Frequently Asked Questions

Dec. 9, 2008

IMMIGRATION INFORMATION FOR MEMBERS OF THE U.S. ARMED FORCES AND THEIR FAMILIES

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

MEMBERS OF THE U.S. ARMED FORCES

Q. I am in the military and have official Permanent Change of Station (PCS) orders reassigning me to an overseas duty station. Will the move impact my naturalization application? Do I qualify for expedited processing of my application?

A. Your reassignment overseas should not impact your naturalization application. USCIS will continue to process your *Application for Naturalization* (Form N-400). Currently, a dedicated team at the USCIS Nebraska Service Center (NSC) processes all Form N-400s filed by members of the U.S. military. After the military assistance team completes their processing, they transfer the file to the appropriate overseas USCIS office, which schedules an interview and the naturalization oath ceremony overseas. You may ask to expedite handling of your application because of these special circumstances by:

- Calling the toll-free USCIS Military Help Line at, 1-877-CIS-4MIL (1-877-247-4645). Operator assistance is available from 8 a.m. to 4:30 p.m. Central Time, Monday through Friday, excluding federal holidays, or
- E-mailing USCIS' military assistance team at: militaryinfo.nsc@dhs.gov, or
- Contacting your military installation's designated USCIS liaison, who should request USCIS expedite your application.

Q. I am stationed abroad serving on active duty in the U.S. Armed Forces, how can I notify USCIS of my new military 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: 1-877-247-4645. We are working to add APO and FPO address changes to the on-line change of address tool and anticipate a solution soon. It is important to notify USCIS of your address change to receive so that you and your family may continue to receive information and correspondence about immigration benefits and services.

Q. I am scheduled for an appointment at a USCIS office in the United States, but I am now at an overseas duty station. What do I do?

A. If you have an appointment, an interview or are scheduled for an oath ceremony, and you have transferred overseas, contact USCIS and request we transfer your case to the nearest USCIS overseas office. Either you or your military installation's liaison to USCIS can do this by e-mail: militaryinfo.nsc@dhs.gov, or telephone: 1-877-247-4645.

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SPOUSES OF MEMBERS OF THE U.S. ARMED FORCES

Q. I am in the military and have PCS orders to an overseas duty station; does my spouse qualify for expedited processing of the *Petition to Remove the Conditions of Residence* (Form I-751)?

A. If you or your spouse has official military orders to PCS overseas, you may ask USCIS to expedite the I-751 petition. Call USCIS at 1-877-4645 before you leave the United States.

Q. My spouse left the United States, traveling on official PCS orders to join me overseas at our new duty station, but did not receive her/his permanent resident (green) card, after we filed the I-751 petition. What do we do?

A. If you filed the Form I-751 in United States, e-mail or telephone the USCIS military assistance team and let us know your spouse did not receive a permanent resident (green) card. We will review your case and determine if your spouse's card was produced and if USCIS can forward the card to your new APO/FPO address.

Q. How can I expedite my *Petition for Alien Relative* (Form I-130) to bring my spouse to the United States? Is there any 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 military and have a pending *Petition for Alien Relative* (Form I-130) on behalf of their spouse, may e-mail or telephone the USCIS military assistance team and ask for expedited processing of that petition. During that time, your spouse may enter the United States on a K-3 nonimmigrant visa. To get a K-3 visa, you must file a *Petition for Alien Fiancé(é)* (Form I-129F) on behalf of your spouse. An approved Form I-129F will allow your spouse to enter the United States. If USCIS approves the I-130 petition while your spouse is in the United States on a K-3 visa, she/he can file an *Application to Register Permanent Residence or Adjust Status* (Form I-485) to become a legal permanent resident.

Q. I am a U.S. citizen and serving in the military, who in my family is considered as my immediate relative so that I may file a *Petition for Alien Relative* (Form I-130) on their behalf?

A. In general, spouses, unmarried children younger than age 21 and parents of U.S. citizens are considered 'immediate relatives' to file a *Petition for Alien Relative* (Form I-130). This means they will not have to wait long to receive an immigrant visa or adjust status in the United States, because a visa number is immediately available.

If you recently became a U.S. citizen and have Form I-130 pending with USCIS you can call the USCIS Military Help Line to request USCIS upgrade your relative's visa category to 'immediate relative' status.

Q. I am a legal permanent resident and serving in the U.S. Armed Forces, who in my family is considered as my immediate relative so that I may file a Form I-130 petition on their behalf?

A. Spouses and unmarried children younger than age 21, of permanent residents are not considered 'immediate relatives' to file a Form I-130. Therefore, relatives of permanent residents may have to wait several years before immigrating because of the combination of high demand and the limits set by law on the number of persons who can immigrate each year.

If you are a legal permanent resident, and have a pending Form I-130 petition on your spouse's behalf, your spouse may be eligible to file for a V-1 nonimmigrant visa at a U.S. consulate overseas by concurrently filing the U.S Department of State Forms DS-3052 and DS-156 nonimmigrant visa applications.

An application for the visa does not guarantee your spouse will qualify for the V-1 visa. If approved, the V-1 visa, like the K-3 visa, will permit your spouse to lawfully enter the United States and then adjust his or her status to lawful permanent resident when his or her immigrant visa number becomes available.

For specific information about the K-3 and V-1 visas, please see the U.S. Department of State Web page, www.unitedstatesvisas.gov.

FIANCÉ(E)S OF MEMBERS OF THE U.S. ARMED FORCES

Q. I am in the military and am engaged to marry a non-citizen. I filed a *Petition for Alien Fiance(é)* (Form I-129F) to bring my fiancé(e) into the United States. Do we qualify for expedited processing of the petition?

A. If you are a U.S. citizen and have Form I-129F, *Petition for Alien Fiance(é),* pending on your spouse's behalf, you may ask USCIS to expedite the processing of Form I-129F by calling the Military Help Line. If you are a U.S. citizen and do not plan to marry your fiancé(e) before he or she enters the United States, you may file the Form I-129F petition on his or her behalf. If you are outside the United States, you can mail the forms to the appropriate USCIS Service Center listed on the Form I-129F instructions. (Unlike a U.S. citizen, a lawful permanent resident cannot file a Form I129F.)

After USCIS approves the Form I-129F, your fiancé(e) may file an application for a K-1 nonimmigrant visa at a U.S. Consulate overseas. A K-1 visa allows your fiancé(e) to enter the United States to marry you, and for no other purpose. If you and your fiancé(e) do not marry within 90 days of his or her admission to the United States, the K-1 visa will expire. If you marry your fiancé(e) within those 90 days, your spouse may file to become a lawful permanent resident by filing an *Application to Register Permanent Residence or Adjust Status,* (Form I-485).

For more information, please review the Department of State Web page: unitedstatesvisas.gov.

OVERSEAS APPLICATION PROCESS

Q. How does overseas processing work?

A. Overseas processing of immigration benefits depends on the type of application or petition. For example, USCIS can process an *Application for Naturalization,* (Form N-400) filed by members of the military who are stationed overseas. The service member must work with the installation's designated USCIS liaison to coordinate the request for processing with the appropriate USCIS office overseas. If the service member is already overseas, contact the overseas USCIS office at the following e-mail address:

- For inquiries from the Rome District, including Iraq: email Rome.Natz@dhs.gov
- For inquiries from Germany, email USCIS.frankfurt@dhs.gov
- For inquiries from Japan or South Korea, email CIS-Seoul.Natz@dhs.gov
- For inquiries from Afghanistan, email USCIS.Afghanistan@dhs.gov

The service member may also telephone or e-mail the USCIS military assistance team to request overseas processing. Currently, a dedicated team at the USCIS Nebraska Service Center (NSC) processes all Form

N-400s filed by members of the U.S. Armed Forces. After the military assistance team completes their processing, they transfer the file to the appropriate overseas USCIS office, which schedules an interview and the naturalization oath ceremony overseas.

Q. Can USCIS process my spouse or children's application overseas?

A. It depends on the type of application and where you and your children are stationed overseas. Please see the following for guidance:

- Form I-130, *Petition for Alien Relative*: If you are a military member stationed abroad, you can file the Form I-130 either at a USCIS Office overseas or U.S. consulate. Please go to www.uscis.gov and click on "Services & Benefits" then look under "Immigration Overseas Offices" to determine the USCIS office overseas with jurisdiction over your location. If you do not live near an overseas USCIS office, then you may file the Form I-130 with the State Department through the U.S. Consulate with jurisdiction over your location.
- Form N-400, *Application for Naturalization*: A spouse of a service member may proceed with his or her naturalization application overseas if the spouse is residing abroad on official U.S. military orders. Please refer to the fact sheet: "*Requirements for Naturalization Abroad By Spouses of Members of the U.S. Armed Forces"* on www.uscis.gov/military for filing instructions and additional information.
- Form I-485, *Application to Register Permanent Residence or Adjust Status*: Form I485 may only be filed by applicants who are inside the United States seeking lawful permanent residence. If the person is overseas, they must apply for a visa with the U.S. Embassy or consulate overseas. Please see above for more information about visa processing through the U.S. Embassy or consulate overseas. The service member (petitioner) should work directly with the U.S. Embassy or consulate to determine if the U.S. Department of State can expedite issuing the relative's (beneficiary's) visa. For more information regarding visas, please see the Department of State webpage at www.unitedstatesvisas.gov.
- N-600K, *Application for Citizenship and Issuance of Certificate under Section 322*: Eligible children of members of the military may also benefit from overseas processing of their applications for citizenship under section 322 of the Immigration and Nationality Act, if those children live abroad with the military member on official orders. Please refer to the fact sheet: "*Overseas Naturalization Eligibility for Certain Children of U.S. Armed Forces Members*" located on www.uscis.gov/military for filing instructions and additional information.
- Form I-751, *Petition to Remove Conditions on Residence*: You may file a Form I-751 while you and your spouse are overseas on official government orders. You should mail Form I751 to the USCIS Service Center having jurisdiction over your residence of record in the United States if you are overseas on official government orders. Please refer to the form's instructions (www.uscis.gov/files/form/I-751instr.pdf) for specific filing requirements.

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USCIS' military assistant team at the Nebraska Service Center is available to the military and their family members through a dedicated toll-free number, 1-877-CIS-4MIL (1-877-247-4645) or by e-mail: militaryinfo.nsc@dhs.gov