Client was adopted as an orphan under INA § 101(b)(1)(F) or under Hague Convention 101(b)(1)(G)?

Yes

OR

Yes

No, client was adopted

Client was adopted by USC parent(s) before the age of 16 and was in the legal custody of the adoptive parent(s) and resided with parent(s) for at least 2 years?

If all of these 5 conditions are met on or after 02/27/2001, your client is a U.S. Citizen by derivation based on **INA § 320 as amended by the Child Citizenship Act of 2000**.

5. Did your client become a lawful permanent resident before his/her 18th birthday?

Derived US Citizenship!

Yes

If father was the USC and he naturalized, then child must have been legitimated by father under either the law of the child’s or father’s residence or domicile AND the legitimation must have taken place before child reach age of 16

4. Was your client unmarried before age of 18?

3. On or after 02/27/2001 your client was less than 18 years of age?

Yes

Yes

Yes

Yes

2. On or after 02/27/2001, your client was in the legal and physical custody of the USC parent? Note: this is often a factual question.

Yes

No

No

If client was born out of wedlock, was the mother the USC?

1. Were biological parents married at client’s birth and was at least one parent a USC?

Yes

Was your client born on or after 02/28/1983?

Look to prior derivation law in effect from 10/05/1978 to 02/26/2001, which is stricter

No