

U.S. Military Family Naturalization Process Streamlined

On October 9, 2008, U.S. President George W. Bush signed into law the Military Personnel Citizenship Processing Act. This Law amends relevant portions of the Immigration and Nationality Act; and the Homeland Security Act of 2002. It establishes a liaison with the Federal Bureau of Investigation (“FBI”) in United States Citizenship and Immigration Services (“USCIS”), to expedite naturalization applications filed by members of the U.S. Armed Forces, and to establish a deadline for processing such applications.

The Law, introduced by U.S. Senator Charles Schumer (D-NY), specifically requires that USCIS, within six months of receipt of a naturalization application filed by a member of the U.S. Armed Forces, or the spouse, surviving spouse, or child of such member: (1) process and adjudicate the application, including background checks; or (2) provide the applicant with an explanation for the inability to meet such deadline and an estimate of the adjudication date.

You may have read my previous articles wherein I discussed USCIS’ unreasonable delays when processing certain U.S. naturalization (and U.S. lawful permanent resident) applications. Indeed, you may recall my explanations how we successfully expedite the processes, by filing federal mandamus lawsuits compelling USCIS to adjudicate overdue applications and petitions.

USCIS frequently “passes the buck” when blaming the FBI for delays in processing, due to alleged failures to conduct timely the necessary FBI background checks. This Law, attempts to correct this particular problem. The Office of the FBI Liaison, to be created within the Department of Homeland Security (“DHS”), shall monitor and assist with FBI functions related to expeditiously processing the naturalization applications described above.

In addition, the Law requires that: (1) the Director of USCIS report annually to the appropriate congressional subcommittees identifying all such naturalization applications that have not been processed and adjudicated within one year because of FBI background check delays; and (2) the Comptroller General report to Congress regarding the average length of time taken by USCIS to process and adjudicate naturalization applications filed by members of the U.S. Armed Forces, deceased members of the U.S. Armed Forces, and their spouses and children. Hopefully, increased accountability will bring better processing time results.

If only USCIS and FBI were compelled to treat all pending U.S. naturalization – and U.S. lawful permanent resident – applications with such urgency, thousands of people would finally enjoy the benefits they deserve. Nevertheless, the Military Personnel Citizenship Processing Act – at a minimum – will benefit those deserving U.S. Armed Forces families (albeit a small percentage of the total number of people across the country waiting for a delayed U.S. naturalization application to be decided upon).

But, it is significant to note that five years after the date of enactment of this Law, it will be repealed. Thus, anyone who believes that they may benefit from this Law, should act quickly.

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