

FORT CARSON LEGAL INFO PAPER

NATURALIZATION FEDERAL LAW



Naturalization is the process of becoming a United States citizen. Under the Immigration and Nationality Act, members or veterans of the U.S. Armed Forces may be eligible to apply for naturalization under special provisions for military service.

AM I ELIGIBLE FOR NATURALIZATION THROUGH MILITARY SERVICE?

There are two separate provisions for naturalization through military service. You only have to meet the requirements of one provision. The first, Section 328 of the Immigration and Nationality Act, applies if you have a year or more of honorable service in active duty or reserves, are a lawful permanent resident, and you are currently serving or are within six months of separation. The second, Section 329 of the INA, applies to service members and veterans who served honorably for at least 180 days during a designated period of conflict. The U.S. has been in designated period of conflict since September 11, 2001. The earlier authorized periods are available at the website listed below. Section 329 also requires lawful admittance as a permanent resident after enlistment or physical presence in the U.S. at the time of enlistment.

HOW IS NATURALIZATION THROUGH MILITARY SERVICE DIFFERENT?

The application and processing fees for naturalization are waived for foreign-born service members. You also don't have to satisfy the standard residency requirements of five continuous years living in the U.S. as a permanent resident and three months living in the state where you file. This waiver means that you can even be naturalized while serving abroad.

WHAT IS THE PROCESS FOR NATURALIZATION?

If you have determined that you may be eligible for naturalization, there is an online application and a number of forms to complete, including one certifying your military service. Next, you will interview with the U.S. Citizenship and Immigration Services. The immigration officer will review your materials and administer an English and civics test. If you are found eligible, you will take the Oath of Allegiance and become a U.S. citizen. You can find a checklist on the back of this brief for the materials you'll need for the initial application and more detailed information on the process at:

<https://www.uscis.gov/military/naturalization-through-military-service>.

- COPY OF OFFICIAL MILITARY ORDERS**
- COPY (FRONT AND BACK) OF PERMANENT RESIDENT CARD**
- COPY OF CURRENT MARITAL STATUS DOCUMENT**
- N-426 REQUEST FOR CERTIFICATION OF MILITARY OR NAVAL SERVICE**
 - Soldier completes N-426 parts 1-4
 - Part 1, box 2: Military Service Number = DOD number on military I.D.
 - Part 1, section 8: Physical Address = Fort Carson address
 - Part 3, Date Service Began = Date of enlistment on DD 4/1, box 5
 - Give your Brigade staff your N-426 and DD 4/1
 - Brigade staff completes Parts 5-8
 - Part 5, question 1: Honorable Period of Military Service 1 = "Yes"
 - Part 6, question 1: Is the requestor separated? = "No"
 - Part 7: Remarks = "No derogatory information found"
 - Part 8: Certification
 - Period of honorable service starts on date of enlistment found on DD 4/1, box 5, to "Present"
 - Name of Department = "Department of the Army, Name of Brigade, Fort Carson, CO"
 - Name and Title: "Colonel, U.S. Army, Name of Colonel"
 - Dated, with O-6's phone number and email address

□ **N-400 APPLICATION FOR NATURALIZATION**

- Online application at <https://www.uscis.gov/n-400>; soldiers can alternatively mail a physical copy
- Part 1.: Information About Your Eligibility
 1. Information about your eligibility = “D”
- Part 5.1.: Information About Your Residence
 - A: Current Physical Address = Where you are now (Fort Carson)
 - B: Current Mailing Address (if different from address above)
 - C: Physical Address 2
 - If you put your Fort Carson address in 1.A. and HOR address in 1.B., put HOR address in 1.C.
 - C-E: Addresses for the last 5 years, starting with the present, going in reverse order
 - No gaps
 - Include addresses outside of the U.S.; if the address has no zip code, write “00000”
- Part 8: Information About Your Employment and Schools You Attended
 1. Even if RC/NG = “United States Army”
 - “Date From” = the enlistment date on DD 4/1, box 5
 - “Date To” = “Present”
 - “Your Occupation” = “Soldier”
 2. If you are also a student and/or NG or RC with a job, those should also be marked “Present”
 - No gaps—list periods of unemployment
- Part 9: Time Outside the United States
 1. If you came to the U.S. for the first time within the last 5 years, list the number of days you were in your country prior to arrival
 - If you are not sure, you can get your I-94 at: <https://i94.cbp.dhs.gov/i94/>
- Part 12: Additional Information About You
 - 5.A. and 19 must be answered “Yes”; include a separate attachment stating that you are currently in a U.S. military unit and you completed the U.S. Army’s Basic training
 - 37-38 = “Yes” because again, you are in the military
 - 44.A.-B.: for males, most likely = “Yes”
 - Find on: <https://www.sss.gov/Home/Verification>

Note that these are the documents required for the naturalization application; you will need to prepare additional documentation and materials to take to the USCIS interview.

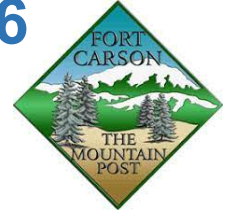
Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Carson Legal Assistance Office at (719) 526-5572/5573 or come by the office (Building 6222) Monday through Thursday from 0900-1600 and Friday 0900-1500. Appointments are made on the last duty day of every week and you can call or walk in to schedule an appointment.

This is an informative handout from the Fort Carson Legal Assistance Office containing general information on a topic that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation.

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NATURALIZATION FORM N-426

FEDERAL LAW



WHAT IS FORM N-426?

Form N-426, or the Request for Certification of Military or Naval Service, is one of the forms required for current or former members of the U.S. Armed Forces applying for naturalization. Foreign-born servicemembers are granted certain exemptions, primarily relating to residency requirements, for service during periods of military hostility under Immigration and Nationality Act (INA) section 329. In cases of active duty Soldiers, the INA requires the department under which the member serves to certify that the period of service is honorable prior to the member being apply to apply for U.S. Citizenship through naturalization.

WHAT DOES FORM N-426 DO?

Form N-426 provides USCIS with information to determine whether a servicemember is eligible for naturalization under the INA. Providing this factual information regarding the member's periods of service and any separation does not require any new determination by the certifying official. The certifying official, in signing the N-426, does not communicate any positive or negative endorsement of the naturalization of the service member. That determination is made by USCIS alone. Form N-426 establishes an initial eligibility requirement for naturalization through military service by certifying that the member has served honorably in the military.

WHEN MUST FORM N-426 BE COMPLETED?

During a period of hostility, which the country has been in since September 1, 2011, a servicemember is eligible to apply for naturalization on their first day of military service—on the first day of Basic Training. Once Form N-426 is given to the command by the servicemember for completion, the command has **30 days** complete the form and return to the servicemember.

WHO HAS TO COMPLETE FORM N-426?

The applicant completes Parts 1-4 of the form. Only military personnel serving in pay grade O-6 or above with proper authorization, or equivalent civilian personnel, can certify the information on behalf of a Soldier under their command. Completion of Form N-426 forms is not optional; the INA requires the applying servicemember's department to provide information on his or service.

HOW DOES YOUR OFFICE COMPLETE FORM N-426?

Certifying officials must complete Parts 5-8 of the form for the soldier under their command. If the applicant has a period of Honorable service and is still currently serving, the answers will be "Yes" and "No" to Parts 5 and 6, respectively. The form also includes Section 7 for any relevant derogatory information, such as disciplinary action or convictions. Indicate "No derogatory information found" or include a description as appropriate. After the certifying official has signed the form, return it to the applicant. Electronic signatures are **NOT** accepted by USCIS.

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