

FORT CARSON LEGAL INFO PAPER

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.

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.