



HQ 70/34.5
HQ 70/34.6
AD09-24

April 29, 2009

Memorandum

TO: Field Leadership

FROM: Donald Neufeld /s/
Acting Associate Director

SUBJECT: Acceptance of DD Form 214 as Certification of Military or Naval Service for Veterans
of the U.S. Armed Forces

Revisions to *Adjudicator's Field Manual* Chapter 72 (AFM Update AD09-24)

1. Purpose

This memorandum provides field guidance and the Adjudicator's Field Manual (AFM) update on the acceptance of DD Form 214, Certificate of Release or Discharge from Active Duty,¹ and Form N-426, Certificate of Military or Naval Service, to certify service in the Armed Forces for purposes of naturalization under section 328 or 329 of the Immigration and Nationality Act (INA).

2. Background

Members of the Armed Forces applying for naturalization pursuant to section 328 or 329 of the INA are required to submit a certified statement from the executive department under which the applicant served, or is serving, in order to establish eligibility for naturalization. To comply with the certification requirements, USCIS requires the applicant to submit Form N-426, Certification of Military or Naval Service, along with the Form N-400, Application for Naturalization.² Form N-426 is only required when service members apply to naturalize under section 328 or 329 of the INA; Form N-426 is not necessary if someone who served in the Armed Forces is applying under another provision of law.

Form N-426 is generally certified locally by the military installation where the applicant is serving. However, applicants who are discharged from the Armed Forces (hereafter "veteran applicants") cannot obtain a locally certified Form N-426 because service records of veterans are transferred to the military personnel records center of each branch upon separation and are not accessible to

¹ Department of Defense form issued to members of the Armed Forces upon completion of active duty service.

² See 8 CFR 328.4 and 329.4.

individual military installations. Therefore, veteran applicants have the following options to obtain certification of Form N-426: 1) send the completed Form N-426 to the military personnel records center for certification; or 2) submit an uncertified completed Form N-426 to the Nebraska Service Center (NSC) and the NSC will send it to the military personnel records center for certification. These options are burdensome to veteran applicants and USCIS, and have resulted in excessive delays in processing of Form N-400.

Veteran applicants, however, do receive certification of their military service upon discharge. The DD Form 214 is a report of separation that captures the dates and character of service (type of discharge) of the service member. The Department of Defense issues DD Form 214 to each veteran upon his or her separation from the Armed Forces. DD Form 214 is already certified by the respective Armed Forces branch and therefore meets the military service certification requirements set forth in section 328 and 329 of the INA.

3. Field Guidance and Adjudicator's Field Manual Update

All USCIS offices are directed to comply with this guidance.³ To assist veteran applicants, USCIS will begin accepting N-400 packets that include uncertified copies of Form N-426 provided that they are accompanied by DD Form 214. If the applicant was issued more than one DD Form 214, the applicant must submit a copy of each DD Form 214, showing all periods of service. Upon receipt, the NSC will ensure that all periods of service listed on Form N-426 are covered on the DD Form 214 form(s).

Effective immediately, all USCIS offices will accept an uncertified Form N-426 from veteran applicants for purposes of naturalization if all of the following conditions have been met:

1. The applicant is separated from the Armed Forces at the time of filing Form N-400;
2. The applicant submitted a completed but uncertified Form N-426;
3. The applicant submitted a photocopy of his or her DD Form 214 (or photocopies of multiple DD Form 214s) for all periods of service captured on Form N-426; **and**
4. The DD Form 214 lists information on the type of separation and character of service (such information is found on page "Member-4").

When all four conditions are met, the NSC will process Form N-400 applications accompanied by an uncertified Form N-426. USCIS may request additional verification if needed to verify military service.

³ USCIS overseas offices should be aware of these requirements but will not see DD Form 214s with uncertified Form N-426s because only active duty service members are naturalized overseas.

The *Adjudicator's Field Manual* (AFM) is updated as follows:

1. Subchapter 72.2(d)(3) is revised to read as follows:

72.2 Examination Preparation.

(d) Important Forms to Review in Preparation for the Examination.

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(3) G-325B and N-426 Military Forms. All applicants who have served or are now serving in the Armed Forces of the United States are required to submit Form G-325B (which is used in connection with the Defense Clearance and Investigative Index (DCII) check) when the application is filed. In addition to the G-325B, applicants who are filing under section 328 or 329 must also submit Form N-426 (which is used to certify military service) when the application is filed. The completed packet is then sent to the Nebraska Service Center (NSC) for processing. See 8 CFR 328.4 and 329.4.

Note that applicants filing for naturalization under any other provision than section 328 or 329 (such as section 316 or 319) who have served in the Armed Forces are also required to submit Form G-325B, but their N-400s should be submitted to the lockbox having jurisdiction over their place of residence or as otherwise directed by the instructions on Form N-400. See 8 CFR 316.5(b)(1) and the memoranda *Facilitated Military Member Naturalization*, dated February 3, 2000, located in Appendix 72-19; *Scheduling Military N-400 Cases*, dated April 7, 2000, located in Appendix 72-20; and *Military G-325B Processing*, dated April 7, 2000, located in Appendix 72-21.

- G-325B: Biographic Information.

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- N-426: Request for Certification of Military or Naval Service. An applicant who is filing under section 328 or 329 of the Act must submit Form N-426, Request for Certification of Military or Naval Service. Form N-426 confirms whether the applicant served in an active duty status honorably or otherwise, and whether he or she has ever been excused or released from military service based on a claim of alienage. The military will complete Form N-426 by certifying military service from official records and sending it to the Nebraska Service Center (NSC) for processing. Note that the NSC will accept a completed but uncertified Form N-426 submitted by an applicant filing for naturalization under section 328 or 329 who has separated from the Armed Forces so long as all of the following conditions have been met:

- (1) The applicant is separated from the Armed Forces at the time of filing Form N-400;

