Office of Communications

U.S. Citizenship and Immigration Services

Questions and Answers

July 2, 2009

Immigration Information for Members of the U.S. Armed Forces and their Families

Background

U.S. Citizenship and Immigration Services (USCIS) offers immigration services and resources specifically for members of the U.S. Armed Forces and their families who are stationed in the United States and abroad. USCIS established a military assistance team to ensure that the military community receives quick and secure access to accurate information. Below is a list of answers to frequently asked questions received by our military assistance team.

Questions and Answers

Q. I am a Conditional Resident, an active member of the U.S. Armed Forces, and have filed an Application for Naturalization (Form N-400), based on qualifying military service. My Conditional Residence is going to expire in the upcoming months. Do I need to file a Petition to Remove the Conditions on Residence (Form I-751), to acquire Permanent Resident status even if my Application for Naturalization is pending?

A. If you were enlisted or inducted in the United States (or the Canal Zone, American Samoa, or Swain's Island, or onboard a public vessel owned or operated by the U.S. for noncommercial service), and are applying under section 329 of the Immigration and Nationality Act (INA), you are not required to file Form I-751 while your Application for Naturalization is pending. However, if at the time of enlistment or reenlistment you were not enlisted or inducted in those geographical areas, you are required to file a Form I-751 while your application is pending. If your Form N-400 is denied for any reason, you will be required to file Form I-751 if you have not already done so to acquire Permanent Resident status.

Q. I served in the U.S. Armed Forces for more than one year but have recently been separated from military service. Am I eligible to file Form Application for Naturalization (Form N-400) based on qualifying military service?

A. You may file an Application for Naturalization (Form N-400), even if you are honorably separated from the military, based upon eligibility under section 328 or 329 of the INA. If you served honorably in any branch of the U.S. Armed Forces for a period exceeding one year, you may claim eligibility under section 328 of the INA. If you served during a specified period of hostility, to include September 11, 2001, to present, you may claim eligibility under section 329 of the INA regardless of the length of service.

Q. I filed an Application for Naturalization (Form N-400), based on qualifying military service and required to submit Request for Certification of Military or Naval Service (Form N-426), to USCIS but have separated from the military. How do I fulfill this requirement?

A. If you have separated from the military and no longer have access to a military certifying official, you have the following options:

- **Option 1**. USCIS will accept an uncertified Form N-426 as long as you have completed and signed Form N-426 in addition to providing to USCIS a photocopy of your DD Form 214, Certificate of Release or Discharge from Active Duty. The photocopy of your DD Form 214

must include all dates of military service listed on Form N-426 as well as identify your type of separation and character of service (this information is found on page "Member-4".)

- **Option 2**. If you are unable to submit a photocopy of your DD Form 214, you can complete and sign Form N-426, then send it to the applicable military personnel records center with a Standard Form 180, Military Records Request, and request certification of Form N-426.

Q. I am a spouse of a member of the U.S. Armed Forces, and USCIS has scheduled me and my spouse for an initial interview on my pending Application to Register Permanent Residence or Adjust Status (Form I-485). My husband is currently on an overseas military assignment. Can the Form I-485 initial interview take place without my husband being present?
A. USCIS has the authority to waive initial interviews on Form I-485 on a case-by-case basis. If you and your spouse are requested to appear for an initial interview related to the concurrent filing of Form I-130, Petition for Alien Relative, and Form I-485, Application to Register Permanent Residence or Adjust Status, you should appear for the initial interview and provide USCIS with evidence of your spouse's overseas military assignment. The USCIS officer may reschedule the interview so your spouse can be present or proceed with the initial interview.

Q. I am a spouse of a member of the U.S. Armed Forces and have filed a Petition to Remove the Conditions on Residence (Form I-751), while on an overseas military assignment with my spouse. Will my Form I-751 be adjudicated while we are overseas or will it remain pending until my spouse and I return to the U.S.?
A. If USCIS determines that you have submitted sufficient evidence to demonstrate a bona fide marital union, USCIS may proceed with adjudication regardless of your geographical location. If USCIS is unable to determine your eligibility for the immigration benefit, USCIS will withhold adjudication until you and your spouse are able to be interviewed within a USCIS Field Office to establish your eligibility.

Q. How can I expedite my Petition for Alien Relative (Form I-130), to bring my spouse to the United States? Is there a way she/he can enter the United States while the petition is being processed?
A. Citizens of the United States, who are serving in the U.S. Armed Forces, and have a Petition for Alien Relative (Form I-130) pending on behalf of their spouse, may e-mail or telephone the USCIS military assistance team and ask for expedited processing of that petition. While the petition is pending, your spouse may enter the United States on a K-3 nonimmigrant visa. To apply for a K-3 visa, citizens of the United States must file a Petition for Alien Fiancé (é) (Form I-129F), on behalf of the alien spouse. An approved Form I-129F will allow your spouse to enter the United States in a valid K-3 nonimmigrant visa status. If USCIS approves Form I-130 while your alien spouse is in the United States holding a K-3 nonimmigrant visa, your alien spouse can file an Application to Register Permanent Residence or Adjust Status (Form I-485), to apply to become a Lawful Permanent Resident.

Q. I am a spouse of a member of the U.S. Armed Forces and have filed an Application to Replace Permanent Resident Card (Form I-90). I am currently overseas since my spouse has official Permanent Change of Station (PCS) orders reassigning her/him to an overseas duty station. If the application is approved will my Permanent Resident Card be mailed to an APO/FPO address?
A. If you provided a valid APO/FPO mailing address at the time of filing Form I-90, USCIS will mail your permanent resident card to the APO/FPO address you identified.

Q. I am stationed abroad serving on active duty in the U.S. Armed Forces, how can I notify USCIS of my APO/FPO mailing address?
A. Members of the military stationed abroad should notify USCIS of their new address by contacting the Military Help Line by e-mail: militaryinfo.nsc@dhs.gov, or telephone: 1-877-CIS-4MIL (1-877-247-4645). We are working to add APO and FPO address changes to the online change of address tool and anticipate this option to be available soon. It is important to notify USCIS when your address changes so

that you and your family members may continue to receive information and correspondence about immigration benefits and services.

Q. I am a member of the U.S. Armed Forces scheduled for an appointment at a USCIS office in the United States for my Application for Naturalization, but I am now at an overseas duty station. What do I do?

A. If you have an appointment for a naturalization interview or an oath ceremony, and you have transferred overseas, contact USCIS and request to have your case transferred to the nearest USCIS overseas office. You or your military installation's USCIS liaison can request this by contacting the Military Help Line by e-mail: militaryinfo.nsc@dhs.gov, or telephone: 1-877-247-4645.

Q. I have filed the Application for Naturalization (Form N-400), based on qualifying military service and I asking for overseas processing. I do not have access to the 2 FD-258 Fingerprint Cards. How can I submit my fingerprint information to USCIS so my application process can continue?

A. USCIS can use your enlistment fingerprints or fingerprints submitted for previous immigration purposes, if the fingerprints on file are readable. In instances where it takes USCIS more than 90 days to receive your enlistment prints, the Nebraska Service Center will send you a letter requesting 2 completed FD-258 fingerprint cards. If you are unable to complete the FD-258 cards, you should contact the Nebraska Service Center via the Military Help Line by e-mail: militaryinfo.nsc@dhs.gov, or telephone: 1-877-247-4645. USCIS will continue processing your case while awaiting submission of your enlistment fingerprints.