



# AMERICAN CITIZENS ABROAD

EDUCATE, ADVOCATE AND INFORM

November 4, 2021

Department of Homeland Security  
U.S. Citizenship and Immigration Services

To whom it may concern:

American Citizens Abroad, Inc (ACA) is a membership organization incorporated as a non-profit organization. Its structure and operations fall within the rules applicable to a social welfare organization (section 501(c)(4) of the Internal Revenue Code).

ACA has been representing and advising US citizens living abroad since 1978. One of its principal activities was and is promoting the citizenship rights of children born abroad to American citizens. Some of these children do not qualify for U.S. citizenship at birth due to the fact that their American parent has not lived long enough in the USA in order to transmit U.S. citizenship to their children born abroad. One of the ways this situation can be remedied is by filing Form N-600K requesting naturalization under Section 322 of the INA.

Many of our members have come to us for help and advice when filing Form N-600K. Over the years we have tried to give the best advice so that our members can obtain a favourable outcome when filing this form. However, there are a couple of items in the instructions which are not clear and for which we are seeking clarification.

Question 1:

The instructions for Form N-600K state (on page 2):

***The following individuals may file this application on behalf of an eligible foreign-born child:***

**1. U.S. Citizen Parent**

...

**2. U.S. Citizen Grandparent**

*A U.S. citizen parent of the child's U.S. citizen parent (the grandparent)*

3. ...

On page 3 the instructions clearly state:

***This application should not be filed:***

1...

2...

3. *By any person other than a U.S. citizen parent of the child, unless that parent has died*

4...

5...

6...



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Also, the law itself states:

*Sec. 322. (8 U.S.C. 1433) (a) A parent who is a citizen of the United States (or, if the citizen parent has died during the preceding 5 years, a citizen grandparent or citizen legal guardian) may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320....*

In light of these contradictory instructions who, actually, is allowed to file? Can a grandparent actually file on behalf of his/her minor grandchild even if the direct parent is still alive?

Question 2:

Our second question concerns the persons that should be present for the final interview and swearing in at the USCIS office in the USA. It is clear that the child and sponsoring parent must be present. However, the presence of the grandparent does not seem to be specifically required when the direct parent is filing on behalf of the minor child, even if it's the five-year presence of the grandparent that is being invoked. Some of our members have wondered if the grandparent should nevertheless be present as the instructions on page 8 state:

*The processing includes: interview of the applicant and qualifying relative (parent or grandparent) or guardian (if applicable),...*

The word "applicant" here, presumably refers to the child him/herself. The "qualifying relative" seems to refer to either the parent or the grandparent depending on whose five-year U.S. presence is being invoked. So, our question is: who should be present (other than the child) the parent, the grandparent or both?

We eagerly await your clarification of the questions above and thank you in advance for any information you can provide.

Kind regards,

Karl Jauch  
Executive Committee Member and Director,  
American Citizens Abroad, Inc.