



Department of Defense INSTRUCTION

NUMBER 5500.14
January 4, 2006

USD(P&R)

SUBJECT: Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas

- References:
- (a) DoD Directive 5500.14, "Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien adopted Children the of Military and Civilian Personnel Ordered Overseas," October 30, 1970 (hereby canceled)
 - (b) Deputy Secretary of Defense Memorandum, "DoD Directives Review – Phase II," July 13, 2005
 - (c) Sections 1430 (b) and 1430 (c) of title 8, United States Code
 - (d) Section 1439 of title 8, United States Code
 - (e) through (j), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a) as a DoD Instruction according to the guidance of reference (b) to prescribe uniform guidance to the Citizenship and Immigration Service (CIS) of the Department of Homeland Security to:

- 1.1. Facilitate the naturalization of aliens who have served honorably in the Armed Forces of the United States; and
- 1.2. Militarily certify alien dependents seeking naturalization under the provisions of reference (c) and furnish policy guidance to the Secretaries of the Military Departments governing discharge of release from active duty in the Armed Forces of the United States of permanent residence aliens who desire to be naturalized as United States citizens under the provisions of reference (d).

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, (including their Reserve components and the Coast Guard when it is not operating as a Military Service in the Navy under agreement with the Department of Homeland Security), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

3. DEFINITIONS

3.1. Permanent Residence Alien. An alien admitted into the United States under an immigration visa for permanent residence; or an alien, who, after admission without an immigrant visa, has had his or her status adjusted as an alien lawfully admitted for permanent residence.

3.2. Armed Forces of the United States. All Components of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard collectively.

4. POLICY

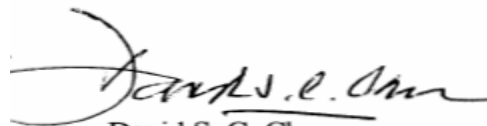
It is DoD policy to establish guidelines acceptable to the CIS of the Department of Homeland Security for naturalization of aliens serving in the Armed Forces of the United States. See enclosure 2.

5. RESPONSIBILITIES

The Principal Deputy Under Secretary of Defense for Personnel and Readiness, under the Under Secretary of Defense for Personnel and Readiness, shall oversee guidance for Naturalization of Aliens Serving in the Armed Forces of the United States.

6. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense
(Personnel and Readiness)

Enclosures - 2

E1. References, continued

E2. Guidance for Naturalization of Aliens Serving in the Armed Forces of the United States

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1332.14, "Enlisted Administrative Separations," December 21, 1993
- (f) Chapter 47 of title 10, United States Code
- (g) DoD Instruction 1332.15, "Early Release of Military Enlisted Personnel for College or Vocational/Technical School Enrollment," June 1, 1976
- (h) Section 1440 of title 8, United States Code
- (i) Department of Homeland Security, "A Guide to Naturalization," November 2004.¹
- (j) DoD Instruction 1327.6, "Leave and Liberty Procedures," April 22, 2005

¹ Guide available on U.S. Citizenship and Immigration Services website: <http://uscis.gov>

E2. ENCLOSURE 2

GUIDANCE FOR NATURALIZATION OF ALIENS SERVING IN THE ARMED FORCES
OF THE UNITED STATES

E2.1. NATURALIZATION OF AN ALIEN WHO HAS SERVED HONORABLY IN THE
ARMED FORCES OF THE UNITED STATES AT ANY TIME

E2.1.1. Under the provisions of reference (d), an alien who has served in the Armed Forces of the United States for a period totaling 1 year may be naturalized if the Service member:

E2.1.1.1. Has been lawfully admitted to the United States for permanent residence;

E2.1.1.2. Was separated from the Military Service under honorable conditions;

E2.1.1.3. Files a petition while still in the Military Service, or within 6 months after the termination of such service; and

E2.1.1.4. Can comply in all other respects with the Immigration and Nationality Act of 1952 (reference (c)), except when:

E2.1.1.4.1. No period of residence or specified period of physical presence in the United States or the State in which the petition for naturalization is filed is required; and

E2.1.1.4.2. Residence within the jurisdiction is not required.

E2.1.2. The prescribed 1 year period may be satisfied by a combination of active duty and inactive duty in a Reserve status.

E2.1.3. An alien member desiring to fulfill naturalization requirements through Military Service shall not be separated prior to completion of 1 year of active duty unless:

E2.1.3.1. The member's performance or conduct does not justify retention. He or she shall be separated in accordance with the provisions of DoD Directive 1332.14 and Chapter 47 of title 10, United States Code (references (e) and (f)), as appropriate; or

E2.1.3.2. The member is to be transferred to inactive duty in a Reserve component to:

E2.1.3.2.1. Complete a Reserve obligation under the provisions of DoD Instruction 1332.15 (reference (g)); or

E2.1.3.2.2. Attend a recognized institution of learning under the early release program as provided in reference (g).

E2.1.4. Caution shall be exercised to ensure that an alien's affiliation with the Armed Forces of the United States, regardless of duty status as a Reservist, is not terminated even for a few days short of the 1 year statutory period, since failure to comply with the exact 1 year requirements of reference (d) will automatically preclude a favorable determination by the CIS on any petition for naturalization based on an alien's military service.

E2.1.5. During a period of hostilities, as designated by the President of the United States, the expeditious naturalization provisions outlined in section E2.2. will take precedence over the policy and guidelines outlined in section E2.1.

E2.2. NATURALIZATION OF AN ALIEN WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING A PERIOD OF HOSTILITIES AS DESIGNATED BY THE PRESIDENT OF THE UNITED STATES.

E2.2.1. Under the provisions of Section 1440 of title 8, United States Code (reference (h)), an alien who serves honorably as a member of the Selected Reserve of the Ready Reserves or on active duty in the Armed Forces of the United States during any period which the President, by Executive Order, shall designate as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who is otherwise eligible, may be naturalized whether or not the member has been lawfully admitted to the United States for permanent residence, if the member was enlisted, reenlisted, extension of enlistment, or inducted in the United States (inclusive of the Canal Zone, American Samoa, Swains Island or onboard a public vessel owned or operated by the United States for noncommercial service). Note that the member may be naturalized regardless of place of enlistment if he or she became a lawful permanent resident anytime after enlistment/induction.

E2.2.2. Each Military Department shall establish procedures containing the provisions outlined in subparagraphs E2.2.2.1. and E2.2.2.2. In addition, each qualifying alien shall be advised of the liberalized naturalization provisions of reference (h), i.e., the usual naturalization requirements concerning age, residence, physical presence, jurisdiction and waiting periods are not applicable; and appropriate assistance in processing his or her naturalization application in consonance with procedures contained in "A Guide to Naturalization" (reference (i)).

E2.2.2.1. Military basic training and orientation programs shall include advice and assistance to interested aliens in completing and submitting the application and other forms required to initiate naturalization proceedings.

E2.2.2.2. In addition, applicants should be advised that:

E2.2.2.2.1. Under the laws of certain foreign countries, military service in the Armed Forces of the United States may result in the loss of their native country citizenship. This same service may make them eligible for the United States citizenship.

E2.2.2.2.2. Their eligibility for naturalization, based upon the honorable service to an active duty status prescribed in reference (h) will be retained, even though they apply for

naturalization after their return to the United States following the termination or completion of their overseas assignment, or after their honorable discharge from the Armed Forces of the United States.

E2.2.2.2.3. If they are stationed at a base in the continental United States, Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands, they should apply for citizenship only if they expect to be stationed at the base for at least 60 days following application. Unless the CIS has at least 60 days to complete the case, there is no assurance that it can be completed before the applicant is transferred.

E2.2.2.2.4. Every naturalization application must be processed when received by the CIS. Special arrangements have been made to expedite the processing of petitions of alien members of the Armed Forces.

E2.2.2.2.5. If the alien member wishes to be naturalized before departing for an overseas assignment, the member should apply for naturalization on the earliest possible date, but no later than 60 days before departure for overseas assignment. No assurance that processing will be completed before the applicant's departure for overseas will be given by the CIS unless it has 60 days to complete the matter. Effective October 1, 2004, the naturalization process (filing, interview, testing, and oath) is available for military personnel overseas at certain overseas embassies and consulates.

E2.2.2.2.5.1. An alien Service member who is serving overseas and has submitted or submits the required naturalization application and forms to the CIS may be granted emergency leave pursuant to DoD Instruction 1327.6 (reference (j)) for naturalization purposes, when a written notification from the CIS has been received by the Service member informing the member that the processing of their application has been completed, and requesting the Service member to appear before a representative of the CIS at a designated location for the purpose of completing the naturalization.

E2.2.2.2.5.2. If possible, an applicant granted leave for such purposes should advise the CIS when member expects to arrive in the leave area and, in any event, should contact the CIS immediately upon arrival in the area. Every effort will be made to complete the naturalization within the leave period.

E2.3. NATURALIZATION OF ALIEN SPOUSES AND/OR ALIEN ADOPTED CHILDREN OF MILITARY AND CIVILIAN PERSONNEL ORDERED OVERSEAS

Alien spouses and/or alien adopted children of military and civilian personnel of the Department of Defense who are authorized to accompany or join their sponsors overseas and who wish to obtain United States citizenship prior to departure will be issued a DD Form 1278², "Certificate of Overseas Assignment to Support Application to File Petition for Naturalization".

² Form is available on DefenseLink website: <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>

E2.3.1. DD Form 1278 will be issued to alien dependents by military commanders at the times indicated (subparagraphs E2.3.1.1. thru E2.3.1.3.) to allow the alien to file the certificate with the nearest CIS office for initiating naturalization proceedings. Only DD Form 1278 will be accepted by the CIS. The Military Commanders will not issue memoranda or letters of any kind in lieu thereof.

E2.3.1.1. When dependents are authorized automatic concurrent travel, DD Form 1278 will be issued not earlier than 180 days prior to the dependents' scheduled date of travel.

E2.3.1.2. When advance application for concurrent travel is required, DD form 1278 will be issued after approval is received and not earlier than 180 days prior to the dependents' scheduled date of departure.

E2.3.1.3. When concurrent travel is not authorized, DD Form 1278 will be issued after authorization for dependents' movement is received and not earlier than 180 days prior to the dependents' scheduled date of travel.

E2.3.2. Upon receipt of DD Form 1278, the alien may file this form, together with the application for petition for naturalization, "Immigration and Naturalization Form N-400³" (adult) or "Immigration and Naturalization Form N-600" (child) as appropriate, if not previously filed, with the nearest office of the CIS. The application must be accompanied by:

E2.3.2.1. Three identical photographs;

E2.3.2.2. Form FD-258, "Applicant Fingerprint Card"; and

E2.3.2.3. Form G-325, "Biographic Information.

E2.3.3. Further processing of the application for citizenship is as prescribed by the CIS.

E2.3.4. Upon completion of the naturalization process, immediate application for passport should be made to enable the passport to be issued prior to scheduled departure of the dependent for overseas.

E2.3.5. An alien spouse seeking naturalization under section 319(b) of reference (c) shall:

E2.3.5.1. Establish that he or she will depart to join the citizen spouse within 30 to 45 days after the date of naturalization;

E2.3.5.2. Notify the CIS immediately of any delay or cancellation of the citizen spouse's assignment abroad; and

E2.3.5.3. Notify the CIS immediately if he or she is unable to reside with the citizen spouse because the citizen spouse is abroad in an area of hostilities where dependents may not reside.

³ "N", "FD", "G" forms are available on U.S. Citizenship and Immigration Services Website: <http://USCIS.gov>

E2.4. FORMS REQUIRED

E2.4.1. The following forms required for naturalization purposes may be obtained from any office of the CIS:

E2.4.1.1. N-400, "Application to File a Petition for Naturalization" (adult) (submit original form only).

E2.4.1.2. N-600, "Application to File a Petition for Naturalization" (child) (submit original form only).

E2.4.1.3. G-325, "Biographic Information" (submit original and duplicate of multi-leaf from).

E2.4.1.4. G-325B, "Biographic Information" (submit original form only).

E2.4.1.5. FD-258, "Applicant Fingerprint Card" (submit one completed card).

E2.4.1.6. N-426, "Certificate of Military or Naval Service" (submit in triplicate). Should be handled on a priority basis so as to avoid prejudicing the early completion of the naturalization process, particularly for an alien who may receive an overseas assignment.

E2.4.2. Reference (i) describes the naturalization requirements and lists CIS offices that process applications.