

## MILPERSMAN 4650-010

### ENTRY INTO AND DEPARTURE FROM THE UNITED STATES BY ALIEN MEMBERS OF THE NAVY AND THEIR FAMILIES

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<b>References</b>	(a) 8 U.S.C. 1354 (b) 8 U.S.C. 1151(b)(2) (c) 8 U.S.C. 1153(a)(2) (d) 8 U.S.C. 1101(a)(15)(B) (d) 8 U.S.C. 1182(a)(7)(B)
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#### 1. Policy

a. Alien members of the United States (U.S.) Armed Forces are permitted entry to and departure from the U.S. while in uniform, or bearing documents identifying them as a member of the Armed Forces and who are coming to or departing from the U.S. under official orders or permit of the Armed Forces under reference (a).

b. Reference (a) does not permit the alien family member(s) of the servicemember to accompany the servicemember without obtaining a designated immigration status first.

**NOTE:** The immigration status of the servicemember affects the eligibility of the family member(s) for either an immigrant or non-immigrant visa.

2. Immigrant Visas. There are two types of immigrant visas issued to aliens who desire to immigrate to the U.S.:

a. **Immediate Relative** - the spouse, child (under the age of 21), or parent of a **U.S. citizen** servicemember may be eligible under reference (b). There is no numerical limit on the number of visas available to immediate relatives.

b. **Second Preference** - the spouse and/or unmarried child of an alien servicemember who has been lawfully admitted for permanent residence may be eligible under reference (c). Family

preference categories are subject to yearly numerical limitations. Depending on the demand for a given preference category, the wait for an approved immigrant visa may be lengthy.

### 3. Non-Immigrant Visas

a. Under reference (d) non-immigrant visas are issued to aliens who intend to enter the U.S. for a temporary stay for pleasure or business and have permanent residence in a foreign country which they have no intention of abandoning.

b. Temporary visitor visas are available to alien family members seeking to visit the U.S. temporarily for pleasure. Possession of a valid unexpired passport is required under reference (e).

c. Family members of a servicemember who has acquired permanent resident alien status or applied for naturalization may be denied **non-immigrant visas** to enter the U.S. and its territories. The intent of the servicemember to become a U.S. citizen is attributed to the family members, and their names will be removed from the list of those permitted entry under this category.

4. Where to Obtain Additional Assistance. Advice and assistance concerning entry and visa requirements can be obtained from the local office of the

- **Immigration and Naturalization Service**, or the
- **Legal Assistance Law Division, Office of the Navy Judge Advocate General** at (202) 685-4643, DSN 325-4643.