



U.S. Citizenship  
and Immigration  
Services

# Fact Sheet

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## MILITARY NATURALIZATIONS

Members of the U.S. Armed Forces may apply for citizenship under special provisions of the Immigration and Nationality Act (INA). Generally, that includes service in one of the following branches of the U.S. Military:

- Army,
- Navy,
- Marine Corps,
- Air Force,
- Coast Guard,
- Certain Reserve components of the National Guard, and
- Selected Reserve of the Ready Reserve

Recent changes in sections 328 and 329 of the INA make it easier for qualified military personnel to become U.S. citizens. In addition, U.S. Citizenship and Immigration Services (USCIS) has created a streamlined process specifically for military personnel serving on active-duty status or recently discharged. As of October 1, 2004, members of the U.S. Armed Forces do not pay a fee when filing for citizenship.

To date, more than 18,000 service members have applied for expedited naturalization. USCIS has helped nearly 9,000 of those service members become citizens.

### Qualifications

A military service member must meet certain requirements and qualifications to become a U.S. citizen. These include:

- Demonstrating good moral character;
- Demonstrating knowledge of the English language;
- Demonstrating knowledge of U.S. government and history (civics); and
- Demonstrating attachment to the U.S. by taking an oath of allegiance to the U.S. Constitution.

Military service members are exempt from other naturalization requirements outlined in the INA as amended by the National Defense Authorization Act for Fiscal Year 2004.

## **National Defense Authorization Act for Fiscal Year 2004**

On November 24, 2003 President Bush signed the National Defense Authorization Act for Fiscal Year 2004. Title XVII (Naturalization and Other Immigration Benefits for Military Personnel and Families) of that Act contains five sections that pertain to naturalization requirements and benefits for members of the U.S. Armed Forces.

### **Section 1701, Requirements for naturalization through service in the United States Armed Forces**

- A service member needs only to serve one year of active duty service to qualify for citizenship. Before this change, the requirement was three years.
- A service member filing an application for citizenship is not charged a fee.
- A service member dishonorably discharged prior to completing five years of service may have his/her citizenship revoked.
- The Secretaries of Homeland Security, State and Defense will ensure that all aspects of the naturalization process, including: Citizenship applications, interviews, oaths, and ceremonies are made available overseas through U.S. embassies, consulates, and U.S. military installations.

### **Section 1702, Naturalization benefits for members of the Selected Reserve of the Ready Reserve**

- In addition to service members on active duty, members of the Selected Reserve of the Ready Reserve are also eligible for naturalization benefits.

### **Section 1703, Extension of posthumous benefits to surviving spouses, children, and parents**

- An alien spouse, child, or parent of a U.S. citizen service member of the U.S. Armed Forces who dies in combat or as a result of combat can file for citizenship within two years of that service member's death. For immigration purposes, the applicant will remain an immediate relative of the deceased service member. This status would be revoked should the spouse remarry.

### **Section 1704, Expedited process for granting posthumous citizenship to members of the armed services**

- A service member who dies in combat or as a result of combat may receive posthumous citizenship.
- The service member's next of kin, the Secretary of Defense, or the Secretary's designee with USCIS may make this request on behalf of the service member.
- A request for posthumous citizenship must be made within two years of the service member's death or within two years of the enactment of this section of the law.

### **Section 1705, Effective date**

- The amendments made by these provisions take effect as if enacted on September 11, 2001.

## **Expedited Naturalization Executive Order**

On July 3, 2002, President Bush signed the "Expedited Naturalization Executive Order" calling for the expedited naturalization of aliens and non-citizens serving on active duty in the U.S. Armed Forces during the War on Terrorism. The Executive Order allows active duty personnel serving on or after September 11, 2001 to immediately file for citizenship. Normally, a military service member would have to complete one-year of honorable service before qualifying to file for citizenship. Section 329 of the Immigration and Nationality Act authorizes the President to waive this requirement during periods of military hostilities.

### **How to Apply**

Every military installation has a designated point-of-contact to handle military naturalization applications. Military service members should use this contact to help file a complete naturalization application packet. That package will include:

- Application for Naturalization (USCIS Form N-400)
- Request for Certification of Military or Naval Service (USCIS Form N-426)
- Biographic Information (USCIS Form G-325B)

The complete package is then sent to the USCIS Nebraska Service Center for expedited processing.

### **Posthumous Benefits**

The INA allows for the awarding of posthumous citizenship to active-duty military personnel who die while serving in the U.S. Armed Forces. In addition, surviving family members seeking immigration benefits are given special consideration. To learn more, contact your military point-of-contact or the local district USCIS office.

To date, USCIS has issued posthumous citizenship to 36 service members stemming from the War on Terrorism. The California Service Center has issued 54 posthumous certificates of citizenship since the beginning of the war in Iraq. I am providing data on the count for each executive department below.

US Marine Corps - 21  
US Army - 29 (including 4 Army females)  
US Navy - 4  
Total: 54

In addition, USCIS issued 28 posthumous certificates to 27 Army soldiers and 1 US Marine that died during the Korean War. A posthumous citizenship ceremony was held in Washington, DC on October 30, 2003 and the Director of USCIS, Director Aguirre, presented the certificates to the family members in a special ceremony to honor Irish Americans that gave their lives for our country.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.