

For most lawful permanent residents, eligibility for U.S. citizenship through naturalization generally requires five years of permanent residence. However, certain lawful permanent residents who are married to and living with a U.S. citizen may qualify to apply for naturalization after only three years. This provision, commonly referred to as the “**3-year marriage rule**,” provides an accelerated path to U.S. citizenship for eligible spouses of U.S. citizens.

Eligibility under this provision requires more than simply being married to a U.S. citizen. The applicant must satisfy specific requirements relating to lawful permanent resident status, marital union, continuous residence, physical presence in the United States, and good moral character, among other naturalization requirements. Special provisions may also apply in cases involving battery or extreme cruelty by a U.S. citizen spouse.

Eligibility Criteria for Spouses Residing in the United States

To qualify for naturalization under the 3-year marriage rule, an applicant must meet the following key requirements:

- **Age:** Must be at least 18 years old at the time of filing the naturalization application.
- **Lawful Permanent Resident (LPR) Status:** Must hold LPR status when filing the application.
- **Marital Status:** Must remain married to and live in marital union with the U.S. citizen spouse from the time of filing until taking the Oath of Allegiance.
- **Continuous Residence:** Must have continuously resided in the United States as an LPR for at least three years immediately

preceding the application filing date.

- **Physical Presence:** Must have been physically present in the U.S. for at least 18 months (548 days) during the three-year continuous residence period.
- **State or USCIS District Residency:** Must have lived within the state or USCIS jurisdiction where the application is filed for at least three months prior to filing.
- **English Language and Civics Knowledge:** Must demonstrate the ability to read, write, and speak basic English and have knowledge of U.S. history and government.
- **Good Moral Character:** Must show good moral character during the three years preceding the application and up until naturalization.
- **Attachment to U.S. Constitution:** Must be attached to the principles of the U.S. Constitution and well-disposed to the good order and happiness of the United States.

Applicants who meet the general five-year naturalization requirements may also pursue that route if preferred. In limited circumstances involving spouses of U.S. armed forces members, certain naturalization proceedings may occur abroad.

Marital Union Requirement

Living in a bona fide marital union with the U.S. citizen spouse is essential for at least the three years immediately preceding

the application. USCIS requires that the couple live together in a genuine marriage during this period, although cohabitation is not required after the application is filed, provided the marriage remains legally valid.

Exceptions

Applicants who have been subjected to battery or extreme cruelty by their U.S. citizen spouse are exempt from the marital union requirement and certain other conditions related to the spouse's citizenship status.

Continuous Residence and Physical Presence

- **Continuous Residence:** The applicant must maintain a permanent dwelling in the U.S. for at least three years as an LPR before applying. This is determined based on actual residence, not intent.
- **Physical Presence:** The applicant must be physically present in the U.S. for at least 18 months within the three-year continuous residence period.

Early Filing Provision

Applicants may file their naturalization application up to 90 days before completing the three-year continuous residence

requirement. While early filing allows for earlier processing, the applicant cannot be naturalized until all eligibility criteria, including the three years of residence, are fully satisfied.

Special Provisions for Victims of Abuse

Congress has extended protections for spouses who have been victims of battery or extreme cruelty by their U.S. citizen spouse. These individuals may:

- Self-petition for naturalization without meeting the continuous marital union requirement.
- Qualify through approved petitions under the Violence Against Women Act (VAWA) or other special immigrant statuses.
- Be exempt from the requirement that the spouse be a U.S. citizen continuously from application filing until naturalization.

Applicants in this category must still meet all other standard naturalization requirements.

Application Process and Required Evidence

- **Form N-400:** The naturalization application must be filed using Form N-400, with the appropriate filing fee and supporting documentation.

- **Proof of Spouse's Citizenship:** Applicants must submit evidence of their spouse's U.S. citizenship, such as:
 - Birth certificate issued in the U.S.
 - Consular Report of Birth Abroad (Form FS-240)
 - Certificate of Naturalization or Citizenship
 - Valid U.S. passport
- **Additional Evidence:** USCIS may request original documents or secondary evidence if questions arise regarding the authenticity of submitted proof.

Conclusion

Naturalization under the 3-year marriage rule offers a streamlined path to citizenship for eligible spouses of U.S. citizens who meet the specific residency and marital requirements. Navigating the application process carefully and ensuring all criteria are met is crucial to a successful outcome. Legal guidance can be invaluable in addressing complex situations, such as cases involving abuse or documentation challenges.

For those considering naturalization under this provision, understanding the detailed requirements and preparing a thorough application package is essential for a smooth and efficient naturalization process.