(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

(b) Adoption

Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 1101(b)(1) of this title.

(c) Children of military and Federal Government personnel residing abroad

Subsection (a)(3) is deemed satisfied in the case of a child who is lawfully admitted for permanent residence in the United States if—

(1) the child is residing in the legal and physical custody of a citizen parent who is—

(A) stationed and residing abroad as an employee of the Government of the United States; or

(B) residing abroad in marital union with an employee of the Government of the United States who is stationed abroad; or

(2) the child is—

(A) residing in the legal and physical custody of a citizen parent who is—

(i) stationed and residing abroad as a member of the Armed Forces of the United States; or

(ii) authorized to accompany and reside abroad with a member of the Armed Forces of the United States pursuant to the member's official orders, and is so accompanying and residing abroad with the member in marital union; and

(B) authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member.

(d) Name and birth date

A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a State court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.

(June 27, 1952, ch. 477, title III, ch. 2, § 320, 66 Stat. 245; Pub. L. 95–417, § 4, Oct. 5, 1978, 92 Stat. 917; Pub. L. 97–116, § 18(m), Dec. 29, 1981, 95 Stat. 1620; Pub. L. 99–653, § 14, Nov. 14, 1986, 100 Stat. 3657; Pub. L. 100–525, §§ 8(*l*), 9(w), Oct. 24, 1988, 102 Stat. 2618, 2621; Pub. L. 106–395, title I, § 101(a), Oct. 30, 2000, 114 Stat. 1631; Pub. L. 113–74, § 2, Jan. 16, 2014, 127 Stat. 1212; Pub. L. 116–133, § 2(a), Mar. 26, 2020, 134 Stat. 274.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–133, § 2(a)(1), substituted ''Children born outside the united states and lawfully admitted for permanent residence; conditions under which citizenship automatically acquired'' for ''Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired; determinations of name and birth date'' in section catchline.

Subsecs. (c), (d). Pub. L. 116–133, § 2(a)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

2014—Subsec. (c). Pub. L. 113–74 added subsec. (c).

2000—Pub. L. 106–395 amended section catchline and text generally. Prior to amendment, text read as follows:

''(a) A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, become a citizen of the United States, when—

''(1) such naturalization takes place while such child is unmarried and under the age of eighteen years; and

''(2) such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of eighteen years.

''(b) Subsection (a) of this section shall apply to an adopted child only if the child is residing in the United States at the time of naturalization of such adoptive parent, in the custody of his adoptive parents, pursuant to a lawful admission for permanent residence.''

1988—Subsec. (a)(1). Pub. L. 100–525, § 8(*l*), repealed Pub. L. 99–653, § 14. See 1986 Amendment note below.

Subsec. (b). Pub. L. 100–525, § 9(w), substituted ''Subsection (a)'' for ''Subsection (a)(1)''.

1986—Subsec. (a)(1). Pub. L. 99–653, § 14, which inserted ''unmarried and'' after ''such child is'', was repealed by Pub. L. 100–525, § 8(*l*).

1981—Subsec. (b). Pub. L. 97–116 substituted ''an adopted child only if the child'' for ''a child adopted while under the age of sixteen years who''.

1978—Subsec. (a). Pub. L. 95–417 substituted in pars. (1) and (2) ''eighteen years'' for ''sixteen years''.

Subsec. (b). Pub. L. 95–417 substituted provisions making subsec. (a)(1) of this section applicable to adopted children for provisions making subsec. (a) of this section inapplicable to adopted children.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–395, title I, § 104, Oct. 30, 2000, 114 Stat. 1633, provided that: ''The amendments made by this title [amending this section and section 1433 of this title and repealing section 1432 of this title] shall take effect 120 days after the date of the enactment of this Act [Oct. 30, 2000] and shall apply to individuals who satisfy the requirements of section 320 or 322 of the Immigration and Nationality Act [8 U.S.C. 1431, 1433], as in effect on such effective date.''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 8(*l*) of Pub. L. 100–525 effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986, Pub. L. 99–653, see section 309(b)(15) of Pub. L. 102–232, set out as an Effective and Termination Dates of 1988 Amendments note under section 1101 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97–116, set out as a note under section 1101 of this title.

§ 1432. Repealed. Pub. L. 106–395, title I, § 103(a), Oct. 30, 2000, 114 Stat. 1632

Section, acts June 27, 1952, ch. 477, title III, ch. 2, § 321, 66 Stat. 245; Pub. L. 95–417, § 5, Oct. 5, 1978, 92 Stat. 918; Pub. L. 97–116, § 18(m), Dec. 29, 1981, 95 Stat. 1620; Pub. L. 99–653, § 15, Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100–525, § 8(*l*), Oct. 24, 1988, 102 Stat. 2618, related to conditions for automatic citizenship of children born outside the United States of alien parents.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective 120 days after Oct. 30, 2000, see section 104 of Pub. L. 106–395, set out as an Effective Date of 2000 Amendment note under section 1431 of this title.

§ 1433. Children born and residing outside the United States; conditions for acquiring certificate of citizenship

(a) Application by citizen parents; requirements

A parent who is a citizen of the United States (or, if the citizen parent has died during the preceding 5 years, a citizen grandparent or citizen legal guardian) may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 1431 of this title. The Attorney General shall issue a certificate of citizenship to such applicant upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

(1) At least one parent (or, at the time of his or her death, was) is[1] a citizen of the United States, whether by birth or naturalization.

(2) The United States citizen parent—

(A) has (or, at the time of his or her death, had) been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or

(B) has (or, at the time of his or her death, had) a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

(3) The child is under the age of eighteen years.

(4) The child is residing outside of the United States in the legal and physical custody of the applicant (or, if the citizen parent is deceased, an individual who does not object to the application).

(5) The child is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

(b) Attainment of citizenship status; receipt of certificate

Upon approval of the application (which may be filed from abroad) and, except as provided in the last sentence of section 1448(a) of this title, upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this chapter of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

(c) Adopted children

Subsections (a) and (b) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 1101(b)(1) of this title.

[1] So in original. The word ''is'' probably should appear after ''parent''.

(d) Children of Armed Forces members

In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member—

(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

(2) subsection (a)(5) shall not apply; and

(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1443a of this title.

(June 27, 1952, ch. 477, title III, ch. 2, § 322, 66 Stat. 246; Pub. L. 95–417, § 6, Oct. 5, 1978, 92 Stat. 918; Pub. L. 97–116, § 18(m), (n), Dec. 29, 1981, 95 Stat. 1620, 1621; Pub. L. 99–653, § 16, Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100–525, § 8(*l*), Oct. 24, 1988, 102 Stat. 2618; Pub. L. 101–649, title IV, § 407(b)(2), (c)(6), (d)(5), Nov. 29, 1990, 104 Stat. 5040–5042; Pub. L. 102–232, title III, § 305(m)(3), Dec. 12, 1991, 105 Stat. 1750; Pub. L. 103–416, title I, § 102(a), Oct. 25, 1994, 108 Stat. 4306; Pub. L. 106–139, § 1(b)(2), Dec. 7, 1999, 113 Stat. 1697; Pub. L. 106–395, title I, § 102(a), Oct. 30, 2000, 114 Stat. 1632; Pub. L. 107–273, div. C, title I, § 11030B, Nov. 2, 2002, 116 Stat. 1837; Pub. L. 110–181, div. A, title VI, § 674(b), Jan. 28, 2008, 122 Stat. 186.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, ''this Act'', meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–181 added subsec. (d).

2002—Subsec. (a). Pub. L. 107–273, § 11030B(1), in introductory provisions, inserted ''(or, if the citizen parent has died during the preceding 5 years, a citizen grandparent or citizen legal guardian)'' after ''citizen of the United States'' and substituted ''such applicant'' for ''such parent''.

Subsec. (a)(1). Pub. L. 107–273, § 11030B(2), inserted ''(or, at the time of his or her death, was)'' after ''parent''.

Subsec. (a)(2)(A). Pub. L. 107–273, § 11030B(3)(A), inserted ''(or, at the time of his or her death, had)'' after ''(A) has''.

Subsec. (a)(2)(B). Pub. L. 107–273, § 11030B(3)(B), inserted ''(or, at the time of his or her death, had)'' after ''(B) has''.

Subsec. (a)(4). Pub. L. 107–273, § 11030B(4), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.''

Subsec. (a)(5). Pub. L. 107–273, § 11030B(5), added par. (5).

2000—Pub. L. 106–395 amended section catchline and text generally, revising and restating provisions relating to acquisition of certificate of citizenship for certain children born outside the United States.

1999—Subsec. (a)(4). Pub. L. 106–139 substituted ''16 years (except to the extent that the child is described