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## PUBLIC SUBMISSION

# Comment Submitted by Xuan Luo

Posted by the **U.S. Citizenship and Immigration Services** on Aug 29, 2021

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Comment

The draft N-600 instructions, in "Who Should File Form N-600?", says, "If you are claiming U.S. citizenship based on your birth outside the United States to U.S. citizen parents, the law in effect on the date of your birth applies. For purposes of these provisions, you must be the biological child of your U.S. citizen parent, and different provisions may apply depending on whether you were born in wedlock or out-of-wedlock."

This does not reflect the guidance in USCIS policy alert PA-2021-17, "Assisted Reproductive Technology and In-Wedlock Determinations for Immigration and Citizenship Purposes". The new policy says, among other things, that, "USCIS defines "child" to include the child of a U.S. citizen parent who is married to the child's genetic or legal gestational parent at the time of the child's birth if both parents are recognized by the relevant jurisdiction as the child's legal parents."

Under the new guidance, it is not necessary to be the biological child of the US citizen parent in order to claim citizenship at birth for a child born abroad. Showing that one is the biological child of a non-US-citizen parent who was married to a US citizen at the time of the child's birth is also sufficient, if the parents were recognized as the legal parents of the child. The N-600 instructions should be revised to reflect this guidance.

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