



DERIVATIVE CITIZENSHIP FOR LPR CHILDREN OF U.S. CITIZENS



If you are a U.S. citizen and have children under the age of eighteen years old living in the United States who are Lawful Permanent Residents (LPR) living in your legal and physical custody, they may be able to derive U.S. citizenship from you.

If approved by USCIS, your child would receive a Certificate of Citizenship.

STEP 1: Determine Whether Your Child(ren) Meet the Basic Eligibility Criteria*

- Parent or adoptive parent who is a U.S. citizen (by birth or naturalization);
- Child who is under 18 years of age;
- Child who has LPR status; and
- Child is in the legal and physical custody of the U.S. citizen parent

STEP 2: Gather the Required Evidence

- Birth certificate or adoption documents showing the claimed parent-child relationship;
- Proof of U.S. citizenship for the parent;
- Proof of LPR status for the child;
- Proof of entry into the United States for the child;
- Proof that the child is in the legal and physical custody of the U.S. citizen parent; and
- Proof of physical presence in the United States for the U.S. citizen parent

STEP 3: Meet an Immigration Attorney to Discuss Your Case

If you think your children meet the eligibility criteria to obtain derivative U.S. citizenship from you, or if you have any other questions, we encourage you to reach out to the Law Offices of Jay R. Tioleco at 818-478-9362.

* <https://www.uscis.gov/policy-manual/volume-12-part-h-chapter-4>

Frequently Asked Questions

- **When does my child become a U.S. citizen?**
When he/she meets the requirements listed
- **Do I need to complete an application?**
Yes, Form N-600 is filed with USCIS
- **Does my child need to apply before she turns 18 years of age?**
No. There is no deadline to apply; however, they must meet the criteria before they turn 18 years old
- **Can my child derive citizenship from her U.S. citizen step-parent?**
No. Children can only derive citizenship from biological parents or adoptive parents.
- **Will my child have to pass a naturalization exam?**
No. The child is not tested on U.S. history, civics, reading, or writing.
- **Do I have enough documents to demonstrate physical presence in the United States?**
Your lawyer will discuss what documents are required from the parent and the child.
- **I am a U.S. citizen father and did not marry the child's mother: will this be a problem?**
Your lawyer will discuss what proof USCIS requires when the biological parents were never married to each other.
- **Can my child just apply for a U.S. passport instead?**
Yes, that is possible. Your lawyer will discuss the benefits of applying for a Certificate of Citizenship as well.