

Citizenship to the child by mail automatically.¹¹⁷

An IR-4 visa is generally issued after approval of an orphan visa if (1) neither parent has seen or observed the child before or during the adoption; the adopter(s) plan to complete the final adoption in the United States, or only one of the married adopters adopted the child abroad and the other parent will adopt the child in the United States. An IH-4 visa will be issued after final approval of the I-800 if the petitioner did not complete a final adoption abroad, or if only one spouse of a married couple completed a final adoption abroad. Generally an IR-2 visa is issued to an adopted child after approval of Form I-130.¹¹⁸

If a child enters to reside permanently on an IR-4, IH-4, or IR-2 visa, the child will receive a green card (a permanent resident card) by mail and if the child meets all of the conditions for citizenship before the child's 18th birthday, the family can file an N-600 form with a fee to USCIS to obtain a Certificate of Citizenship.¹¹⁹ I am told anecdotally that the waiting time to receive the Certificate after sending the N-600 form varies by region, and is approximately four months in Oklahoma, but could be as long as 16-18 months elsewhere.¹²⁰ A different form and process must be used if the child will reside outside the United States.¹²¹

An adopter may obtain a U.S. passport for a foreign-born adopted child by submitting a Certificate of Citizenship to the Department of State, or if a Certificate of Citizenship has not been obtained, the applicant must submit other proof of acquisition of citizenship, including a certified copy of the final adoption decree (and translation if not in English) and evidence the child met all the conditions of 8 U.S.C. § 1431 while under the age of 18. Once the Department of State has issued a passport for a child, USCIS may deny a Certificate of Citizenship because the passport will serve as evidence of citizenship.¹²²

Prior to 2001, foreign-born adopted children remained lawful permanent residents until their parents, on their behalf, or they as adults applied for naturalization. Adopted children who had not yet been naturalized by February 28, 2001, but who met all of the requirements of the Act on that date, became automatic citizens as long as they had not yet reached eighteen years of

¹¹⁷ *U.S. Citizenship for an Adopted Child*, *supra* note 115.

¹¹⁸ *Your New Child's Immigrant Visa*, *supra* note 116.

¹¹⁹ *U.S. Citizenship for an Adopted Child*, *supra* note 116.

¹²⁰ Telephone conversation with Jennifer Kern, August 27, 2019.

¹²¹ *See U.S. Citizenship for an Adopted Child*, *supra* note 16, for additional information on this process.

¹²² *Id.*