

MILPERSMAN 5352-020

NATURALIZATION OF ALIEN SPOUSE AND/OR ALIEN ADOPTED CHILDREN OF MILITARY PERSONNEL ORDERED TO A FOREIGN COUNTRY

Responsible Office	CNIC (N911A)	Phone:	DSN	882-4387
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References	(a) 8 U.S.C. 1430(b) and 1433 (b) 8 U.S.C. 1430(e) (per P.L. 110-181 (Act of Jan. 28, 2008), Section 319, Immigration and Naturalization Act) (c) DOD Instruction 5500.14 of 4 Jan 06
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1. **Background**. This article provides uniform procedures acceptable to United States Citizenship and Immigration Service (USCIS) for military certification of alien family members seeking naturalization under references (a) and (b), and is per reference (c).

2. **Eligible Spouses and Children**. Lawful permanent resident alien spouses and adopted children of United States (U.S.) citizen members may be naturalized without regard to prior residence or a specified period of physical presence within U.S., or within jurisdiction of a naturalization court, when member has been assigned to duty in a foreign country and alien spouse or adopted child has been authorized to accompany or join member. In addition, the alien spouse and children may be naturalized overseas per references (a) and (b).

3. **Installation Commanders**. Military installation commanders shall give maximum assistance to alien family members of personnel ordered overseas, to expedite naturalization of family members in order to permit them to accompany or join their sponsors, when such travel has been authorized by regulation and is approved by overseas commander.

4. **Naturalization Procedure**. The following procedure has been developed with USCIS to effect timely and orderly processing of alien family members eligible for naturalization under above cited statutes. Deviation from prescribed procedure, use of

nonstandard forms of certification, or failure to submit required documentation may result in delay in attainment of citizenship.

Step	Action
1	Application shall be made by alien member on N-400, Application for Naturalization . This form may be obtained from any USCIS office or any court having naturalization jurisdiction.
2	Application may be filed when it is established that sponsor is being assigned overseas, or may be deferred until appropriate military commander has certified scheduled date of family member's departure.
3	Submit application to nearest USCIS office with following documents: <ul style="list-style-type: none"> • Three identical photographs • Certification of family member's scheduled departure for overseas made by appropriate military commander
4	DD 1278, Certificate of Overseas Assignment to Support Application to File Petition for Naturalization , will be issued to alien family members by Navy Passenger Transportation Office at times indicated so that they may file the certificate with nearest USCIS office to initiate naturalization proceedings. Only DD 1278 will be accepted by USCIS office; memorandums or letters issued by military commanders will not be accepted.
5	When family members are authorized automatic concurrent travel, DD 1278 shall not be issued earlier than 180 days prior to family members' scheduled date of travel.
6	When advance application for concurrent travel is required, DD 1278 shall be issued after approval is received, and not earlier than 180 days prior to family members' scheduled date of departure.
7	When concurrent travel is not authorized, DD 1278 shall be issued after authorization for family members' movement is received, but not earlier than 90 days prior to scheduled date of family members' travel.
8	Aliens will file DD 1278, and N-400 if not previously filed, with nearest USCIS office. Further processing of application for citizenship will be as prescribed by USCIS. Upon completion of naturalization process, application for a passport should be submitted immediately so that it can be issued prior to departure of family members for overseas.
9	If the alien spouse is already overseas then the family members may be naturalized overseas per references (a) and (b).
10	This provision may not be used if the individual will have less than 1 (one) year left on the orders when the spouse becomes a U.S. citizen. In addition this provision is not available once the military member has returned to the U.S. on permanent change of station (PCS) orders.

5. **Further Assistance**

a. Advice and assistance concerning naturalization laws and regulations can be obtained from following:

Legal Assistance Division
Office of Judge Advocate General (Code 16)
1322 Patterson Avenue, SE
Suite 3000
Washington Navy Yard, DC 20374-5066

Telephone: (202) 685-4643
DSN: 325-4643
E-Mail: michael.s.cole1@navy.mil

b. Copies of necessary forms can also be obtained from same source.