

(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