

**QUESTION:** Can you explain the rules for how a child gets U.S. citizenship automatically when his mother naturalizes? I was born abroad. My parents weren't U.S. citizens then, but they were when I arrived in the United States with my immigrant visa. I was age 18 at the time. Am I already a U.S. citizen, or must I apply?

**ANSWER:** Since you were already 18 when you became a permanent resident, you are not a U.S. citizen. You'll need to naturalize. I get lots of questions like yours. It's time for a review. Interested readers may want to save this column.

Whether a permanent resident gets automatic (derivative citizenship) based on a parent's or parents' citizenship depends on the law in place when the child turned 18.

Children who turned 18 prior to Feb. 27, 2001, automatically became U.S. citizens if: (1) a parent naturalized before the child turned 18, (2) the child became a permanent resident before turning 18, AND (3) the child was unmarried, and he or she met ONE of the following requirements:

- The other parent was or became a U.S. citizen before the child turned 18.
- The child was born out of wedlock and the parent naturalized was the mother.
- The child's other parent died before the child turned 18.
- Before the child turned 18, the parents were divorced or separated, and the parent being naturalized had legal custody of the child following the divorce or separation.

Children who turned 18 on or after Feb. 27, 2001, get citizenship automatically if:

- At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
- The child is unmarried and under the age of 18 years.
- The child is residing in the United States in the legal and physical custody of the citizen parent.
- The child is a permanent resident.

The order of events makes no difference. If the child is a permanent resident and under 18, and then a parent naturalizes, the child gets citizenship. If the parent naturalizes (or was born in the United States) and the child gets permanent residence, the child becomes a U.S. citizen when he or she becomes a permanent resident, if that happens before the child is 18.

If the child is born illegitimate and is not legitimated before reaching the age of 18, the naturalization of the father will not result in the child gaining derivative citizenship.

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