

MILPERSMAN 5352-010

NATURALIZATION AND DERIVED CITIZENSHIP OF MILITARY PERSONNEL

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References	(a) 8 U.S.C (b) USD (P&R) memo of 24 Apr 20, Certification of Honorable Service for Purposes of Naturalization (c) USD (P&R) memo of 31 Aug 20, Compliance with Court Order in the Case of Samma v. Department of Defense (d) SECNAV memo of 18 Jan 18, Honorable Service Certification Authority for Naturalization
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1. **Definitions.** United States Citizenship and Immigration Services (USCIS) oversees two paths to documented citizenship for military personnel:

a. Naturalization - Process by which a non-U.S. citizen becomes a U.S. citizen. Both foreign nationals and U.S. nationals (individuals who are born in a U.S. territory, but do not have full citizenship status) may be eligible to apply for naturalization.

b. Derived citizenship - Automatic grant of citizenship subject to the requirements of reference (a), section 1431. An individual who is eligible for derived citizenship is already a U.S. citizen and, therefore, cannot apply for naturalization. Individuals with derived citizenship are often unaware or unable to prove their citizenship status and should apply for [N-560](#) Certificate of Citizenship, [N-600](#) Application for Certificate of Citizenship or a U.S. passport to document their U.S. citizen status.

2. **Responsibilities**

a. Navy Recruiting Command must ensure all non-U.S. citizen enlistees are advised of their eligibility for expedited naturalization processing.

b. The Office of the Judge Advocate General (OJAG) Legal Assistance Division (Code 16) must:

(1) Provide training materials on naturalization to Region Legal Service Offices (RLSO),

(2) Publish immigration advisories,

(3) Maintain an online forum for use by region citizenship program managers (RCPM) to exchange information between subject matter experts,

(4) Maintain a distribution list of RCPMs and naturalization area coordinators (NAC), and

(5) Serve as the primary Navy liaison with USCIS headquarters.

c. Commanding officers (CO) of RLSOs must:

(1) Designate an RCPM in writing to oversee the Naturalization Program within their area of responsibility. For purposes of continuity (when practical), the RCPM should be a civilian employee,

(2) Designate in writing at least one NAC (cannot be the same person as the RCPM) to service the area of responsibility,

(3) Notify OJAG (Code 16) of RCPM and NAC appointments,

(4) Assign a subject matter expert staff attorney to supervise and train RCPMs and NACs,

(5) Ensure RCPMs exercise proper management and oversight of the regional naturalization program, and

(6) Include naturalization and citizenship training in supported command outreach briefs.

d. RCPMs must, in addition to all the duties of a NAC listed in subparagraph 2e below:

- (1) Train and assist NACs within their respective assigned areas of responsibility,
- (2) Maintain a database of NACs and supported command citizenship representatives (CCRs) in their respective regions,
- (3) Maintain a database of the quarterly metrics received from all supported CCRs in their region and the number of trainings provided to supported CCRs each quarter,
- (4) Submit a record of the region database and metrics to OJAG (Code 16) at the end of each quarter,
- (5) Ensure region public affairs officers are informed of naturalization ceremonies and outreach events within their area of responsibility.

e. NACs must:

- (1) Train and assist supported command CCRs within their assigned area of responsibility,
- (2) Maintain a database of CCRs within their assigned area of responsibility to include the date the CCR received training,
- (3) Conduct quality control checks of military naturalization packages including [N-426](#) Request for Certification of Military or Naval Service when requested by a supported command CCR or Service member,
- (4) Provide naturalization and citizenship outreach briefings to supported commands,
- (5) Serve as the Navy liaison in their assigned area of responsibility with USCIS district offices and local field office directors,
- (6) Ensure each CCR from every supported command across the assigned area of responsibility has received a copy of the OJAG CCR training material and understands the CCR's duties and responsibilities,
- (7) Train supported command CCRs to assist Service members in obtaining a certification of honorable service using

[N-426](#) from the first commissioned officer serving in the paygrade of O-6 or higher in the Service member's permanent or temporary chain of command, and

(8) Advise supported command CCRs and Service members to not allow a green card to expire while awaiting final adjudication of the naturalization package. Allowing a green card to expire before citizenship has been granted can negatively impact the Service member's application for citizenship.

f. CCRs must

(1) Coordinate with their local RCPMs or NACs to arrange command naturalization and citizenship outreach briefs,

(2) Consult with their local RCPMs or NACs to assess whether a Service member qualifies for derived U.S. citizenship pursuant to reference (a),

(3) Review supported command member military naturalization packages, including the [N-426](#), to ensure completeness and accuracy,

(4) Refer the Service member to an RCPM or NAC if the Service member requires legal guidance to complete the naturalization application,

(5) Arrange for fingerprinting at authorized USCIS application support centers,

(6) Assist Service members in obtaining a certification of honorable service using [N-426](#) from the first commissioned officer serving in the paygrade of O-6 or higher in the Service member's permanent or temporary chain of command,

Pursuant to references (b) through (c), the [N-426](#) must be personally signed by the first commissioned officer serving in the paygrade of O-6 or higher in the Service member's permanent or temporary chain of command. Importantly, delegated signature authority (i.e., signature authorized to sign "by direction" of the commander or commanding officer) on [N-426](#) is not valid and will be rejected by USCIS. Certifying officials must return the wet-ink-signed [N-426](#) to the applicant within 30 days of submission to the command. If the certifying official is geographically distant or would be otherwise delayed in returning the [N-426](#), the certifying official may return a

scanned copy of the wet-ink-signed [N-426](#) to the Service member to meet the 30-day deadline. However, the original must still be returned to the Service member before his or her naturalization interview. The Service member must present the original wet-ink-signed document to USCIS at his or her interview or his or her application will be rejected.

(7) Provide Service members with the current address for forwarding completed application packages to the Central Military Processing Unit, after consulting the USCIS Web site for the current mailing address,

(8) Remind Service members who apply for naturalization, derived citizenship, or a U.S. passport to provide USCIS and the U.S. Department of State with updated contact and residential information within 10 days of a move,

(9) Assist Service members in documenting their U.S. citizen status in their personnel records and confirm record update by verifying information contained in the Fleet Management and Planning System or Enlisted Distribution Verification Process, and

(10) Maintain metrics on the number of submitted, approved, and denied [N-426s](#) the command has processed; the service dates for each Sailor who submits a form [N-426](#); and the number of days in which each [N-426](#) was processed. Provide the region RCPM with metrics at the end of every fiscal quarter.

g. Commanders, COs, and Officers in Charge must:

(1) Appoint a CCR in writing (the command legal officer (LO) or assistant LO may be appointed as the CCR, but the command must appoint the LO or assistant LO as CCR in a separate appointment letter and ensure the LO or assistant LO appointed as CCR has reviewed all responsibilities and training),

(2) Provide the region RCPM with contact information for the CCR,

(3) Ensure the CCR provides required metrics to the region RCPM at the end of each fiscal quarter, and

(4) Require all non-U.S. citizen command members to be briefed on the naturalization application process and procedures.

3. **Application for Naturalization**

a. Service members who desire to obtain U.S. citizenship should contact their CCR for assistance.

b. With the assistance of a CCR, applicants will complete applications and will forward the completed applications to USCIS. Additional application information is available on the naturalization through Military Service Web page.

4. **Further Assistance**

a. Advice and assistance for RCPMs, NACs, and CCRs concerning naturalization may be obtained from the 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) 685-4639
DSN: 325-4639

b. Copies of necessary forms may be accessed on the USCIS Web site.