

107TH CONGRESS
2^D SESSION

H. R. 4575

To amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2002

Mr. FROST (for himself, Mr. REYES, Mr. SKELTON, Mr. MENENDEZ, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENTS FOR NATURALIZATION TO**
4 **CITIZENSHIP THROUGH SERVICE IN THE**
5 **ARMED FORCES OF THE UNITED STATES.**

6 (a) PERIOD OF REQUIRED SERVICE REDUCED TO 2
7 YEARS.—Section 328(a) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1439(a)) is amended by striking
9 “three” and inserting “two”.

1 (b) PROHIBITION ON IMPOSITION OF FEES RELAT-
2 ING TO NATURALIZATION.—Section 328(b) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1439(b)) is
4 amended—

5 (1) by striking the period at the end of para-
6 graph (3) and inserting “; and”; and

7 (2) by adding after paragraph (3) the following:

8 “(4) notwithstanding any other provision of
9 law, no fee shall be charged or collected from the ap-
10 plicant for filing a petition for naturalization or
11 issuing a certificate of naturalization upon his ad-
12 mission to citizenship, and no clerk of any State
13 court shall charge or collect any fee for such services
14 unless the laws of the State require such charge to
15 be made, in which case nothing more than the por-
16 tion of the fee required to be paid to the State shall
17 be charged or collected.”.

18 (c) NATURALIZATION THROUGH ENLISTMENT IN
19 THE ARMED FORCES AND SERVICE WITH AN ELIGIBILITY
20 FOR ACCESS TO CLASSIFIED INFORMATION.—The Immi-
21 gration and Nationality Act is amended by adding after
22 section 328 the following new section:

1 “NATURALIZATION THROUGH ENLISTMENT IN THE
2 ARMED FORCES OF THE UNITED STATES AND SERV-
3 ICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSI-
4 FIED INFORMATION”

5 “SEC. 328A. (a) A person who has served honorably
6 at any time in the Armed Forces of the United States,
7 who enlisted for such service and was not inducted to serv-
8 ice, whose eligibility for access to classified information
9 has been certified to the Service by the relevant military
10 department, and who, if separated from such service, was
11 never separated except under honorable conditions, may
12 be naturalized without having resided, continuously imme-
13 diately preceding the date of filing such person’s applica-
14 tion, in the United States for at least five years, and in
15 the State or district of the Service in the United States
16 in which the application for naturalization is filed for at
17 least three months, and without having been physically
18 present in the United States for any specified period, if
19 such application is filed while the applicant is still in the
20 service or within six months after the termination of such
21 service.

22 “(b) A person filing a application under subsection
23 (a) of this section shall comply in all other respects with
24 the requirements of this title, except that—

1 “(1) no residence within a State or district of
2 the Service in the United States shall be required;

3 “(2) notwithstanding section 318 insofar as it
4 relates to deportability, such applicant may be natu-
5 ralized immediately if the applicant be then actually
6 in the Armed Forces of the United States, and if
7 prior to the filing of the application, the applicant
8 shall have appeared before and been examined by a
9 representative of the Service;

10 “(3) the applicant shall furnish to the Attorney
11 General, prior to any final hearing upon his applica-
12 tion a certified statement from the proper executive
13 department for each period of his service upon which
14 he relies for the benefits of this section—

15 “(A) clearly showing that such service was
16 honorable and that no discharges from service,
17 including periods of service not relied upon by
18 him for the benefits of this section, were other
19 than honorable;

20 “(B) clearly showing that the applicant en-
21 tered the Service through enlistment and not
22 induction; and

23 “(C) clearly showing that the applicant
24 was eligible for access to classified information;
25 and

1 “(4) notwithstanding any other provision of
2 law, no fee shall be charged or collected from the ap-
3 plicant for filing a petition for naturalization or
4 issuing a certificate of naturalization upon his ad-
5 mission to citizenship, and no clerk of any State
6 court shall charge or collect any fee for such services
7 unless the laws of the State require such charge to
8 be made, in which case nothing more than the por-
9 tion of the fee required to be paid to the State shall
10 be charged or collected.”.

11 “The certificate or certificates herein provided for shall
12 be conclusive evidence of such service and discharge.

13 “(c) In the case such applicant’s service was not con-
14 tinuous, the applicant’s residence in the United States and
15 State or district of the Service in the United States, good
16 moral character, attachment to the principles of the Con-
17 stitution of the United States, and favorable disposition
18 toward the good order and happiness of the United States,
19 during any period within five years immediately preceding
20 the date of filing such application between the periods of
21 applicant’s service in the Armed Forces, shall be alleged
22 in the application filed under the provisions of subsection
23 (a) of this section, and proved at any hearing thereon.
24 Such allegation and proof shall also be made as to any

1 period between the termination of applicant's service and
2 the filing of the application for naturalization.

3 “(d) The applicant shall comply with the require-
4 ments of section 316(a) of this title, if the termination
5 of such service has been more than six months preceding
6 the date of filing the application for naturalization, except
7 that such service within five years immediately preceding
8 the date of filing such application shall be considered as
9 residence and physical presence within the United
10 States.”.

11 “(e) Any such period or periods of service under hon-
12 orable conditions, and good moral character, attachment
13 to the principles of the Constitution of the United States,
14 and favorable disposition toward the good order and hap-
15 piness of the United States, during such service, shall be
16 proved by duly authenticated copies of the records of the
17 executive departments having custody of the records of
18 such service, and such authenticated copies of records
19 shall be accepted in lieu of compliance with the provisions
20 of section 316(a).”.

21 (d) CONDUCT OF NATURALIZATION PROCEEDINGS
22 OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF
23 THE UNITED STATES.—Notwithstanding any other provi-
24 sion of law, the Attorney General, the Secretary of State,
25 and the Secretary of Defense, shall ensure that any appli-

1 cations, interviews, filings, oaths, ceremonies, or other
2 proceedings under title III of the Immigration and Nation-
3 ality Act relating to naturalization of members of the
4 Armed Forces are available through United States embas-
5 sies and consulates and, as practicable, United States mili-
6 tary installations overseas.

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