

Exhibit 3

to Plaintiffs' Further Supplemental Brief in
Support of Plaintiffs' Motion for Summary
Judgment

Case No.: 1:20-cv-01104-ESH

U.S. NAVY
Guide to
Naturalization
Applications
Based upon
Qualifying Military
Service
(8 U.S.C. 1439 and 1440)

1. Introduction. The Department of Defense and the Citizenship and Immigration Services (USCIS) examined ways to streamline the processing of certain naturalization (citizenship) applications for military servicemembers. Several changes have been implemented which substantially reduced the time for processing applications. Consequently, much of the application processing is now be done at the servicemember's command, and all naturalization applications based upon qualifying military service will be sent to a unified processing center, regardless of the applicant's residence. The USCIS has dedicated a point of contact to discuss issues regarding specific applications with a single representative from each of the Armed Forces. The Legal Assistance Division, Office of the Judge Advocate General, (OJAG-Code 16), is the Navy representative for immigration matters.

a. This Guide outlines the procedures for processing naturalization applications for Navy service members who submit an application for naturalization based upon qualifying military service, and is intended to supplement the Citizenship and Immigration Services' *A Guide to Naturalization (Form M-476)*. This guide is available at <http://www.uscis.gov/files/article/M-476.pdf>. Information and forms regarding the naturalization process may be obtained from the USCIS Website at www.uscis.gov. USCIS has developed a brochure to provide the servicemember with some basic information about the laws that govern citizenship for military personnel and the process they should follow to begin their journey to citizenship, the brochure is available at <http://www.uscis.gov/files/form/m-599.pdf>.

b. Applications for naturalization that are not based upon qualifying military service are not substantially affected by these changes.

c. The service member applicant's command is the primary source of assistance for service members who intend to submit citizenship applications. With the aid of the command representative, PSD/personnel offices, Command/Staff Judge Advocates, and/or Naval Legal Service Offices, the applicant will complete the application for naturalization and the command will forward it to the USCIS.

2. Overview. There are a number of categories of persons who are eligible to apply for United States citizenship. The changes implemented by the USCIS only apply to the following two categories of applicants:

a. Those who have been in the United States Armed Forces and have served for at least 1 year; (8 U.S.C. §1439) and

b. Those who have been in the United States Armed Forces and have served during periods of military hostilities. (8 U.S.C. §1440)

c. The first category permits naturalization for persons who have served honorably in the Armed Forces of the United States an aggregate of at least one (1) year of active, honorable service in the US military *at the time of submitting the application*. ***There is NO provision for "early filing" under this section. (Early filings will be rejected)***

Such applicants may be naturalized without having to fulfill the continuous residency requirements that apply to other application categories, provided that such applications are filed while the applicant is still in the military service or within six months after termination of such service. The applicant must also be a lawful permanent resident of the United States at the time of the examination, be of good moral character, and attached to the principles of the Constitution of the United States. (See 8 U.S.C. § 1439(a) *et seq.*)

d. The second category authorizes naturalization of persons who have honorably served in the Armed Forces of the United States during periods of military hostilities (including any period as may be designated by the President in an Executive Order pursuant to 8 Code of Federal Regulations, 329(a). In such cases, the applicant must satisfy the permanent residence requirement by either: (1) lawful admission to the United States after enlistment or induction into the Armed Forces of the United States; or (2) the applicant need only have enlisted or re-enlisted 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. (See 8 U.S.C. § 1440(a) *et seq.*)

e. In both instances, the applicant must submit a completed Form N-400, two photographs, a completed Form N-426 (“Request for Certification of Military or Naval Service”), and a receipt showing that they have had their fingerprints taken by USCIS. Once the application and allied documents are mailed and processed, the applicant must submit to a USCIS interview, and pass an English and civics test. Afterwards, if the application for naturalization is granted, the applicant will be scheduled to take the Oath of Allegiance to the United States.

3. Obtaining the Forms. The applicant should obtain “A Guide to Naturalization” (Form M-476) which provides information helpful to the applicant in understanding the process. The primary application is Form N-400 (“Application for Naturalization”). The applicant will also need the Form N-426 (“Request for Certification of Military or Naval Service. These forms are available by calling the USCIS Forms Line (1-800-870-3676) and requesting the “Military Packet”. These forms are available at the USCIS Website at <http://www.uscis.gov/portal/site/uscis/menuitem.forms>. Forms should also be available at OJAG (Code 16), Naval Legal Service Offices and Family Service Centers.

4. Completing the Forms. It is vital that all forms be thoroughly completed before submission. Incomplete forms are returned by the USCIS, causing substantial delays in the application process.

a. Form N-400 (“Application for Naturalization.”). Check box “c” in Part 2 of the Form N-400, indicating that the application is on the basis of qualifying military service. The answers provided on this application will be reviewed at the applicant’s interview.

b. Form N-426 (“Request for Certification of Military or Naval Service.”) The applicant completes all items except for the portion labeled ‘TO BE COMPLETED BY CERTIFYING OFFICIAL’ and must sign where it states “Signature of Applicant”; and then submit the partially completed Form N-426 to their local service record holder for completion. Once submitted, the

local service record holder must complete all pertinent blocks, verifying the applicant's military service. **When verifying the applicant's military service the certifying officer MUST sign, and if available, apply their official command seal/stamp where indicated at the bottom of page.**

Simply attaching form DD-214 to an uncertified Form N-426 or a statement of service for an active duty or active reserve ***is not acceptable***. Completion requires that they answer **all** questions. The completion must include a legible name, i.e. a stamp that states who is signing and after signing the command **MUST** use their seal to certify the form. When completed, the command will be notified, and the command representative will pick up the form. If the individual is no longer affiliated with the military then they would send a copy of their DD-214 to USCIS.

PLEASE HELP FACILITATE THESE CASES BY COMPLETING ALL BLOCKS THAT RELATE TO THE APPLICANT;

1. BRANCH OF SERVICE
2. LIST EACH ENLISTMENT ON A SEPARATE LINE. FOR EACH ENLISTMENT LIST ON: (DATE) SERVED TO: (EOAS DATE; IF STILL ACTIVE WRITE "PRESENT")
3. INDICATE LEVEL OF SERVICE (HONORABLE OR LESS THAN HONORABLE --PROVIDE DETAILS)
4. THE CERTIFYING OFFICER **MUST** MARK THE BLOCK SHOWING THE TYPE OF SERVICE THE APPLICANT HAS/HAD FOR EACH ENLISTMENT.
5. SIGN AND APPLY SEAL/STAMP.

c. Once the N-400 and N-426 are complete, the original packet **should not** be returned to the military member, this is required in order to assure the integrity of the data. The servicemember should be given a copy of the complete package. The command POC is responsible for mailing the completed packet directly to the Nebraska Service Center.

5. Obtain Two Photographs. Every applicant is required to furnish two identical color photographs of him/herself. The photographs should have the name and "A" # of the individual on the back in pencil. The photos must have a glossy finish and shall be at least 2 inches in height by 2 inches in width. The following website provides more detail http://travel.state.gov/passport/guide/composition/composition_874.html. The photos must also be:

1. Identical
2. In color
3. 2 x 2 inches in size
4. Taken within the past 6 months, showing current appearance
5. Full face, front view with a plain white or off-white background
6. Between 1 inch and 1 3/8 inches from the bottom of the chin to the top of the head
7. Taken in **normal street attire**:
 - Uniforms should **not** be worn in photographs except religious attire that is worn daily
 - Do **not** wear a hat or headgear that obscures the hair or hairline

- If you normally wear prescription glasses, a hearing device, wig or similar articles, they **should** be worn for your picture
- Dark glasses or nonprescription glasses with tinted lenses are **not** acceptable unless you need them for medical reasons (a medical certificate may be required)

6. Collect Necessary Documents. The applicant will need to include copies of several documents with the application. Use the checklist available at <http://www.uscis.gov/files/article/attachments.pdf> to ensure the correct documents are included. Send an English translation with any document that is not already in English. The translation must include a statement from the translator that he or she is competent to translate and that the translation is correct.

7. Fingerprinting. The command representative will schedule the applicant to have fingerprints completed at an Application Service Center (ASC). To do this, the command representative will go to https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=ASC and type in your zip code for the ASC that handles your area and their hours of operation. The command does **not** call the ASC to schedule the appointment. Simply review the hours of operation listed and schedule the member accordingly. The command will then complete the fingerprint notification form. Once completed with the member's correct address, ASC location, and date/time of the appointment, the form will be given to the applicant. The applicant will take the **filled in** Referral Letter, Permanent Resident Card, and another form of identification (driver's license, military ID, passport, or state identification card) to the fingerprinting appointment. The second form of identification should also have the applicant's photograph on it.

a. Overseas Commands/U.S. Naval Vessels. If the applicant is stationed overseas or on board a ship that is deployed the military police or master at arms may take the applicant's fingerprints. Send a completed FD-258 (fingerprint card), stock number 0104LF0069600, with the initial application package to the USCIS Lincoln Service Center at the address provided below.

b. The Nebraska Service Center can **only** accept fingerprints applied to Form **FD-258**. The masthead of the form must be completed with:

- a. All biographical data of the individual.
- b. Address data of both the person being printed and the person taking the prints.
- c. Applicant's "A" number in the "OCA" and "Miscellaneous MNU" blocks.
- d. Signatures of the applicant and the person taking the fingerprints.
- e. "**N-400 Military**" in the "*Reason Printed*" block.

The FD-258 and/or the cover sheet should clearly indicate where the prints were taken abroad. **Only prints taken at a U.S. military installation abroad, a U.S. Naval Vessel that is underway or U.S. embassy will be accepted.** USCIS strongly recommends that two sets of prints completed as above be submitted in the event that one set is found to be unacceptable by the FBI.

8. Mailing the Application Package. The command representative shall review the entire package with the applicant prior to mailing using the Command Representative checklist. Once the package is complete, the applicant should retain an entire copy. The application package should be accompanied by a cover letter, indicating the USCIS service center at which the applicant would like to be interviewed, and any periods of unavailability for said interview. The letter should also advise USCIS of the applicant's address and phone number. For those individuals who are applying from an APO or FPO address, USCIS also needs a stateside address and phone number of an individual who will always know where you are and can get in touch with you if necessary. The command is required to put a cover letter on the package to ensure that the package will be expedited. **If there is no cover sheet than the application will not be expedited.**

a. Regardless of the residence of the applicant, the entire original application package should be mailed by certified mail, return receipt requested, to:

**U.S. Department of Homeland Security
Citizenship and Immigration Services
Nebraska Service Office
P.O. Box 87426
Lincoln, NE 68501-7426**

b. If there are problems with any of the documents, the USCIS will contact OJAG (Code 16), to resolve any issues. Once the application is accepted and processed, USCIS will send the applicant a letter scheduling the interview. If citizenship is granted at the interview, the USCIS will send another letter to the applicant to arrange an oath ceremony (if they didn't complete it in conjunction with the interview).

9. The Interview. USCIS will schedule the applicant for an interview. They will send the applicant an interview notice that will tell the date, time, and place of the interview. Applicants will not receive a second notice. **If the interview must be rescheduled, applicants should directly contact the office where their interview is scheduled by mail as soon as possible.** They should explain their situation and ask to have their interview rescheduled. When a new date has been set, USCIS will send the applicant a new interview notice. Please note that rescheduling an interview may add several months to the naturalization process.

a. To make sure applicants receive the interview notice, they **MUST** notify USCIS **EVERY TIME** their address changes. To change their address go to <https://egov.uscis.gov/crisgwi/go?action=coa> and follow the instructions.

b. Applicants should appear at the office where they are to be interviewed in advance of their scheduled interview time. If applicants fail to appear at their interview without contacting USCIS, their cases will be "administratively closed." If this happens and the applicant does not contact USCIS within 1 year to reopen the case, the application will be denied for lack of process.

c. Provide additional documents. In some cases, USCIS may ask the applicant to bring additional documents to the interview. These documents will be listed on the applicant's appointment letter. If the applicant fails to bring the necessary documents, the case may be delayed or denied.

d. Take the English and civics test. During the interview, the applicant's ability to read, write, and speak English will be tested. The applicant will also be tested about their knowledge and understanding of United States History and Government.

e. At the interview, an USCIS officer will place the applicant under oath and then ask questions about the applicant's background and character.

10. Receive a Decision. After the interview, the application for citizenship will be granted, denied, or continued.

a. Granted. At the end of the interview, the USCIS may advise the applicant that citizenship will be granted. In some cases, the applicant may be able to complete the oath ceremony the same day as his interview (where available). Otherwise, the applicant will receive a notice of when and where the oath ceremony will be.

b. Continued. The USCIS officer may also "continue" the case. This means the case is put on hold. If an applicant's case is continued, it will add time to the naturalization. The most common reasons for continuation are: (1) failing the English and civics tests; and (2) failing to provide USCIS with required documents. When a case is continued, the applicant will be asked to: (1) come to a second interview, usually within 60-90 days of the first interview; or (2) provide additional documents.

c. Denied. If USCIS denies the application, the applicant will receive a written notice setting forth the reasons. There is an administrative review process for applicants who receive denials. The applicant may request a hearing with an USCIS officer if he feels he has been unfairly denied naturalization. The denial letter will explain how to request a hearing and will include the form needed.

11. Taking the Oath. If USCIS approves the application for naturalization, the applicant must attend a ceremony and take the Oath of Allegiance to the United States. The following are the steps in this process:

a. USCIS will notify the applicant by mail of the time and date of the ceremony. The notice is called the "Notice of Naturalization Oath Ceremony" (Form N-445). In some cases, the USCIS may give the applicant the option to take the Oath on the same day as the interview. If the applicant decides to take a "same day" oath, USCIS will ask the applicant to come back to the office later that day. At this time, the applicant will take the Oath and receive his "Certificate of Naturalization."

b. The applicant must check in with USCIS upon arrival at the site of the ceremony. If the applicant cannot attend the ceremony on the day scheduled, the USCIS notice (Form N-445)

must be returned to the local USCIS office. The applicant should include a letter explaining why he/she cannot attend the ceremony and ask USCIS to reschedule.

c. Applicants are required to present their Permanent Resident Cards to USCIS when they check in for their oath ceremony. Applicants will receive their Certificate of Naturalization at the ceremony.

d. If more than a day has passed between the applicant's interview and the ceremony, several questions will need to be answered. These questions are located on the back of the notice USCIS sends the applicant.

e. Take the Oath. The applicant is not a citizen until the Oath of Allegiance is taken. The oath is taken during the ceremony. An official will read each part of the Oath slowly and ask the applicant to repeat the words. The Oath can be found in the section titled "Eligibility Requirements" in the Form M-476 "A Guide to Naturalization."

f. Once the applicant has taken the Oath, he/she will receive a Certificate of Naturalization. The applicant may use this document as proof of United States citizenship.

g. It is strongly recommended that applicants obtain a United States passport soon after their naturalization ceremony. A passport serves as evidence of citizenship and is easier to use than a Certificate of Naturalization. In addition, if the Certificate of Naturalization is lost, it can take up to one year to receive a new certificate. If the applicant does not have a passport, there will be no evidence of citizenship during the time he/she is waiting for a new certificate. Applicants can get an application for a passport at their oath ceremony or at most post offices.

h. If you are going to have your name changed when you take the Oath you must request a judicial ceremony. The name change includes dropping one of your names. It does not include changing from a maiden name to a married name.

AFTER YOU BECOME A U.S. CITIZEN

- 1. Military Records.** After you are naturalized, **you must** initiate the process of updating your military records by presenting your original Certificate of Naturalization to your personnel office or service record holder. Have them change your citizenship code to **CD**. Follow-up several weeks later to make sure your military record has been changed.
- 2. U.S. Passport.** Apply for a U.S. passport. For more information about applying for a U.S. passport, please visit www.travel.state.gov. The Western Hemisphere Travel Initiative, effective June 1, 2009, requires that U.S. citizens must present a valid U.S. Passport Book, U.S. Passport Card or other travel document approved by the Department of Homeland Security, when entering the United States from Canada, Mexico, the Caribbean, and the Bermuda at land border crossings or sea port-of-entry. A U.S. passport has the same force and effect as proof of the U.S. citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction.
- 3. Voting.** Please contact your Voting Officer or visit the County Registrar of Voters in the State you are legal resident. To determine where you are a legal residence of go to <http://www.fvap.gov/faq.html#top> and scroll down to your question. To find out where your legal residence is click on [Where is my "legal voting residence"?](#) If you are not sure of your legal residence for voting, you should contact vote@fvap.ncr.gov or 1(800) 433-8683. To find out how to register click on [How do I register to vote or request an absentee ballot?](#)
- 4. Social Security Administration.** Visit your local Social Security Administration (SSA) office in person to notify the SSA that you have become a U.S. citizen. Take a photo identification card and your Certificate of Naturalization or U.S. passport, as proof of your U.S. citizenship.
- 5. Certificate of Naturalization.** Your Certificate of Naturalization is a very important document that proves you are a U.S. citizen. Keep it in a safe place. If you lose your Certificate of Naturalization, as of May 2012 a replacement certificate will cost \$600 and take approximately 6 months to replace it.