

# INDEX

## IMMIGRATION LAW & THE MILITARY, 2ND ED.

- A**
- Abandonment issues**  
family members, 135–136
- Absent without leave**  
immigration consequences (table), 86  
punishment for, 57
- Access to information**  
*See also* Classified information  
resources for solving problems,  
179–181
- Address changes**  
family members, 117
- Adjudicator's Field Manual (AFM)**  
military G-325B processing (re-  
production), 431–  
434
- Adjustment of status**  
family members, 123–124  
naturalization of persons, time  
limitations, 48*n*  
refugee working as government  
contractor, 173  
spouse of soldier killed in combat,  
125–126
- Adopted foreign-born children**  
adoption while military personnel  
stationed abroad,  
119
- Affidavits**  
false Selective Service affidavit  
(table), 87  
family members, affidavit of  
support, 121–123
- Afghan Allies Protection Act of 2009**  
special immigrant visas for Af-  
ghan employees and  
contractors, 167,  
172*n*
- Afghans**  
special immigrants, 168–173,  
520–529  
delegation of appellate juris-  
diction with  
respect to  
Form I-360,  
530–533  
extension of SIVs, 167  
procedure (2015), 562–580  
translators and interpreters, 165  
fact sheet, 313–314  
procedure (2014), 534–545  
who worked for U.S. (§602), 167–  
168
- AILA**  
Military Assistance Program  
(MAP), 181, 490–  
493
- Alcohol consumption**  
as security concern, 232–233
- Alienage**  
as ground for discharge, 56–57
- Anderson memorandum**  
removal of CLPR status for  
spouse of service  
member in Opera-  
tion Enduring Free-  
dom (Jan. 17, 2002),  
216–218
- Appeals of denials**  
naturalization, military, 70  
Neufeld memorandum (Apr.  
15, 2009),  
242–253
- Army in Europe**  
Regulation 608-3 (July 6, 2005),  
112  
reproduction, 439–458
- B**
- Bad-conduct discharge**  
immigration consequences (table),  
80  
maximum permitted punishments  
(table), 91
- Basic combat training (BCT)**  
filing upon reporting to, 62–63
- Benefits**  
separation benefits, summary list  
of, 503  
survivor benefits. *See* Posthumous  
benefits
- Biographic Information**  
Form G-325B, 62  
reproduction, 397–399
- Biometrics**  
*See also* Fingerprinting  
family members, 116–117  
naturalization applications for  
military members,  
no fee, 62
- Board for the correction of military  
records (BCMR)**  
discharge upgrade, application for,  
81–82
- Border Security, Economic Oppor-  
tunity, and Immigration Moderni-  
zation Act of 2013**  
proposed legislation for civilian  
employees of Na-  
tional Security Fa-  
cilities, 36*n*
- C**
- Cancellation of removal**  
family members, 133–134  
*In re [Name Unpublished]* (2010),  
478–480
- Carl Levin and Howard P. 'Buck'  
McKeon National Defense Au-  
thorization Act for Fiscal Year  
2015 (NDAA 2015)**  
Afghan SIVs, 175
- Checklists**  
child's naturalization under INA  
§322(d), 148–149  
Form M-477 (Document Check-  
list), 403–410  
military punishment, 83–86  
military service, 71–73  
PIP (parole in place), 463–467
- Child Citizenship Act of 2000**  
automatic U.S. citizenship for  
child born outside of  
U.S., 32
- Children**  
citizenship acquired through  
grandparents' U.S.  
residence, 145–146  
expedited naturalization of, 140–  
141  
of military personnel born abroad,  
112–116  
overseas naturalization of, 144–  
148  
checklist, 148–149  
parole of children of active duty  
members (2013 pol-  
icy memorandum),  
481–489
- Citizenship**  
*See also* Children  
acquired or derivative citizenship  
applications, 104  
dual citizenship, 104–105. *See  
also* Dual citizen-  
ship  
expatriation by giving up, 103–  
104  
of family members, 137–158  
revocation for post-naturalization  
bad behavior, 101–  
103  
**Citizenship Laws of the World (OPM)**  
dual citizenship, 17
- CLASS**  
deserters and draft evaders, 5

**Classified information**  
*See also* Security clearances  
 Adjudicative Guidelines (Dec. 29, 2005), 106, 222–239  
 Executive Order 12968, access to classified information (Aug. 2, 1995), 192–201

**CLPRs**  
 DREAM Act and, 26, 27  
 enlistment issues, 14  
 lifting conditions on family members, 135–136  
 Neufeld memorandum (Aug. 4, 2009), 261–268  
 for spouse of service member in Operation Enduring Freedom (Anderson memorandum, Jan. 17, 2002), 216–218  
 naturalization of spouses as, 137–139

**Conditional LPRs. *See* CLPRs**

**Conscientious objection**  
 denial of naturalization application due to, 55

**Conspiracy**  
 immigration consequences (table), 86

**Continuous residence**  
 Iraqi and Afghan translators and interpreters, exception (Neufeld memorandum, Dec. 22, 2009), 269–275

**Contractors and civilian employees**  
 generally, 163–177  
 Afghans who worked for U.S. (§602), 167–168  
 humanitarian parole, 177  
 Iraqi and Afghan translators and interpreters (§1059), 165  
 continuous residence exception (Neufeld memorandum, Dec. 22, 2009), 269–275  
 Iraqi or Afghan special immigrants, 168–173  
 Iraqis who worked for U.S. (§1244), 166–167  
 naturalization issues, 175–177  
 refugee or LPR status, 173  
 special immigrant visas, 164–173

**Courts-martial. *See* Punishment, military**

**Crimes**  
*See also* Criminal prosecution; Punishment, military  
 criminal conduct as security concern, 236  
 unique to the military (table), 86–87

**Criminal prosecution**  
 enlistment based on false documents, 25  
 for evading draft, 2  
 dual citizens, 8–9  
 “titling,” 67

**D**

**Defense Clearance and Investigations Index (DCII)**  
 “titling” generating entry in, 67

**Deferred action**  
 family members, 134–135

**Deferred Action for Childhood Arrivals (DACA) program**  
 work authorization through, 24–25

**Delay. *See* Processing delay**

**Denaturalization**  
 for post-naturalization behavior, 80

**Deployments**  
 adjustment for family members during, 123–124  
 expediting applications of family members due to, 111–112

**Derivative citizenship**  
 applications, 104

**Desertion**  
 bar to naturalization, 56–57  
 CLASS coding of, 5  
 example, 59–60  
 immigration consequences (table), 86

**Development, Relief, and Education for Alien Minors Act. *See* DREAM Act**

**Discharge from military service**  
*See also* Form DD-214  
 due to misconduct, 74. *See also* Punishment, military  
 immigration consequences (table), 80–82  
 uncharacterized entry-level discharge, 47

**Disciplinary measures. *See* Punishment, military**

**Dishonorable discharge**  
 immigration consequences (table), 80

maximum permitted punishments (table), 91

**Documentation**  
 Form G-845 (Document Verification Request), 400–402  
 Form M-477 (Document Checklist), 403–410  
 for LPR status of family members, 118–119

**Draft. *See* Selective Service**

**Draft evasion**  
 CLASS coding of, 5  
 conviction for (table), 87  
 criminal prosecution for, 2  
 dual citizens, 8–9  
 DREAM Act and, 3, 6  
 FAM Notes, 435–438  
 good moral character issues involving, 6–7  
 inadmissibility for, 3–8  
 Vietnam War era, pardons of draft evaders, 4–5

**DREAM Act**  
 draft evasion and, 3, 6  
 enlistment issues, 26–29

**Drug abuse**  
 as security concern, 233–234

**Dual citizenship**  
 criminal prosecution for draft evasion, 8–9  
 enlistment issues, 11, 16–17, 104–105  
 issues, 104–105  
 Selective Service, fact sheet, 335

**Due Process**  
 Fifth Amendment rights, 76

**E**

**Emergency Afghan Allies Extension Act of 2014**  
 issuance of SIVs, 175

**Encourage Newly Legalized Immigrants to Start Training (ENLIST) Act (proposed)**  
 Stock letter to Coffman (2014) on, 582–600

**Enlistment issues**  
 generally, 11–13  
 CLPRs, 14  
 DREAM Act, 26–29  
 dual citizens, 11, 16–17, 104–105  
 fraudulent enlistment by undocumented immigrant, 23–25  
 length of enlistment and jobs available to noncitizen military personnel, 29–31  
 LPRs, 12, 14  
 Military Accessions Vital to the National Interest

- (MAVNI) program, 20–23  
 national interest as factor, 13  
 Native Americans born in Canada, 15–16  
 overseas enlistees, 19  
 Pacific Islanders, 15, 19  
 persons eligible, 12–13  
 proposed legislation, Stock letter to Coffman (2014), 582–600  
 recruits who are citizens but do not know they are, 31–32  
 unauthorized family members as bar to, 11, 17–19  
 undocumented aliens, 23–25  
 unified statute applying to all the armed services, 12  
 wartime and peacetime distinction, 13
- Entry issues**  
 family members, 119–123
- Europe. *See* Army in Europe**
- E-Verify**  
 passport data for foreign-born citizens, 32*n*, 334
- eVets electronic record system**  
 filing Standard Form 180 with, 64  
 use of, 179
- Executive Order 12582**  
 naturalization exceptions for service in Grenada campaign (Feb. 2, 1987), 189
- Executive Order 12913**  
 revocation of Executive Order 12582 (May 2, 1994), 190
- Executive Order 12939**  
 expedited naturalization for active-duty status during Persian Gulf Conflict (Nov. 22, 1994), 191
- Executive Order 12968**  
 access to classified information (Aug. 2, 1995), 192–201
- Executive Order 13269**  
 expedited naturalization for active-duty service during War on Terrorism (July 3, 2002), 202
- Expatriation**  
 of service member, 103–104
- Expedited naturalization**  
 Executive Order 12939, expedited naturalization for active-duty status in Persian Gulf Conflict (Nov. 22, 1994), 191
- Executive Order 13269, expedited naturalization for active-duty service during War on Terrorism (July 3, 2002), 202  
 of military spouses, 137–142
- Expired alien registration card**  
 travel to U.S. on, 477
- F**
- Fact sheets**  
 dual citizenship and Selective Service, 335  
 Iraqi and Afghan translators and interpreters, 313–314  
 naturalization, military, 305–309  
 state/commonwealth legislation  
 Selective Service fact sheet, 336–341
- Failure to respond to request for evidence or for appearance**  
 Neufeld memorandum (Apr. 15, 2009), 242–253
- False statements**  
 immigration consequences (table), 86
- False U.S. citizenship documents**  
 enlistment based on, criminal charges for, 25  
 wartime naturalization of service members with, 68–69
- Family members**  
 generally, 111–149  
 abandonment issues, 135–136  
 address changes, 117  
 adjustment issues, 123–124  
 adjustment of status for spouse of soldier killed in combat, 125–126  
 adopted foreign-born children, 119  
 affidavit of support issues, 121–123  
 after LPR status obtained, 135–137  
 biometrics and fingerprint issues, 116–117  
 cancellation of removal, 133–134  
 checklist for naturalization of child under INA §322(d), 148–149  
 children, overseas naturalization of, 144–148  
 children of military personnel born abroad, 112–116  
 deferred action, 134–135  
 documentation for LPR status, 118–119  
 entry issues, 119–123  
 expediting applications due to deployments, 111–112  
 expediting naturalization of military spouses, 137–142  
 fee waivers for, 116  
 handout on making someone a military dependent, 469  
 hardship waivers, 128–131  
 instructions for filing alien relative petitions, 650–652  
 lifting conditions on CLPRs, 135–136  
 Neufeld memorandum (Aug. 4, 2009), 261–268  
 LPR status, 118–119  
 military family §212(e) waivers, 132–133  
 naturalization and citizenship issues, 137–158  
 outside of U.S., 132–134  
 overseas naturalization of, 142–148  
 parole in place (PIP) for families inside U.S., 151–158, 605–606  
 posthumous benefits when military member deceased, 124–125  
 processing issues, 112–116  
 VAWA provisions, 127–128
- Fee waivers**  
 for family members, 116
- Fiancées**  
 of service members, 140
- Fifth Amendment**  
 Due Process, 76
- Financial considerations**  
 as security concern, 231–232
- Fingerprinting**  
 family members, 116–117  
 Form FD-258, Fingerprint Card, 116, 394–395  
 military waiver form (authorization for USCIS usage of military fingerprints), 396  
 processing N-400s, 254–256
- Foreign Affairs Manual (FAM)**  
 draft evaders (reproduction), 435–438
- Forman memorandum**  
 removal proceedings not bar to military naturalization (June 21, 2004), 93–95, 219–221
- Form DD-214**  
 Certificate of Release or Discharge from Active Duty, 48, 55, 63–64  
 correction of citizenship on, 81–82  
 Neufeld memorandum (Apr. 29, 2009), 257–260

- reprint of form, 367–385  
reproduction, 367–385  
veteran applicant for naturalization to file, 55
- Form DHS-7001**  
Case Problem Submission Worksheet (CIS Ombudsman), 67, 180  
reproduction, 386–393
- Form DS-234**  
Special Immigrant Visa Biodata Form, 170
- Form FD-258**  
Fingerprint Card, 116  
reproduction, 394–395
- Form FS-240**  
Consular Report of Birth Abroad of a U.S. Citizen, 112
- Form G-325B**  
Biographic Information, 62  
reproduction, 397–399  
processing, 431–434
- Form G-845**  
Document Verification Request, 23*n*  
reproduction, 400–402
- Form I-94**  
sample I-94 card for PIP, 462
- Form I-130**  
Petition for Alien Relative, 161, 162
- Form I-131**  
Application for Travel Document, 161
- Form I-360**  
Petition for Amerasian, Widow(er), or Special Immigrant, 34, 124, 165, 167, 171  
delegation of appellate jurisdiction, Form I-360 filed by Afghan or Iraqi nationals, 530–533
- Form I-485**  
Application to Register Permanent Residence or Adjust Status, 171
- Form I-551**  
travel to U.S. on expired alien registration card, 14
- Form I-601**  
Application for Waiver of Grounds of Inadmissibility, 128
- Form I-751**  
failure to timely file, 53*n*  
Petition to Remove Conditions on Residence, 14*n*, 53, 135
- Form I-765**  
Application for Work Authorization, 161
- Form I-864**  
Affidavit of Support, 121–122
- Form I-912**  
Request for Fee Waiver, 116
- Form M-477**  
Document Checklist (reproduction), 403–410
- Form N-336**  
Request for a Hearing on a Decision in Naturalization Proceedings, 70
- Form N-400**  
application of naturalization  
filing at basic training, 63  
military family members to pay fees, 116  
military naturalization, required filing, 60  
no fee for current or former military member, 116  
processing when applicant fails to respond to request for evidence or appearance, 242–253  
record of action, 254  
recruits who are citizens but do not know they are, 31  
Expedite Request and Authorization Worksheet, 411–412  
notification of processing delay, 294–295
- Form N-426**  
Request for Certification of Military or Naval Service, 48, 62  
reproduction of form, 413–415  
uncertified but submitted with Form DD-214 or Form NGB 22, 48  
veterans, 63
- Form N-470**  
Application to Preserve Residence for Naturalization Purposes, 176
- Form N-600**  
Application for Certificate of Citizenship, 32, 81
- Form N-644**  
Application for Posthumous Citizenship (reproduction), 416–422
- Form NGB-22**  
as proof of qualifying service, 48  
McKinley letter (Nov. 29, 2010), 280–281  
Policy Memorandum (Jan. 24, 2011), 282–293  
Report of Separation and Record of Service (reproduction), 55, 82, 423–424
- Form NGB-22B**  
Recruit Force Pool Report (reproduction), 423–424
- Frankfurt**  
instructions for filing alien relative petitions in, 650–652
- Fraud**  
fraudulent claim for military pay (table), 87  
fraudulent enlistment by undocumented immigrants, 25–26  
marriage, 160
- G**
- Good moral character**  
deportation case (*Lawson v. USCIS*, 2011), 504–518  
draft evasion, 6–7  
military naturalization, 40–42
- Granada campaign**  
Executive Order 12582, naturalization exceptions for service (Feb. 2, 1987), 189  
revocation by Executive Order 12913 (May 2, 1994), 190
- Grandparents**  
citizenship of children acquired through grandparents' U.S. residence, 145–146
- H**
- H-1B visas**  
civilian employees of DOD, 33  
DOD professional workers, 34–35
- Hardship waivers**  
for family members, 128–131

**Help line**

toll-free for military, 180, 327

**Honorable discharge**

immigration consequences (table), 80

**Honorable service**

certification of, 51–52

**Humanitarian parole**

for contractors and civilian employees, 177

**I****Identification cards**

sample common access card, 499–502

**Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)**

exclusion and deportation hearings, 6*n*

**Inadmissibility**

for draft evasion, 3–8

**Ineffective assistance of counsel**

military punishment, 92

**International Security Assistance****Force (ISAF)**

Afghan employees and contractors, 167

**Interpreters. *See* Afghans; Iraqis****Iraqis**

special immigrants, 168–173  
 program extended (2014), 546–561  
 table of applicable laws, 174  
 who worked for U.S. (§602), 166–167  
 translators and interpreters, 165  
 delegation of appellate jurisdiction, Form I-360  
 filed by Iraqi nationals, 530–533  
 procedure (2014), 534–545

**J****J-2 spouse of J-1 MAVNI**

guidance for, 649

**Jay Treaty**

Native Americans and, 15

**Job Training Partnership Act**

Selective Service registration and, 2

**Joining army of foreign state (table), 87****Jurisdiction**

delegation of appellate jurisdiction with respect to Form I-360 filed by Afghan or Iraqi nationals, 530–533

**L****Language experts. *See* Military Accessions Vital to the National Interest (MAVNI) program****Larceny**

immigration consequences (table), 86

**Lawful permanent residents. *See* LPRs*****Lawson v. USCIS* (2011)**

good moral character, deportation case, 504–518

**Lawyers**

free legal services from legal assistance office (LAO), 179–180  
 types of military lawyers, 85–86

**Leave and earning statement**

how to read, 122, 470–473

**Legal assistance attorneys**

immigration assistance to military members, 85–86

**Legal assistance office (LAO)**

free legal services from, 179–180

**Lodge-Philbin Act**

enlistment of noncitizens, 19

**LPRs**

civilian employees of National Security Facilities, proposed legislation for, 36  
 contractors and civilian employees, 173  
 discharge on account of alienage, 58  
 earning lawful permanent residence through military service, 33–34  
 enlistment issues, 12, 14  
 family members, 118–119  
 after LPR status obtained, 135–137

**M****Marriage**

*See also* Spouse of service member  
 to foreign national outside U.S., 105–106  
 fraud, 160

**Marshall Islands**

enlistment in U.S. military service from, 19

**MAVNI. *See* Military Accessions Vital to the National Interest (MAVNI) program****McKinley letter**

National Guard and Reserve members, NGB Form 22 as proof of qualifying service (Nov. 29, 2010), 280–281

**Meissner memorandum**

prosecutorial discretion in removal actions (Nov. 17, 2000), 203–215

**Micronesia**

enlistment in U.S. military service from, 19

**Military Accessions Vital to the National Interest (MAVNI) program**

chart of languages, 474  
 chart of specialties, 475–476  
 information sheets, 653–654  
 J-2 spouse of J-1 MAVNI, 649  
 for legally present noncitizens without LPR status, 20–23, 328–329  
 Military Enlistment Opportunity Act of 2013 and, 29  
 program eligibility (November 2014), 602–604  
 recruitment pilot (December 2014), 636–648  
 request to expand pilot program to the Reserve components, 498  
 supporting brief and documentation on MAVNI spouse and two-year foreign residency requirement, 607–612  
 two-year extension of MAVNI pilot program, 613–635

**Military Assistance Program (MAP)**

AILA, 181, 490–493

**Military Enlistment Opportunity Act of 2013 (proposed)**

MANVI program and, 29  
 Stock letter to Coffman (2014) on, 582–600

***Military Judge Benchbook***

advisal on *Padilla v. Kentucky* (2010), 459

**Military justice system**

overview, 75–80

**Military lawyers**

types of, 85–86

**Military Personnel Citizenship Processing Act of 2008**

timely processing of filings, 66

**Military service**

*See also* National Guard and Reserve members  
 checklist of questions for clients, 71–73  
 enlistment. *See* Enlistment issues  
 family members. *See* Family members  
 Form 180, request for records (reproduction), 364–366  
 naturalization. *See* Naturalization, military

punishment. *See* Punishment, military

Selective Service laws, 1–3. *See also* Selective Service

**Moral character**  
*See also* Good moral character  
failure to register involving, 6–7

**Morton memorandum**  
prosecutorial discretion (June 17, 2011), 296–301

**N**

**National Archives and Records Administration**  
veterans' records, 64, 179

**National Crime Information Center (NCIC)**  
absent without leave or desertion, reporting to, 58

**National Defense Authorization Act for Fiscal Year 2004 (NDAA 2004)**  
military naturalization and fees, 40  
posthumous adjustment of status for spouse of soldier killed in combat, 124

**National Defense Authorization Act for Fiscal Year 2006 (NDAA 2006)**  
Afghan and Iraqi translators and interpreters, 165, 172, 174

**National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008)**  
overseas naturalization of LPRs married to service members stationed overseas, 143  
residence and physical presence abroad treated as residence and physical presence in U.S. for purposes of §316(a), 143  
special immigrant visas for Iraqi employees and contractors, 166, 172, 174

**National Defense Authorization Act for Fiscal Year 2014 (NDAA 2014)**  
Iraqi SIV Program extended, 174

**National Defense Authorization Act for Fiscal Year 2015 (NDAA 2015)**  
special immigrant visas for Afghan employees and contractors, 175, 562–580

**National Guard and Reserve members**  
naturalization of non-LPR Selected Reserve members, 48–49

wartime naturalization of, 69  
NGB Form 22 as certification of qualifying service (Policy Memorandum, Jan. 24, 2011), 282–293  
NGB Form 22 as proof of qualifying service (McKinley letter, Nov. 29, 2010), 280–281

**National interest**

*See also* Military Accessions Vital to the National Interest (MAVNI) program  
as factor for exception to enlistment limitations, 13

**National Security Facilities**

civilian employees obtaining LPR status, proposed legislation for, 36

**Native Americans born in Canada**

enlistment issues, 15–16

**Naturalization (generally)**

of contractors and civilian employees, 175–177  
of family members, 137–158  
revocation of, 101

**Naturalization, military**

generally, 37–70  
appeals of denials, 70  
background checks, 66  
bars to naturalizing, 54–59  
basic requirements, 38–39  
certificate of overseas assignment to support application for naturalization or certificate of citizenship, 581  
checking on status of application, 65–67  
criminal conviction and aggravated felony bar, 43  
fact sheet, 305–309  
good moral character, 40–42  
help line, 180, 327  
honorable service, certification of, 51–52  
outreach program (Bulger memorandum, June 10, 2008), 240–241  
peacetime naturalization (INA §328 requirements), 34, 43–44, 70  
posthumous, 65, 124–125  
procedure, 60–63  
congressional letter exchange with Napolitano (2010), 276–279  
removal proceedings not bar to, 53–54  
revocation for post-naturalization bad behavior, 101–103

sample cover letter for application, 468  
table showing options, 39  
timely processing, 66  
veterans, 63–65  
waivers available for, 40  
wartime and peacetime distinction, 34, 45–49  
wartime naturalization (INA §329 requirements), 34, 44–45  
of National Guard and Reserve members, 69, 280–281  
of service member with false U.S. citizenship documents, 68–69  
of unauthorized immigrants, 68

**Neufeld memoranda**

failure to respond to request for evidence or for appearance (Apr. 15, 2009), 242–253  
Form DD-214, Certificate of Release or Discharge from Active Duty (Apr. 29, 2009), 257–260  
Iraqi and Afghan translators and interpreters, continuous residence exception (Dec. 22, 2009), 269–275

**Neutrality Act of 1917**

joining army of foreign state (table), 87

**NGB Form 22. *See* Form NGB-22****Notice to Appear (NTA)**

processing N-400s when applicant fails to respond to request to appear, 254–256

**Nurses. *See* Military Accessions Vital to the National Interest (MAVNI) program****O****Operation Enduring Freedom**

removal of CLPR status for spouse of service member (Anderson memorandum, Jan. 17, 2002), 216–218

**Outreach program**

Bulger memorandum (June 10, 2008), 240–241

**Overseas**

certificate of overseas assignment to support applica-

- tion for naturalization or certificate of citizenship, 581
- children of military personnel  
born abroad, 112–116
- fact sheet, 305–309
- enlistment issues, 19
- military naturalization ceremonies, USCIS position on, 40*n*
- naturalization of family members, 142–148
- P**
- Pacific Islanders**  
enlistment issues, 15, 19
- Padilla v. Kentucky (2010)**  
advisal from *Military Judge Benchbook*, 459
- Palau**  
enlistment in U.S. military service from, 19
- Panama**  
child born in to reservist in, 114–115
- Panama Canal Zone**  
child born in, 114–115
- Parents**  
parole of active duty member's parents (2013 policy memorandum), 481–489
- Parole**  
of active duty member's parents, children, and spouse (2013 policy memorandum), 481–489
- families of U.S. Armed Forces members and enlistees, 605–606
- formal guidance and field office variations, 158
- humanitarian parole for contractors and civilian employees, 177
- DOD Form Significant Public Benefit Parole (SPBP), 425–428
- limitations, 156–158
- for military family members inside U.S., 151–158
- supporting documentation, 159–160
- Parole in place (PIP)**  
AILA MAP Task Force pointers on, 490–493
- checklist, 463–467
- formal guidance and field office variations, 158
- letter request, 158–160
- sample, 460–461
- limitations to, 156–158
- for military families inside U.S., 151–158
- request processing and work authorization, 161–162
- resolving irregular entry issue, 155–156
- sample I-94 card for PIP, 462
- supporting documentation, 159–160
- Passports**  
E-Verify to add passport data for foreign-born citizens, 334
- Peacetime naturalization**  
of military personnel, 70
- Persian Gulf Conflict**  
Executive Order 12939, expedited naturalization for active-duty status (Nov. 22, 1994), 191
- Personal behavior**  
as security concern, 229–231
- Philippines**  
enlistment in U.S. military service from, 34
- Physical presence. See Residence**
- Physicians**  
*See also* Military Accessions Vital to the National Interest (MAVNI) program
- designation of military physicians as civil surgeons for members and veterans of armed forces and eligible dependents, 494–497
- PIP. See Parole in place**
- Polous Al Matchy v. Mukasy (2008)**  
petition for naturalization and complaint for injunctive and mandamus relief, 342–359
- Post-conviction relief**  
after special court-martial conviction, 98
- for service members, 96–98
- Posthumous benefits**  
for family members when military member deceased, 124–125, 325–326
- Form N-644, Application for Posthumous Citizenship, 416–422
- for military service, 65
- Processing delay**  
complaint sample in case not approved due to (*Polous Al Matchy v. Mukasy*, 2008), 342–359
- notification of delay in processing naturalization application, 66, 294–295
- Prosecutorial discretion**  
deferred action, family members, 134–135
- principles of, 206–215
- in removal actions, 93–95
- Forman memorandum (June 21, 2004), 93–95, 219–221
- Meissner memorandum (Nov. 17, 2000), 203–215
- Morton memorandum (June 17, 2011), 296–301
- Psychological conditions**  
as security concern, 235
- Punishment, military**  
generally, 71–92
- absent without leave, 57
- administrative action, 73
- checklist of questions to ask  
noncitizens facing military administrative proceedings, non-judicial punishment, or court-martial, 83–86
- confinement (table), 91
- consequences of conviction, 79–80, 86
- correction of military records (*In the Case of [Name Unpublished]*, 2010), 360–363
- crimes unique to the military (table), 86–87
- desertion from military, 56, 86
- discharge as result of, 74
- finality of conviction, 78
- forfeitures (table), 91
- immigration consequences  
of discharge (table), 80–81  
of military conviction, 83
- ineffective assistance of counsel, 92
- maximum permitted punishments for courts-martial (table), 91
- military justice system (overview), 75–80
- misconduct chapter action, 74
- no action, 73
- no contest pleas not allowed, 78
- non-judicial punishment, 74
- punitive discharge (table), 91
- range of disciplinary measures, 73–74
- reduction in rank (table), 91
- sentence as conviction, 78
- trial by court-martial, 74
- types of courts-martial (table), 76–77
- Uniform Code of Military Justice (UCMJ), 25

- punitive articles, list of, 88–90
- R**
- Refugees**  
contractors and civilian employees, 170, 173
- Removal**  
generally, 93–99  
cancellation of removal  
family members, 133–134  
*In re [Name Unpublished]* (2010), 478–480  
claims to U.S. nationality, 99  
courts-martial and, 77  
post-conviction relief, 96–98  
proceedings not bar to military naturalization, 53–54  
Forman memorandum (June 21, 2004), 219–221  
prosecutorial discretion in removal actions, 93–95  
Forman memorandum (June 21, 2004), 93–95, 219–221  
Meissner memorandum (Nov. 17, 2000), 203–215  
staying removal proceedings under Civil Relief Act, 96
- Request for evidence (RFE)**  
Neufeld memorandum (Apr. 15, 2009) on failure to respond, 254–256  
supporting brief and documentation on MAVNI spouse and two-year foreign residency requirement, 607–612
- Reserve members. See National Guard and Reserve members**
- Residence**  
*See also* Continuous residence  
child's citizenship acquired through grandparents' U.S. residence, 145–146  
earning lawful permanent residence through military service, 33–34  
overseas residence and presence treated as residence and physical presence in U.S., 143  
policy alert for interpreters, translators,  
and security-related personnel, 519–520
- Resources for solving problems**  
generally, 179–181
- Revocation of citizenship**  
for post-naturalization bad behavior, 101–103
- S**
- Section 1244 visas**  
Iraqi nationals who worked for U.S., 166–167, 174
- Security clearances**  
alcohol consumption as concern, 232–233  
criminal conduct as concern, 236  
drug abuse as concern, 233–234  
financial considerations as concern, 231–232  
for military personnel, 106–109  
Adjudicative Guidelines (Dec. 29, 2005), 106, 222–239  
foreign influence, 107, 226–227  
foreign preference, 108–109, 227–228  
negligent handling of protected information, 236–237  
outside activity or employment as concern, 237–238  
personal behavior as concern, 229–231  
psychological conditions as concern, 235  
sexual behavior as concern, 228–229  
technology systems, use of, 238–239
- Selective Service**  
example of undocumented male, 6  
false affidavit (table), 87  
overview of laws, 1–3  
registration requirements, 302–304  
chart, 429–430  
state/commonwealth legislation fact sheet, 336–341
- Selective Training and Service Act of 1940**  
§11 violations, 8
- Separation benefits**  
summary list of, 503
- Servicemembers Civil Relief Act of 2003 (SCRA)**  
staying removal proceedings under, 96
- Sexual behavior**  
immigration consequences (table), 86  
as security concern, 228–229  
sodomy by force, 87
- Sixth Amendment**  
ineffective assistance of counsel, 92
- Soldiers' and Sailors' Civil Relief Act. See now Servicemembers Civil Relief Act of 2003 (SCRA)**
- The Soldier's Guide to Citizenship (Army's Human Resources Command)**  
as resource, 180–181
- Special immigrant visas (SIVs)**  
contractors and civilian employees, 164–173  
Afghans, 520–529  
DOD H-1B professional workers, 34–35  
earning lawful permanent residence through military service, 33–34  
filing instructions, 168–171
- Spouse of service member**  
adjustment of status for spouse of soldier killed in combat, 125–126  
congressional letter exchange with Napolitano (2010), 276–279  
expedited naturalization of, 137–142  
spouse residing abroad but not in combat zone, 141–142  
foreign national spouse outside U.S., 105–106, 330–333  
J-2 spouse of J-1 MAVNI, guidance for, 649  
parole of active duty member's spouse (2013 policy memorandum), 481–489  
removing conditional status. *See* CLPRs
- Staff judge advocates**  
role of, 85
- Survivor benefits. See Posthumous benefits**
- T**
- Terrorism**  
Executive Order 13269, expedited naturalization for active-duty service during War on Terrorism (July 3, 2002), 202



**“Tiding”**

entry in Defense Clearance and Investigations Index (DCII), 67

**Translators. See Afghans; Iraqis**

**Trial defense attorneys**  
role of, 85

**U****Unauthorized family members**

as bar to enlistment, 11, 17–19

**Undocumented immigrants**

enlistment issues, 23–25  
fraudulent enlistment, 25–26  
registration for Selective Service  
by, 6. *See also* Selective Service  
wartime naturalization of, 68

**Uniform Code of Military Justice (UCMJ). See Punishment, military**

**United States–Philippines Military Bases Agreement of 1947**  
enlistment of noncitizens, 19

**U.S. Armed Forces Legal Assistance Locator**  
evidence of service, 64

**U.S. Navy Guide to Naturalization Applications Based on Qualifying Military Service**  
as resource, 181

**USCIS**

resources for military personnel and their families, 180  
toll-free help line for military, 180, 327

**V****Veterans**

naturalization of, 63–65

**Vietnam War**

pardons of draft evaders, 5

**Violence Against Women Act (VAWA)**

family members, 127–128

**W****Waivers**

hardship waivers for family members, 128–131  
military family §212(e) waivers, 132–133  
military waiver form (authorization for USCIS usage of military fingerprints), 396

**War on Terrorism**

Executive Order 13269, expedited naturalization for active-duty service during War on Terrorism (July 3, 2002), 202

**Wartime naturalization**

of National Guard and Reserve members, 69  
of service member with false U.S. citizenship documents, 68–69  
of unauthorized immigrants, 68

**Watertown Agreement**

First Nations people agreeing to enlist in U.S. Army (1776), 16

**Work authorization**

parole in place (PIP) and, 161–162

**Worksheets**

Form DHS-7001, Case Problem Submission Worksheet (CIS Ombudsman), 67, 386–393  
Form M-480, Naturalization Eligibility Worksheet, 406–410  
Form N-400, Expedite Request and Authorization Worksheet, 411–412

