



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



CITIZENSHIP FOR SPOUSES AND CHILDREN OF MILITARY MEMBERS

Expedited Naturalization for Spouses of Military Members

Spouses of U.S. citizen service members who are (or will be) deployed may be eligible for expedited naturalization in the United States under Section 319(b) of the Immigration and Nationality Act (INA).

In general, an applicant for naturalization under section 319(b) of the INA must:

- Be age 18 or older
- Establish that his or her U.S. citizen spouse is deployed abroad as a service member
- Be present in the U.S. pursuant to a lawful admission for permanent residence (green card holder) at the time of examination on the naturalization application
- Be present in the U.S. at the time of naturalization
- Declare in good faith upon naturalization an intent to reside abroad with the U.S. citizen spouse and to reside in the U.S. immediately upon the citizen spouse's termination of service abroad
- Be able to read, write, and speak basic English
- Have a basic knowledge of U.S. history and government (civics)
- Have been, and continue to be, a person of good moral character, attached to the principles of the U.S. Constitution and well-disposed to the good order and happiness of the U.S. during all relevant periods under the law

Overseas Naturalization for Spouses of Military Members

The National Defense Authorization Act for Fiscal Year 2008 added Section 319(e) to the INA which allows certain eligible spouses of service members to naturalize abroad without traveling to the United States for any part of the naturalization process and also treats qualifying residence abroad as residence and physical presence in the U.S. for purposes of naturalization.

In general, to be eligible for naturalization abroad pursuant to section 319(e) of the INA, the permanent resident spouse of a member of the U.S. armed forces must:

- Be authorized to accompany the service member abroad pursuant to the member's official orders
- Be residing abroad with the member in marital union
- Meet the requirements of either Section 316(a) or 319(a) of the INA at the time of filing the naturalization application, except for the residence and physical presence requirements.

Section 319(a) applies to spouses of U.S. citizens who have been permanent residents for 3 years immediately preceding the date of filing the naturalization application and who have lived in marital union with their citizen spouses for at least those 3 years. Section 316(a) applies to spouses who have been permanent residents for 5 years immediately preceding the date of filing the naturalization application.

Overseas Naturalization for Children of Military Members

The National Defense Authorization Act for Fiscal Year 2008 amended Section 322 of the INA to allow certain eligible children of service members to become naturalized U.S. citizens without having to travel to the United States for any part of the naturalization process.

Under section 322 of the INA, a parent who is a U.S. citizen (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 of the INA. The general conditions are that:

- At least one parent is a U.S. citizen or, if deceased, the parent was a U.S. citizen at the time of death.
- The U.S. citizen parent or his or her U.S. citizen parent has (or at the time of death had) been physically present in the United States or its outlying possessions for at least 5 years, at least two of which were after attaining the age of 14.
- The child is under the age of 18 years.
- The child is residing outside of the United States in the legal and physical custody of the U.S. citizen parent (or, if the citizen parent is deceased, an individual who does not object to the application).
- The child is temporarily present in the United States after having entered lawfully and is maintaining lawful status in the United States.

Pursuant to section 322(d) of the INA, a child of a member of the U.S. armed forces who is abroad with the service member pursuant to official orders is not required to be present in the United States pursuant to a lawful admission, and the U.S. citizen parent service member may count any period of time of residence abroad on official orders as physical presence in the United States.

For additional information on this topic. Please contact your local legal assistance office to speak with an attorney.

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