



May 28, 2021

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## Policy Alert

SUBJECT: Veterans Residing Outside the United States and Naturalization

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to provide clarifications regarding certain naturalization applications filed by veterans of the U.S. armed forces under section 329 of the Immigration and Nationality Act (INA).<sup>1</sup> These clarifications ensure eligible military veterans who served honorably during specifically designated periods of hostility and meet all other statutory requirements for naturalization are able to naturalize and become U.S. citizens in accordance with U.S. immigration laws.

### Background

Members of the U.S. armed forces (or veterans) who serve honorably for any period of time during specifically designated periods of hostilities may be eligible to naturalize.<sup>2</sup> In general, an applicant who files on the basis of honorable military service during hostilities is not required to be a lawful permanent resident (LPR) under certain conditions.<sup>3</sup> In accordance with the statutory provisions, some veterans of the U.S. armed forces who served and were honorably discharged but are not LPRs may be eligible to naturalize under [INA 329](#) even if currently residing outside the United States. In some cases, such veterans may seek to be admitted or paroled into the United States for the purpose of attending a naturalization interview and oath ceremony.

USCIS is updating guidance to incorporate existing procedures as well as clarify and affirm certain eligibility requirements that apply to such veterans. The guidance, contained in Volume 12 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### Policy Highlights

- Clarifies that naturalization interviews for veterans (non-current members of the U.S. armed forces) residing outside the United States must take place in the United States, but USCIS may,

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<sup>1</sup> See [INA 329\(a\)](#).

<sup>2</sup> See [INA 329\(a\)](#). See [8 CFR 329.2\(a\)\(1\)-\(5\)](#). See Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 3, Military Service during Hostilities (INA 329), Section D, Designated Periods of Hostilities [[12 USCIS-PM I.3\(D\)](#)].

<sup>3</sup> Specifically, LPR status is not required in cases where the military member or veteran was physically present in the United States or certain other designated areas at the time of induction, enlistment, reenlistment, or extension of service in the U.S. armed forces. See [INA 329\(a\)](#). See [8 CFR 329.2\(c\)\(2\)](#).

in its discretion, coordinate with U.S. Customs and Border Protection to have USCIS officers conduct naturalization interviews of certain veterans at a port of entry.

- Clarifies that, as with all cases, all pertinent background checks, including U.S. Department of Defense military background checks (when required), must be completed before USCIS may interview the naturalization applicant.
- Clarifies the specific documentation USCIS refers to when reviewing whether the applicant served (or is serving) honorably, and, if the applicant has separated from service, whether the applicant was separated under honorable conditions.
- Clarifies INA 329 requires both “honorable service” and, if the applicant has separated from service, a separation “under honorable conditions.”
- Explains that, where an applicant who is currently serving submits a Request for Certification of Military or Naval Service ([Form N-426](#)), such form must be certified within 6 months of submission of the Application for Naturalization ([Form N-400](#)) to USCIS, except for applicants who enlisted in the Selected Reserve of the Ready Reserve through the Military Accessions Vital to National Interest (MAVNI) program before October 13, 2017.<sup>4</sup>

### **Citation**

Volume 12: Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 3, Military Service during Hostilities (INA 329) [[12 USCIS-PM I.3](#)] and Chapter 5, Application and Filing for Service Members (INA 328 and 329) [[12 USCIS-PM I.5](#)].

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<sup>4</sup> The exception is due to an injunction issued in class action litigation that limits USCIS’ ability to request a new Form N-426 from certain MAVNI service members who enlisted before October 13, 2017. See *Nio, et al. v. United States Department of Homeland Security, et al.*, Civil Action No. 17-0998 (D.D.C. 2019).