

IMMIGRATION AND NATURALIZATION PROCESS FOR MILITARY MEMBERS AND THEIR FAMILIES

AN OVERVIEW FOR MUSEUM AND LIBRARY EMPLOYEES



October 19, 2023

- Thank you for joining us for our engagement on **the immigration and naturalization process for military members and their families**, hosted by **U.S. Citizenship and Immigration Services (USCIS)** and the **Institute of Museum and Library Services (IMLS)**.
- We recognize the important sacrifices made by U.S. service members, veterans, and their families and appreciate the assistance that you provide to them and are excited to share information on how museums and libraries can partner with USCIS to promote this information.
- We are hosting this webinar as part of the federal partnership with the Institute of Museum and Library Services. We work together to share different aspects of citizenship and immigration information with museum and library professionals. <https://www.ims.gov/our-work/partnerships/serving-new-americans>
- We appreciate this important partnership and look forward to engaging with you today.

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INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Associate Deputy Director for Grants to States

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USCIS Office of Citizenship

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- The Citizenship Resource Center has a collection of helpful resources and free study materials for a variety of users including:
 - **Immigrants who are interested in becoming U.S. citizens.** Lawful permanent residents (LPRs) will find information about the naturalization process, eligibility requirements, and study materials to prepare for the naturalization interview and test.
 - **Educators who play a critical role in preparing learners.** Educators including teachers, volunteers, and program administrators will find several resources for the classroom. Educators can also search for free USCIS training seminars designed to enhance the skills needed to teach U.S. history, civics, and the naturalization process to immigrant students.
 - **Organizations that are interested in supporting immigrants in becoming citizens and assisting them to integrate into American civic society.** Whether an organization is just beginning to help immigrants on their journey towards citizenship or is an experienced service provider, they will find resources to help enhance their overall efforts and programs.
- The Citizenship Resource Center is managed by the Office of Citizenship. Learn more about the [Office of Citizenship](#) and its mission.

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Immigration and Naturalization Process for Military Members and Their Families



USCIS OFFICE OF CITIZENSHIP, PARTNERSHIP, AND ENGAGEMENT

Community Relations Specialist

USCIS Public Engagement Division

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- Community Relations Specialists build collaborative relationships with local stakeholders and provide educational presentations to the public through regular meetings, special sessions with specific and targeted agendas, email dissemination of communications materials and advise on new USCIS initiatives and updates.
- Today's presentation is on the immigration and naturalization process for military members and their families.

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Today's presentation will cover



U.S. Citizenship
and Immigration
Services



- USCIS Overview
- Military Naturalization Overview
- Statutory Provisions
- Family-based Immigration / Petitioning for Family Members
- Naturalization for Family Members
- Discretionary Options for Service members and their family
- Resources for the Military
- Question and Answer Session

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Today we will provide an informational overview of the immigration and naturalization process for the military members, veterans, and their families that you support.

Details of the presentation will include:

- A brief overview of U.S. Citizenship and Immigration Services and our role in the naturalization process;
- An overview of the naturalization process for military members and veterans;
- A summary of the statutory provisions for military naturalization;
- Family-based immigration and petitioning for family members;
- Naturalization for family members;
- Discretionary options available on a case-by-case basis;
- Resources and contacts for military service members, veterans and their families; and
- A question-and-answer session.

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About USCIS



U.S. Citizenship
and Immigration
Services

USCIS oversees lawful immigration to the U.S. and secures America's promise as a nation of welcome and possibility by:

- **Adjudicating applications and petitions for immigration and citizenship benefits;**
- **Promoting an awareness and understanding of citizenship; and**
- **Ensuring the integrity of our immigration system.**

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- USCIS oversees lawful immigration to the U.S. and secures America's promise as a nation of immigrants by:
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Military Naturalization Overview



U.S. Citizenship
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- Individuals who are serving or have served in the U.S. armed forces may be eligible to apply for naturalization under special provisions of the Immigration and Nationality Act (INA).
- Applicants may submit their application by mail (paper) or create an online account and file their Form N-400 online.
- For more information about filing online, visit www.uscis.gov/n-400.
- Many military installations also have a designated USCIS liaison to help with the Form N-400 Application for Naturalization process.

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- Citizenship is the most important immigration benefit that the U.S. government grants.
- There are three ways to obtain U.S. citizenship:
 1. By birth within the territory of the United States;
 2. Acquired from U.S. citizen parents; and
 3. By naturalization.
- If someone served or is serving in the U.S. armed forces and is interested in becoming a U.S. citizen, they may be eligible to apply for naturalization under special provisions of the Immigration and Nationality Act (INA).
- There are generally two options for filing the Form N-400 with USCIS:
 - By mail (paper), or
 - Applicants can also create a USCIS online account and file their Form N-400 online.
- For more information about filing the application online, visit www.uscis.gov/n-400
- Many military installations also have a designated USCIS liaison to help service members and veterans with the application process.

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Military Naturalization Overview, Cont'd.



U.S. Citizenship
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- **Current service members will need to submit Form N-400, Application for Naturalization, and Form N-426, Request for Certification of Military or Naval Service. Form N-426 must be signed and certified by an authorized official from the service member's military branch.**
- **Veterans will need to submit Form N-400, Application for Naturalization, a copy of their DD Form 214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; or an equivalent discharge document for all periods of service.**

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- Current service members will need to submit:
 - Form N-400, Application for Naturalization, and
 - Form N-426, Request for Certification of Military or Naval Service.
- Form N-426 must be signed and certified by an authorized official from the service member's military branch.
- Veterans will need to submit:
 - Form N-400 Application for Naturalization,
 - A copy of their DD Form 214, Certificate of Release or Discharge from Active Duty, and
 - NGB Form 22, National Guard Report of Separation and Record of Service; or an equivalent discharge document for all periods of service.
- Service members, veterans or those assisting them should mail the completed application and all required materials to: USCIS P.O. Box 4446 Chicago, IL 60680-4446.
- Again, military members or veterans may also complete their application by creating an online account and filing the Form N-400 online.
- Let's review some of the eligibility requirements and statutory provisions for military naturalization.

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Statutory Provisions



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- If a service member or veteran meets all the requirements of either section 328 or 329 of the Immigration and Nationality Act (INA), they may apply for naturalization by filing [Form N-400, Application for Naturalization](#), under the section that applies to them.

INA section 328:
**One Year of Military
Service at Any Time**

INA section 329:
**Service During
Periods of Hostility**

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- If a person meets all the requirements of either Section 328 or 329 of the Immigration Nationality Act (INA), they may apply for naturalization by filing [Form N-400, Application for Naturalization](#) under the section that applies to them.
- Military members and veterans will not have to pay any fees for applying for naturalization under INA 328 or 329.
- Now, we will explore the specific requirements for naturalization under INA 328 and 329 in the following slides.

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INA Section 328

Military Service at Any Time



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INA 328 applicants must demonstrate:

- **Honorable service for at least one year**
- **If separated, have been separated under honorable conditions**
- **Must be a lawful permanent resident**
- **Good moral character (GMC) for 5 years before filing**
- **Residency and physical presence requirements**
- **English proficiency test and civics test**
- **Attachment to the principles of the U.S. Constitution and be well disposed to the good order and happiness of the United States**

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- Under INA 328, a person who has served honorably in the U.S. armed forces at any time may be eligible to apply for naturalization. Naturalization under INA 328 is sometimes referred to as “peacetime naturalization.”
- INA 328 applicants must demonstrate:
 - Honorable service for at least one year
 - If separated, have been separated under honorable conditions
 - Must be a lawful permanent resident
 - Good moral character (GMC) for at least five years before filing Form N-400 and up to the time of naturalization
 - Residency and physical presence requirements
 - Knowledge of English and civics.
 - Attachment to the principles of the U.S. Constitution and be well disposed to the good order and happiness of the United States during all relevant periods under the law, unless waived

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INA Section 329

Honorable Service During Periods of Designated Hostility



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INA 329 applicants must demonstrate:

- Honorable service during a designated period of hostility
- If separated, was separated under honorable conditions from qualifying period of service
- Lawfully admitted for permanent residence OR was physically present within the U.S. or another qualifying area at time of enlistment or reenlistment
- No continuous residence or physical presence required
- No minimum age requirement
- Good moral character (GMC) for 1 year
- English proficiency test and civics test
- Attachment to the principles of the U.S. Constitution and be well disposed to the good order and happiness of the United States

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- INA 329 applicants must demonstrate:
 - Honorable service during a designated period of hostility
 - Honorable service means service in the U.S. armed forces that is designated as honorable service by the executive department under which the applicant performed that military service.
 - “Honorable,” “General-Under Honorable Conditions,” and “Uncharacterized” discharge types qualify as a separation under honorable conditions for immigration purposes. Other discharge types, such as “Other Than Honorable,” “Bad Conduct,” and “Dishonorable,” do not qualify as a separation under honorable conditions.
 - If separated, have been separated under honorable conditions from a qualifying period of service
 - Lawfully admitted for permanent residence OR was physically present within the United States or another qualifying area at the time of enlistment or reenlistment
 - No continuous residence or physical presence required
 - No minimum age requirement
 - Good moral character (GMC) for at least 1 year before filing Form N-400

- and up to the time of naturalization
- Knowledge of English and civics.
- Attachment to the principles of the U.S. Constitution and be well disposed to the good order and happiness of the United States during all relevant periods under the law, unless waived
- Please note that the current period of designated hostility is Sept. 11, 2001, to present. This period of designation remains in effect until the president issues an executive order ending the designation or until there is an act of Congress terminating the designated period.
- A full list of past designated periods of hostility is available in the USCIS Naturalization Information for Military Personnel Factsheet:
<https://www.uscis.gov/sites/default/files/document/forms/m-599.pdf>

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Family-based Immigration



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- There are different paths to immigrating to the United States, including family-based.
- Family-based immigration is the path used to petition for a relative.
- To promote family unity, immigration law allows U.S. citizens and lawful permanent residents to file petitions on behalf of certain qualifying relatives who, upon approval, may apply for:
 - immigrant visas to come to and live permanently in the United States; or
 - adjustment of status to that of a lawful permanent residents (LPRs) if they are present in the United States and otherwise eligible to adjust status.

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- Now we will discuss how military members or veterans can help a family member to immigrate to the United States, once they are a U.S. citizen or lawful permanent resident (also known as a Green Card holder).
- There are different paths to immigrating to the United States, which includes family-based and employment-based paths.
- When a U.S. citizen or lawful permanent resident (LPR) of the United States files an immigrant petition on behalf of a qualifying relative, this is referred to as family-based immigration.
- To promote family unity, immigration law allows U.S. citizens and lawful permanent residents to file immigrant petitions on behalf of qualifying relatives who, upon approval of the petition, may apply for:
 - immigrant visas to come to and live permanently in the United States; or
 - adjustment of status to that of a LPR if they are present in the United States and otherwise eligible to adjust status.

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Petitioning for Relatives



U.S. citizens may file immigrant petitions on behalf of ...	
<i>Immediate Relatives (Immigrant Visa Immediately Available)</i>	
1.	Spouse (husband/wife)
2.	Children (unmarried and under 21)
3.	Parents (if petitioner is 21 years of age or older)
<i>Preference Relatives</i>	
1.	Unmarried Sons/Daughters (21 years of age or older)
2.	Married Sons/Daughters of a U.S. citizen and their spouses and children
3.	Brothers/sisters (if petitioner is 21 years of age or older) and their spouses and children

LPR (Green Card holders) may file immigrant petitions on behalf of...	
<i>Preference Relatives</i>	
1.	Spouse (husband/wife)
2.	Children (unmarried and under 21 years of age)
3.	Unmarried Sons/Daughters (21 years of age or older)
See the Visa Bulletin at www.travel.state.gov for more information.	

- To petition for a relative, a U.S. citizen or LPR must generally file Form I-130, Petition for Alien Relative. They can file this form at any time, so USCIS can recognize a qualifying familial relationship. The qualifying relationship must exist at the time the petition is filed. Form I-130 can be filed online.
- If the petitioner is a U.S. citizen, an immigrant visa is immediately available for their spouse, children (under 21 and unmarried), and parents (if the petitioner is age 21 years or older) upon approval of Form I-130. This means these relatives do not have to wait to apply for immigrant visas or adjustment of status once the Form I-130 is approved. In such cases, if the beneficiary is present in the United States, the beneficiary may file their Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the petitioner's Form I-130.
- Certain categories of relatives of U.S. citizens have to wait for an immigrant visa to become available before they can apply for an immigrant visa or adjustment of status to that of a LPR. This includes a U.S. citizen's unmarried sons and daughters (21 years of age or older), married sons and daughters, and brothers and sisters.
- If the petitioner is an LPR, the categories of relatives for whom the LPR can file an immigrant petition are smaller and these relatives must wait for immigrant visas to become available before they can file an application for an immigrant visa or adjustment of status. There are no immediately available visas for relatives of LPR

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Military Parole in Place



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- Parole in place is a discretionary benefit granted to applicants for admission on a case-by-case basis for urgent humanitarian reasons or significant public benefit under section 212(d)(5)(A) of the INA.
- Parole in place allows noncitizens who came to the United States without admission to remain in the United States for a temporary period.
- You may be eligible for military parole in place, in 1-year increments, if you are one of the following service members, or are the spouse, widow(er), parent, son, or daughter of one of the following service members:
 - Active-duty member of the U.S. armed forces;
 - Individual in the Selected Reserve of the Ready Reserve; or
 - Individual who (whether still living or deceased) previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.

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- We recognize the important sacrifices made by U.S. service members, veterans, and their families.
- To support these individuals, we provide discretionary options such as parole in place and deferred action on a case-by-case basis.
- Parole in place is a discretionary benefit granted to applicants for admission (i.e., present without admission) on a case-by-case basis for urgent humanitarian reasons or significant public benefit under section 212(d)(5)(A) of the INA.
- Parole in place allows noncitizens who came to the United States without admission to remain in the United States for a temporary period.
- If an individual was admitted to the U.S. as a nonimmigrant but is present in the U.S. beyond the period of stay authorized, they are not eligible for military parole in place because they are not an applicant for admission.
- However, the individual may request consideration for military deferred action. We will review military deferred action in the next slide.
- Noncitizens may be eligible for military parole in place in 1-year increments if they are one of the following service members, or are the spouse, widow(er), parent, son, or daughter of one of the following service members:
 - Active-duty member of the U.S. armed forces;
 - Individual in the Selected Reserve of the Ready Reserve; or

- Individual who (whether still living or deceased) previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.
- In addition to demonstrating that they are or were a service member or a relative of a current or former service member, noncitizens who request military parole in place must demonstrate urgent humanitarian reasons or significant public benefit, and that they warrant a favorable exercise of discretion.
- Note that if the requestor is applying as the parent of a current or former service member, they must demonstrate that the current or former service member supports the request for military parole in place.
- Noncitizens who have been granted military parole in place are eligible to apply for employment authorization for the period of parole. See 8 CFR 274a.12(c)(11). See Form I-765, Application for Employment Authorization.
- Parole terminates automatically upon the expiration of the authorized parole period or upon the parolee's departure from the United States. Parole also may be terminated upon written notice to the noncitizen if USCIS determines the purpose for which the parole was authorized has been accomplished or if USCIS determines that neither humanitarian reasons nor public benefit warrant the continued presence of the parolee in the United States.
- For more information on eligibility requirements and how to request military parole in place, review the USCIS Policy Manual, Volume 3, Part F, which links to the Adjudicator's Field Manual content on military parole in place, or visit the USCIS Discretionary Options for Military Members, Enlistees and Their Families webpage:
<https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families>

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Deferred Action (for Certain Military Family Members)



- Deferred action is a form of prosecutorial discretion to defer removal action (deportation) against an individual for a certain period of time.
- Deferred action does not give you lawful status and does not excuse any past or future periods of unlawful presence.
- You may be eligible for military deferred action for up to two years if you are the spouse, widow(er), parent, son or daughter of an:
 - Active-duty member of the U.S. armed forces;
 - Individual in the Selected Reserve of the Ready Reserve; or
 - Individual who (whether still living or deceased) previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.
- DHS can terminate deferred action at any time, at its discretion.

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- Deferred action is a form of prosecutorial discretion to defer removal action (deportation) against an individual for a certain period of time.
- If we grant a noncitizen deferred action, DHS considers that noncitizen to be lawfully present in the U.S. for the period deferred action is in effect. Deferred action does not give lawful status and does not excuse any past or future periods of unlawful presence.
- A noncitizen may be eligible for military deferred action for up to two years if they are the spouse, widow(er), parent, son, or daughter of an:
 - Active-duty member of the U.S. armed forces;
 - Individual in the Selected Reserve of the Ready Reserve; or
 - Individual who (whether still living or deceased) previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.
- Noncitizens who request military deferred action must demonstrate that they warrant a favorable exercise of discretion.
- DHS can terminate deferred action at any time, at its discretion.
- Noncitizens who have been granted military deferred action are eligible to apply for employment authorization for the period of deferred action; they must demonstrate economic necessity. See 8 CFR 274a.12(c)(14). See Form I-765.

- For more information on eligibility requirements and how to request military deferred action, review the USCIS Policy Manual, Volume 3, Part H, which links to the content in the Adjudicator’s Field Manual, <https://www.uscis.gov/sites/default/files/document/policy-manual-afm/afm21-external.pdf> or visit the USCIS Discretionary Options for Military Members, Enlistees and Their Families webpage: <https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families>.

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Helpful Resources and Contacts



U.S. Citizenship
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Military Naturalization page:

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

Military Helpline (877-CIS-4MIL):

Immigration-related support, including:

- Check the status of the Form N-400
- Notify us of a new mailing address/duty station
- Submit an application for expedited processing of a military N-400

<https://www.uscis.gov/military/military-help-line>

Military Naturalization Factsheet:

<https://www.uscis.gov/sites/default/files/document/forms/m-599.pdf>

Forms Page:

For information on Form N-400

<https://www.uscis.gov/forms>

File Online:

To create a USCIS online account or file an application online, please visit:

uscis.gov/file-online

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- Here are some helpful resources and links.
- For more information on the naturalization process through military service, visit our **military naturalization page**: <https://www.uscis.gov/military/naturalization-through-military-service>
- USCIS has a toll-free **military helpline**, 877-CIS-4MIL (877-247-4645) exclusively for current members of the military and their families, as well as veterans. Our representatives are available to answer calls Monday through Friday from 8 a.m. to 6 p.m. Eastern, excluding federal holidays.
- The help line is available to assist with immigration-related information, such as:
 - Checking the status of your Form N-400, Application for Naturalization;
 - Submitting an application for expedited processing of military N-400; and
 - Notifying us of a new mailing address.
- A concise overview the information provided in this presentation is also available in the form of a **Military Naturalization Factsheet**:
<https://www.uscis.gov/sites/default/files/document/forms/m-599.pdf>
- Visit our **Forms Page** for more information on the N-400 application:
<https://www.uscis.gov/forms>
- For more information about creating a **USCIS online account or filing an application online**, please visit: uscis.gov/file-online

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USCIS Resources



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- To subscribe or view a list of upcoming local and national engagements, please visit: uscis.gov/outreach
- To share feedback on today's engagement or to contact us regarding outreach: Public.Engagement@uscis.dhs.gov
- USCIS Citizenship Resource Center: uscis.gov/citizenship



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- To subscribe or view a list of upcoming local and national engagements, please visit: uscis.gov/outreach
- To share feedback on today's engagement or to contact us regarding outreach to military members, veterans, and their families in your local communities, email us at: Public.Engagement@uscis.dhs.gov
- To access citizenship tools and resources, visit the USCIS Citizenship Resource Center: uscis.gov/citizenship
- **END OF PRESENTATION**

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Author: USCIS

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