

uralized upon compliance with all the requirements of this subchapter except that no prior residence or specified physical presence within the United States, or within a State or a district of the Service in the United States shall be required. For purposes of this subsection, the terms “United States citizen” and “citizen spouse” include a person granted posthumous citizenship under section 1440-1 of this title.

(e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, 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 in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 1427(a) of this title, as residence and physical presence in—

(A) the United States; and

(B) any State or district of the Department of Homeland Security in the United States.

(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings overseas pursuant to section 1443a of this title.

(June 27, 1952, ch. 477, title III, ch. 2, § 319, 66 Stat. 244; Pub. L. 85-697, § 2, Aug. 20, 1958, 72 Stat. 687; Pub. L. 90-215, § 1(a), Dec. 18, 1967, 81 Stat. 661; Pub. L. 90-369, June 29, 1968, 82 Stat. 279; Pub. L. 101-649, title IV, § 407(b)(1), (c)(5), (d)(4), Nov. 29, 1990, 104 Stat. 5040, 5041; Pub. L. 106-386, div. B, title V, § 1503(e), Oct. 28, 2000, 114 Stat. 1522; Pub. L. 108-136, div. A, title XVII, § 1703(f)(1), (h), Nov. 24, 2003, 117 Stat. 1695, 1696; Pub. L. 110-181, div. A, title VI, § 674(a), Jan. 28, 2008, 122 Stat. 185.)

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-181 added subsec. (e).

2003—Subsec. (d). Pub. L. 108-136, § 1703(h), inserted “, child, or parent” after “surviving spouse” and “, parent, or child” after “whose citizen spouse”, and substituted “who, in the case of a surviving spouse, was living” for “who was living”.

Pub. L. 108-136, § 1703(f)(1), inserted at end “For purposes of this subsection, the terms ‘United States citizen’ and ‘citizen spouse’ include a person granted posthumous citizenship under section 1440-1 of this title.”

2000—Subsec. (a). Pub. L. 106-386 inserted “, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,” after “citizen of the United States” and “(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)” after “has been living in marital union with the citizen spouse”.

1990—Subsec. (a). Pub. L. 101-649, § 407(c)(5), substituted “application” for “petition” wherever appearing.

Pub. L. 101-649, § 407(b)(1)(A), substituted “has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months” for “has resided within the State in which he filed his petition for at least six months.”

Subsec. (b). Pub. L. 101-649, § 407(d)(4)(A), substituted “before the Attorney General” for “before the naturalization court” in cl. (3).

Pub. L. 101-649, § 407(b)(1)(B), substituted “within a State or a district of the Service in the United States”

for “within the jurisdiction of the naturalization court”.

Subsec. (c). Pub. L. 101-649, § 407(d)(4)(B), substituted “Attorney General” for “naturalization court” in cl. (5).

Pub. L. 101-649, § 407(c)(5), substituted “application” for “petition”.

Pub. L. 101-649, § 407(b)(1)(C), substituted “district of the Service in the United States” for “within the jurisdiction of the court”.

Subsec. (d). Pub. L. 101-649, § 407(b)(1)(B), substituted “within a State or a district of the Service in the United States” for “within the jurisdiction of the naturalization court”.

1968—Subsec. (d). Pub. L. 90-369 added subsec. (d).

1967—Subsec. (c). Pub. L. 90-215 added subsec. (c).

1958—Subsec. (b). Pub. L. 85-697 inserted provision relating to persons performing religious duties.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title VI, § 674(d), Jan. 28, 2008, 122 Stat. 186, provided that: “The amendments made by this section [amending this section and sections 1433 and 1443a of this title] shall take effect on the date of enactment of this Act [Jan. 28, 2008] and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title XVII, § 1703(f)(2), Nov. 24, 2003, 117 Stat. 1695, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to persons granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1) due to death on or after September 11, 2001.”

Amendment by Pub. L. 108-136 effective as if enacted Sept. 11, 2001, see section 1705(a) of Pub. L. 108-136, set out as a note under section 1439 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES

Pub. L. 101-193, title V, § 506, Nov. 30, 1989, 103 Stat. 1709, as amended by Pub. L. 104-208, div. C, title VI, § 671(g)(1), Sept. 30, 1996, 110 Stat. 3009-724; Pub. L. 105-85, div. A, title IX, § 923, Nov. 18, 1997, 111 Stat. 1863, provided that:

“(a) For purposes of section 319(c) of the Immigration and Nationality Act (8 U.S.C. 1430(c)), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such section.

“(b) Subsection (a) shall apply with respect to periods of employment before, on, or after the date of the enactment of this Act [Nov. 30, 1989].

“(c) No more than two persons per year may be naturalized based on the provisions of subsection (a).

“(d) Each instance of naturalization based on the provisions of subsection (a) shall be reported to the Committees on the Judiciary of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to such naturalization.”

§ 1431. Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired

(a) A child born outside of the United States automatically becomes a citizen of the United

States when all of the following conditions have been fulfilled:

(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

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

(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) Subsection (a) of this section 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.

(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.)

AMENDMENTS

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.

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.

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 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