

There is more to INA § 322 than what has been posted as the legal reference associated with the Information Collection relating to USCIS Form N-600K. INA § 322 (d) allows for overseas processing for U.S. Military dependents.

## **Pub. L. 110-181    National Defense Authorization Act for Fiscal Year 2008**

### **SEC. 674. OVERSEAS NATURALIZATION FOR MILITARY SPOUSES AND CHILDREN.**

(a) Spouses- Section **319** of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

“(e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical presence in--

“(A) the United States; and

“(B) any State or district of the Department of Homeland Security in the United States.

“(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings overseas pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a).’.

(b) Children- Section **322** of the Immigration and Nationality Act (8 U.S.C. 1433) is amended by adding at the end the following new subsection:

“(d) In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member--

“(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

“(2) subsection (a)(5) shall not apply; and

“(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a).’.

(c) Overseas Naturalization Authority- Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a) is amended--

(1) in the subsection heading, by inserting `and Their Spouses and Children' after `Forces'; and

(2) by inserting `, and persons made eligible for naturalization by section 319(e) or 322(d) of such Act,' after `Armed Forces'.

(d) Effective Date- The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.

### **SEC. 673. ENSURING ENTRY INTO UNITED STATES AFTER TIME ABROAD FOR PERMANENT RESIDENT ALIEN MILITARY SPOUSES AND CHILDREN.**

Section 284 of the Immigration and Nationality Act (8 U.S.C. 1354) is amended--

(1) by striking `Nothing' and inserting `(a) Nothing'; and

(2) by adding at the end the following new subsection:

`(b) If a person lawfully admitted for permanent residence is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany the member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), then the residence and physical presence of the person abroad shall not be treated as--

`(1) an abandonment or relinquishment of lawful permanent resident status for purposes of clause (i) of section 101(a)(13)(C); or

`(2) an absence from the United States for purposes of clause (ii) of such section.'.

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### **INA § 284 - MEMBERS OF THE ARMED FORCES**

Sec. 284. [8 U.S.C. 1354] (a) Nothing [1/](#) contained in this title shall be construed so as to limit, restrict, deny, or affect the coming into or departure from the United States of an alien member of the Armed Forces of the United States who is in the uniform of, or who bears documents identifying him as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces: Provided, That nothing contained in this section shall be construed to give to or confer upon any such alien any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

(b) 1/ If a person lawfully admitted for permanent residence is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany the member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), then the residence and physical presence of the person abroad shall not be treated as-

(1) an abandonment or relinquishment of lawful permanent resident status for purposes of clause (i) of section [101\(a\)\(13\)\(C\)](#); or

(2) an absence from the United States for purposes of clause (ii) of such section.

***FOOTNOTES FOR SECTION 284***

**1/** [Section 673 of Public Law 110-181](#), dated January 28, 2008, amended section 284 by striking `Nothing' and inserting `(a) Nothing' and by adding subsection (b).