



August 28, 2019

PA-2019-05

Policy Alert

SUBJECT: Defining “Residence” in Statutory Provisions Related to Citizenship

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address requirements for “residence” in statutory provisions related to citizenship, and to rescind previous guidance regarding children of U.S. government employees and members of the U.S. armed forces employed or stationed outside the United States.

Background

Numerous statutory provisions related to citizenship¹ require applicants or their U.S. citizen parents to “reside” or to have had a “residence” in a particular location. USCIS is updating the Policy Manual to better define residence and clarify the distinction between U.S. residence and physical presence. In addition, USCIS is updating its policy regarding children of U.S. government employees and U.S. armed forces members employed or stationed outside the United States to explain that they are not considered to be “residing in the United States” for purposes of acquiring citizenship under INA 320.

This guidance, contained in Volume 12 of the Policy Manual, is effective as of October 29, 2019 and applies prospectively to applications filed on or after that date.²

Policy Highlights

- Clarifies that temporary visits to the United States do not establish U.S. residence and explains the distinction between residence and physical presence in the United States.
- Explains that USCIS no longer considers children of U.S. government employees and U.S. armed forces members residing outside the United States as “residing in the United States” for purposes of acquiring citizenship under INA 320.³

Citation: Volume 12: Citizenship and Naturalization, Part H, Children of U.S. Citizens [[12 USCIS-PM H](#)]; Part I, Military Members and their Families [[12 USCIS-PM I](#)].

¹ See, for example, [INA 301\(c\)](#), [INA 320\(a\)\(3\)](#), and [INA 322\(a\)\(4\)](#).

² Children who have already been recognized through the issuance of a Certificate of Citizenship as having acquired U.S. citizenship under INA 320 will not be affected by this policy change.

³ Instead, the U.S. citizen parent of such a child may apply for naturalization on the child’s behalf under [INA 322](#).