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## CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series  
Cyber Center of Excellence Office of the Staff Judge Advocate  
Legal Assistance Division, Fort Gordon

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# *Immigration Law – Frequently Asked Questions*

## **HOW CAN I CHECK THE STATUS OF MY IMMIGRATION CASE?**

Answer: The U.S. Citizenship and Immigrations Services (USCIS) website has a Check Case Status tool to check your case status online: <https://egov.uscis.gov>.

## **CAN I REQUEST EXPEDITED PROCESSING AND, IF SO, HOW IS THAT DONE?**

Answer: Yes. Expedite requests are considered on a case-by-case basis. Relevant criteria or circumstances in determining whether to grant an expedite request include, but are not limited to:

- Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner's or applicant's failure to timely file the benefit request or to timely respond to any requests for evidence;
- Emergencies or urgent humanitarian situations;
- Nonprofit organization (as designated by the Internal Revenue Service (IRS)) whose request is in furtherance of the cultural or social interests of the United States;
- Government interests, including cases identified by the government as urgent because they involve the public safety, national interest, or national security interests; and
- Clear USCIS error.

In most cases, you make the request through the USCIS Contact Center: <https://www.uscis.gov/contactcenter>. You need to explain why you need expedited processing. You also generally need to provide your receipt number to the USCIS Contact Center so they can send your request to the office that has your application or petition. If you have a USCIS online account and have access to secure messaging, you may select "expedite" as the reason for your inquiry and submit your request there: <https://myaccount.uscis.gov/create-account>. Your expedite request must be justified with evidence and should be supplied to the office processing your case. If you have an online account, you should upload evidence there to support your expedite request in addition to calling the USCIS Contact Center.

## **IS EXPEDITED PROCESSING AVAILABLE FOR MILITARY SPOUSES TO BECOME U.S. CITIZENS?**

Answer: Yes. Spouses of U.S. citizen service members who are (or will be) stationed outside the United States may be eligible for expedited naturalization in the U.S. under section 319(b) of the Immigration and Nationality Act (INA). To apply for naturalization under INA 319(b), you generally must:

- Be age 18 or older;
  - Establish your spouse is a U.S. citizen who is, or will be, regularly stationed abroad as a U.S. service member for a period of one year or more;
  - Be authorized to accompany your spouse abroad by your spouse's official orders;
  - Be present in the U.S. as a lawful permanent resident at the time of your naturalization application interview;
  - Be present in the U.S. at the time of naturalization;
  - Declare in good faith upon naturalization an intent to reside abroad with your U.S. citizen spouse and to reside in the U.S. immediately upon your spouse's termination of service abroad;
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- Be able to read, write, and speak basic English;
- Have basic knowledge of U.S. history and government (civics); and
- Have been, and continue to be, a person of good moral character, attached to the principles of the U.S. Constitution and well-disposed to the good order and happiness of the U.S. during all relevant periods under the law.

For additional information on eligibility, visit: <https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-9>.

### **WHERE CAN I FIND AVERAGE CASE PROCESSING TIMES?**

Answer: Average case processing times can be found on the USCIS website: <https://egov.uscis.gov/processing-times/historic-pt>.

### **WHAT IS PAROLE IN PLACE?**

Answer: Parole in place is a discretionary immigration program that allows certain undocumented family members of U.S. military personnel to remain in the United States temporarily without facing deportation. Parole is a lawful immigration status that allows you to stay in the U.S. for one-year increments and grants access to certain immigration benefits. Parole in place is granted on a case-by-case basis for urgent humanitarian reasons or significant public benefit. If granted, parole in place allows the individual to apply for permanent residency and a work permit. In order to apply for parole in place, the family member must be a spouse, parent, or child of a current or former servicemember. Because parole in place is a discretionary program, each application is evaluated on a case-by-case basis and there is no guarantee it will be granted. It is best to consult with an immigration attorney before applying to evaluate the merits of your case. For more information on parole in place eligibility and requests, visit: <https://www.uscis.gov/sites/default/files/document/brochures/Brochure-Immigration Options for Family of Certain Military Members and Veterans.pdf>.

*This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812/7813.*