

# **IMMIGRATION AND NATURALIZATION FOR THE MILITARY**

**PRESENTED BY**  
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## **FOREIGN BORN IN THE U.S. FOREIGN NATIONALS IN U. S. MILITARY SERVICE FOREIGN NATIONALS IN U.S. MILITARY SERVICE CITIZENSHIP REQUIREMENTS**

### **Military Requirements**

- \*aggregate of 3 years of honorable military service at the time of filing (8 USC 1439) before commencing the process **or**
- \*Service during designated periods of armed conflict (8 USC 1440)

### **Civilian Requirements**

- \*5 years continuous residence
- \*Physical presence in State or INS district in which the petition is filed.

## **COMPLICATIONS**

- \* PCS MOVES
- \* TAD/TEMDDU/TDY
- \* DEPLOYMENTS
- \* ADVANCEMENT
- \* CLEARANCES
- \* FEDERAL LAW PREVENTING USA AND USAF FROM STAYING OVER 8 YEARS UNLESS A U.S. CITIZEN
- \* INS BUREAUCRACY

## **JOINT INITIATIVE**

- In mid-1999 DoD and INS examined ways to streamline the processing of certain naturalization (citizenship) applications for military

servicemembers. Several changes were implemented which substantially reduced the time to process applications. Consequently, much of the application processing is now done at the servicemember's command and all naturalization applications based upon qualifying military service are sent to a unified processing center, regardless of the applicant's residence.

## **MILITARY INITIATIVES**

- \* Ensure appropriate offices advise non-U.S. citizen members of the need to Naturalize prior to reenlistment, and to begin naturalization processes as soon as possible.
- \* Identify support offices within the services and insure that members have access to required forms, current instructions and assistance.
- \* Have support offices collect and review the member's applications to ensure that they include, all the necessary forms consistent with INS requirements

## **MILITARY INITIATIVES**

- The representatives for each of the services are as follows:
  - Army - Directorate of Military Personnel management (DMPM), ODCSPER.
  - Navy - OJAG Code 16 (Legal Assistance)
  - USMC - Legal Assistance Branch, Judge Advocate Division, Headquarters, U.s. Marine Corps (Code JAL)
  - Air Force - HQ AFPC/DPFPC is the Air Force OPR for the citizenship process.

## **INS INITIATIVES**

- \* Established a Service Center at P.O. Box 87426, Lincoln Nebraska 68501-7426 as the single service center for military service naturalization applications.

## **INS INITIATIVES**

- \* Designated two INS offices for expedited interviews and oaths, particularly for overseas applicants, one in Wash DC for Atlantic/Europe commands and one in Hawaii for Pacific/Asia commands.

- \* Perform all other duties required by law or regulation.

## **Individual Alien Servicemember Responsibilities**

- \* **Obtain the following application forms from INS or the appropriate support office and complete :**

- N-400, Application for Naturalization
- N-426, Certification of Military or Naval Service
- G325B, Biographical Information.

- \***Submit completed forms to the appropriate support office with:**

- Photocopy of Permanent Resident Card
- Two color photographs
- Appropriate application fee

### **NAVY**

- The CO appoints a command member as the POC for the program (NAVADMIN 123/01) . The command representative assists with completing the forms, ensures that the service date verification is completed by the service record holder (PSD or the Personnel Office), schedules the member for fingerprints, prepares the command letter, and forwards the completed application package to Lincoln. The Biographical Form (G-325) is forwarded to OJAG (Code 16) for completion and subsequent forwarding to INS.

### **ARMY**

- The Personnel Services Battalion (PSB)/Military Personnel division (MPD) is the primary contact for citizenship application. They will assist with completing the forms and service date verification. The PSB/MPD will fax the G-325B with all administrative data complete and a signed copy of the release forms to the Consolidated Clearance Facility Fort Meade MD, CCF will perform the required background check and return the results to the PSB/MPD with the attached records. The PSB/MPD will append the results to the application packet and forward the completed packet to Lincoln.

### **MARINE CORPS**

- The Local Marine Corps Legal Assistance Office (LAO) is the primary source of assistance for Marines who intend to submit citizenship applications. The LAO will provide Marines the the necessary forms, ensure that the service date verification is completed by the service record holder, and schedule fingerprints. NCIS will complete the G-325B and the LAO will forward the complete package to INS.

### **AIR FORCE**

- For the Air Force the primary source of assistance is the Military Personnel Flight (MPF) Customer Service Element. They will assist with completing the forms, service date verification, obtaining fingerprints, mailing/faxing of the Form G-325B for background check, and forwarding the application package to Lincoln. The G-325B is



\*18 - 24 Months to process

### NEW

\*36 Months on Active duty/Reserves

\*6 - 9 Months to process

\* 3- 4 Months to process is the ultimate goal

## **SPECIAL CASES**

\* Until 1992, Filipinos could enlist under the Military Base Agreement, but had no option to become a U.S. citizen unless a WWII Veteran.

### **6 and 6 Rule**

- 6 year initial enlistment
- Reenlistment for 6 years - on U.S. soil or USS ship

\*Applies to Service members from the Philippines, the Federated States of Micronesia and the Republic of the Marshall Islands

## **SPOUSES**

\* Spouses of U.S. citizens need only meet a 3- year residency requirement to be eligible to apply for naturalization. LPR status is required.

--Citizen petitions (Form I-130) for the foreign-born spouse to establish relationship.

- affidavit of support
- separation
- abuses spouses and “self-petition”

## **SPOUSES CONT.**

- In U.S. “adjust” status to permanent resident ( I-485) with approved visa petition (I-130).
- If overseas must apply to immigrate (I-130) or get an immigrant visa petition.
- Once permanent resident status obtained
  - “conditional” basis for 2 years
  - must apply jointly to have “condition” removed
  - Divorce - good faith or abuse

## **EXPEDITIOUS PROCESSING**

- Spouse is a LPR (required).

- U.S citizen military member receives overseas orders for one year or more.
- All residency and physical presence requirements for spouse are waived.
- File DD1278 (Certificate of overseas assignment to support application to file for petition for naturalization)

## **OTHER ISSUES**

- \* Dependents cannot use the expedited procedures
- \* LPR needs to file to bring spouse over immediately. Get paperwork in pipeline.

## **FOREIGN-BORN FIANCÉ(E)**

- I-129F (Petition for Alien Fiancé(e))
- INS approves fiancé(e) obtains visa
- 90 day stay - couple must marry
- If no marriage w/in 90 days fiancé(e) or marriage occurs to other than original petitioner, visa holder must leave U.S.
- After marriage, foreign spouse must adjust status

## **CHILDREN**

- If one or both parents is a U.S. citizen, child derives citizenship by operation of law.
  - May be custody and physical presence requirements to satisfy
  - Child must be under 18
  - Obtain a U.S. passport before attempting to travel with child born overseas.
  - May apply for “Certificate of Citizenship” on Form N-600 to further document U.S citizenship.

## **CHILD CITIZENSHIP ACT OF 2000**

- As of 27 February, 2001, certain foreign-born children- including adopted children- currently residing permanently in the United States acquired citizenship automatically. To be eligible, a child must meet the definition of “child” for naturalization purposes under immigration law and meet the the following requirements.
  - - The child has at least one United States citizen parent (by birth or naturalization);
  - - The child is under 18 years of age;

- - The child is currently residing permanently in the United States in the legal and physical custody of the United States citizen parent;
- - The child is a lawful permanent resident;
- - An adopted child meets the requirements applicable to adopted children under immigration law.

## **EMERGENCY TRAVEL**

- Applicants for adjustment of status must obtain “advance parole” to leave U.S. while application is pending:
  - file application on Form I-131
  - May take 90 days to adjudicate - but in true emergency - one day
  - issuance of advance parole doesn’t guarantee admission upon return - alien will be inspected and must be admissible under immigration law

## **MILITARY POINTS OF CONTACT**

- **Army** - Mr. Leslie Lord, LORDL@Hoffman.Army.mil  
DSN -221-5052 Comm (703) 325-5052  
Fax (703) 325-4532
- **Navy**: Mr. Mike Cole, colems@jag.navy.mil  
DSN 325-4643 Comm (202) 685-4643  
Fax (202) 685-7154
- **Air Force**: TSgt Ben Jefferson, TSgt Dwayne M. Pitman Ben.Jefferson@afpc.randolph.af.mil, dwayne.pitman@afpc.randolph.af.mil  
DSN 665-2591/2359, Comm (210) 565-2591/2359  
FAX 665-2912 COMM (210) 565-2912
- **USMC**: Mr.. Chris Rydelek, Rydelekcb@hqmc.usmc.mil DSN 224-1266, Comm (703) 614-1266  
Fax 227-4836, Comm (703) 697-4836

## **ADDITIONAL CONTACTS**

- \* **INS** - [www.ins.usdoj.gov](http://www.ins.usdoj.gov)  
1-800-375-5283
- \* [www.jag.navy.mil](http://www.jag.navy.mil)  
Click on Legal Assistance, then immigration
- \* [www.ilw.com](http://www.ilw.com)  
- immigration info portal, fee and free content