



U.S. Citizenship and
Immigration Services

USCIS Policy Manual

Current as of February 05, 2020

Volume 12 - Citizenship and Naturalization

Part D - General Naturalization Requirements

Chapter 3 - Continuous Residence

A. Continuous Residence Requirement

An applicant for naturalization under the general provision¹¹ must have resided continuously in the United States after his or her lawful permanent resident (LPR) admission for at least five years prior to filing the naturalization application and up to the time of naturalization. An applicant must also establish that he or she has resided in the state or service district having jurisdiction over the application for three months prior to filing.¹²

The concept of continuous residence involves the applicant maintaining a permanent dwelling place in the United States over the period of time required by the statute. The residence in question “is the same as that alien’s domicile, or principal actual dwelling place, without regard to the alien’s intent, and the duration of an alien’s residence in a particular location measured from the moment the alien first establishes residence in that location.”¹³ Accordingly, the applicant’s residence is generally the applicant’s actual physical location regardless of his or her intentions to claim it as his or her residence.

Certain classes of applicants may be eligible for a reduced period of continuous residence, for constructive continuous residence while outside the United States, or for an exemption from the continuous residence requirement altogether.¹⁴ These classes of applicants include certain military members and certain spouses of U.S. citizens.¹⁵

The requirements of “continuous residence” and “physical presence” are interrelated but are different requirements. Each requirement must be satisfied (unless otherwise specified) in order for the applicant to be eligible for naturalization.¹⁶

B. Maintenance of Continuous Residence following LPR Status

USCIS will consider the entire period from the LPR admission until the present when determining an applicant’s compliance with the continuous residence requirement.

An order of removal terminates the applicant’s status as an LPR and therefore disrupts the continuity of residence for purposes of naturalization. However, an applicant who has been readmitted as an LPR after a deferred inspection or by an immigration judge in removal proceedings can satisfy the residence and physical presence requirements in the same manner as any other applicant for naturalization.¹⁷

Other examples that may raise a rebuttal presumption that an applicant has abandoned his or her LPR status include cases where there is evidence that the applicant voluntarily claimed nonresident alien status to qualify for special exemptions from income tax liability or fails to file either federal or state income tax returns because he or she considers himself or herself to be a non-resident alien.¹⁸

C. Breaks in Continuous Residence

An applicant for naturalization has the burden of establishing that he or she has complied with the continuous residence requirement, if applicable. There are two types of absences from the United States that are automatically presumed to break the continuity of residence for purposes of naturalization.¹⁹

- Absences of more than 6 months but less than one year; and
- Absences of one year or more.

An officer may also review whether an applicant with multiple absences of less than 6 months will be able to satisfy the continuous residence and physical presence requirements. In some cases, an applicant may not be able to establish that his or her principal actual dwelling place is in the United States or establish residence within the United States for the statutorily required period of time.¹¹⁰

1. Absence of More than Six Months (but Less than One Year)

An absence of more than six months [more than 181 days but less than one year (less than 365 days)] during the period for which continuous residence is required is presumed to break the continuity of such residence. This includes any absence that takes place prior to filing the naturalization application or between filing and the applicant’s admission to citizenship.¹¹¹

An applicant’s intent is not relevant in determining the location of his or her residence. The period of absence from the United States is the defining factor in determining whether the applicant is presumed to have disrupted his or her residence.

An applicant may overcome the presumption of loss of his or her continuity of residence by providing evidence to establish that the applicant did not disrupt his or her residence. The evidence may include, but is not limited to, documentation that during the absence:¹¹²

- The applicant did not terminate his or her employment in the United States or obtain employment while abroad.
- The applicant’s immediate family remained in the United States.

- The applicant retained full access to his or her United States abode.

2. Absence of One Year or More

An absence from the United States for a continuous period of one year or more (365 days or more) during the period for which continuous residence is required will break the continuity of residence. This applies whether the absence takes place prior to or after filing the naturalization application.^[13]

The naturalization application of a person who is subject to the continuous residence requirement must be denied for failure to meet the continuous residence requirements if the person has been continuously absent for a period of one year or more without qualifying for the exception benefits of [INA 316\(b\)](#). An applicant who is absent for one year or more to engage in qualifying employment abroad may be permitted to preserve his or her residence.^[14]

3. Eligibility after Break in Residence

An applicant who is required to establish continuous residence for at least 5 years^[15] and whose application for naturalization is denied for an absence of one year or longer, may apply for naturalization four years and one day after returning to the United States to resume permanent residence. An applicant who is subject to the three-year continuous residence requirement^[16] may apply two years and one day after returning to the United States to resume permanent residence.^[17]

D. Preserving Residence for Naturalization (Form N-470)

Certain applicants^[18] may seek to preserve their residence for an absence of one year or more to engage in qualifying employment abroad.^[19] Such applicants must file an Application to Preserve Residence for Naturalization Purposes ([Form N-470](#)) in accordance with the form instructions.

In order to qualify, the following criteria must be met:

- The applicant must have been physically present in the United States as an LPR for an uninterrupted period of at least one year prior to working abroad.
- The application may be filed either before or after the applicant's employment begins, but before the applicant has been abroad for a continuous period of one year.^[20]

In addition, the applicant must have been:

- Employed with or under contract with the U.S. government or an American institution of research^[21] recognized as such by the Attorney General;
- Employed by an American firm or corporation engaged in the development of U.S. foreign trade and commerce, or a subsidiary thereof if more than 50 percent of its stock is owned by an American firm or corporation; or
- Employed by a public international organization of which the United States is a member by a treaty or statute and by which the applicant was not employed until after becoming an LPR.^[22]

The applicant's spouse and dependent unmarried sons and daughters are also entitled to such benefits during the period when they were residing abroad as dependent members of the principal applicant's household. The application's approval notice will include the applicant and any dependent family members who were also granted the benefit.

The approval of an application to preserve residence does not relieve an applicant (or any family members) from any applicable required period of physical presence, unless the applicant was employed by, or under contract with, the U.S. government.^[23]

In addition, the approval of an application to preserve residence does not guarantee that the applicant (or any family members) will not be found, upon returning to the United States, to have lost LPR status through abandonment. USCIS may find that an applicant who claimed special tax exemptions as a nonresident alien to have lost LPR status through abandonment. The applicant may overcome that presumption with acceptable evidence establishing that he or she did not abandon his or her LPR status.^[24]

Approval of an application to preserve residence also does not relieve the LPR of the need to have an appropriate travel document when the LPR seeks to return to the United States.^[25] A Permanent Resident Card (PRC) card, generally, is acceptable as a travel document only if the person has been absent for less than one year.^[26] If an LPR expects to be absent for more than one year, the LPR should also apply for a reentry permit. The LPR must actually be in the United States when he or she applies for a reentry permit.^[27]

E. Residence in the Commonwealth of the Northern Mariana Islands

As of November 28, 2009, the Commonwealth of the Northern Mariana Islands (CNMI) is defined as a state in the United States for naturalization purposes.^[28] Previously, residence in the CNMI only counted as residence in the United States for naturalization purposes for an alien who was an immediate relative of a U.S. citizen residing in the CNMI.

All other noncitizens, including any non-immediate relative LPRs, were considered to be residing outside of the United States for immigration purposes. Therefore, some LPRs residing in the CNMI, before the Consolidated Natural Resources Act of 2008 (CNRA) was enacted, were considered to have abandoned their lawful permanent resident status if they continuously lived in the CNMI.

Under the current law, USCIS no longer considers lawful permanent residents to have abandoned their LPR status solely by residing in the CNMI. This provision is retroactive and provides for the restoration of permanent resident status. However, the provision did not provide that the residence would count towards the naturalization continuous and physical presence requirements. Therefore, USCIS will only count residence in the CNMI on or after November 28, 2009, as continuous residence within the United States for naturalization purposes.^[29]

F. Documentation and Evidence

Mere possession of a PRC for the period of time required for continuous residence does not in itself establish the applicant's continuous residence for naturalization purposes. The applicant must demonstrate actual maintenance of his or her principal dwelling place, without regard to intent, in the United States through testimony and documentation.

For example, a "commuter alien" may have held and used a PRC^[30] for seven years, but would not be eligible for naturalization until he or she had actually taken up permanent residence in the United States and maintained such residence for the required statutory period.

USCIS will review all of the relevant records to determine whether the applicant has met the required period of continuous residence. The applicant's testimony will also be considered to determine whether the applicant met the required period of continuous residence.

Footnotes

1. [^] See [INA 316\(a\)](#).
2. [^] See [INA 316\(a\)](#). See Chapter 6, Jurisdiction, Place of Residence, and Early Filing [[12 USCIS-PM D.6](#)].
3. [^] See [8 CFR 316.5\(a\)](#).
4. [^] See Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence [[12 USCIS-PM D.5](#)].
5. [^] See Part I, Military Members and their Families [[12 USCIS-PM I](#)].
6. [^] See Chapter 4, Physical Presence [[12 USCIS-PM D.4](#)].
7. [^] See [8 CFR 316.5\(c\)\(3\)](#) and [8 CFR 316.5\(c\)\(4\)](#).
8. [^] See [8 CFR 316.5\(c\)\(2\)](#).
9. [^] See [INA 316\(b\)](#).
10. [^] See [8 CFR 316.5\(a\)](#). See Section A, Continuous Residence Requirements [[12 USCIS-PM D.3\(A\)](#)].
11. [^] See [8 CFR 316.5\(c\)\(1\)](#).
12. [^] See [8 CFR 316.5\(c\)\(1\)\(i\)](#).
13. [^] See [INA 316\(b\)](#).
14. [^] See Section D, Preserving Residence for Naturalization (Form N-470) [[12 USCIS-PM D.3\(D\)](#)].
15. [^] See [INA 316\(a\)](#).
16. [^] See [INA 319\(a\)](#).
17. [^] See [8 CFR 316.5\(c\)\(1\)\(ii\)](#).
18. [^] See Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence [[12 USCIS-PM D.5](#)], for classes of applicants eligible to preserve residence.
19. [^] The applicant may also need to apply for a reentry permit to be permitted to enter the United States.
20. [^] See [8 CFR 316.5\(d\)](#).
21. [^] See [8 CFR 316.20](#). See [uscis.gov/AIR](#) for lists of recognized organizations.
22. [^] See [INA 316\(b\)](#). See [8 CFR 316.20](#).
23. [^] See [INA 316\(c\)](#). See Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence [[12 USCIS-PM D.5](#)].
24. [^] See [Matter of Huang \(PDF\)](#), 19 I&N Dec. 749 (BIA 1988). In removal proceedings, the Department of Homeland Security bears the burden of proving abandonment by clear and convincing evidence. But if the probative evidence is sufficient to meet that standard of proof, approval of the application to preserve residence, by itself, would not preclude a finding of abandonment.
25. [^] See [INA 212\(a\)\(7\)\(A\)](#).
26. [^] See [8 CFR 211.1\(a\)\(2\)](#).
27. [^] See [8 CFR 223.2\(b\)\(1\)](#).
28. [^] See [INA 101\(a\)\(36\)](#) and [INA 101\(a\)\(38\)](#). See [48 U.S.C. 1806\(a\)](#) and [48 U.S.C. 1806\(f\)](#). See Section 705(b) of the Consolidated Natural Resources Act of 2008 (CNRA), [Pub. L. 110-229 \(PDF\)](#), 122 Stat. 754, 867 (May 8, 2008) ([48 U.S.C. 1806](#) note).
29. [^] See Section 705(c) of the CNRA, [Pub. L. 110-229 \(PDF\)](#), 122 Stat. 754, 867 (May 8, 2008) ([48 U.S.C. 1806](#) note). See *Eche v. Holder*, 694 F.3d 1026 (9th Cir. 2012).
30. [^] See [8 CFR 211.5](#).

Legal Authorities

[INA 316](#), [8 CFR 316](#) - General requirements for naturalization

[INA 318](#) - Prerequisite to naturalization, burden of proof

[INA 332](#), [8 CFR 332](#) - Naturalization administration, executive functions

[INA 335](#), [8 CFR 335](#) - Investigation of applicants, examination of applications

[INA 336](#), [8 CFR 336](#) - Hearings on denials of applications for naturalization

Forms

[G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#)

Appendices

No appendices available at this time.

Technical Update - Replacing the Term “Foreign National”

October 08, 2019

This technical update replaces all instances of the term “foreign national” with “alien” throughout the Policy Manual as used to refer to a person who meets the definition provided in INA 101(a)(3) [“any person not a citizen or national of the United States”].

[Read More](#)

AFFECTED SECTIONS

[1 USCIS-PM - Volume 1 - General Policies and Procedures](#)

[2 USCIS-PM - Volume 2 - Nonimmigrants](#)

[6 USCIS-PM - Volume 6 - Immigrants](#)

[7 USCIS-PM - Volume 7 - Adjustment of Status](#)

[8 USCIS-PM - Volume 8 - Admissibility](#)

[9 USCIS-PM - Volume 9 - Waivers](#)

[10 USCIS-PM - Volume 10 - Employment Authorization](#)

[11 USCIS-PM - Volume 11 - Travel and Identity Documents](#)

[12 USCIS-PM - Volume 12 - Citizenship and Naturalization](#)

Technical Update - Multiple Absences and Residence and Physical Presence

July 20, 2015

This technical update clarifies that along with reviewing for absences of more than 6 months, officers review whether an applicant for naturalization with multiple absences of less than 6 months is able establish the required residence and physical presence for naturalization.

[Read More](#)

AFFECTED SECTIONS

[12 USCIS-PM D.3 - Chapter 3 - Continuous Residence](#)

POLICY ALERT - Security-Related Positions Abroad

June 10, 2013

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to address amendments to section 1059(e) of the National Defense Authorization Act of 2006 by Public Law 112-227.

[Read More](#)

AFFECTED SECTIONS

[12 USCIS-PM D - Part D - General Naturalization Requirements](#)

[12 USCIS-PM D.5 - Chapter 5 - Modifications and Exceptions to Continuous Residence and Physical Presence](#)

POLICY ALERT - Comprehensive Citizenship and Naturalization Policy Guidance

January 07, 2013

USCIS is issuing updated and comprehensive citizenship and naturalization policy guidance in the new USCIS Policy Manual.

[Read More](#)

AFFECTED SECTIONS

12 USCIS-PM - Volume 12 - Citizenship and Naturalization

Current as of February 05, 2020