

§ 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 Repealed.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) is¹ 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

¹ So in original. The word “is” probably should appear after “parent”.

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.

(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.)

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.”