

Adoptee Citizenship Factsheet

Identifying, Ensuring, and Documenting Citizenship of International Adoptees

Adoptive parents, adult adoptees, and adoption professionals can use this factsheet to better identify, ensure, and document citizenship status themselves or seek the assistance of an immigration attorney as necessary. Low-income or jobless adult adoptees might attempt to engage The Legal Aid Society or a local legal aid clinic.³

The current status of adoptees and the process to acquire citizenship, including visa types, time limits, form numbers, and fees, are as follows:⁴

Identifying Citizenship

- Children and adults who were adopted before February 27, 2001 and were under the age of 18 at that time are automatic citizens. If they lack documentation, it is advisable to apply for and acquire documentation of citizenship.
- Children that entered on **IR-3** and **IH-3** visas after February 27, 2001 are automatic citizens. Since 2004, these adopted children generally receive an official Certificate of Citizenship in the mail.
- Adoptees who were over the age of 18 on February 27, 2001 must go through a naturalization process and apply for citizenship.
- Children that arrived on **IR-4** or **IH-4** visas after February 27, 2001 and are currently under the age of 18 must be readopted before age 18 in order for citizenship to attach. Once they are readopted in their state of residence, citizenship is automatic. If they lack documentation of citizenship, it may be advisable to apply for and acquire documentation of citizenship.
- Adult adoptees now over the age of 18 who arrived with **IR-4** or **IH-4** visas are automatic citizens only if they were readopted in the state of residence by their parents. If they were never readopted, they maintain Legal Permanent Resident (LPR) status and must go through a naturalization process to apply for citizenship. A Green Card is proper documentation of LPR status. While a Green Card does expire after ten years, LPR status has not expired. However, the Green Card should be reapplied for in order to document legal status until the naturalization process is complete.⁵
- Adult adoptees currently over the age of 18 who arrived with **IR-4** or **IH-4** visas and were readopted in their state of residence prior to age 18 received automatic citizenship upon readoption. It is advisable to apply for and acquire documentation of citizenship.

³ The *Adoption Advocate* is published for general educational purposes only and should not be read as legal advice. Every case is unique, and NCFCA recommends that you consult an expert for individualized advice based on the specific details of your concerns and the relevant adoption laws and practices of the state and nations relevant to your situation.

⁴ Note: Form numbers and fees regularly change. Be sure you have the most current information by visiting the USCIS website at www.uscis.gov.

⁵ Karen Law, adoption/immigration attorney and member of the American Academy of Adoption Attorneys, in a personal communication, September 27, 2011.



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(cont.)

Acquiring Citizenship

Readoption

As indicated above, citizenship for many children requires readoption in their U.S. state of residence. Exact adoption laws vary from state to state. Consult an adoption attorney or adoption agency in your state to assist you in properly finalizing a U.S. readoption.

Naturalization

The naturalization process and a person's eligibility may vary depending on the unique facts of your case, including how you determined you were not a citizen, at what time you were adopted, and other variables. We recommend you contact an immigration attorney to assist you in this process. More information on How to Apply for Naturalization is available at www.uscis.gov, including a Naturalization Self Test, and Form N-400, Application for Naturalization.⁶

Proper Documentation of Citizenship

Once citizenship has been acquired, it is often helpful to have documentation to show proof of citizenship. A U.S. Passport or Certificate of Citizenship are both forms of citizenship documentation.

Passport

The U.S. Department of State's Office of Passport Services designates many post offices, court clerks, public libraries, state and local government agents to accept passport applications on its behalf. You can search here for a location near you: <http://iafdb.travel.state.gov/>

Children under age 16 and all first-time applicants must appear in person at a designated location to apply for a Passport. You can learn what is required, see the current costs (at time of publication, \$80 for minors and \$110 for adults), and download the appropriate forms here: <http://www.travel.state.gov/passport/>

Certificate of Citizenship

Unlike a Passport, a Certificate of Citizenship has no expiration date and need never be renewed; however, it does come at a slightly higher cost (at time of publication, \$550 for an adopted child). You can learn more and download Form N-600, Application For Certificate of Citizenship, at www.uscis.gov. Under the Forms tab, click Adoptions-Based Forms, and Form N-600 will be available to download.

Helpful Hint: Missing foreign adoption decrees and birth certificates are retrievable at no cost from USCIS. You can request missing documents by downloading and submitting Form G-884, Return of Original Documents, available at www.uscis.gov. Under the Forms tab, click on Adoptions-Based Forms, and the G-884 will be available for immediate download.

⁶ Citizenship Through Naturalization. U.S. Citizenship and Immigration Services. Retrieved from <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d84d6811264a3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=d84d6811264a3210VgnVCM100000b92ca60aRCRD>

