



February 26, 2020

PA-2020-06

Policy Alert

SUBJECT: Effect of Breaks in Continuity of Residence on Eligibility for Naturalization

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address naturalization applicants' absences from the United States of more than 6 months but less than 1 year during the statutorily required continuous residence period.

Background

An applicant for naturalization generally must have resided continuously in the United States after his or her lawful permanent resident (LPR) admission for at least 5 years¹ prior to filing the naturalization application (residence must continue until the applicant is naturalized²). Under the law, an absence from the United States for more than 6 months but less than 1 year during that 5-year statutory period triggers a presumption of a break in the continuity of such residence.³

This update to Volume 12 of the Policy Manual addresses when an applicant who has broken his or her continuous residence may reapply for naturalization. The guidance contained in the Policy Manual is controlling and supersedes any related prior USCIS guidance.

Policy Highlights

- Clarifies that naturalization applicants absent from the United States during the statutory period for more than 6 months but less than 1 year, must overcome the presumption that the continuity of residence has been broken in order to remain eligible for naturalization.
- Clarifies that an applicant who USCIS determines to have broken the continuity of residence must establish a new period of continuous residence; the requisite duration of that period depends on the basis upon which the applicant seeks to naturalize.

Citation

Volume 12: Citizenship and Naturalization, Part D, General Naturalization Requirements, Chapter 3, Continuous Residence [[12 USCIS-PM D.3](#)].

¹ See [INA 316\(a\)](#). Subject to certain conditions, spouses (and battered spouses and children) of U.S. citizens may apply for citizenship after 3 years of continuous residence. See [INA 319](#). The same conditions on continuous residence apply to these applicants.

² See [INA 316](#) and [INA 318](#).

³ See [INA 316\(b\)](#).