



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



NATURALIZATION FOR SURVIVING FAMILY MEMBERS (GOLD STAR)

The surviving spouse, child, or parent of a U.S. citizen who dies during a period of honorable service in an active-duty status in the U.S. armed forces may be eligible for naturalization. Surviving family members seeking immigration benefits are given special consideration in the processing of their applications for permanent residence or for classification as an immediate relative.

Prior to the servicemembers death, if the application for permanent residency or an adjusted status was submitted and the surviving family members did not have legal permanent resident aka 'Green Card') status, the application process will continue as if the servicemember had not died.

To apply for naturalization the following must be met (additional requirements may apply as well):

- 18 years of age or older;
- Establish your spouse was a U.S. Citizen or will be posthumously awarded citizenship;
- Must have been living in civil/martial union with the servicemember at the time of their death;
- Present in the U.S. as a lawful permanent resident at the time of your naturalization appointment;
- Be able to read, write, and speak basic English;
- Have basic knowledge of U.S. history and government; and
- Have been and continue to be a person of good morale character, attached to the principles of the U.S. Constitution and well disposed to the good order and happiness of the U.S. during all relevant periods under the law.

For more information on immigration and naturalization, please contact your local legal assistance office to schedule an appointment to speak with an attorney. **NOTE:** Depending on the complexities of your case, you may be referred to a private attorney.

References

8 USC 1430(d) - <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1430&num=0&edition=prelim>

USCIS Volume 12 – Citizenship and Naturalization – Military members and their Families
<https://www.uscis.gov/policy-manual/volume-12-part-i>

Family Based Survivor Benefits – <https://www.uscis.gov/military/family-based-survivor-benefits>



8 USC 1430



USCIS Vol 12



Family Based Survivor Benefits

Updated March 2025