



September 26, 2018

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Policy Alert

SUBJECT: Special Naturalization Provisions for Children

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance to amend the [USCIS Policy Manual](#) to clarify certain special naturalization provisions for children.

Background

In general, the spouse of a U.S. citizen who resides in the United States may be eligible for naturalization based on the marriage under section 319(a) of the Immigration and Nationality Act (INA).¹ Children² who have not already acquired U.S. citizenship through a parent may be eligible to naturalize under special provisions within INA 319. Qualified persons include children who obtained lawful permanent resident (LPR) status based on having been battered or subjected to extreme cruelty.³ In addition, surviving children of deceased U.S. armed forces members who died during a period of honorable service may also qualify.⁴ This updated Policy Manual guidance is controlling and supersedes any prior guidance.

Policy Highlights

- Explains eligibility requirements for special naturalization provisions under INA 319, including certain children subjected to battery or extreme cruelty and surviving children of deceased U.S. armed forces members.
- Clarifies that a child seeking naturalization under INA 319(a) is not required to live with the U.S. citizen parent for the 3 years before the naturalization application is filed, as is usually required.
- Clarifies that surviving children of U.S. armed forces members who qualify for naturalization under INA 319(d) are exempt from the usual continuous residence and physical presence requirements for naturalization.

Citation: Volume 12: Citizenship & Naturalization, Part G, Spouses of U.S. Citizens [[12 USCIS-PM G.3](#)]; Part H, Children of U.S. Citizens [[12 USCIS-PM H.6](#)].

¹ See [INA 319\(a\)](#). See [8 CFR 319.1](#).

² The child must be 18 years of age or older to apply for naturalization under this provision.

³ This includes children who were derivative applicants when seeking LPR status. See [INA 204\(a\)\(1\)\(A\)\(iii\)](#), [INA 204\(a\)\(1\)\(A\)\(iv\)](#), for inclusion of the derivative child in the VAWA self-petitioning provisions. See the Victims of Trafficking and Violence Protection Act of 2000, [Pub. L. 106-386](#) (October 28, 2000).

⁴ See [INA 319\(d\)](#). See the National Defense Authorization Act for Fiscal Year 2004, [Pub. L. 108-136](#) (November 24, 2003).