



March 22, 2023

PA-2023-09

## Policy Alert

SUBJECT: Revision of Request for Certification of Military or Naval Service (Form N-426)

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to provide that only applicants for naturalization under Section 328 or Section 329 of the Immigration and Nationality Act (INA) who are currently serving in the U.S. armed forces are required to file a Request for Certification of Military or Naval Service ([Form N-426](#)) along with their Application for Naturalization ([Form N-400](#)).

### Background

The U.S. Department of Defense confirms whether an applicant for naturalization under [INA 328](#) or [INA 329](#) is serving honorably in an active duty status or in the Selected Reserve of the Ready Reserve by certifying the service member's qualifying service on Form N-426.

Previously, Form N-400 applicants who were separated or discharged from military service at the time of filing their Form N-400 were not required to have a certified Form N-426, but were still required to complete the applicant portions of the Form N-426 and file the uncertified form with USCIS. Applicants were also required to file a photocopy of their Certificate of Release or Discharge from Active Duty (DD Form 214), National Guard Report of Separation and Record of Service (NGB Form 22), or other official discharge documents for all periods of service that provide information on the type of separation and character of service.

In an effort to reduce burdens on service members applying for naturalization and eliminate duplicative requests for information, USCIS revised the Form N-426. In the latest revision, effective March 22, 2023, USCIS streamlined the Form N-426 by removing information already collected on Form N-400 and found in official discharge documents identifying the type of separation and character of service. USCIS now requires submission of Form N-426 only by current service members and not by separated or discharged service members.

This guidance, contained in Volume 12 of the Policy Manual, is effective as of March 22, 2023 and applies to all currently pending applications as well as to applications filed on or after March 22, 2023. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### Policy Highlights

- Provides that USCIS does not require separated or discharged service members applying for naturalization under INA 328 or INA 329 to file [Form N-426](#) with their naturalization application.
- Clarifies that in general, international cadets attending U.S. military academies are not considered to have served in the U.S. armed forces.
- Clarifies eligibility provisions for qualifying service.

### **Summary of Changes**

Affected Section: Volume 12 > Part I > Chapter 2, One Year of Military Service during Peacetime (INA 328)

- In Section B (Honorable Service), revises first paragraph.

Affected Section: Volume 12 > Part I > Chapter 3, Military Service during Hostilities (INA 329)

- In Section B (Honorable Service), revises first paragraph in Subsection 1 (Qualifying Military Service).
- In Section C (National Guard Service), adds two paragraphs at end of section.
- In Section G (Department of Defense Military Accessions Vital to National Interest Program), adds clarifying language to last sentence of second paragraph in Subsection 1 (Military Accessions Vital to National Interest Program).

Affected Section: Volume 12 > Part I > Chapter 5, Application and Filing for Service Members (INA 328 and 329)

- In Section A (Required Forms), revises content under italicized subheading “Request for Certification of Military or Naval Service ([Form N-426](#)) and adds new italicized subheading “Discharge Documents.”

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

### **Citation**

Volume 12: Citizenship and Naturalization, Part I, Military Members and their Families, Chapter 2, One Year of Military Service during Peacetime (INA 328) [[12 USCIS-PM I.2](#)]; Chapter 3, Military Service during Hostilities (INA 329) [[12 PM-USCIS I.3](#)]; and Chapter 5, Application and Filing for Service Members (INA 328 and 329) [[12 PM-USCIS I.5](#)].