



**Homeland  
Security**

**RECOMMENDATION FROM THE CIS OMBUDSMAN TO THE DIRECTOR, USCIS**

---

To: Dr. Emilio T. Gonzalez, Director, USCIS  
Cc: Michael Jackson, Deputy Secretary, Department of Homeland Security  
From: Prakash Khatri, CIS Ombudsman  
Date: March 20, 2006  
Re: Recommendation that USCIS eliminate fingerprint requirements for active duty United States military personnel in naturalization application processes.

---

**I. RECOMMENDATION**

Recommendation that USCIS eliminate fingerprint requirements for United States military personnel in naturalization application processes.

**II. BACKGROUND**

As part of general background and security procedures and to establish good moral character, USCIS requires naturalization applicants to submit to fingerprinting. Sections 328 and 329 of the Immigration and Nationality Act establish relaxed requirements for naturalization for certain United States military personnel.

Requiring active duty US military personnel to submit to fingerprinting can create a hardship for the applicant, particularly for those who are assigned to a combat zone or for those who are about to be deployed into such a situation. Indeed, as has been the case for at least one applicant, an attempt to meet fingerprint requirements can put an applicant in harms way.

Neither section 328 nor section 329 exempt military personnel from demonstrating good moral character or otherwise clearing background or security checks. USCIS regulations do not provide general or specific exceptions to the normal fingerprint requirements, nor do they offer alternatives for military personnel whose service assignment precludes reasonable access to USCIS-designated fingerprinting offices.

Individuals are fingerprinted at the time of entry into the military services. Thereafter, any bad conduct is reported to the military authorities by the civilian law enforcement establishment. The military records its own violations in an individuals Form DA-201 ("201 File").

With few exceptions, military personnel can be presumed to be low-risk applicants who can demonstrate good moral character through their military service records.

### **III. JUSTIFICATION**

The fact that an individual must provide Form N-426, Certificate of Military or Naval Service to USCIS as part of a naturalization application, coupled with the military's own security and background requirements should satisfy USCIS that an individual on active duty status is meeting the necessary service and good moral character requirements.

### **IV. BENEFITS**

#### **A. Customer Service**

The benefits to military naturalization applicants include:

1. *True appreciation for the applicant's service and sacrifice* – By eliminating as many administrative tasks as possible in the naturalization process, USCIS will demonstrate a true commitment to supporting United States military efforts, especially during a time of armed conflict with a hostile foreign force.
2. *Prevents disruption of naturalization processes for individuals who are unable to submit to fingerprinting because of their deployment* – In eliminating fingerprint requirements for military personnel, USCIS will ensure that naturalization applications made by such personnel are not unnecessarily halted.
3. *Prevents situations where military personnel are put at risk simply to meet an administrative requirement* – In eliminating the fingerprint requirement for military personnel, USCIS will not create situations wherein US military personnel are removed from their duty posts, put into dangerous situations, or precluded from having fingerprints taken due to mission-essential command decisions.

#### **B. USCIS Efficiency**

The benefits to USCIS include:

1. *Eliminating unnecessary delays in processing* – By eliminating fingerprint requirements for active duty US military personnel, USCIS will likewise eliminate any processing delays resulting from an applicant's inability to submit to fingerprinting.
2. *Elimination of costs associated with fingerprinting* – By eliminating fingerprint requirements for active duty US military personnel, USCIS will save costs associated with submitting the fingerprints to the Federal Bureau of Investigation.
3. *Risk management* – By recognizing the inherent security provided in personnel management of active duty military, USCIS is complying with DHS risk management business practice policies.

**C. *National Security***

1. *Adoption of this recommendation will not adversely affect national security* – A combination of military conduct and service time should satisfy USCIS of an applicant's statutory military service requirements and good moral character.
2. *Reduces unnecessary distractions for active duty military personnel.* In adopting this recommendation, USCIS will ensure that US military personnel are able to concentrate on their principal missions and not be distracted with administrative requirements in furthering their naturalization applications. Adoption of this recommendation will demonstrate USCIS support for US military efforts.