

Docket (/docket/USCIS-2007-0016) / Document (USCIS-2007-0016-0058) (/document/USCIS-2007-0016-0058)
/ Comment

**PUBLIC SUBMISSION**

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Comment

Docket ID regarding this notice is USCIS-2007-0016 & OMB Control No. is 1615-0053.

We applaud USCIS for shortening the form to 2 pages and adding a box for “Other” types of service. However, USCIS mechanically requires all military naturalization applicants to provide this form and to have it certified, even where the applicant is not on active duty and the form should not be required. USCIS currently refuses to accept any documents other than a DD214 or NGB Form 22 in conjunction with processing this form. USCIS should remove the reference to specific forms from the instructions.

Comment #1: Form N-426 should be made optional because the requirement to provide this form seriously impedes military members & veterans from filing for naturalization and slows the processing. Moreover, as of 2017, DOD requires an officer in the rank of O-6 to certify the form, and most applicants find it difficult to get an officer of such a high rank to certify the form, let alone certify it properly or promptly. Moreover, the form is unnecessary because military naturalization applicants typically have military-issued documentation and so requiring them to also provide a separate form is unnecessary.

Comment #2: If USCIS insists on requiring this form for applicants applying under INA 328, the form and its instructions must be redesigned to allow such applicants to get the form certified. As currently designed, the Form N426 only allows applicants to use the Form to apply under section 329, because it only allows certification of two types of service—active duty and Selected Reserve service. Other types of duty such as inactive Reserve service will qualify an applicant under INA 328, but the current N426 form does not allow a person to claim those types of service. The new proposed form is an improvement in that there is a new box “Other” that the applicant can check—but in practice USCIS only allows the applicant to provide two types of evidence, a NGB-22 form or a DD-214. Applicants who are Reservists or who are not on active duty will not have any NGB-22 or a DD-214 to cover their periods of service.

Comment #3: USCIS requires applicants to provide a DD-214 or NGB-22 for all periods of service. A DD-214 is a discharge from active duty. Persons who have not been discharged from active duty do not have this form. Moreover, most Reservists do not have any DD-214 to cover most periods of their service, because the military does not issue DD-214s routinely to Reservists. A NGB-22 form is only given to

National Guard members, not to Reservists who have not served in the National Guard.

Here is a link to the Veteran Administration (VA) list of documents that can be used to prove military service and the characterization of the service. Please note, again, that the DD214 and the NGB 22 are the only ones that USCIS appears to accept for military naturalization purposes. This has been a longstanding problem for military members trying to naturalize. USCIS should accept any and all of these documents, not just the DD214 and the NGB 22:

https://www.cem.va.gov/hmm/discharge_documents.asp Moreover, the forms used to document military service are constantly changing. USCIS's insistence that applicants provide a DD214 or NGB 22 for every period of military service is both wrongheaded, given the constantly evolving documentation issued by the U.S. Armed Forces. USCIS should accept any and all documentation that the VA accepts.

Comment #4: The "other" box should be on its own line and allow for an actual explanation of the type of service, i.e., Delayed Entry Program, Inactive Reserve, Individual Ready Reserve, Retired Reserve, etc.

Comment #5: The proposed new instructions for Form N426 should be revised. The proposed instructions state: "Persons who are currently serving honorably in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization." This sentence is incorrect. An accurate sentence would be "Persons who are currently serving honorably in the U.S. Armed Forces or who have served honorably in the past are granted certain exemptions from the general requirements for naturalization."

Comment #6. USCIS should stop requiring handwritten signatures and dates. The requirement to provide handwritten dates and signatures on this form is burdensome on applicants. Modern day practice in the military is to accept electronic signatures and dates. Currently, applicants are forced to print the document repeatedly, sign it with a pen and ink, and scan it to the officer who can certify it, who is also forced to print the document, sign it with a pen and ink, and scan it back to the applicant. This requirement by USCIS wastes time and paper and is not in accordance with modern technology. USCIS should allow electronic signatures and typed dates.

See additional comments in attached PDF.

Attachments 1



Comment OMB 1615-0053 USCIS Form N426 Dkt USCIS-2007-0016



Download (https://downloads.regulations.gov/USCIS-2007-0016-0061/attachment_1.pdf)

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