

CITIZENSHIP FOR FAMILY MEMBERS

Spouses of members of the U.S. Armed Forces (servicemembers) may be eligible for expedited or overseas naturalization. Children of servicemembers may also be eligible for overseas naturalization. While there have been significant policy changes related to the expedited process of naturalization through military service for lawful permanent residents (LPRs), they are not extended to spouses or children. This lesson provides a general overview of the naturalization process for family members, including eligibility criteria, available benefits and resources to access additional information to complete the process of naturalization.

EXPEDITED NATURALIZATION FOR SPOUSES OF MILITARY MEMBERS

Spouses of U.S. citizen servicemembers who are (or will be) stationed abroad may be eligible for expedited naturalization in the U.S. under section [319\(b\)](#) of the Immigration and Nationality Act ([INA](#)).

To apply for naturalization under INA 319(b), you generally must:

- Be age 18 or older;
- Establish your spouse is a U.S. citizen who is, or will be, regularly stationed abroad as a member of the U.S. armed forces for a period of one year or more;
- Be authorized to accompany your spouse abroad by your spouse's official orders;
- Be present in the U.S. as a lawful permanent resident at the time of your naturalization application interview;
- Be present in the U.S. at the time of naturalization;
- Declare in good faith upon naturalization an intent to reside abroad with your U.S. citizen spouse and to reside in the U.S. immediately upon your 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); and
- 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

Under section [319\(e\)\(2\)](#) of the [INA](#) and [8 U.S.C. § 1443a](#), a lawful permanent resident (LPR) who is married to a member of the U.S. armed forces can naturalize abroad without traveling to the U.S. In general, to be eligible for naturalization abroad under section 319(e)(2) of the INA and 8 U.S.C. § 1443a, you must:

- Be the spouse of a member of the U.S. armed forces who is stationed abroad in that capacity;
- Be authorized to accompany your spouse abroad by your spouse's official orders;
- Reside abroad in marital union with your spouse; and
- Meet the requirements of either section [316\(a\)](#) or 319(a) of the INA at the time you file your naturalization application.
 - Section 316(a) applies to you, if you have been an LPR for at least 5 years immediately before the date you file the naturalization application and have been physically present in the U.S. for periods totaling at least two and a half years. Time spent living in marital union with your spouse who is abroad under military orders counts toward the continuous residence and physical presence requirements.
- Section 319(a) applies to you if:
 - You have been an LPR for at least 3 continuous years immediately before the date you file your naturalization application;
 - You have lived in marital union with your U.S. citizen spouse for at least 3 years immediately before you file your naturalization application;
 - Your U.S citizen spouse has been a U.S. citizen for at least 3 years immediately before you file your naturalization application; and
 - You have been physically present in the U.S. for periods totaling at least 18 months out of the 3 years immediately preceding the date you file your application. Time spent living in marital union with your spouse who is abroad under military orders counts toward the continuous residence and physical presence requirements.

You can file for naturalization up to 90 calendar days before you meet the time requirement for being an LPR. For example, if you are filing under section 319(a), you can file when you have been an LPR for 2 years and 275 days. However, if you file early under section 319(a):

- You must have been married to your U.S. citizen spouse for at least 3 years at the time you file;
- Your spouse must have been a U.S. citizen for at least 3 years at the time you file; and
- Meet all other eligibility requirements such as good moral character, etc.

Use the early filing calculator to determine your [earliest filing date](#) for naturalizations. For more guidance on naturalization for qualifying spouses of U.S. military personnel, including a quick reference chart on overseas naturalization, and filing tips, please see the [policy manual](#).

OVERSEAS NATURALIZATION FOR CHILDREN OF MILITARY MEMBERS

Certain children of servicemembers, including certain children adopted by U.S. citizen parents, can become naturalized U.S. citizens under [section 322](#) of the [INA](#) without having to travel to the U.S. for any part of the naturalization process. To be eligible for overseas naturalization, the child must appear on the servicemember's official orders and live abroad with the servicemember.

Generally, under section 322(a) and (d) 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 U.S. who has not acquired citizenship automatically under section 320 of the INA. The general requirements are:

- At least one parent is a U.S. citizen or, if deceased, that parent was a U.S. citizen at the time of death.
- The U.S. citizen parent or the U.S. citizen grandparent has (or at the time of death had) been physically present in the U.S. or its outlying possessions for at least 5 years, at least two of which were after the parent or grandparent turned 14 years old.
 - If the parent is a member of the U.S. armed forces, any period of time during which he or she is residing abroad on official orders is treated as physical presence in the U.S.
- The child is under the age of 18 years.

- The child is residing outside the U.S. 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).

NATURALIZATION FOR SURVIVING RELATIVES OF U.S. CITIZEN SERVICEMEMBERS

If you are the spouse, child or parent of a deceased U.S. citizen servicemember who died during a period of honorable service in an active-duty status, including a servicemember granted posthumous citizenship, you may be eligible for naturalization under Section [319\(d\)](#) of the Immigration and Nationality Act (INA).

You must be a lawful permanent resident and meet the other general naturalization requirements, except for the residence or physical presence requirements in the U.S. (It is important to check Box E in Part 2 of Form N-400 and write "Section 319(d) of the INA" in the space provided.)

If you were the spouse of the deceased servicemember, you must have been living with your spouse at the time of his or her death unless you lived apart because of circumstances beyond your control, such as your spouse's military service. However, you remain eligible for naturalization under this provision even if you have remarried since the servicemember's death.

SURVIVING RELATIVES OF U.S. CITIZEN SERVICEMEMBERS

If you are the spouse, child, or parent of a U.S. citizen who died as a result of injury or disease incurred in or aggravated by combat while serving honorably in an active duty status in the U.S. armed forces, you may be eligible for adjustment of status as an "immediate relative" if you file a petition on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, within 2 years after the servicemember's death.

If you are the spouse of a deceased servicemember, you will be considered an immediate relative for immigration purposes if:

- Your servicemember spouse served honorably in an active-duty status in the U.S. armed forces;
- Your spouse died as a result of injury or disease incurred in or aggravated by combat;
- You were not legally separated from your spouse at the time of their death;

- You file a petition on [Form I-360](#) within 2 years of your spouse's death; and
- You do not remarry before obtaining permanent residence based on your relationship to your U.S. citizen spouse. When filing Form I-360, you must check Box P in Part 2 of the form and write "Public Law 108-136."

If you are the child or parent of a deceased servicemember, you will be considered an immediate relative for immigration purposes if:

- Your servicemember relative served honorably in an active-duty status in the U.S. armed forces;
- Your relative died as a result of injury or disease incurred in or aggravated by combat; and
- You file a petition on Form I-360 within 2 years of your relative's death. When filing Form I-360, you must check Box P in Part 2 of the form and write "Public Law 108-136."

SURVIVING RELATIVES OF LPR SERVICEMEMBERS GRANTED POSTHUMOUS CITIZENSHIP

If you are the deceased servicemember's spouse, child, or parent and you applied for adjustment of status before the servicemember's death based on your relationship to the servicemember, we will adjudicate your application as if the servicemember's death did not occur if they:

- Served honorably in an active-duty status in the U.S. armed forces;
- Died as a result of injury or disease incurred in or aggravated by combat; and
- Were granted posthumous citizenship.

To request that your application be adjudicated as if the servicemember's death did not occur, write a letter to the [district office](#) having jurisdiction over your case, or indicate during your interview that you are eligible for adjustment under Section 1703 of Public Law 108-136 and provide proof of eligibility.

If the deceased servicemember was a lawful permanent resident who filed a visa petition for you as their spouse or child, you will be considered an immediate relative, and you may file a self-petition (Form I-360) as an immediate relative provided the deceased servicemember:

- Served honorably in an active-duty status in the U.S. armed forces;

- Died as a result of injury or disease incurred in or aggravated by combat; and
- Was granted posthumous citizenship.

In addition, if you are the spouse or child of a deceased servicemember who did not file a visa petition for you, or if you are the parent of a deceased servicemember, you may file a self-petition (Form I-360) as an immediate relative if you file within 2 years of the servicemember's death and if the servicemember:

- Served honorably in an active-duty status in the U.S. armed forces;
- Died as a result of injury or disease incurred in or aggravated by combat; and
- Was granted posthumous citizenship.

ADDITIONAL INFORMATION

- For information on the general naturalization requirements and procedures for spouses of U.S. citizens who do not qualify for expedited or overseas naturalization, see the [Citizenship](#) section of the USCIS website.
- For general information on acquired or derived citizenship for children of servicemembers, also visit the [Citizenship through Parents](#) webpage.
- For information on citizenship for surviving spouses or children of deceased servicemembers who died as a result of injury or disease incurred in or aggravated by military service, see the [Survivor Benefits for Relatives of U.S. Citizen Military Members](#) page.

RESOURCES

FIND A VA FACILITY

Use the [facility locator](#) or call 1-877-222-VETS (8387).

CONTACT YOUR COUNTY VETERANS SERVICE OFFICE

CalVet strongly recommends you work with the CVSO nearest you. Your CVSO can guide you through the benefits and services available as well as help connect you with other local resources.

The County Veterans Service Offices (CVSO) are locally funded agencies established to assist veterans and their families in obtaining benefits and services accrued through military service.

These County Veteran Service Offices promote the interest and welfare of veterans, their dependents, and their survivors by enhancing their quality of life through counseling, education, benefits assistance, and advocacy. They connect veterans to their benefits by assisting in their interactions with the VA.

FOR MORE INFORMATION:

Visit the [CalVet](#) website for more information, OR

Find the [CVSO](#) closest to you.

VA HOTLINES

[Veterans Crisis Line](#)

- 800-273-TALK (8255), or
- Text: 838255

[Combat Call Center](#)

- 877-WAR-VETS (927-8387)

[Women Veterans Call Center](#)

- 855-VA-WOMEN (829-6636)

SOURCES

USCIS Military <https://www.uscis.gov/military>

CDSS Immigration Services <http://www.cdss.ca.gov/Immigration-Services>

USCIS Citizenship for Family Members <https://www.uscis.gov/military/citizenship-family-members>