Legal Briefs

From the Fort Knox Legal Assistance Office

Military Naturalization

Eligibility

Recent changes in the Immigration and Nationality Act (INA) (Sections 328 and 329) make it easier for qualified military personnel to become U.S. citizens. The U.S. Citizenship and Immigration Service (USCIS) has created a streamlined process for military personnel who are serving in active-duty status or have recently been discharged.

There are some naturalization requirements that you may be exempt from, as a member of the military including residency and physical presence in the United States. All soldiers currently serving in the U.S. Armed Forces and veterans may qualify under INS Section 328 if:

- You have served honorably for a total of one or more years.
- You are a lawful permanent resident.
- You will be filing your application for naturalization while still in service or within six months of being discharged.

Additionally, you may qualify under INS Section 329 if:

- You served honorably in the U.S. Armed Forces during an authorized period of conflict for at least 1day of active duty.
- After enlistment, you were lawfully admitted as a permanent resident of the United States, OR at the time of enlistment, reenlistment or induction you were physically present in the United States or a qualifying territory.
- **(Recently, the President signed an Executive Order identifying September 11, 2001 and after as an authorized period of conflict.)**

Installation Assistance

Every military installation should have a designated point-of-contact to handle your application and assist you with the preparation of the required forms. The designated point of contact at Fort Knox is the Military Personnel office, Building 5101. MILPO will send your forms to the Nebraska Service Center:

- N-400 – Application for Naturalization
- N-426– Request for Certification of Military Service (must be certified)
- G325B – Biographic Information

Process

The Service Center will review your application and perform the necessary security checks. If you need to be fingerprinted you will receive an appointment letter from USCIS. Then, the district office closest to your location will conduct your interview. If you have a preference as to where you would like to be interviewed, you can provide that information in a cover letter attached to your naturalization packet. The district office will set a date to interview you and test your knowledge of English and Civics. You can find sample questions on the USCIS website. If granted, USCIS will inform you of the date you can take your oath of allegiance.

Recent Changes

After October 2004, legislation has created additional benefits to members of the military. No fees may be charged when you file for naturalization. The naturalization process will be made available overseas to members of the Armed Forces at U.S. embassies, consulates, and where practical, military installations abroad. Also, you can now request USCIS use your fingerprints from your military file.

Forms

To get any of these forms, contact the Fort Knox MILPO office located at Bldg 5101, or visit the USCIS website at www.uscis.gov.

Posthumous Benefits

The INA allows for the awarding of posthumous citizenship to active-duty military personnel who die while serving in the armed forces. In addition, surviving family members seeking immigration benefits are given special consideration. To learn more, contact your military point-of-contact, your local district USCIS office, or www.uscis.gov.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.