

Tables Of Transmission Requirements Over Time For Citizenship For Certain Individuals Born Abroad

BIRTH ABROAD TO TWO U.S. CITIZEN PARENTS, MARRIED

Date of Birth	Transmission Requirements	Reference	Reference
Before noon EST May 24, 1934	One parent resided in the U.S.	Sec. 1993 Revised Statutes (RS) Sec. 301(h) INA § 101 P.L. 103-416	7 FAM 1135.1; 1135.2
Noon EST May 24, 1934 and prior to Jan. 13, 1941	One parent resided in the U.S.	Sec. 1993, RS as amended by Act of 5/24/34.	7 FAM 1135.6-1
Jan. 13, 1941 and prior to Dec. 24, 1952	One parent resided in the U.S. or possession	Sec. 201(c) NA	7 FAM 1134.2(c); 1134.3-1c; 1134.3-2
On or after Dec. 24, 1952	One parent resided in the United States or possession	Sec. 301(a)(3), now 301(c) INA	7 FAM 1134.3-1c; 1133.3-1a

Notes:

- In all cases residence must take place **prior** to the child's birth.
- The law does not define how long residence must be.
- Children born to two U.S. citizen parents never had retention requirements.

CHILD BORN OUT OF WEDLOCK TO U.S. CITIZEN MOTHER

Date of Birth	Transmission Requirements	Reference	Reference
Before noon EST May 24, 1934	Mother resided in the U.S. or possession prior to child's birth; child not legitimated by alien father before Jan. 13, 1941.	Sec. 205, Paragraph 2, NA	7 FAM 1135.3-2; 1134.5-4
Noon EST May 24, 1934 and prior to Jan. 13, 1941	Mother resided in U.S. or possession prior to the child's birth.	Sec. 1993, RS as amended by Act of 5/24/34; Sec. 205, Para 2, NA	7 FAM 1135.7-2; 1134.5-4
Jan 13, 1941 and prior to Dec. 24, 1952	Mother resided in U.S. or possession prior to child's birth	Sec. 205, Paragraph 2, NA	7 FAM 1134.5-4
On or after Dec 24, 1952	Mother physically present in U.S. or possession continuously 12 months prior to child's birth	Sec 309 (c), INA	7 FAM 1133.4-3

Note:

- Children born out of wedlock to a U.S. citizen mother never had retention requirements.

BIRTH ABROAD TO U.S. CITIZEN PARENT AND ALIEN PARENT, MARRIED

Date of Birth	Transmission Requirements	Reference	Retention Requirements	Reference
Before noon EST May 24, 1934	Either U.S. citizen father or mother could transmit. U.S. citizen parent resided in U.S. before child's birth	Sec. 1993, Revised Statutes (RS) 7 FAM 1135 Sec. 301(h) INA § 101 P.L. 103-416	None	
Noon EST May 24, 1934 and prior to Jan. 13, 1941	Either U.S. citizen father or mother could transmit. U.S. citizen parent resided in U.S. before child's birth	Sec. 1993, RS as amended in 1934 7 FAM 1135.6	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance: (1) 5 years of residence between ages 13-21 if begun before Dec. 24, 1952; or (2) 2 years continuous physical presence between the ages 14-28;* or (3) 5 years continuous physical presence between ages 14-28 if begun before Oct. 27, 1972** (4) None if parent employed certain occupation*** (5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	Sec. 324(d)(1) INA § 101 P.L. 103-416 (1) Sec. 201 (g) & (h) NA; 7FAM 1134.6 (2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-3, 5-4 (3) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-2b; 1133.5-3; 1133.5-9 (4) Sec. 201(g) NA; 7 FAM 1134.6 (5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11
Jan 13, 1941 and prior to Dec. 24, 1952	Citizen parent resided in U.S. or possession 10 years prior to child's birth, five of which after the age of 16	201(g) NA; 7 FAM 1134.2; 1134.3	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance: (1) 2 years continuous physical presence between ages 14-28*; or (2) 5 years continuous physical presence between ages 14-28	Sec. 324(d)(1) INA § 101 P.L. 103-416 (1) Former Sec. 301(b), (c) INA; 7 FAM 1134.6 (2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-

			<p>if begun before Oct 27, 1972**</p> <p>(3) None if parent employed certain occupation***</p> <p>(4) None if child born on or after Oct. 10, 1952</p> <p>(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18</p>	<p>2(b); 1133.5-3; 1133.5-9</p> <p>(3) 201(g) NA; 7 FAM 1134.6-2</p> <p>(4) P.L. 95-432; 7 FAM 1133.5-13</p> <p>(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11</p>
Jan 13, 1941 and prior to Dec. 24, 1952	Citizen parent in U.S. Military Dec. 7, 1941 – Dec. 31, 1946 and resided in U.S. or possession 10 years prior to child’s birth, five of which after age 12.	201(i) NA; 7 FAM 1134.2; 1134.4a, 1134.4e	<p>Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:</p> <p>(1) 2 years continuous physical presence between ages 14-28*;</p> <p>or</p> <p>(2) 5 years continuous physical presence between ages 14-28 if begun before Oct. 27, 1972**</p> <p>(3) None if child born on or after Oct. 10, 1952</p> <p>(4) None if alien parent naturalize and child began to reside permanently in U.S. while under age 18</p>	<p>Sec. 324(d)(1) INA</p> <p>§ 101 P.L. 103-416</p> <p>(1) Former Sec. 301(b) INA; 7 FAM 1134.4(e); 1133.5</p> <p>(2) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-1a; 1133.5-2; 1133.5-8</p> <p>(3) P.L. 95-432; 7 FAM 1134.2,3</p> <p>(4) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11</p>

Notes:

*Absences of less than 60 days in aggregate during 2 year period does not break continuity.

**Absences of less than one year in aggregate during 5 year period do not break continuity.

***U.S. Government, American educational, scientific, philanthropic, religious, commercial, or financial organization or an International Agency in which the U.S. takes part.

Note: Residence or physical presence of parent must take place **before** child’s birth.

BIRTH ABROAD TO U.S. CITIZEN PARENT AND ALIEN PARENT, MARRIED (continued)

Date of Birth	Transmission Requirements	Reference	Retention Requirements	Reference
Jan. 13, 1941 and prior to Dec. 24, 1952	Citizen parent in U.S. Military Jan. 1, 1947 – Dec. 24, 1952 and resided in U.S. or possession 10 years prior to child's birth, five of which after age 14, and who did not qualify under either provision above.	Sec. 301(a)(7), now 301(g) INA; 7 FAM 1134.4f	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance: (1) 2 years continuous physical presence between ages 14-28*; or (2) 5 years continuous physical presence between ages 14-28 if begun before Oct. 27, 1972** (3) None if child born on or after Oct. 10, 1952 (4) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	Sec. 324(d)(1) INA § 101 P.L. 103-416 (1) Former Sec. 301(b), (d) INA; 7 FAM 1133.5 (2) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-1a; 1133.5-2; 1133.5-8 (3) P.L. 95-432; 7 FAM 1133.5-13 (4) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11
Dec. 24, 1952 and prior to Nov. 14, 1986	Citizen parent physically present in U.S. or possession 10 year prior to child's birth, five of which after age 14.*	Sec. 301(a)(7), now Sec. 301(g) INA; 7 FAM 1133.2-1; 1133.3-1c	None	
On or after Nov. 14, 1986	Citizen parent physically present in U.S. or possession 5 years prior to child's birth, two of which after the age 14. *	301(g) INA; P.L. 99-653; P.L. 100-525	None	

Notes:

*Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as a dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included.

CHILD BORN OUT OF WEDLOCK TO U.S. CITIZEN FATHER AND ALIEN MOTHER

Date of Birth	Transmission and Legal Relationship Requirements	Reference	Retention Requirements	Reference
Before Noon EST May 24, 1934	<p>Legitimated under law of father's U.S. or foreign domicile.</p> <p>Father resided in U.S. before child's birth.</p>	Sec. 1993 Revised Statutes (RS); 7 FAM 1135.3-1	None	
Noon EST May 24, 1934 and prior to Jan. 13, 1941	<p>Legitimated under law of father's U.S. or foreign domicile.</p> <p>Father resided in U.S. before child's birth.</p>	Sec. 1993, RS as amended in 1934; 7 FAM 1135.7-1	<p>Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:</p> <p>(1) 5 years of residence between ages 13-21 if begun before Dec. 24, 1952; or</p> <p>(2) 2 years continuous physical presence between ages 14-28;* or</p> <p>(3) 5 years continuous physical presence between ages 14-28 if begun before Oct. 27, 1972**</p> <p>(4) None if parent employed certain occupation***</p> <p>(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18</p>	<p>Sec. 324(d)(1) INA § 101 P.L. 103-416</p> <p>(1) Sec. 201(g) & (h) NA; 7 FAM 1134.6</p> <p>(2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-3, 5-4</p> <p>(3) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-2b; 1133.5-3; 1133.5-9</p> <p>(4) Sec. 201(g) NA; 7 FAM 1134.6</p> <p>(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11</p>
Jan. 13, 1941 and prior to Dec. 24, 1952	(1)(A) Father physically present in U.S. or possession 10 years prior to child's birth, 5 of which after the age of 14. Honorable U.S. military service, employment with U.S. Government or Intergovernmental organization, or as dependent unmarried son or daughter and member of the household of a parent in such service or	301(a)(7) INA now Sec. 301(g)	<p>Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:</p> <p>(1) 2 years continuous physical presence between ages 14-28*;</p> <p>or</p> <p>(2) 5 years continuous physical presence between ages 14-</p>	<p>Sec. 324(d)(1) INA § 101 P.L. 103-416</p> <p>(1) Former Sec. 301(b), (c) INA; 7 FAM 1134.6</p> <p>(2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-2(b);</p>

	<p>employment may be included; and</p> <p>(B) Paternity established before age 21 by the legitimation law of father's or child's residence/domicile; OR</p> <p>(2)(A) Father resided in U.S. or possession 10 years prior to child's birth, five of which after the age of 16 years; and</p> <p>(B) Paternity established during minority by legitimation or court adjudication before Dec. 24, 1952</p>	<p>Sec. 309(b) INA</p> <p>Sec. 201(g) NA</p> <p>Sec. 205 NA</p>	<p>28 if begun before Oct. 27, 1972**</p> <p>(3) None if parent employed certain occupation ***</p> <p>(4) None if child born on or after Oct. 10, 1952</p> <p>(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18</p>	<p>1133.5-3; 1133.5-9</p> <p>(3) 201(g) NA; 7 FAM 1134.6-2</p> <p>(4) P.L. 95-432; 7 FAM 1133.5-13</p> <p>(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11</p>
<p>Dec. 24, 1952 and prior to Nov. 14, 1968</p>	<p>(1) Father physically present in U.S. or possession 10 years prior to child's birth, five of which after age 14. Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and</p> <p>(2) Paternity established under age 21 by the legitimation law of father's or child's residence/domicile.</p>	<p>301(a)(7) INA now Sec. 301(g)</p> <p>Sec. 309(a) INA as originally enacted</p>	<p>None</p>	
<p>After Nov. 14, 1968 up to or before Nov. 14, 1971</p>	<p>(1)(A) Father physically present in U.S. or possession 10 years prior to child's birth, 5 of which after the age of 14. Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as</p>	<p>301(a)(7) INA now Sec. 301(g)</p>	<p>None</p>	

	<p>dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and</p> <p>(2)(A) Blood Relationship established between father and child, father a U.S. citizen at time of child's birth, father (unless deceased) agrees in writing to support child until 18 years and while child is under 18 years (i) child is legitimated, (ii) father acknowledges paternity, or (iii) paternity established by court adjudication;</p> <p>or</p> <p>(B) Paternity established before age 21 by the legitimation law of father's or child's residence/domicile</p>	<p>Sec. 309(a) INA as amended Nov. 14, 1986; 102 Stat. 2619</p> <p>Sec. 309(a) INA as originally enacted</p>		
<p>After Nov. 14, 1971 and before Nov. 14, 1986</p>	<p>(1) Father physically present in U.S. or possession 10 years prior to child's birth, 5 of which after the age of 14. Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and</p> <p>(2) Blood relationship established between father and child, father a U.S. citizen at time of child's birth, father</p>	<p>301(a)(7) INA now Sec. 301(g)</p> <p>Sec. 309(a) INA as amended Nov. 14, 1986; 102 Stat. 2619</p>	<p>None</p>	

	<p>(unless deceased) agrees in writing to support child until 18 years and while child is under 18 years (i) child is legitimated, (ii) father acknowledges paternity, or (iii) paternity established by court adjudication.</p>			
<p>On or after Nov. 14, 1986</p>	<p>(1) Father physically present in U.S. possession 5 years prior to child's birth, 2 of which after the age of 14. Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and</p> <p>(2) Blood relationship established between father and child, father a U.S. citizen at time of child's birth, father (unless deceased) agrees in writing to support child until 18 years and while child is under 18 years (i) child is legitimated, (ii) father acknowledges paternity, or (iii) paternity established by court adjudication.</p>	<p>301(a)(7) INA now Sec. 301(g)</p> <p>Sec. 309(a) INA as amended Nov. 14, 1986, 102 Stat. 2619</p>	<p>None</p>	