



## Questions and Answers

### The CIS Ombudsman's Webinar Series: Services for Noncitizen Veterans

#### **Follow up Questions:**

#### **Q1. Whom do advocacy groups get in touch with to offer their services as Intake and Resource Centers on behalf of this initiative?**

A1. Interested advocacy groups should contact Debbie Rogers, Senior Advisor, Office of the Secretary, Director of the Immigrant Military Members and Veterans Initiative, at: [IMMVETS@HQ.DHS.GOV](mailto:IMMVETS@HQ.DHS.GOV).

#### **Q2. As a leader of a nonprofit organization that supports Hispanic Military families and veterans, we deal with immigration issues within our military families, soldiers, and veterans. We offer free citizenship classes and offer support to everyone that needs a push on completing citizenship process. One of the most difficult things we see is the financial strain that this process brings to many military families. Is there a possibility to reduce fees for military families, soldiers and veterans that are in process of citizenship?**

A2. Current and former members of the U.S. military do not pay a fee for naturalization. If eligible, family members may apply for a reduced N-400 fee or a fee waiver. See Forms [I-942, Request for Reduced Fee](#), and [I-912, Request for a Fee Waiver](#). USCIS is currently reviewing all fees as part of its biennial fee review and will take your suggestion into consideration.

#### **Q3. Why are the dates for periods of hostility under USCIS different than the dates listed through the VA? Specifically, why does USCIS recognize a shorter armed conflict period during the Gulf War than the VA?**

A3. On November 22, 1994, former President Bill Clinton, signed Executive Order No. 12939, titled, "Expedited Naturalization of Aliens and Noncitizen Nationals Who Served in an Active-Duty Status During the Persian Gulf Conflict" ([59 FR 61231](#) (November 22, 1994)). The order specified that "For the purpose of determining qualification for ... naturalization, the period of [armed conflict during the] Persian Gulf Conflict... commenced on August 2, 1990 and terminated on April 11, 1991." These dates are still used by USCIS when determining naturalization eligibility for veterans who served during the Persian Gulf Conflict.

**Q4. Can a Service Member who has DACA naturalize during hostilities?**

A4. Service Members who are eligible for naturalization based on their service during a designated period of hostilities are not required to have any particular immigration status, as long as they were present in the United States or certain other designated areas at the time of enlistment, reenlistment, extension of enlistment, or induction. For additional information see USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 3 - Military Service during Hostilities (INA 329) [[12 USCIS-PM I.3](#)].

**Q5. What do you consider Aggravated Felonies?**

A5. Congress defined the term ‘aggravated felony’ by statute. See [INA 101\(a\)\(43\)](#). Additional permanent bars to good moral character include involvement with genocide, torture, extrajudicial killings, Nazi persecution, or particularly severe violations of religious freedoms. See USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part F, Good Moral Character, Chapter 4, Permanent Bars to Good Moral Character, Section B, Aggravated Felony [[12 USCIS-PM F.4\(B\)](#)] for additional information and guide listing aggravated felonies in the immigration context.

**Q6. The Military Helpline told me recently that they ONLY help with military naturalizations, and no other immigration benefits. Is this true? They said they could not assist with anything except a case where a military member is filing for naturalization. Please clarify.**

A6. The USCIS Military Help Line is a resource USCIS provides to military members and their families who want assistance with a variety of immigration-related matters. When a veteran dials the USCIS Military Help Line they are presented with a menu of options which helps USCIS route their inquiry to the proper USCIS Contact Center military subject matter expert. One of those menu options is limited to military naturalization. If a caller realizes they have selected an incorrect menu option, they may hang up and call the line again to select a different option. USCIS representatives are available to assist veterans through the USCIS Military Help line every Monday through Friday from 8 a.m. to 4 p.m. Central, excluding federal holidays. Military members and their families may contact the help line at 877-CIS-4MIL (877-247-4645), or 800-877-8339 for TTY. Veterans may also request assistance by email at [militaryinfo@uscis.dhs.gov](mailto:militaryinfo@uscis.dhs.gov). Email requests may be submitted when the help line is not staffed. For general immigration information, applicants may call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833); if calling from outside the U.S. 212-620-3418, please see <https://www.uscis.gov/contactcenter>.

**Q7. Is the residency required for military families deployed overseas?**

A7. The law permits expedited naturalization in the United States for eligible spouses of U.S. citizen Service Members who are or will be stationed or deployed abroad. See INA 319(b). This provision does not require any prior period of residence or specified period of physical presence within the United States for an eligible lawful permanent resident (LPR) spouse of a U.S. citizen who is an employee of the United States Government (including a member of the U.S. armed

forces) who is stationed abroad in such employment for at least one year. For additional information see, USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 9 - Spouses, Children, and Surviving Family Benefits, Section B. Spouses of Military Members, subsection 2, Spouses of Military Members who are or will be Stationed or Deployed Abroad (INA 319(b)) [[12 USCIS-PM I.9\(B\)\(2\)](#)].

If a military spouse seeks to naturalize outside of the United States, residence and physical presence is generally required, but the spouse may count time residing with the service member outside the United States as residence and physical presence in the United States if the spouse was authorized to accompany the member and reside abroad with the member pursuant to the member's official orders, and the spouse was accompanying and residing with the member in marital union. See INA 319(e).

**Q8. Do you agree that the Form G-325A is not a "form" on which you apply for military deferred action? You do not get a receipt number or anything identifying your letter seeking deferred action that the USCIS military helpline can trace, nor the USCIS call center. Can you fix this? There needs to be a real form or something traceable for when you file for Military Deferred Action under USCIS PM 602-0114. Can you comment?**

A8. We appreciate your feedback regarding the issues related to military deferred action. While requestors seeking military deferred action do not receive a receipt number, they should be able to obtain more information about their case by providing their A-number to USCIS Contact Center representatives.

**Q9. Am I still eligible if I lost a civil lawsuit?**

A9. In general, USCIS does not consider civil lawsuits between two private parties when determining eligibility for naturalization. An applicant is eligible based on meeting the statutory and regulatory requirements for naturalization.

**Q10. As military members move to another duty station; processing is delayed because of change of address. Is there a specific or a special stipulation for those military families that are in process of a military move, so the process doesn't delay more?**

A10. Applicants should inform USCIS as soon as possible about a possible change in duty station so USCIS can work with the service member and their family to expedite their naturalization applications. Applicants should contact the Military Help Line to report any change of address at 877-CIS-4MIL (877-247-4645, TTY 800-877-8339) or at the e-mail address: [militaryinfo@uscis.dhs.gov](mailto:militaryinfo@uscis.dhs.gov). In addition to calling the helpline, the applicant should also inform the local office handling their case(s) of any address change.

**Q11. What agency is taking charge with identifying exiled veterans?**

A11. As announced in the July 2, 2021, [joint statement from the Department of Veterans Affairs \(VA\) and the Department of Homeland Security \(DHS\)](#), the VA and DHS are working together with other government partners to identify noncitizen veterans previously removed to ensure

they are able to obtain VA benefits to which they may be entitled. In order to apply for naturalization, an applicant should file Form N-400, Application for Naturalization, online. See [www.uscis.gov/n-400](http://www.uscis.gov/n-400).

**Q12. How are the VA, DHS, CBP & USCIS working together to provide and expedite care to exiled veterans who are awaiting parole or naturalization response?**

A12. As naturalization cases for veterans residing overseas are identified, USCIS and CBP are coordinating naturalization interviews for certain veterans at designated ports of entry or within the U.S. DHS agencies are also actively working with the VA to provide training and information to veterans and veteran serving organizations about naturalization.

**Q13. Is the term military family limited only to his/her spouse and children? What about siblings?**

A13. If a noncitizen is requesting parole in [place](#), they may be eligible for military parole in place if he or she is the [spouse](#), [widow\(er\)](#), [parent](#), [son](#), or [daughter](#) of an active-duty member of the U.S. Armed Forces, an individual in the Selected Reserve of the Ready Reserve, or an individual (whether still living or deceased) who previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged. Also, if the service member is now deceased, the surviving family member may be eligible for military parole in place but must have been residing in the U.S. at the time the service member died.

If the service member is a U.S. citizen seeking an immigrant visa for their family member to reside in the U.S., they may petition for certain noncitizen relatives (including parents and siblings, if the petitioner is 21 years of age or older) to immigrate to the United States. If the petitioners and the beneficiaries of such petitions meet the eligibility requirements, beneficiaries may then pursue LPR status by applying for an immigrant visa at a U.S. embassy or consulate (otherwise known as consular processing), or, if already in the United States, by applying for adjustment of status. See [Form I-130, Petition for Alien Relative](#). Surviving family members seeking immigration benefits are given special consideration in the processing of their applications for permanent residence or for classification as an immediate relative.

For naturalization purposes, only spouses and children of U.S. citizen Service Members may be eligible for naturalization under special provisions in the INA based upon military service if the veteran is alive.

If the veteran is deceased, their spouses and children remain eligible for naturalization and surviving parents may be eligible for naturalization if their U.S. citizen child dies during a period of honorable service in an active-duty status in the U.S. armed forces. See USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 9 - Spouses, Children, and Surviving Family Benefits, Section A General Provisions for Spouses, Children, and Parents of Military Members [[12 USCIS-PM I.9\(A\)](#)].

**Q14. What form of relief, if any, will be given to help exiled veterans to reach the port of entry from various parts of the globe? Some of these exiled vets live in poverty and can't afford travel.**

A14. DHS will help in the form of processing certain applications without fees for the Service Members and veterans, including naturalization applications. DHS is unable to provide travel assistance to applicants.

**Q15. How is the government agency planning on working with NGOs to streamline the process of repatriating exiled vets?**

A15. USCIS is constantly looking for ways to enhance its processes and internal procedures, therefore, USCIS welcomes any feedback or ideas to help us make those improvements. NGOs can provide their ideas and feedback through many avenues which includes emailing USCIS at [public.engagement@uscis.dhs.gov](mailto:public.engagement@uscis.dhs.gov).

**Q16. What if a veteran's spouse was denied for failing the English civics test? Will they be eligible to reapply for naturalization again?**

A16. Applicants who are denied naturalization for failing the English or civics test may reapply for naturalization by filing a new Form N-400 or may file a [Form N-336](#), Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA). If the Form N-336 is timely filed, the applicant will have another opportunity to take any portion of the tests that they failed. If the applicant did not timely file a Form N-336, or fails the English or civics test again at the hearing, the applicant may reapply for naturalization.

**Q17. Are spouses of military Service Members or veterans who are abroad and applying for naturalization based on marriage required to attend the interview and ceremony in the U.S.?**

A17. Spouses applying for naturalization who have less than 3 years of lawful permanent resident status must complete the interview and Oath of Allegiance in the United States. See USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 9 - Spouses, Children, and Surviving Family Benefits, B. Spouses of Military Members [[12 USCIS-PM I.9\(B\)](#)].

Spouses eligible for naturalization under INA 316(a) (which requires 5 years as a lawful permanent resident, among other requirements) or INA 319(a) (which requires 3 years as a lawful permanent resident, among other requirements) may naturalize overseas, as provided in INA 319(e).

**Q18. When should a military member petition USCIS benefits for his/her parents who are illegal immigrants?**

A18. For purposes of an immigrant visa, a U.S. citizen may petition for a parent, if the petitioner is 21 or older.

For purposes of parole in place, a noncitizen may be eligible for military parole in place if he or she is the spouse, widow(er), parent, son, or daughter of an active-duty member of the U.S. Armed Forces, an individual in the Selected Reserve of the Ready Reserve, or an individual (whether still living or deceased) who previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.

If the service member is now deceased, the surviving family member may be eligible for military parole in place but must have been residing in the U.S. at the time the service member died.

If a noncitizen is outside the U.S., the individual may apply for humanitarian parole if there is a compelling emergency and there is an urgent humanitarian reason or significant public benefit to allowing them to temporarily enter the United States. Anyone can file an application for humanitarian parole. Please visit <https://www.uscis.gov/forms/explore-my-options/humanitarian-parole> for more information.

**Q19. When can I apply for U.S. citizenship online, Form N-400, as US Army veteran not residing in the United States? I already have an account with USCIS, but it says that veterans cannot apply online yet. When do you think the form would be available to apply online? I served in Vietnam.**

A19. Members of the military are able to file the N-400 online without paying a fee. The applicant needs to indicate under their basis for eligibility that they are applying on the basis of qualifying military service. For technical support with the USCIS online account, use this [help form](#) or use the [USCIS Contact Center](#).

**Q20. Can a military naturalization be denied to a military member because of his/her country origin?**

A20. No, USCIS does not deny naturalization applications based on country of origin.

**Q21. Can you apply for Parole in Place, if you have been deported [and are currently outside of the United States]?**

A21. An individual who is currently outside the United States is not eligible for Parole in Place as they must be physically present in the United States without having been inspected and admitted or paroled. However, The Department of Veterans Affairs (VA) is working with Department of Homeland Security (DHS) and other partners to identify noncitizen veterans previously removed to ensure they are able to obtain VA benefits to which they may be entitled, and we will provide information on this initiative as soon as possible.

**Q22. Have the problems been fixed with the drop-down box on the online N-400 application for applicants who don't have a green card? It has been a problem up to now as far as I hear.**

A22. MyUSCIS is working on updating the form so that applicants who are not permanent residents, but otherwise eligible, can apply using the online version of the form.

**Q23. What resources are available for overseas veterans? Some do not have the financial means to come to the United States.**

A23. DHS will help in the form of processing certain applications without fees for the Service Members, including naturalization. DHS is unable to provide travel assistance to applicants.

**Q24. How do I prove 1 year of good moral character?**

A24. One of the general requirements for naturalization is good moral character (GMC). GMC means character which measures up to the standards of average citizens of the community in which the applicant resides. In general, an applicant must show that he or she has been and continues to be a person of GMC during the statutory period prior to filing and up to the time of the Oath of Allegiance. USCIS reviews conduct, commission and convictions of criminal offenses, false testimony, failure to support dependents, unlawful voting and voter registration, false claims to U.S. citizenship and other provisions as provided in the statute and regulations. See USCIS Policy Manual Volume 12, Citizenship and Naturalization, Part F, Good Moral Character [[12 USCIS-PM F](#)] for additional information.

**Q25. What is the definition of "good moral character"? Who defines this and how is this measured?**

A25. While good moral character is not defined by statute, a substantial list of bars to establishing good moral character are found in [INA 101\(f\)](#). These statutory bars are not an exhaustive list, but provide guidance regarding whether an applicant's conduct during the period for which good moral character is required has been established. Examples of statutory bars to GMC include:

- Habitual drunkards;
- Participants in prostitution and commercialized vice;
- Smugglers and Controlled substance traffickers;
- Practicing polygamists;
- Applicants whose income is derived principally from illegal gambling activities;
- Applicants who have given false testimony for the purpose of obtaining any immigration benefits under the INA;
- Applicants who have been convicted of an aggravated felony (as defined in subsection (a)(43)) at any time; and
- Applicants who engaged in Nazi persecution, participated in genocide, violated the religious freedoms of others, or committed acts of torture or extrajudicial killings.