HMONG BURIAL AND MEMORIAL BENEFITS

SUMMARY

VA BENEFITS ELIGIBILITY FOR HMONG INDIVIDUALS:
The new category of persons eligible under 38 U.S.C. § 2402(a)(10) includes individuals who:
• were naturalized under the Hmong Veterans’ Naturalization Act of 2000 (“2000 Act”),
• died on or after March 23, 2018, and
• resided in the U.S. at the time of death.

The 2000 Act eased certain naturalization requirements for persons who served with special guerrilla units (SGUs) or irregular forces, operating from a base in Laos, in support of the U.S. military, anytime between February 28, 1961 to September 18, 1978; and their spouses and also persons married to an individual who served in special guerilla units or irregular forces who was killed or died in Laos, Thailand, or Vietnam during that time frame. Naturalization under the 2000 Act was also available for spouses of those who served in SGU/irregular forces and surviving spouses of those who were killed or died in action while serving in SGU/irregular forces. *

VA BENEFITS ELIGIBILITY LIMITATIONS:
Under 38 U.S.C. 2402(a)(10), VA is authorized to inter in national cemeteries, only those individuals who were naturalized under the 2000 Act. Individuals who provided service to the United States under identical conditions, (e.g., same types of units/forces, same conflict countries, same period of conflict), but who were not naturalized under the 2000 Act, are not eligible for VA burial under the current law. Additionally, a spouse of an individual eligible under 38 U.S.C. 2402(a)(10) is not eligible to be buried in a national cemetery unless the spouse was also naturalized under the 2000 Act.

Individuals determined to be eligible under 38 U.S.C. 2402(a)(10) may receive:
• Casket or cremation burial in a VA national cemetery with available grave space and government-furnished headstone or marker, or
• A government-furnished headstone or marker for eligible individuals who are buried in a private cemetery.

BENEFITS AND PROGRAMS NOT AFFECTED BY 38 U.S.C. § 2402(a)(10):
The new law did not make individuals eligible for:
• Burial in a VA-grant funded State or Tribal Veterans cemetery
• Veterans Medallion provided by VA
• Memorial Headstone provided by VA
• Burial Flag provided by VA
• Presidential Memorial Certificate
• Military Funeral Honors provided by the Department of Defense
VA ASSISTANCE ON ELIGIBILITY REQUESTS

VA will work with families and personal representatives to make eligibility determinations. VA advises that those seeking eligibility under that law should have ready access to a copy of their U.S. Certificate of Naturalization with Registration “A” number. This will speed retrieval of the naturalization records from the U.S. Citizenship and Immigration Services that VA will use to make a determination. If you do not have a Certificate of Naturalization or know the “A” number, submit any documentation you have about the persons’ naturalization status.

To request a Time of Need eligibility determination for someone who is deceased, the next of kin or funeral director may call the VA National Cemetery Scheduling Office at 1-800-535-1117. If the decedent is determined to be eligible, the next of kin or funeral home director may schedule a burial in a VA national cemetery with available grave space. When making the call, the next of kin or funeral director should advise the scheduler that “interment is requested under 2402(a)(10),” provide the U.S. Certificate of Naturalization Registration “A” number, and fax a copy of the decedent’s Certificate of Naturalization to VA at 1-866-900-6417.

To request a Pre-Need eligibility determination for purposes of burial planning for a living individual, the individual or next of kin should complete VA Form 40-10007, Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery, and fax the form to the VA National Cemetery Scheduling Office (NCSO) at 1-855-840-8299 or mail the form to NCSO at P.O. Box 510543, St. Louis, MO 63151. The form is available at https://www.va.gov/vaforms/va/pdf/VA40-10007.pdf or can be requested by contacting the NCSO at 1-800-535-1117. When completing the form, write “2402(a)(10)” in Block 5, write the Certificate of Naturalization Registration “A” number in Block 6, and select ‘Other’ in Block 13. The claimant should include a copy of their U.S. Certificate of Naturalization with VA Form 40-10007. If VA burial is requested at an eligible decedent’s time of need for burial, VA will review the pre-need eligibility determination as part of the final eligibility determination.

To request a headstone or marker for burial in a private cemetery, the next of kin or funeral director must complete the VA Form 40-1330, Claim for Standard Government Headstone or Marker. The VA Form 40-1330 must be faxed to VA at 1-800-455-7143 or mailed to the Department of Veterans Affairs, Memorial Products Service (41B), 5109 Russell Road, Quantico, VA 22134-3903. The form is available at https://www.va.gov/vaforms/va/pdf/VA40-1330.pdf. Check ‘Other’ in Block 13 and write “2402(a)(10)” and the Certificate of Naturalization Registration “A” number in Block 33. The applicant should include a copy of their U.S. Certificate of Naturalization with VA Form 40-1330.

* During the Vietnam War, special guerilla units and irregular forces in Laos were directed by the Central Intelligence Agency to disrupt North Vietnamese supply lines, rescue downed United States pilots, and protect the Laotian government from falling to the Communist Pathet Lao. Following the war, some of the individuals who served in these units were relocated to the United States as refugees and were provided an expeditious route to citizenship under the Hmong Veterans’ Naturalization Act of 2000, P.L. 106-207, as amended by P.L. 106-415, (“2000 Act”) (codified at 8 U.S.C. § 1423 note). The 2000 Act applied only to individuals who served in these special guerilla units and their spouses who applied for naturalization between May 26, 2000, and November 26, 2001, and to surviving spouses of individuals who served in these special guerilla units who were killed or died in Laos, Thailand, or Vietnam who applied for naturalization between November 1, 2000, and May 1, 2002.

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