



WHAT ARE THE REQUIREMENTS FOR EXPEDITED NATURALIZATION?

For a military veteran or their spouse, the path to becoming a naturalized US citizen can feel complex under ordinary circumstances. There are forms to file and protocols to be met. Tack on the demands of military service and the process can seem even more demanding.

How do you meet the eligibility requirements for being a legal permanent resident if your spouse is regularly deployed overseas?

Fortunately, the Immigration and Nationality Act (INA) offers special provisions that can expedite the process..

First let's review the requirements. The U.S. Citizenship and Immigration Services lists the following requirements:

1. You must be 18 or older
2. You must be lawfully married to a US military servicemember who is regularly stationed abroad for a period lasting over one year.
3. You must be authorized to accompany your spouse overseas during their deployment
4. You must be present in the US for the naturalization application interview
5. You must be present in the US at the time of naturalization
6. You must declare, in good faith, your intent to reside with your spouse for the duration of the assignment and to return to the U.S. upon termination of their service overseas.

7. You must be able to read, write, and speak basic English
8. You must have a basic knowledge of US history and government
9. You must demonstrate good moral character and citizenship



CAN I BE NATURALIZED OVERSEAS AS A MILITARY SPOUSE?

The INA permits eligible military spouses to be naturalized abroad without having to travel to the United States through [INA 319\(e\)](#). In order to be eligible, a lawful permanent resident must meet the following requirements:

1. You must be authorized to accompany your spouse abroad per their official orders.
2. You must be residing abroad with the service member and be married.
3. You must meet the requirements of INA 316(a) or INA 319(a) at the time of filing for naturalization – **except for the residence and physical presence requirements.**

INA 316(a) Requirements:

- You must be a Lawful Permanent Resident (**LPR**) for at least five years before filing the naturalization application

INA 319(a) Requirements:

- You have been an LPR and have resided in the United States for at least three 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 three years immediately before you file your naturalization application;
- Your U.S citizen spouse has been a U.S. citizen for at least three years immediately before you file your naturalization application



Does my time abroad count toward residence requirements?

INA 319(e) makes a special provision for eligible military spouses by allowing time accompanying a spouse on assignment to count towards the continuous residence and physical presence requirements.

To be eligible:

- You must be a LPR who is married to a member of the U.S. Armed Forces
- You must be authorized to accompany and reside abroad with your spouse, pursuant to official orders
- You must accompany and reside with your spouse while abroad



What happens if I divorce my spouse before filing?

If you are no longer married to a service member when you file, you may still qualify for time spent abroad towards your eligibility requirements as long as you met the listed conditions at the time.

<https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-9>



I am a foreign-born spouse with an ailing parent. What are my options to assist with their naturalization?

According to the official USCIS website, spouses and children of service members may be eligible for expedited naturalization. But what paths are available for other family members such as parents or siblings?

If you are a naturalized citizen, you can sponsor your family for immigration as long as they meet certain requirements:

a. The parent must either be your biological parents or legal adoptive parents. The requirements differ for mothers and fathers:

Mothers:

- A copy of your birth certificate with her name listed
- A copy of your Certificate of Naturalization or Passport if you were not born in the United States

Fathers:

- A copy of your birth certificate with his name listed
- A copy of your parents' civil marriage certificate
- A copy of your Certificate of Naturalization or Passport if you were not born in the United States

b. They must pass a criminal background check

c. You must submit Form I-130 for each parent

d. You must fill out Form I-864. This is an affidavit of support, declaring your responsibility in ensuring your parents will not become public charges (i.e., dependant on welfare).

e. Application for Green Card

Adjustment of Status: If parents are in the U.S., they can apply for adjustment of status (Form I-485) after the I-130 is approved.

Consular Processing: If parents are outside the U.S., they need to complete consular processing at a U.S. embassy or consulate in their home country.

f. Medical and Security Checks

Parents will be required to undergo a medical examination and complete security checks as part of the immigration application process.



I have a child from a previous marriage. What are my options?

If your spouse is not the biological parent of your child, there are still pathways to help their naturalization process.

Adoption:

If your spouse has adopted your child or is a legal guardian, the child can benefit from your spouse's military status. They will still need to fulfill the normal requirements for naturalization, which include showing evidence of adoption or legal guardianship.

Once adopted, assuming the child is under 18, they can apply for citizenship.

The application can be done via [Form N-600K](#), which helps children of U.S. citizens obtain citizenship even while living abroad.

Source: Military One Source



What should I know about sponsoring a family member?

As a foreign-born spouse you cannot directly sponsor your parents until you become a citizen yourself. If they are currently permanent residents, they can apply for citizenship regardless of your current status.

You're correct; the naturalization options primarily focus on spouses and children of U.S. service members. This does limit the pathways available for siblings or parents under the same provisions.

Sponsorship:

When you sponsor your parents, you are entering a legal agreement to financially support them during the naturalization process. This ensures that they do not become dependent on government assistance or what the government refers to as a "public charge."

You will need to sign Form I-864.

Process

You must file Form I-130 (Petition for Alien Relative) to initiate the process.

Once approved your parents can apply for a green card, either through adjustment of status if they are in the U.S. or through consular processing if they are abroad.

You'll need to provide various documents proving your relationship to your parents and your ability to support them financially.

Sponsorship is a serious legal commitment. Failing to meet your financial obligations can have legal consequences.



How can I find a good immigration lawyer?

Sometimes you might need outside help to navigate the bureaucratic challenges of immigration. Here are some tips to help you find a good immigration lawyer:

Resources:

[American Immigration Lawyers Association \(AILA\)](#) - They provide a Military Assistance Program to help active-duty service members find pro-bone immigration attorneys.

[Military OneSource](#) –This platform offers information on immigration law and has resources specifically for military families. They can provide legal assistance or connect you with immigration services. Visit their [Citizenship and Immigration page]() for more information. |

[Veterans Naturalization Assistance Program \(VNAP\)](#) –If you are a veteran or the spouse of one, VNAP provides guidance on naturalization.

[National Immigration Legal Services Directory](#) – A project by the Immigration Advocates Network, this directory can help you locate nonprofit legal aid organizations specializing in immigration law.

[Military Legal Assistance Offices](#) – These offices provide free legal help for military personnel and their families, including assistance with immigration matters.



1. Check Qualifications: Ensure the lawyer specializes in immigration and understands the nuances of military-related naturalization.



2. Consult Multiple Attorneys: Schedule consultations to discuss your case. Many immigration attorneys offer initial consultations for free or at a low cost.



3. Ask About Experience: Inquire about their previous cases involving military families to gauge their expertise.



4. Review Fees: Discuss fees upfront. Some lawyers offer pro bono or reduced rates for military families.



5. Seek Recommendations: Connect with local military support groups or online forums where you can get personal recommendations.



6. Use Local Resources: You may also contact local bar associations that can refer you to immigration lawyers in your area.

By utilizing these resources, you'll significantly increase your chances of finding a qualified immigration lawyer to assist with the naturalization process for you and your family.
