



## OVERSEAS ORDERS & LAWFUL PERMANENT RESIDENT (LPR) SPOUSES



1. Can an LPR spouse go overseas with their Servicemember spouse on accompanied orders?

The Immigration and Naturalization Act (INA) §319(e)(1) states: “In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 1427(a) of this title, as residence and physical presence in—(A) the United States; and (B) any State or district of the Department of Homeland Security in the United States.”

***This means that if a U.S. Servicemember receives accompanied overseas orders, their LPR spouse can go with them, without jeopardizing their U.S. residency. Time overseas will count as time in the U.S.***

2. Does an LPR spouse’s time overseas on accompanied military orders count against the “continuous presence” requirement when applying for naturalization?

INA § 316.6 states, “...any period of time the spouse of a United States citizen resides abroad will be treated as physical presence in any State or district of the United States for purposes of naturalization under section 316(a) or 319(a) of the Act if, during the period of time abroad, the applicant establishes that he or she was: (a) The spouse of a member of the Armed Forces; (b) Authorized to accompany and reside abroad with that member of the Armed Forces pursuant to the member's official orders; and (c) Accompanying and residing abroad with that member of the Armed Forces in marital union in accordance with 8 CFR [Code of Federal Regulations] 319.1(b).”

***Therefore, if an LPR spouse goes overseas with their U.S. Servicemember spouse on accompanied orders, the LPR spouse can count their time overseas towards the physical presence requirement when applying for U.S. citizenship.***

3. What should an LPR spouse take with them while travelling to and from the U.S. on overseas orders or during the time period encompassing overseas orders?
  - a. LPR Card (green card)
  - b. Military dependent identification card
  - c. A copy of the Servicemember’s military orders
  - d. A copy of the marriage certificate
  - e. While not necessary, an LPR spouse may also want to travel with this information paper