



June 7, 2022

Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

RE: Comments from American Citizens Abroad, Inc. (ACA) concerning the “Application for Citizenship and Issuance of Certificate Under Section 322” (Form N-600K) (OMB Control Number 1615-0067) as announced by the U.S. Citizenship and Immigration Services under Docket ID number USCIS-2007-0019 dated May 13, 2022.

Dear Ms. Deshommes:

American Citizens Abroad, Inc (ACA) is a membership organization incorporated as a nonprofit 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 U.S. 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 favorable outcome when filing this form. However, there are two items in the instructions which are not clear and which we request be better specified in an upcoming revision of Form N-600K.

Item 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...

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? If so, the instructions and form should clear state this fact; if not, then the instructions on page 2 should be reworded to specify that the grandparent can file only if the parent has died.

Item 2:

Our second remark 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. Therefore we are asking for a clarification in the instructions: who should be present (other than the child) the parent, the grandparent or both?

ACA anticipates that the forthcoming revision of Form N-600K and its instructions be rewritten in such a way as to remove the two uncertainties as described above and to remove all doubt concerning the applicable rules when requesting naturalization of minor children under Section 322.

Respectfully submitted by American Citizens Abroad, Inc. (ACA)