



U.S. Department of Justice
Immigration and Naturalization Service

HQISD 70/33

*425 I Street NW
Washington, DC 20536*

July 17, 2002

MEMORANDUM FOR REGIONAL DIRECTORS
DISTRICT DIRECTORS
OFFICERS-IN-CHARGE
SERVICE CENTER DIRECTORS

FROM: William R. Yates /s/ *Janis A. Sposato*
Deputy Executive Associate Commissioner
Office of Field Operations
Immigration Services Division

SUBJECT: Implementation of Executive Order 13269

On July 3, 2002, President George W. Bush issued Executive Order 13269, providing for expedited naturalization for aliens and non-citizen nationals serving in an active-duty status in the Armed Forces of the United States during the period of Operation Enduring Freedom.

For the purpose of this order, the period of military operations in which the Armed Forces of the United States became engaged in armed conflict with a hostile force commenced on September 11, 2001. The termination of the time period will be designated by a future Executive Order.

Those persons serving honorably in active-duty status in the Armed Forces of the United States at any time on or after September 11, 2001 are eligible to apply for naturalization in accordance with the statutory exception to the naturalization requirements, as provided in section 1440(b) of title 8, United States Code. Military personnel serving honorably or honorably discharged on or after September 11, 2001 are eligible to file an application for naturalization if at the time of enlistment, reenlistment, extension of enlistment, or induction such person shall have been in the United States, the Canal Zone, America Samoa, or Swains Island, or, on or after November 18, 1997, on board a public vessel owned or operated by the United States for noncommercial service, whether or not he has been lawfully admitted to the United States for permanent residence.

Subject: Implementation of Executive Order 13269

If a person dies as a result of injury or disease incurred in or aggravated by such service, their survivor(s) can apply for posthumous citizenship at any time within two years of the death of the alien or non-citizen national by submitting form N-644.

For as long as Executive Order 13269 is in effect, all eligible military naturalization applicants will be eligible under section 329 of the Immigration and Nationality Act (INA) regardless if they might also be eligible under section 328 of the INA.

All section 329 applicants must submit:

1. Form N-400, Application for Naturalization
2. The N-400 fee prescribed in 8 CFR § 103.7(b)
3. Fingerprints
4. Form G-325B, Biographic Form
5. Form N-426, Certificate of Military or Naval Service.

Each branch of the United States military assists their personnel in completing and submitting the N-400, Application for Naturalization, and the required supporting forms. Active-duty military personnel and honorably discharged eligible veterans are encouraged to submit their applications for naturalization through their military base.

Active-duty military personnel who wish to file directly with the Immigration and Naturalization Service and eligible honorably discharged veterans can submit their completed applications, including a fingerprinting fee, directly to:

Immigration & Naturalization Service
Facilitated Military Unit
P.O. Box 87426
Lincoln, NE 68501-7426.

[Attachment](#)

Adjudicating the Demonstration of Good Moral Character in
Applications filed pursuant to INA 329

Good moral character during the time of active-duty honorable service in the United States military is established by the certification made on the N-426, Request for Certification of Military or Naval Service.

INA 328(e) [8 U.S.C. 1439e] Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316(a).

Interpretations 329.1(c)(6) states the guidelines that should be followed for the issues of good moral character, attachment and favorable disposition requirements for periods of time before, after or intervening the period(s) of active-duty honorable service.