICH CHILD WAS BORN</p>	<p>ELIGIBILITY REQUIREMENTS</p> <p>If both parents are U.S. citizens, the child may qualify under either parent. The child must meet the requirements for acquisition of citizenship under the mother OR the father; the child does not need to meet both requirements.</p>
<p><i>On or After</i></p> <p>Dec. 24, 1952</p> <p><i>and Prior To</i></p> <p>Nov. 14, 1986</p>	<p><i>Citizenship through U.S. Citizen Mother</i></p> <ul style="list-style-type: none"> • The mother had at least 1 year of continuous physical presence in the United States or OLP at any time prior to the child’s birth. <p><i>Citizenship through U.S. Citizen Father</i></p> <ul style="list-style-type: none"> • The child was legitimated before age 21 under the laws of the father’s domicile;^[8] • The child was legitimated PRIOR TO Nov. 14, 1986; • The child must be unmarried; and • Either parent resided in the United States at any time prior to the child’s birth.

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
<p>On or After</p> <p>Nov. 14, 1986</p> <p>and Prior To</p> <p>June 12, 2017</p>	<p>If both parents are U.S. citizens, the child may qualify under either parent. The child must meet the requirements for acquisition of citizenship under the mother OR the father; the child does not need to meet both requirements.</p> <p><i>Citizenship through U.S. Citizen Mother</i></p> <ul style="list-style-type: none"> • The mother had at least 1 year of continuous physical presence in the United States or OLP at any time prior to the child’s birth. <p><i>Citizenship through U.S. Citizen Father</i></p> <ul style="list-style-type: none"> • The child was legitimated OR acknowledged before age 18* (legitimated under the laws of the child’s residence or domicile; or paternity acknowledged in writing under oath; or paternity established by court order); • A blood relationship between the child and father was established; • The father, unless deceased, has agreed in writing to provide financial support until child reaches age 18;^[9] • The child must be unmarried; and • Either parent resided in the United States at any time prior to the child’s birth. <p><i>*A child age 18 or over on Nov. 14, 1986 could use the old law.^[10] A child at least age 15, but under 18, could use either law (date of birth on or after Nov. 15, 1968).</i></p>

PERIOD IN WHICH CHILD WAS BORN	ELIGIBILITY REQUIREMENTS
<p><i>On or After</i></p> <p>June 12, 2017</p>	<p><i>Citizenship through U.S. Citizen Father</i></p> <ul style="list-style-type: none"> • The child was legitimated OR acknowledged before age 18 (legitimated under the laws of the child’s residence or domicile; or paternity acknowledged in writing under oath; or paternity established by court order); • A blood relationship between child and father was established; • The father, unless deceased, has agreed in writing to provide financial support until child reaches age 18;^[11] • The child must be unmarried; and • Either parent resided in the United States at any time prior to the child’s birth. <p>If the child does not meet these requirements, but one or both parents resided in the United States at any time prior to the child’s birth, the officer should consult the Office of Chief Counsel (OCC).</p>

Footnotes

[^ 1] A child must meet the definition of child under the Immigration and Nationality Act (INA). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 2, Definition of Child and Residence for Citizenship and Naturalization [[12 USCIS-PM H.2](#)].

[^ 2] See [INA 301\(h\)](#) (added to the INA by Section 101(a) of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), [Pub. L. 103-416 \(PDF\)](#), 108 Stat. 4305, 4306 (October 25, 1994)). Before INTCA, children born out of wedlock to a U.S. citizen mother and alien father before May 24, 1934 were aliens at birth but acquired citizenship on January 13, 1941, retroactive to the date of birth, if the mother resided in the United States or an outlying possession (OLP) at any time before the child’s birth and if the child was not legitimated by the alien father before January 13, 1941. See Section 205 of the Nationality Act of 1940, [Pub. L. 76-583 \(PDF\)](#), 54 Stat. 1137, 1139 (October 14, 1940).

[^ 3] See [Sessions v. Morales-Santana \(PDF\)](#), 137 S.Ct. 1678 (2017).

[^4] Includes periods spent abroad while employed by the U.S. government or an international organization as defined in [22 U.S.C. 288](#), or as the dependent unmarried son who resided as a member of the employee's household during any relevant period(s) of absence from the United States.

[^5] In cases arising within the Ninth Circuit, the laws of the father's residence and the laws of the child's residence must be considered to determine whether legitimation occurred. See *Burgess v. Meese*, 802 F.2d 338 (9th Cir. 1986).

[^6] For additional information regarding a written statement of financial support, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309), Section C, Child Born Out of Wedlock [[12 USCIS-PM H.3\(C\)](#)].

[^7] See Child Born Out Of Wedlock to U.S. Citizen Father and Alien Mother; Child Legitimated by Father (Table 2 of 4).


[^8] In cases arising within the Ninth Circuit, the laws of the father's residence and the laws of the child's residence must be considered to determine whether legitimation occurred. See *Burgess v. Meese*, 802 F.2d 338 (9th Cir. 1986).

[^9] For additional information regarding a written statement of financial support, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309), Section C, Child Born Out of Wedlock [[12 USCIS-PM H.3\(C\)](#)].

[^10] See Child Born Out Of Wedlock to U.S. Citizen Father and Alien Mother; Child Legitimated by Father (Table 2 of 4).

[^11] For additional information regarding a written statement of financial support, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309), Section C, Child Born Out of Wedlock [[12 USCIS-PM H.3\(C\)](#)].

Appendix: Nationality Chart 3 - Derivative Citizenship of Children 

Appendix: Nationality Chart 4 - Children of U.S. Citizens Regularly Residing Outside United States (INA 322) 

Current as of December 08, 2020
