



Fact Sheet

Oct. 2, 2008

REQUIREMENTS FOR NATURALIZATION ABROAD BY SPOUSES OF MEMBERS OF THE U.S. ARMED FORCES

On January 28, 2008, President Bush signed the National Defense Authorization Act for Fiscal Year 2008 (H.R.4986 / Public Law 110-181) into law. Part of that law is a new section 319(e) of the Immigration and Nationality Act (INA) which allows certain eligible spouses of members of the U.S. armed forces to naturalize abroad without traveling to the United States for any part of the naturalization process.

To be eligible for naturalization abroad, lawful permanent resident spouses of members of the U.S. armed forces, who live abroad on official military orders, must meet the requirements of either section 316(a) or 319(a) of the INA at the time of filing.

- Section 319(a) applies to individuals who have been lawful permanent residents for three years as the current spouse of a U.S. citizen, and continue to be married that U.S. citizen spouse.
- Section 316(a) applies to spouses who have been lawful permanent residents for five years.

For naturalization purposes, the time eligible spouses have spent abroad on official military orders may count for both continuous residency and physical presence in the United States.

Individuals applying for naturalization abroad as the spouse of a member of the armed forces must live in marital union with that member of the armed forces. However, involuntary separations due to circumstances beyond their control, such as military deployments, do not prevent naturalization.

A spouse of a member of the armed forces must have official military orders authorizing them to accompany their spouse abroad, and must accompany or live with that member of the armed forces as provided in those orders.

Note that only those eligible spouses who prefer naturalization abroad should apply for that option. Those who prefer to apply for naturalization in the United States may still elect to do so. Eligible spouses who live abroad and want to naturalize abroad should follow these instructions:

Submit a completed and signed *Application for Naturalization (Form N-400)* – In Part 2 (*Information About Your Eligibility*), please note whether the eligibility is under INA Section 316(a) or 319(a) and mark Section D (Other). Write in: "319(e) Overseas Naturalization." Include the following information:

Cover Letter – USCIS encourages applicants to place a brief cover letter on top of the application package with the heading "319(e): Deliver to Military N-400 Point of Contact" explaining their desire to naturalize abroad. The cover letter should include the applicant's current address of residence abroad and indicate whether they qualify for naturalization under either Section 316(a) or 319(a) of the INA. Applicants should print their name and overseas address (both local and APO/FPO) and include the location of the USCIS office overseas most convenient to conduct the interview (for example, "the U.S. Consulate in Frankfurt").

Form DD-1278 – Include a signed and completed Form DD-1278, "Certificate of Overseas Assignment to Support Application to File Petition for Naturalization" from the military official certifying the applicant has "concurrent travel orders" and is authorized to join their spouse military service member abroad.

Fingerprint Cards – Include two completed fingerprint cards (FD-258). Those applying overseas must have their fingerprints taken at a U.S. military base, an overseas USCIS field office, or an American Embassy/Consulate. Individuals applying in the United States must have their fingerprints taken at a USCIS Application Support Center.

Marriage Certificate – Provide proof of the current marriage and, if applicable, the legal end of all prior marriages for both the applicant and the spouse (photocopies of marriage or death/divorce certificates).

Proof of U.S. Citizenship – The applicant must show proof the military spouse is a U.S. citizen if applying under INA Section 319(a). Acceptable forms of evidence include copies of a valid U.S. passport, a U.S. birth certificate, certificate of naturalization, certificate of citizenship (A or AA), or the Registration of Birth Abroad, (Form FS-240).

Photos – Two identical passport-style photos (See instruction sheet).

Proof of LPR Status – Submit a photocopy of the applicant's Permanent Resident Card (both front and back) or I-551 stamp to show proof the applicant is a Lawful Permanent Resident of the U.S.

Evidence of Marital Relationship – This includes, but is not limited to: birth certificates for children born to you and your spouse, joint bank accounts, joint tax returns, etc.

Fees – Include the correct fee. The amount depends on from where the application is filed:

- Applicants who file from outside the United States and had their fingerprints taken overseas (see above), should submit a check or money order for \$595(USD) with the application.
- Applicants filing from within the United States should submit a single check or money order of \$675(USD) with the application (the N-400 fee of \$595 and biometrics fee of \$80 combined).
- Make the check or money order payable to the "Department of Homeland Security" or "U.S. Citizenship and Immigration Services." Note: for payment overseas, please check local payment procedures.

Mailing Address – USCIS recommends that applicants submit all 319(e) naturalization applications to the USCIS overseas office having jurisdiction over the spouse's overseas residence, or to USCIS at the following address:

Nebraska Service Center
P.O. Box 87426
Lincoln, NE 68501-7426

For private courier deliveries, send to:
Nebraska Service Center
850 S Street
Lincoln, NE 68508

Processing Time – Once the USCIS Nebraska Service Center receives the application, it will generally take between 120 to 180 days to complete its processing, provided all of the required background checks have been completed and the applicant has submitted all required documentation. Applicants should save all receipts and notices of action, and always refer to the "A" number or N-400 receipt number when contacting USCIS or when checking the status of their application at www.uscis.gov.

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