



Fact Sheet

Oct. 2, 2008

OVERSEAS NATURALIZATION ELIGIBILITY FOR CERTAIN CHILDREN OF U.S. ARMED FORCES MEMBERS

On January 28, 2008, President Bush signed into law the National Defense Authorization Act for Fiscal Year 2008 (H.R.4986 / Public Law 110-181). This law amended Section 322 of the Immigration and Nationality Act (INA) to allow certain eligible children of members of the armed forces to become naturalized U.S. citizens without having to travel to the United States for any part of the naturalization process.

Section 322 provides for the naturalization of minor children of U.S. citizens residing abroad. The general conditions are that at least one parent is a U.S. citizen, that the child is younger than age 18 and resides abroad in the physical and legal custody of that parent, and that parent has been physically present in the United States for a certain period of time. Section 322 requires that in general, the child must be temporarily present in the United States pursuant to a lawful admission in order to complete the naturalization.

The amendments to Section 322 benefit children of U.S. citizen members of the military who are accompanying their parent abroad on official orders. Specifically, Section 322(d) provides that:

- such children are not required to have a lawful admission or be present in the U.S.; and
- the U.S. citizen-parent member of the armed forces may count any period of time they have resided abroad on official orders as physical presence in the United States.

Accordingly, a qualified child of a member of the armed forces, who is on official orders authorizing him or her to accompany and reside with that parent-service member, can file for naturalization from overseas and can proceed with the entire process overseas without being required to travel to the United States.

Section 322(d) benefits are available only to biological and adopted children of U.S. citizen members of the U.S. armed forces; they are not available to step-children of the U.S. citizen parent.

A biological child of the U.S. citizen parent member of the armed forces must meet the requirements in Section 101(c)(1) of the INA. An adopted child must meet the requirements of Section 101(b)(1)(E), (F), or (G) of the INA.

To apply for citizenship for eligible children who live abroad and meet the requirements under Section 322, follow these instructions:

Application – Submit a completed Form N-600K, *Application for Citizenship and Issuance of Certificate Under Section 322*, with the following items:

Cover Letter – USCIS encourages applicants to include a brief cover letter on top of the application package with the heading “322(d): Child of Military Member Overseas” explaining that the child currently lives overseas and qualifies to naturalize under Section 322(d) of the INA. Also print the full

name of the child and their parent(s) and list the current overseas address (both local and APO/FPO). Include the location of the USCIS office overseas most convenient to conduct the interview (for example, "the U.S. Consulate in Frankfurt").

Birth Certificate – Include a photocopy of the child’s birth certificate, showing the relationship to the U.S. citizen parent. If the parent-child relationship is through adoption, then copies of the adoption documents should also be submitted.

Proof of U.S. Citizenship – The parent member of the U.S. armed forces must show proof they are a U.S. citizen. Acceptable forms of evidence include a copy of a valid U.S. passport, U.S. birth certificate, Certificate of Naturalization, Certificate of Citizenship (A or AA), or Registration of Birth Abroad (Form FS-240).

Photos – Two identical passport-style photos (See instruction sheet).

Evidence of Residence Abroad – Show that the child resides abroad on official orders with the U.S. citizen-parent member of the armed forces by submitting a copy of the Permanent Change of Station (PCS) orders that include the child’s name. If the PCS orders do not specifically name the applicant beyond reference to “child” or “dependent,” then also include a copy of the service member’s Form DD-1172 (DEERS Enrollment), naming the child. Other supporting documents reflecting residence abroad may include school transcripts and medical or dental records.

Fees – Include the correct fee with the application. Application fees depend upon the following factors:

- For a biological child younger than age 18, submit a check or money order for \$460.
- For an adopted child younger than age 18, submit a check or money order for \$420.
- Make the check or money order made payable to the Department of Homeland Security or U.S. Citizenship and Immigration Services. Note: please check local payment procedures.

Mailing Address – USCIS recommends that applicants submit all 322(d) N-600K applications for citizenship to the USCIS overseas office having jurisdiction over the child’s overseas residence, or to the USCIS Nebraska Service Center at the following address:

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

For private courier deliveries, send to:
Nebraska Service Center
850 S Street
Lincoln, NE 68508

Processing Time – Once the USCIS Nebraska Service Center receives the application, it will generally take between 120 to 180 days to complete its processing, provided all the required background checks have been completed and the applicant has submitted all required documentation. Applicants should save all receipts and notices of action, and always refer to the “A” number or N-600K receipt number when contacting USCIS or when checking the status of their application at www.uscis.gov.

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