

## **EXPEDITIOUS NATURALIZATION OF DEPENDANT SPOUSES**

A green-card-holding spouse of an U.S. military member who is regularly stationed abroad may be naturalized without satisfying the normal time periods for physically residing in the United States.

This expedited naturalization for spouses of U.S. military members stationed abroad is a tremendous opportunity as it provides the full protection of the U.S. government to the spouses of U.S. military member and is available immediately after admission as a lawful permanent resident. The following laws and regulations explain what documents you will need and how the process works.

### **Who Qualifies For Expeditious Naturalization?**

To Qualify,

- 1) The spouse must be a legal permanent resident at the time of your interview;
- 2) Currently married (valid martial union) to a U.S. citizen and Service Member;
- 3) The Service Member must be “regularly stationed abroad”;
- 4) The Service Member must have at least 1 year remaining on his or her overseas duty **at the time of your naturalization;**
- 5) Must be physically present in the United States at the time of naturalization; and
- 6) You must show evidence that you will join your spouse overseas within 45 days of your naturalization.

See a more thorough list at <http://www.state.gov/documents/organization/79520.pdf>

### **The Applicable Law?**

EXPEDITIOUS NATURALIZATION FOR DEPENDENT SPOUSES (INA §319(b); 8 U.S.C. 1430(b); 8 C.F.R. § 319.2; DOD DIR 5500.14)

A spouse married to a United States citizen, whether military or civilian, who is assigned overseas by the United States government, may qualify for expeditious processing of an application for naturalization. Lawful permanent resident (LPR) status is still required; but all residency and physical presence requirements are waived. The overseas assignment must be one year or more after taking the oath of naturalization. Marital unity is still a requirement.

### **What Must the Spouse Do?**

- 1) The green-card holding spouse should file a Form N-400, an Application for Naturalization;
- 2) If concurrent travel is authorized, the green-card holding spouse should obtain a completed Form DD 1278, “Certificate of Overseas Assignment to Support Application to File for Petition for Naturalization” from the member’s command.
  - a. The DD Form 1278 is available at <http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd1278.pdf>

- 3) If concurrent travel is not authorized, then the spouse must provide **all** of the following items:
- a. A copy of the orders;
  - b. Paid airline ticket to the overseas duty station; and
  - c. A letter from the commanding officer stating that the military will permit the alien spouse to accompany the member at his or her own expense.

### **What are the Advantages of Expeditious Naturalization?**

Expeditious naturalization as an overseas PCS item: Every service member should be aware of the advantages of applying for expeditious naturalization for his or her "LPR" spouse. This should be a PCS checklist item for military families in which the non-military spouse is an "LPR".

### **When Must I File the Application By?**

The expeditious naturalization option for spouses is not available once the overseas tour is over.

### **How Long Will the Process Take?**

USCIS gives a high priority to these particular applications. However, there are required security background checks that must be completed before one can be naturalized and that process may take a couple of months.

### **What If My Spouse is a Conditional Resident?**

An alien spouse is eligible for expeditious naturalization even if she is a conditional resident.

### **Where Can the Spouse File His or Her Application?**

The applicant does not have to reside within the jurisdiction of the district of the service where naturalization is sought, and the naturalization application thus can be filed in any district of the Service. (INA §319(b) 8 USC §1430(b)).

### **Other Resource**

The Citizenship and Immigration Services *Website* has a wealth of information for military and their families located at <http://www.uscis.gov> or call the National Customer Service at 1-800-375-5283.

For appointments concerning this issue and other personal legal matters, call the Legal Assistance Branch of the Office of the Staff Judge Advocate located at Building 358, Buffalo Soldier Trail, Defense Language Institute, Presidio of Monterey (831-242-5084 or DSN 768-5084).