



Derivation of Citizenship

Is either of the applicant's parents a USC?

- If no, the applicant did not derive citizenship. Continue N-400 screening.
- If yes, continue.
 - **Note:** An applicant cannot derive citizenship from a stepparent, unless the stepparent adopted the applicant.

Did the parent(s) become a USC prior to the applicant turning 18 years old?

- If no, the applicant did not derive citizenship.
- If yes, continue.

Did the applicant live in the U.S. as an LPR with the USC parent(s) prior to turning 18 years old?

- If no, the applicant did not derive citizenship.
- If yes, continue.

If the applicant was born on or after February 27, 1983:

- Were the applicant's parents married when the applicant was born?
 - If yes, the USC parent can be either the mother or the father.
 - If no, the USC parent must be the mother *unless* the applicant was legitimated by the father prior to the applicant turning 16 years old.
 - *Ask if the father signed the applicant's birth certificate. If so, the applicant was likely legitimated. If not, the legal team will need to examine the legitimacy laws of the applicant's and the father's residence or domicile.*
- Ensure that each of the following is also true:
 - Applicant is/was unmarried prior to turning 18
 - Applicant is an LPR
 - Applicant resides/resided in the U.S. in the legal and physical custody of the qualifying USC parent while under age 18.
- Was the applicant adopted by the qualifying USC parent?
 - If so, refer to the Derivation After Adoption Quick Guide

If the applicant was born before February 27, 1983:

- Are both parents USCs?
 - If no, and the applicant's parents were married when the applicant was born, then one of the following must be true for the applicant to have derived citizenship from one USC parent:

- The non-USC parent must have been deceased prior to the applicant turning 18
 - The parents must have been legally separated and the USC parent must have had legal custody of the applicant prior to the applicant turning 18
 - If no, and the applicant's parents were not married when the applicant was born, then the USC parent must generally be the mother for the applicant to have derived.
- If yes, or if one of the above exceptions applies, ensure that each of the following is true:
 - Applicant was unmarried prior to turning 18
 - Applicant was an LPR prior to turning 18
- Was the applicant adopted by the USC parents?
 - If so, refer to the Derivation After Adoption Quick Guide

IF YOU DETERMINE THE APPLICANT DERIVED, ASK THE APPLICANT TO FAX OVER THE FOLLOWING DOCUMENTS BEFORE SCHEDULING AN APPOINTMENT:

- Applicant's green card
- Applicant's birth certificate
- USC parent(s) birth certificate
- USC parent(s) naturalization certificate
- Document(s) proving the parent(s)' legal and physical custody of the applicant
- Confirm the marital status of parents. If parents are married/divorced/legally separated, we need the relevant certificates.

Note: A child with an IR-3 or IH-3 visa derives citizenship. Those are the only visas that lead to derivation. All other children must be permanent residents with green cards.