



U.S. Department of Veterans Affairs

National Cemetery Administration

HMONG BURIAL AND MEMORIAL BENEFITS

SUMMARY

On March 23, 2018, President Donald Trump signed Public Law 115-141 (Consolidated Appropriations Act, 2018), which at Div. J, Title II, Section 251, amended Title 38 United States Code (U.S.C.) Section 2402 to add a new category of persons eligible for interment in Department of Veterans Affairs (VA) national cemeteries.

VA BENEFITS ELIGIBILITY FOR HMONG INDIVIDUALS:

The new category of persons eligible under 38 U.S.C. § 2402(a)(10) includes individuals who:

- died on or after March 23, 2018,
- resided in the U.S. at the time of death, *and*
- were naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000 ("2000 Act").

The 2000 Act eased certain naturalization requirements for persons who served with special guerrilla units 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.¹ 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. However, section 251 of Public Law 115-141 only amended VA's burial eligibility statute to inter eligible Hmong fighters, not their spouses or surviving spouses.

VA BENEFITS ELIGIBILITY LIMITATIONS:

VA is only authorized to inter in national cemeteries, Hmong fighters who were naturalized under section 2(1) of the 2000 Act. Those naturalized under means and processes, other than section 2(1) of the 2000 Act, would be ineligible for VA burial under the current law.

VA BENEFITS PROVIDED UNDER 38 U.S.C. § 2402(a)(10): 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.

VA PROGRAMS NOT AFFECTED BY 38 U.S.C. § 2402(a)(10):

- Burial in a VA-grant funded State or Tribal Veterans cemetery
- Medallion
- Memorial Headstone
- Burial Flag
- Presidential Memorial Certificate
- Military Funeral Honors provided by the Department of Defense

VA ASSISTANCE ON ELIGIBILITY REQUESTS

VA will work with Hmong families to make eligibility determinations under 38 U.S.C. 2402(a)(10). VA advises that those seeking eligibility under that law should provide a copy of their U.S. Certificate of Naturalization with Registration "A" number, which will be used to retrieve naturalization records from the U.S. Citizenship and Immigration Service so that VA can make its determination.

To request a **Time of Need** (means time of death) eligibility determination for someone who is deceased, the next of kin or funeral home 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 home director should advise the scheduler that interment is requested under PL 115-141.

To request a **Pre-Need** (means before death) 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 VA National Cemetery Scheduling Office at 1-800-535-1117. When completing the form, write "PL115-141" in Block 5, write the Certification of Naturalization Registration "A" number in Block 6, and select 'Other' in Block 13. 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 authorized applicant must complete the VA Form 40-1330, *Claim for 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>. Write "PL115-141" and the Certification of Naturalization Registration "A" number in Block 33.

ⁱ 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.