

# THE FILIPINO **EXPRESS**

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## **Long Vacations Can Prolong Citizenship Wait**

**By Reuben Seguritan**

It is not uncommon for aliens to find out that they do not qualify for naturalization even if they have already been permanent residents for five years. This is because of lengthy vacations that they took, which affected the continuity of their residence in the U.S.

In order to become naturalized U.S. citizens, permanent residents must fulfill certain requirements. These requirements include five years of continuous residence in the U.S. (three years for spouses of U.S. citizens) following lawful admission to permanent residence and actual physical presence in the U.S. for at least half of that period. (Two and a half years, except for spouses of U.S. citizens, who must be actually physically present for one and a half years.)

Establishing continuous residence for naturalization purposes (which subjects aliens to rules different from those that govern permanent residency) especially becomes a problem when permanent residents are sent on foreign assignments by U.S. employers, and if the assignment requires them to remain out of the U.S. for extended periods of time.

An absence of less than six months does not break the continuity of an alien's residence in the U.S. But any absences of six months to less than a year will break the continuity of residence unless the alien is able to give a satisfactory explanation as to why he or she was absent. Absences of one year or more automatically break the continuity of residence, unless the alien takes steps to preserve the continuity of his or her residence. This is done by filing INS Form N-470 (Application to Preserve Continuity of Residence for Naturalization Purposes), preferably before the foreign assignment commences.

It is imperative that aliens working outside of the U.S. maintain the continuity of their residence, because if it is broken, he or she will be forced to start accumulating the necessary three or five years all over again.

In order to qualify for extended absence benefits, the alien must meet a number of requirements. First, the alien must have been a permanent resident and actually physically present in the U.S. for an uninterrupted period of one year, without exception, prior to his or her absence. Second, the alien must be employed abroad by (or under contract with) the U.S. government, a U.S. research institute, a U.S. corporation engaged in trade and commerce, or an international organization. Third, the alien must request the extended absence naturalization benefits before the expiration of one year from the date of departure. Fourth and last, the alien must prove that the absence is in connection with his or her foreign employment. (Basically, this requirement consists of a statement from the employer that the alien must be continuously absent during his or her period of overseas employment)

An alien who is granted extended absence naturalization benefits would be able to satisfy the three- or five-year continuous residence requirement, but only as long as he or she also meets the actual physical presence requirement of one half the required period of residence.