

## Nationality Chart 4

### Children of U.S. Citizens Regularly Residing Abroad (INA 322)

CHILD	GENERAL REQUIREMENTS	PHYSICAL PRESENCE OF PARENT OR GRANDPARENT
<p><b>Genetic or Legitimated Child</b></p> <p><i>Must meet definition of child in INA 101(c)(1). This means a biological or legitimate child, or a child legitimated before their 16<sup>th</sup> birthday. Benefits under this law are not available for stepchildren or for illegitimate children.</i></p> <p style="text-align: center;"><b>OR</b></p> <p><b>Adopted Child</b></p> <p><i>Must meet definition of adopted child in INA 101(b)(1). This means the child must either have approved I-600 or be eligible to have an I-130 (which does not have to be filed) approved under INA 101(b)(1)(E).</i></p>	<ul style="list-style-type: none"> <li>• Child has at least one U.S. citizen parent by birth or through naturalization, (including an adoptive parent). Adoptive parent must meet requirements of either INA 101(b)(1)(E), INA 101(b)(1)(F), or INA 101(b)(1)(G).</li> <li>• Child's USC parent or USC grandparent meets physical presence requirements.</li> <li>• Child is under 18 years of age (adjudication and the taking of the Oath, unless waived because the child is unable to understand its meaning by reason of mental incapacity or young age, must be completed before the child's 18th birthday).</li> <li>• Child is residing outside of U.S. in the legal and physical custody of the USC parent, or a person who does not object to the application if the USC parent is deceased.</li> <li>• Child is lawfully admitted, physically present, and maintaining a lawful status in U.S. at the time the application is approved and time of naturalization. Both the child and the citizen parent must appear at an interview.</li> </ul>	<p><b>U.S. Citizen Parent</b></p> <p>U.S. citizen parent was physically present in the U.S. or its outlying possessions for at least 5 years (2 after age 14)</p> <p><i>If the child's parent does not meet the physical presence requirement, the child may rely on the physical presence of the child's U.S. citizen grandparent (5 yrs, 2 after age 14)</i></p> <p style="text-align: center;"><b>OR</b></p> <p><b>U.S. Citizen Grandparent or Legal Guardian</b></p> <p><i>If the U.S. citizen parent has died, the child's USC grandparent or USC legal guardian may file on the child's behalf within five years of parent's death.</i></p> <p><i>At time of death, the USC parent (or grandparent) must have met physical presence requirements.</i></p>