



October 12, 2018

PA-2018-08

## Policy Alert

SUBJECT: Marriage and Living in Marital Union Requirements for Naturalization

### Purpose



U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) to clarify the married and living in marital union requirements under section 319(a) of the Immigration and Nationality Act (INA).

### Background

In general, all naturalization applicants filing on the basis of marriage to a U.S. citizen must continue to be married from the time of filing for naturalization until the applicant takes the Oath of Allegiance for naturalization. In addition, statutory provisions require the applicant spouse to have been married and “living in marital union” (living together) with his or her U.S. citizen spouse for at least 3 years immediately before he or she filed the naturalization application.<sup>1</sup>

While the law requires that the applicant spouse and the U.S. citizen remain married until the time the applicant naturalizes, the living in marital union requirement is only required until the time of filing. This guidance updates Volume 12 of the Policy Manual. The guidance contained in the Policy Manual is controlling and supersedes any prior guidance.

### Policy Highlights

-  Clarifies that the applicant spouse and his or her U.S. citizen spouse must have been living in marital union for at least 3 years immediately preceding the date of filing for naturalization.<sup>2</sup>
-  Reaffirms that termination of the marriage at any time before the applicant takes the Oath of Allegiance for naturalization makes the applicant ineligible under INA 319(a).

### Citation:

Volume 12: Citizenship and Naturalization, Part G, Spouses of U.S. Citizens, Chapter 2, Marriage and Marital Union for Naturalization [[12 USCIS PM G.2](#)].

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<sup>1</sup> See [INA 319\(a\)](#). USCIS considers an applicant to “live in marital union” with his or her citizen spouse if the applicant and the U.S. citizen actually reside together.

<sup>2</sup> See [INA 319\(a\)](#). The corresponding regulation at [8 CFR 319.1\(a\)\(3\)](#) conflicts with the statute in providing that the living in marital union requirement applies until the time of the examination (interview for naturalization).