



U.S. Citizenship and Immigration Services

EXPEDITIOUS NATURALIZATION FOR SPOUSES OF U.S. CITIZENS EMPLOYED ABROAD

Introduction

Section 319(b) of the Immigration and Nationality Act ("INA") and Title 8, Code of Federal Regulations ("8 C.F.R.") 319.2 permit the foreign spouse ("spouse") of a U.S. citizen ("USC") employed in certain capacities overseas to expeditiously apply for U.S. citizenship. The term "expeditious" refers to the fact that a spouse eligible under INA 319(b) is not required to satisfy the normal three-year residency requirement generally applicable to the spouse of a USC. Many foreign-born spouses are newly married, have never lived in the U.S. and, because of the overseas assignment, may have difficulty meeting the continuous three-year residency requirement.

USC Requirements

- The USC is employed by either: (1) the U.S. Government; (2) an American institution of research recognized as such by the Secretary of Homeland Security; (3) an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the U.S., or a subsidiary thereof; (4) a public international organization in which the U.S. participates by treaty or statute; (5) a religious denomination having a bona fide organization within the U.S. in which the USC is authorized to perform ministerial or priestly functions; or (6) a religious denomination or interdenominational mission organization having a bona fide organization within the U.S. in which the USC is engaged solely as a missionary.
- The USC must be "regularly stationed abroad" in one of the employment situations described above. A USC is regularly stationed abroad if s/he proceeds abroad, for a period of not less than one year, pursuant to an employment contract or orders, and assumes the duties of employment.
 - If the USC is already employed abroad, the employment should continue for at least 12 months. Because the average processing time is 4 – 6 months, it is recommended that the length of the USC's employment be 16 – 18 months from the date the application is filed, although the requirement is only 12 months.
 - If the USC is not yet employed abroad, the USC can still be in the U.S. at the time of the spouse's naturalization if the USC is going abroad for not less than one year under an employment contract or orders. Applicants meeting this criteria must file at their local District Office and request expedited processing.

Spouse Requirements

- The USC and the spouse are validly married;
- The spouse must be in the U.S. at the time of the naturalization interview and the oath ceremony;
- The spouse is a lawful permanent resident at the time of filing and interview (The status may be conditional and if a "green card" has not been issued yet, an "A" number in the passport with the annotation "processed for I-551" is sufficient);
- The spouse declares an intention: (i) To reside abroad with the USC; and (ii) To take up residence in the U.S. immediately upon the termination of the USC's employment abroad;
- The spouse is a person of good moral character, attached to the principles of the U.S. Constitution, and

- favorably disposed toward the good order and happiness of the U.S.;
- The spouse has basic knowledge of U.S. history and government, and English language skills;
 - The spouse will comply with all other requirements for naturalization except for the physical presence and continuous residence requirements; and
 - The spouse will notify USCIS of any changes, such as cancellation of the USC's engagement abroad or if s/he is unable to reside overseas because the USC is employed abroad in an area of hostilities where dependants may not reside.

A spouse is ineligible for this benefit if the marriage ceases due to death or divorce, or the USC has expatriated. Eligibility is not restored to a spouse whose relationship to the USC terminates before the spouse's naturalization, even though the spouse subsequently marries another U.S. citizen.

Filing

The spouse must file a Form N-400, Application for Naturalization, which can be done from overseas. The spouse must designate a domestic USCIS District Office or Sub-Office for a naturalization interview along with a date. The spouse may request alternate locations and dates. It is best to designate an USCIS office that can conduct the interview within the same week. Visit <http://www.uscis.gov/graphics/fieldoffices/index.htm> to learn the whereabouts of domestic USCIS offices. The spouse should file with the lockbox having jurisdiction over the location where the spouse wishes to be interviewed or using your permanent U.S. address. The lockbox will forward application to the appropriate Service Center. The Service Center will process the application and forward it to the requested District or Sub-Office.

Where to File :

If you currently reside in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Guam or the Commonwealth of the Northern Mariana Islands, send your application to the USCIS Lockbox Facility at:

USCIS
P.O. Box 21251
Phoenix, AZ 85036

For express/courier deliveries, use:

USCIS
Attn: N-400
1820 E Skyharbor Circle S, Floor 1
Phoenix, AZ 85034

If you reside in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Puerto Rico or the U.S. Virgin Islands, send your application to the USCIS Lockbox Facility at:

USCIS
P.O. Box 299026
Lewisville, TX 75029

For express/courier deliveries, use:

USCIS
Attn: N-400
2501 S State Hwy 121, Bldg. #4
Lewisville, TX 75067

All naturalization applicants filing under the military provisions, section 328, 329, 319b (if spouse active duty military), or 322d, should file their application at the Nebraska Service Center regardless of geographic location or jurisdiction. Please send your application to:

Nebraska Service Center
P.O. Box 87426
Lincoln, NE 68501-7426

For express/courier deliveries, use:

Nebraska Service Center
850 S Street
Lincoln, NE 68508

Supporting Documentation

All of the following documents must be attached to the INA 319(b) expedited naturalization filing:

- Completed, signed, and dated Form N-400, Application for Naturalization, on which Part 2D "Other" should be check-marked and "INA 319(b)" indicated;
- Personal or cashier's check, or U.S. postal money order drawn on a U.S. bank in U.S. dollars payable to "U.S. Citizenship and Immigration Services" in the amount of (see www.uscis.gov for current application fee);
- Copy of both sides of the spouse's Form I-551, Permanent Resident Card (previously known as "Alien Registration Card" or "greencard"), or a copy of the spouse's immigrant visa stamped by Customs and Border Protection (CBP) officer showing entry on immigrant visa;
- Two color photographs (full-frontal, passport-style);
- Two completed FD-258 fingerprint cards;
- Copy of spouse's birth certificate (with certified English translation if applicable);
- Copy of spouse's / USC's marriage certificate (with certified English translation if applicable);
- Copy of the USC's birth certificate, passport, naturalization certificate, or certificate of citizenship;
- Proof of termination of any prior marriages (divorce or death certificates) for both the USC and spouse (with certified English translation, if applicable);
- Form G-28, Notice of Entry of Appearance of Attorney or Representative, if applicable;
- A letter addressed to USCIS requesting interview locations and dates;
- An official letter from the U.S. Government agency, public international organization, a firm incorporated in the U.S. (or foreign subsidiary), or religious organization stating the following:
 - The name, title, address, contact information, and signature of the author on agency, organization, or firm letterhead;

- Whether the USC's employer is an agency of the U.S. Government, an American firm or corporation engaged in the development of foreign trade and commerce of the U.S. or a subsidiary thereof (an American firm is defined as being at least 51% owned by U.S. citizens), or a religious organization organized as a non-profit entity under Section 501(c)(3) of the Internal Revenue Code of 1986.
 - The nature of the employing entity's business, activities, missions, or charitable works.
 - The state under which the employer is organized, the date of incorporation, and that it is extant.
 - The facts of the USC's basis of hire (contract, regular employee, etc.) and employment (job title / detailed job description, date overseas assignment started, date overseas assignment expected to end).
- If the USC is employed by an "American firm or corporation", evidence that the firm is at least 51% owned by U.S. citizens, i.e. annual reports, Securities and Exchange Commission filings, articles of incorporation, stock traded exclusively on U.S. stock exchange markets, stock ownership of subsidiaries, or other comparable evidence.
 - Evidence of the USC's actual employment abroad (paycheck stubs, airline tickets, employment contracts, lodgings, etc.).

Military Spouses

In addition to the supporting documents listed above, the following documentation should be submitted:

- Form DD 1278, Certificate of Overseas Assignments to Support Application to File Petition for Naturalization, authorized military dependent(s) concurrent travel. The DD1278 must be issued no earlier than 90 days prior to the scheduled date of travel overseas; and a Sponsor's Command DEROS (Date Estimated Return from Overseas) Letter.
- If a Form DD1278 showing concurrent travel and residence cannot be submitted, then submit:
 - A copy of the USC's travel orders showing length of tour of duty overseas; or
 - A letter from the USC's Commanding Officer indicating the duration of the overseas assignment and verification that the spouse has permission to reside abroad with the USC after naturalization; and
 - Evidence of transportation arrangements to the new duty station.

Conditional Permanent Residents

A conditional permanent resident is also eligible to file under INA 319(b) if all of the above requirements are met. The spouse may be asked to provide evidence of marriage bona fides at the naturalization interview. Such evidence includes, but is not limited to:

- Photos of spouse and USC together with family, friends, on vacation, marriage ceremony, etc.
- Documents that prove that the spouse and USC own property together,
- Birth certificates of children born of the spouse and USC,
- Evidence of joint debt, i.e. utility bills, electricity, bills, credit card statements, or
- Evidence of joint equity, i.e. bank accounts, insurance policies, property ownership,

If the spouse has already submitted an I-751 Petition to Remove Conditions, they should contact the office where I-751 has been filed and notify them that N-400 is now being filed by conditional resident.

Interview/Oath Ceremony

When the case has been processed and is ready for adjudication, the spouse will receive a notice to appear for the interview. Once scheduled, the spouse will have to travel to the U.S. for the interview and present evidence of the requirements and supporting evidence noted above. Although the USC may accompany the spouse to the interview s/he may not assist during the interview.

If the interview is successful, the Oath Ceremony during which the spouse is naturalized will follow. After taking the Oath of Allegiance, the applicant receives a Form N-570, Certificate of Naturalization, to prove that s/he is now a U.S. citizen. Cameras are allowed and guests are welcome to the Oath Ceremony.

Fees And Fingerprints

Please check on web site www.uscis.gov for current fees. If spouse is overseas and does biometrics (fingerprints and submit photos) abroad, they do not have to submit biometric fees. If applying from the U.S., the spouse will receive an official notice to go to a USCIS facility to have fingerprints taken after the case has been filed. A spouse cannot be fingerprinted in the U.S. without presenting this official notice. If applying from outside the U.S., the spouse must submit two completed FD-258 fingerprint cards which have been completed at an authorized fingerprinting location, i.e. USCIS overseas offices, U.S. embassies, U.S. consular offices and U.S. military installations.

Additional Information

USCIS website information is available at (<http://www.uscis.gov/graphics/services/natz/index.htm>). Additionally, *A Guide to Naturalization* (Form M-476) provides information on the benefits and responsibilities of citizenship, an overview of the naturalization process, and eligibility requirements (<http://www.uscis.gov/graphics/services/natz/English.pdf>).

Timeline

Average processing time is 4 – 6 months. Although the spouse may request a certain month or date for the interview, this is not a guarantee. Applicants already serving overseas may request an interview date to coincide with scheduled R&R travel. There is no financial assistance from the Government for this process as this is considered a private matter.

U.S. Passport Issuance

Upon issuance of a Form N-570, Certificate of Naturalization, the spouse is eligible to apply for a U.S. passport. The spouse should arrange to apply for and be issued a passport before returning overseas. A Certificate of Naturalization does not allow the spouse to travel into the U.S. in most cases, and cannot substitute as a U.S. passport. First-time passport applicants are typically required to appear in person.

U.S. passports are issued by the U.S. Department of State through the Passport Services Office. Normal passport processing is 6 weeks. However, the spouse can request expedited processing which usually takes 2 weeks and also requires an additional fee. For specific information on how and where to file, please visit http://www.travel.state.gov/passport/passport_1738.html.

Caution

This hand-out is not all-inclusive and is meant to provide general guidance, not individual legal advice.