



[Home](#) > [Policy Manual](#) > [Volume 5 - Adoptions](#) > [Part F - Citizenship for Adopted Children](#) > [Chapter 1 - Purpose and Background](#)

## Chapter 1 - Purpose and Background

### [Guidance](#)

[Resources](#) (10)

[Appendices](#) (2)

[Updates](#) (3)

[History](#) (0)

### A. Purpose

Under U.S. laws, children may obtain U.S. citizenship other than through birth in the United States.<sup>[1]</sup> Persons born outside of the United States, including adopted children, may obtain U.S. citizenship after birth, before the age of 18, through a U.S. citizen adoptive parent.<sup>[2]</sup> Some children immigrating based on adoption automatically acquire U.S. citizenship upon their admission to the United States as lawful permanent residents. Others do not, and their adoptive parents need to take additional steps before the adopted child turns 18 years of age for the child to obtain U.S. citizenship through the adoptive parent(s).

Adopted children who do not obtain citizenship through their adoptive parents before turning 18 may be eligible to apply for naturalization as an adult.<sup>[3]</sup>

### B. Background

The law under which an adopted child may have obtained citizenship is the law in effect while the adopted child was under the age of 18.<sup>[4]</sup> Citizenship laws for children have changed over time with the most recent major change taking effect in 2001.

#### 1. The Child Citizenship Act of 2000

The Child Citizenship Act of 2000 (CCA) took effect on February 27, 2001, and was not retroactive.<sup>[5]</sup> The CCA amended [INA 320](#) and removed INA 321 to create only one method for children in the United States to automatically acquire citizenship after birth.

Children, including adopted children, who were under the age of 18 on February 27, 2001 (that is, born on or after February 28, 1983), may automatically acquire U.S. citizenship from a U.S. citizen parent if the statutory requirements are satisfied before the child's 18th birthday. The CCA also amended [INA 322](#) to

provide for applications for naturalization on behalf of foreign-born children who did not automatically acquire citizenship under INA 320 and who generally reside outside the United States with a U.S. citizen parent.



## 2. Before the Child Citizenship Act of 2000

Although adoptees do not qualify under the CCA if they were 18 years of age or older on February 27, 2001 (that is, were born on or before February 27, 1983), they may have obtained citizenship under a different law.<sup>[6]</sup>

## C. Scope

This Part F clarifies how current citizenship provisions apply to adopted children. Volume 12, Citizenship and Naturalization, contains detailed guidance on the requirements for citizenship and naturalization, including for adopted children.<sup>[7]</sup>

## D. Legal Authorities

- [INA 101\(c\)](#) – Definition of child for citizenship and naturalization
- [INA 320](#); [8 CFR 320](#) – Children residing permanently in the United States
- [INA 322](#); [8 CFR 322](#) – Children residing outside the United States

## Footnotes

---

[<sup>1</sup>] See [INA 301](#), [INA 309](#), [INA 320](#), and [INA 322](#). See Volume 12, Citizenship and Naturalization [[12 USCIS-PM](#)].

[<sup>2</sup>] See [INA 320](#) and [INA 322](#).

[<sup>3</sup>] See Volume 12, Citizenship and Naturalization, Part D, General Naturalization Requirements [[12 USCIS-PM-D](#)].

[<sup>4</sup>] Adoptees who need more information about determining their immigration status may see the [Adult Adoptees and U.S. Citizenship](#) webpage.

[<sup>5</sup>] See the Child Citizenship Act of 2000, [Pub. L. 106-395 \(PDF\)](#) (October 30, 2000).

[<sup>6</sup>] For information on prior provisions, see Appendix: How Previous Citizenship Provisions Apply to Adopted Children [[5 USCIS-PM E, Appendices Tab](#)].

[<sup>7</sup>] See Volume 12, Citizenship and Naturalization [[12 USCIS-PM](#)].





Home > Policy Manual > Volume 5 - Adoptions > Part F - Citizenship for Adopted Children > Chapter 2 - Definitions

## Chapter 2 - Definitions

### Guidance

Resources (10).

Appendices (2).

Updates (3).

History (0).

### A. Child

The Immigration and Nationality Act (INA) provides two different definitions of “child.”<sup>[1]</sup> One definition of child applies to immigrant petitions and applications for lawful permanent residence.<sup>[2]</sup> The other definition of child applies to citizenship and naturalization.<sup>[3]</sup>

The definition of child for purposes of immigrant petitions and applications for lawful permanent residence includes certain children who have not yet been adopted or whose adoption is not considered final.<sup>[4]</sup> However, an adopted child for citizenship and naturalization purposes is a child who has met the applicable adoption-based immigration requirements<sup>[5]</sup> and has been adopted through a full, final, and complete adoption.<sup>[6]</sup>

### B. Adoption

To meet the definition of adoption for immigration purposes, an adoption must create a legal status comparable to that of a natural legitimate child between the adopted child and the adoptive parent.<sup>[7]</sup>

For an adoption to be considered full, final, and complete for citizenship and naturalization purposes,<sup>[8]</sup> the adoption must meet the additional requirements described below if the child is qualifying under the orphan<sup>[9]</sup> or Hague Adoption Convention<sup>[10]</sup> provisions.<sup>[11]</sup>

#### *Orphan and Hague Adoption Convention Provisions*

For the foreign adoption of an orphan to be considered full, final, and complete for citizenship and naturalization purposes:

- The child must have been adopted by a U.S. citizen and spouse jointly (if married), or by an unmarried U.S. citizen who is at least 25 years of age; and

- At least one of the adoptive parents must have personally seen and observed the child before or during the foreign adoption proceedings.<sup>[12]</sup>

For the foreign adoption of a Hague Convention adoptee to be considered full, final, and complete for citizenship and naturalization purposes, the child must have been adopted by a U.S. citizen and their spouse jointly (if married) or by an unmarried U.S. citizen who is at least 25 years of age.<sup>[13]</sup>

For children residing in the United States, if the foreign adoption is not considered full and final, or the child immigrated with a custody order for purposes of emigration and adoption, the child must be readopted or adopted in the United States to meet the definition of adopted.<sup>[14]</sup> However, USCIS may waive readoption requirements if the adoptive parent(s)' U.S. jurisdiction of residence recognizes (judicially or by operation of law) the foreign adoption as full and final under that state's adoption laws before the child is age 18.<sup>[15]</sup>

For children residing outside of the United States, if the foreign adoption in the child's country of origin is not considered full and final, or the child was issued a custody order for purposes of emigration and adoption, the child must be readopted or adopted through a full, final, and complete adoption before age 18 to naturalize under INA 322.<sup>[16]</sup>

The table below outlines the different immigrant visa classifications<sup>[17]</sup> issued to a child depending on whether the parents completed a final adoption or obtained legal custody for emigration and adoption.

#### Hague and Orphan Visa Classification Codes

Code	Classification Name	Application Process
IR-3	Orphan – “full and final” adoption abroad	Consular processing
IR-4	Orphan – coming to the United States to be adopted	Consular processing
IR-8	Orphan – “full and final” adoption abroad	Adjustment of status
IR-9	Orphan – coming to the United States to be adopted	Adjustment of status
IH-3	Hague adoptee – final adoption abroad	Consular processing
IH-4	Hague adoptee – coming to the United States to be adopted	Consular processing
IH-8	Hague adoptee – final adoption abroad	Adjustment of status
IH-9	Hague adoptee – coming to the United States to be adopted	Adjustment of status

## Footnotes

[^ 1] See [INA 101\(b\)](#) and [INA 101\(c\)](#).

[^ 2] See [INA 101\(b\)](#).

[^ 3] See [INA 101\(c\)](#). 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](#)].

[^ 4] See [INA 101\(b\)\(1\)\(E\)](#) and [INA 101\(b\)\(1\)\(G\)](#).

[^ 5] The child must meet the requirements for family-based adoption at [INA 101\(b\)\(1\)\(E\)](#), orphans at [INA 101\(b\)\(1\)\(E\)](#), or Hague Convention adoptees at [INA 101\(b\)\(1\)\(G\)](#). See Part E, Family-Based Adoption Petitions [[5 USCIS-PM E](#)]. See Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)]. See Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)].

[^ 6] See [8 CFR 320.1](#) and [8 CFR 322.1](#). For information on requirements for an adoption to be considered valid for immigration purposes see Part A, Adoptions Overview, Chapter 4, Adoption Definition and Order Validity [[5 USCIS-PM A.4](#)].

[^ 7] See *Matter of Mozzeb* (PDF), 15 I&N Dec. 430 (BIA 1975). For the definition of adoption, see Part A, Adoptions Overview, Chapter 4, Adoption Definition and Order Validity [[5 USCIS-PM A.4](#)].

[^ 8] See [8 CFR 320.1](#) and [8 CFR 322.1](#).

[^ 9] For information on the orphan provision, see [INA 101\(b\)\(1\)\(E\)](#). See Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)].

[^ 10] For information on the Hague Adoption Convention provision, see [INA 101\(b\)\(1\)\(G\)](#). See Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)].

[^ 11] The additional requirements described in the “Orphan and Hague Adoption Convention Provisions” section for an adoption to be considered full, final, and complete for citizenship and naturalization purposes do not apply if a child meets the requirements of the family-based adoption provision at [INA 101\(b\)\(1\)\(E\)](#).

[^ 12] See [INA 101\(b\)\(1\)\(E\)](#).

[^ 13] See [INA 101\(b\)\(1\)\(G\)](#).

[^ 14] The child must be adopted and meet all eligibility requirements before the age of 18 to acquire citizenship under [INA 320](#). See the definition of adopted at [8 CFR 320.1](#).

[^ 15] See [8 CFR 320.1](#). For additional information on state readoption and recognition, see the Child Welfare Information Gateway’s [State Laws Related to Adoption](#) webpage.

[^ 16] See [8 CFR 322.1](#).

[^ 17] Children who reside abroad who naturalize through the Application for Citizenship and Issuance of Certificate Under Section 322 (Form N-600K) process are only required to be temporarily lawfully present, and typically are not issued immigrant visas.





Home > Policy Manual > Volume 5 - Adoptions > Part F - Citizenship for Adopted  
Children > Chapter 3 - Eligibility, Documentation, and Evidence

# Chapter 3 - Eligibility, Documentation, and Evidence

## Guidance

Resources (10)

Appendices (2)

Updates (3)

History (0)

## A. General Eligibility

Current provisions under [INA 320](#) or [INA 322](#) apply if the child was born on or after February 28, 1983, and meets the required conditions on or after February 27, 2001. The following table outlines the applicability of current citizenship and naturalization provisions to adopted children.

**Current Citizenship and Naturalization Provisions Applicability to Adopted Children**

Where the Child Resides	Provision	Adoption Requirements for U.S. Citizenship	Additional Requirements <sup>[1]</sup>
-------------------------	-----------	--	--



Where the Child Resides	Provision	Adoption Requirements for U.S. Citizenship	Additional Requirements <sup>[1]</sup>
<p>In the United States</p> <p>(INA 320 may also apply to certain children of U.S. military members, U.S. government employees, and their U.S. citizen spouses, who are residing outside of the United States)</p>	<p><u>INA 320</u></p>	<p>Must satisfy <u>INA 101(b)(1)(E)</u>, <u>INA 101(b)(1)(F)</u>, or <u>INA 101(b)(1)(G)</u> requirements.</p>	<p>A child born outside of the United States automatically becomes a U.S. citizen when all the following requirements have been met on or after February 27, 2001:</p> <ul style="list-style-type: none"> <li>• The child has at least one adoptive parent who is a U.S. citizen by birth or through naturalization;</li> <li>• The child is under 18 years of age;</li> <li>• The child is a lawful permanent resident (LPR); and</li> <li>• The child is residing in the United States in the legal and physical custody of the U.S. citizen parent.<sup>[2]</sup></li> </ul>

Where the Child Resides	Provision	Adoption Requirements for U.S. Citizenship	Additional Requirements <sup>[1]</sup>
Outside the United States	<u>INA 322</u>	Must satisfy <u>INA 101(b)(1)(E)</u> , <u>INA 101(b)(1)(F)</u> , or <u>INA 101(b)(1)(G)</u> requirements.	<p>Applies to certain children under 18 years of age residing outside of the United States in the legal and physical custody of the U.S. citizen parent.<sup>[3]</sup></p> <p>The child generally must be temporarily present in the United States after being lawfully admitted and be maintaining their status, amongst other requirements.<sup>[4]</sup></p> <p>The child must have an application filed on their behalf and take the Oath of Allegiance, unless waived.</p>

## B. Child Residing in the United States

### 1. Eligibility

An adopted child born outside of the United States becomes a U.S. citizen by operation of law at the time the adopted child satisfies all requirements on or after February 27, 2001, and before turning 18 years of age.<sup>[5]</sup> These requirements include that the adopted child:<sup>[6]</sup>

- Satisfies the requirements applicable to adopted children;<sup>[7]</sup>
- Has at least one adoptive parent who is a U.S. citizen (by birth or naturalization);
- Is an LPR;<sup>[8]</sup> and
- Resides in the United States in the legal and physical custody of the U.S. citizen adoptive parent(s).<sup>[9]</sup>

Adopted children of U.S. armed forces members or U.S. government employees (or their spouses) who are residing outside the United States may also acquire citizenship under INA 320 upon meeting the eligibility criteria.<sup>[10]</sup>

Children who meet all requirements of [INA 320](#) (including having a final adoption)<sup>[11]</sup> at the time of their admission as LPRs automatically acquire citizenship upon their admission as LPRs. Children who do not meet all requirements of INA 320 upon their admission as LPRs do not acquire citizenship upon their admission, but may automatically acquire citizenship at a later point (provided they satisfy all conditions before they turn 18). This includes children who do not have an adoption considered final under U.S. immigration law and children who do not otherwise meet the requirements of INA 320 upon their admission. Their adoptive parents may need to take additional steps, such as obtaining a final adoption, before the child turns 18 years of age for the child to obtain U.S. citizenship through an adoptive parent.

## 2. Certificate of Citizenship

A person who automatically acquires U.S. citizenship is not required to file an Application for Certificate of Citizenship ([Form N-600](#)).

Certain adopted children automatically receive a Certificate of Citizenship without filing [Form N-600](#). Other children immigrating based on adoption do not, and must submit Form N-600 if they seek to obtain a Certificate of Citizenship from USCIS. A person may also apply for a U.S. passport with the U.S. Department of State to serve as evidence of U.S. citizenship.

### *Certificate of Citizenship Issued Without an Application*

Generally, USCIS automatically issues a Certificate of Citizenship to adopted children who are admitted to the United States with an IR-3 visa<sup>[12]</sup> or IH-3 visa,<sup>[13]</sup> if the child meets all [INA 320](#) requirements.<sup>[14]</sup> In order to be issued a Certificate of Citizenship, if the child is over the age of 14, the child must take the Oath of Allegiance, unless otherwise waived.<sup>[15]</sup>

Thus, children over 14 at the time of their admission who are eligible for automatic issuance of a Certificate of Citizenship generally collect their Certificate of Citizenship at a USCIS field office after taking the oath. Children under 14 years of age who are eligible for automatic issuance of a Certificate of Citizenship generally receive their certificate by mail.<sup>[16]</sup>

### *Certificate of Citizenship With Application*

USCIS does not automatically issue Certificates of Citizenship to adopted children who are admitted to the United States with a different visa classification (such as IR-2 visas) or who do not acquire citizenship upon their admission as LPRs (such as IR-4s<sup>[17]</sup> and IH-4s<sup>[18]</sup>).

If an adoptee did not automatically receive a Certificate of Citizenship and would like to obtain documentation of their citizenship status from USCIS, they (or their parent or legal guardian if the adoptee is under age 18) must submit [Form N-600](#).<sup>[19]</sup> A person may also apply for a U.S. passport with the U.S. Department of State to serve as evidence of U.S. citizenship.<sup>[20]</sup>

An applicant (person seeking the Certificate of Citizenship) must submit, with their application, all required documentation and evidence in accordance with form instructions,<sup>[21]</sup> including a copy of the full, final adoption decree or order.<sup>[22]</sup> If the child did not have a foreign adoption that is considered full, final, and complete, the applicant must submit:

- Evidence of the final adoption decree or order; or

- If the U.S. jurisdiction of the adoptive parent(s)' residence recognizes the foreign adoption decree or order as full and final, evidence establishing this under state law together with the foreign adoption order.<sup>[23]</sup>

To determine if the adopted child meets the requirements applicable to adopted children, USCIS reviews the file, including any evidence indicating that the child was admitted to the United States as an LPR through an adoption-based petition.<sup>[24]</sup>

In order to be issued a Certificate of Citizenship, if the child is over the age of 14, the child must take the Oath of Allegiance, unless otherwise waived.<sup>[25]</sup>

## C. Child Residing Outside of the United States

### 1. Eligibility

An adopted child who regularly resides outside of the United States<sup>[26]</sup> is eligible for naturalization under [INA 322](#) if all of the following conditions have been met before the child turns 18 years of age:<sup>[27]</sup>

- The child satisfies the requirements applicable to adopted children;<sup>[28]</sup>
- The child has at least one adoptive parent who is a U.S. citizen by birth or through naturalization;
- The child's U.S. citizen adoptive parent or U.S. citizen grandparent has been physically present in the United States or an outlying possession for 5 years, at least 2 of which were after reaching the age of 14.<sup>[29]</sup>
- The child is residing outside of the United States in the legal and physical custody of the U.S. citizen parent, or of a person who does not object to the application if the U.S. citizen parent is deceased; and
- The child is lawfully admitted, physically present, and maintaining a lawful status in the United States at the time the application is approved and the time of naturalization.

*Children of U.S. Armed Forces Members or U.S. Government Employees (or their Spouses)*

Children are not eligible to naturalize under [INA 322](#) if they already acquired citizenship. Adopted children of U.S. armed forces members or U.S. government employees (or their spouses) who are residing outside the United States may acquire citizenship under [INA 320](#) upon meeting the eligibility criteria.<sup>[30]</sup>

### 2. Application for Citizenship and Issuance of Certificate

To apply for a child to become a U.S. citizen and obtain a Certificate of Citizenship, the U.S. citizen parent, or if the citizen parent has died during the preceding 5 years, a citizen grandparent or citizen legal guardian, files an Application for Citizenship and Issuance of Certificate Under Section 322 ([Form N-600K](#)) on behalf of the child.<sup>[31]</sup>

An applicant (person seeking a Certificate of Citizenship) must submit with their application all required documentation and evidence in accordance with form instructions.<sup>[32]</sup> The adoption-specific required

evidence that applicants must submit depends on the type of case. The table below describes the adoption-specific evidence that is required by case type.

### Adoption-Specific Required Evidence by Case Type

Type of Case	Adoption-Specific Required Evidence
Hague Convention Adoption Case	A copy of the full, final adoption decree or order; and a copy of the notice of approval of the Petition to Classify Convention Adoptee as an Immediate Relative ( <u>Form I-800</u> ), and supporting documentation for the petition, or evidence the child has been admitted for lawful permanent residence on an IH-3 or IH-4 visa. <sup>[33]</sup>
Orphan Case	A copy of the full, final adoption decree or order; and a copy of the notice of approval of the Petition to Classify Orphan as an Immediate Relative ( <u>Form I-600</u> ), and supporting documentation for the petition (except the home study), or evidence the child has been admitted for lawful permanent residence on an IR-3 or IR-4 visa. <sup>[34]</sup>
Family-based Adoption Petitions	A copy of the full, final adoption decree or order; and evidence that the child meets the requirements of <u>INA 101(b)(1)(E)</u> , including adoption before age 16 (or age 18 if the sibling exception applies) and 2 years of legal custody and joint residence with the adoptive parent. <sup>[35]</sup>

To determine if the adopted child meets the requirements applicable to adopted children, USCIS reviews the file, including any evidence indicating that an adoption-based petition was approved for the child, and has not been revoked.<sup>[36]</sup>

If an adoption-based petition was not approved for the child, the applicant must submit the following to show that they meet the requirements of a family-based adoption:<sup>[37]</sup>

- A full, final adoption decree or order showing that the child was adopted before the child's 16th birthday (or before the child's 18th birthday if the sibling exception applies);<sup>[38]</sup>
- Documentation that the child has been in the legal custody of the adoptive U.S. citizen parent for at least 2 years (at the time of filing); and
- Documentation that the child has been jointly residing with the adoptive parent(s) for at least 2 years (at the time of filing).

In order to be issued a Certificate of Citizenship, if the child is over the age of 14, the child must take the Oath of Allegiance, unless otherwise waived, before the age of 18.<sup>[39]</sup>

# Footnotes

---

[<sup>1</sup>] Adopted children who did not acquire citizenship through their adoptive parent(s) or naturalize before the age of 18 may also apply for naturalization when eligible. See Volume 12, Citizenship and Naturalization, Part D, General Naturalization Requirements [[12 USCIS-PM D](#)].

[<sup>2</sup>] For more information, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [[12 USCIS-PM H.4](#)].

[<sup>3</sup>] If the parent is deceased, the child may be residing in the legal and physical custody of a person who does not object to the application.

[<sup>4</sup>] For information on requirements, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)].

[<sup>5</sup>] These provisions were created by the Child Citizenship Act of 2000 (CCA), [Pub. L. 106-395 \(PDF\)](#) (October 30, 2000), which amended earlier provisions of the Immigration and Nationality Act (INA) regarding acquisition of citizenship after birth for foreign-born children who have U.S. citizen parent(s). These CCA amendments became effective on February 27, 2001.

[<sup>6</sup>] See [INA 320](#). See [8 CFR 320.2](#). For more information on requirements, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship After Birth (INA 320) [[12 USCIS-PM H.4](#)].

[<sup>7</sup>] The child must meet the requirements for family-based adoption at [INA 101\(b\)\(1\)\(E\)](#), orphans at [INA 101\(b\)\(1\)\(F\)](#), or Hague Convention adoptees at [INA 101\(b\)\(1\)\(G\)](#).

[<sup>8</sup>] A person is generally considered to be a LPR once USCIS approves the adjustment application or once the person is admitted to the United States with an immigrant visa. See [INA 245\(b\)](#).

[<sup>9</sup>] See [INA 101\(a\)\(33\)](#). For the definition of residence, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 2, Definition of Child and Residence for Citizenship and Naturalization, Section E, Definition of U.S. Residence [[12 USCIS-PM H.2\(E\)](#)]. For the definition of legal and physical custody, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section B, Legal and Physical Custody of U.S. Citizen Parent [[12 USCIS-PM H.4\(B\)](#)].

[<sup>10</sup>] See [INA 320\(c\)](#), which applies to children who were under 18 on March 26, 2020. For more information, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section C, Children of Armed Forces Members or U.S. Government Employees (or their Spouses) [[12 USCIS-PM H.4\(C\)](#)].

[<sup>11</sup>] For information on final adoption requirements, see Chapter 2, Definitions [[5 USCIS-PM F.2](#)].

[<sup>12</sup>] Visa category for an immediate relative under [INA 201\(b\)](#) and [INA 204\(a\)\(1\)](#), as a child adopted abroad by a U.S. citizen.

[<sup>13</sup>] Visa category for an immediate relative under [INA 201\(b\)](#) and [INA 204\(a\)\(1\)](#), as the adopted child from a Hague Adoption Convention country adopted outside the United States by a U.S. citizen.

[^14] Before January 1, 2004, USCIS did not automatically issue a Certificate of Citizenship to adopted children who came to the United States. If a child met all the [INA 320](#) requirements but did not automatically receive a Certificate of Citizenship, they can still submit an Application for Certificate of Citizenship ([Form N-600](#)) to obtain a Certificate of Citizenship.

[^15] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section H, Decision and Oath of Allegiance [[12 USCIS-PM H.4\(H\)](#)]. See Volume 12, Citizenship and Naturalization, Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [[12 USCIS-PM J.2](#)].

[^16] For information on contacting USCIS if your child was admitted to the United States on an IR-3 or IH-3 visa and did not receive a Certificate of Citizenship within 60 days, see the [Certificate of Citizenship for Your Internationally Adopted Child](#) webpage.

[^17] Visa category for an immediate relative under [INA 201\(b\)](#) and [INA 204\(a\)\(1\)](#), as a child coming to be adopted in the United States by a U.S. citizen.

[^18] Visa category for an immediate relative under [INA 201\(b\)](#) and [INA 204\(a\)\(1\)](#), as the adopted child from a Hague Adoption Convention country adopted in the United States by a U.S. citizen.

[^19] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [[12 USCIS-PM H.4](#)]. See Volume 12, Citizenship and Naturalization, Part K, Certificates of Citizenship and Naturalization, Chapter 2, Certificate of Citizenship [[12 USCIS-PM K.2](#)].

[^20] See U.S. Department of State's [U.S. Passports](#) webpage.

[^21] For a full list of required evidence, see instructions for [Form N-600](#).

[^22] For more information on required evidence, see [8 CFR 320.3\(b\)](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section F, Documentation and Evidence [[12 USCIS-PM H.4\(F\)](#)].

[^23] For example, a certificate of recognition of adoption from the state court, or a copy of the state statute indicating that the state recognizes all foreign adoptions.

[^24] See Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)]. See Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)]. See Part E, Family-Based Adoptions [[5 USCIS-PM E](#)].

[^25] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section H, Decision and Oath of Allegiance [[12 USCIS-PM H.4\(H\)](#)]. See Volume 12, Citizenship and Naturalization, Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [[12 USCIS-PM J.2](#)].

[^26] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 2, Definition of Child and Residence for Citizenship and Naturalization, Section E, Definition of U.S. Residence [[12 USCIS-PM H.2\(E\)](#)].

[^27] See [INA 322](#). For more information on requirements, see Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)].

[^28] The child must meet the requirements for family-based adoption at [INA 101\(b\)\(1\)\(E\)](#), orphans at [INA 101\(b\)\(1\)\(F\)](#), or Hague Convention adoptees at [INA 101\(b\)\(1\)\(G\)](#).

[^29] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322), Section C, Physical Presence of U.S. Citizen Parent or Grandparent [[12 USCIS-PM H.5\(C\)](#)].

[^30] See [INA 320\(c\)](#). For more information, see USCIS Policy Manual Volume 12, Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320), Section C, Children of Armed Forces Members or U.S. Government Employees (or their Spouses) [[12 USCIS-PM H.4\(C\)](#)]. Such children may submit [Form N-600](#). See Section B, Child Residing in the United States [[5 USCIS-PM F.3\(B\)](#)].

[^31] See [Form N-600K](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)] and Part K, Certificates of Citizenship and Naturalization, Chapter 3, Certificate of Naturalization [[12 USCIS-PM K.3](#)].

[^32] See instructions for [Form N-600K](#). For more information on required evidence, see [8 CFR 322.3\(b\)](#) and Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322), Section G, Documentation and Evidence [[12 USCIS-PM H.5\(G\)](#)].

[^33] See [INA 101\(b\)\(1\)\(G\)](#). See [8 CFR 322.3\(b\)](#). See Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)].

[^34] See [INA 101\(b\)\(1\)\(F\)](#). See [8 CFR 322.3\(b\)](#). See Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)].

[^35] See [INA 101\(b\)\(1\)\(E\)](#). See [8 CFR 322.3\(b\)](#). See Part E, Family-Based Adoptions [[5 USCIS-PM E](#)].

[^36] See Part C, Child Eligibility Determinations (Orphan) [[5 USCIS-PM C](#)]. See Part D, Child Eligibility Determinations (Hague) [[5 USCIS-PM D](#)]. See Part E, Family-Based Adoptions [[5 USCIS-PM E](#)].

[^37] See [INA 101\(b\)\(1\)\(E\)](#). See Part E, Family-Based Adoptions [[5 USCIS-PM E](#)].

[^38] See [INA 101\(b\)\(1\)\(E\)\(ii\)](#).

[^39] See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322), Section I, Decision and Oath of Allegiance [[12 USCIS-PM H.5\(I\)](#)].

Current as of October 04, 2023





Home > Policy Manual > Volume 5 - Adoptions > Part F - Citizenship for Adopted Children > Chapter 4 - Citizenship Following a Disrupted or Dissolved Adoption

## Chapter 4 - Citizenship Following a Disrupted or Dissolved Adoption

### Guidance

Resources (10).

Appendices (2).

Updates (3).

History (0).

### A. Disruption of Adoption

A disruption means an adoption process that ends after the prospective adoptive parents obtain legal custody and before the adoption is legally finalized, which may result in the child's return to (or entry into) foster care or placement with new adoptive parents.<sup>[1]</sup>

A child who has not acquired U.S. citizenship<sup>[2]</sup> before such a disruption may be eligible to obtain citizenship and documentation if later adopted by different U.S. citizen parent(s). The child must meet all requirements of [INA 320](#) or [INA 322](#) through the new U.S. citizen parent, including the requirements applicable to adopted children under [INA 101\(b\)\(1\)](#).

However, the adopted child does not have to establish eligibility under the same specific statutory provision as under the original petitioning parents. For example, an adopted child who immigrated as an orphan under [INA 101\(b\)\(1\)\(E\)](#) with the original adoptive parent(s), may be able to meet the requirements with the new adoptive parents for a family-based petition under [INA 101\(b\)\(1\)\(E\)](#), if eligible.<sup>[3]</sup>

The child may also seek naturalization when eligible.<sup>[4]</sup>

### B. Dissolution of Adoption

A dissolution means an adoption in which the legal relationship between the adoptive parent(s) and adopted child is severed, either voluntarily or involuntarily, after the adoption is legally finalized.<sup>[5]</sup>

In the event of a dissolution, an adopted child who has already obtained U.S. citizenship through the original petitioning adoptive parent(s),<sup>[6]</sup> does not lose their U.S. citizenship as a result of the dissolution.<sup>[7]</sup> If the U.S. citizen adopted child does not have documentation demonstrating their U.S. citizenship,<sup>[8]</sup> a

Certificate of Citizenship based on the original adoption may be requested.<sup>[9]</sup> A person may also apply for a U.S. passport with the Department of State to serve as evidence of U.S. citizenship.

The new adoptive parents may also make a Freedom of Information Act (FOIA) request on behalf of the child to determine if the child was previously issued a Certificate of Citizenship.<sup>[10]</sup>

## Footnotes

---

[^1] See the [U.S. Citizenship for an Adopted Child](#) webpage for more information on citizenship of a foreign-born child following a disrupted or dissolved adoption. See also [22 CFR 96.2](#).

[^2] For example, a child whose adoption disrupts before the adoptee fulfills all requirements for citizenship (including having an adoption that is considered full, final, and complete).

[^3] For information on [INA 101\(b\)\(1\)\(E\)](#) requirements, see Part E, Family-Based Adoption Petitions [[5 USCIS-PM E](#)]. To petition for an adopted child under [INA 101\(b\)\(1\)\(E\)](#), see [Petition for Alien Relative \(Form I-130\)](#).

[^4] See Volume 12, Citizenship and Naturalization [[12 USCIS-PM](#)].

[^5] See the Child Welfare Information Gateway's [Adoption Disruption and Dissolution \(PDF\)](#) webpage.

[^6] See [INA 320](#) and [INA 322](#).

[^7] A dissolution in and of itself does not generally impact an adoptee's U.S. citizenship status.

[^8] For example, a Certificate of Citizenship (USCIS Form N-560A) or a valid, unexpired U.S. passport.

[^9] See instructions for the Application for Certificate of Citizenship ([Form N-600](#)). See instructions for the Application for Replacement Naturalization/Citizenship Document ([Form N-565](#)).

[^10] See the [Request Records through the Freedom of Information Act or Privacy Act](#) webpage.

Current as of October 04, 2023