

LEGADMINMAN

CHAPTER 14

LEGAL ASSISTANCE PROGRAM

	<u>PARAGRAPH</u>	<u>PAGE</u>
SCOPE.	14000	14-3
BACKGROUND AND POLICY STATEMENT.	14001	14-3
LEGAL ASSISTANCE BRANCH.	14002	14-4
REGIONAL LEGAL ASSISTANCE COUNCILS	14003	14-5
ACCEPTANCE AND USE OF VOLUNTARY SERVICES	14004	14-7
FACILITIES AND RESOURCES	14005	14-8
SERVICES	14006	14-8
EXTENDED LEGAL ASSISTANCE PROGRAM.	14007	14-10
OUTREACH SERVICES.	14008	14-11
ALTERNATIVE DISPUTE RESOLUTION	14009	14-11
QUARTERLY REPORTS.	14010	14-12
THE COMMANDANT'S AWARD FOR EXCELLENCE IN LEGAL ASSISTANCE (CAELA)	14011	14-12

FIGURES

14-1	GUIDE TO NATURALIZATION APPLICATIONS	14-14
14-2	LEGAL ASSISTANCE QUARTERLY REPORT.	14-23

LEGADMINMAN

LEGADMINMAN

CHAPTER 14

LEGAL ASSISTANCE PROGRAM

14000. SCOPE. To promulgate policy, prescribe procedures, and assign responsibilities for the Marine Corps Legal Assistance Program. This chapter provides supplemental guidance to the Department of the Navy policy contained in JAGINST 5800.7C, Manual of the Judge Advocate General (JAGMAN), and JAGINST 5801.2, Navy-Marine Corps Legal Assistance Program. Activities and personnel providing services under this program shall comply with these directives. The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) is responsible for the overall supervision and administration of the Marine Corps Legal Assistance Program. The activity responsible for this chapter is the Legal Assistance Branch, Judge Advocate Division, Headquarters, U.S. Marine Corps (JAL) (703) 614-1266 / DSN 224-1266.

14001. BACKGROUND AND POLICY STATEMENT

1. Legal assistance has been provided to Marines, members of the armed forces, and their families, since 1943. Congress officially recognized the military services' legal assistance programs in 1984 by enacting 10 U.S.C. § 1044, which authorizes provision of legal assistance to eligible clients, and mandates, *inter alia*, that the Service Secretaries supervise their respective legal assistance programs. Paragraph 0702(a) of the JAGMAN directs the Commandant of the Marine Corps to supervise and control the Marine Corps Legal Assistance Program.

Worldwide and deployable legal assistance is now regarded as a significant benefit of military service and a major quality of life program that enhances duty performance and retention of personnel. The specialized expertise gained by Marine Corps judge advocates in legal assistance billets constitutes a core capability that must be retained by the Marine Corps judge advocate community to fulfill its mission.

2. The focus of the legal assistance program is to assist those eligible for legal assistance with their personal legal affairs in a timely and professional manner by providing clients legal counsel, support, and representation to the maximum extent possible.

LEGADMINMAN

14002. LEGAL ASSISTANCE BRANCH (JAL)

1. Mission. The mission of JAL is to implement and supervise the Marine Corps Legal Assistance Program, to provide continuous supervision and guidance to Marine Corps legal assistance attorneys (LAAs) and staff in the field, to disseminate legal assistance policies and procedures, to foster communication and inspect the effectiveness of legal assistance programs, and to assist and advise the SJA to CMC on all legal assistance policies, procedures, and related matters.

2. Functions. JAL will accomplish its mission by performing the following tasks:

a. Provide advice regarding legal assistance policies, issues, and procedures;

b. Standardize legal assistance software programs and their related equipment (in conjunction with CMC (JAI));

c. Recommend and implement both mandatory and discretionary legal assistance and preventive law policies, programs, and procedures;

d. Communicate with legal assistance offices on developments, changes and trends in the law via site visits, video teleconferences, continuing legal education seminars, newsletters, e-mail, the legal assistance web page, and other available communication resources;

e. Support legal assistance providers with resources to enhance their practices;

f. Coordinate the Marine Corps Legal Assistance Program with the Legal Assistance programs of the other uniformed services to achieve maximum standardization and compatibility of programs, policies and resources;

g. Coordinate with the other uniformed services to identify the best ways to deliver legal services to clients and to identify trends and potential problems requiring preventive measures;

h. Coordinate with the Armed Forces Tax Council, Department of Defense working groups, and various other entities (e.g.,

LEGADMINMAN

Internal Revenue Service, Immigration and Naturalization Service, Federal Trade Commission, Defense Finance and Accounting Service, The Judge Advocate General's School of the Army, and Naval Justice School) to obtain the most current legal information of value to legal assistance practitioners;

i. Coordinate with the American Bar Association's (ABA) Standing Committee on Legal Assistance for Military Personnel (LAMP) to ensure ABA recognition and support for current issues of military importance, as well as to obtain LAMP recognition of outstanding Marine Corps LAAs and offices;

j. Coordinate and oversee the Regional Legal Assistance Councils (RLACs) and their programs and policies; and

k. Annually visit and evaluate Marine Corps legal assistance programs and providers to ensure quality and compliance with binding policy guidance.

14003. REGIONAL LEGAL ASSISTANCE COUNCILS

1. The delivery of quality legal assistance services is enhanced when all LAAs, active and reserve, communicate with one another regarding trends and developments in law and procedure. This can best be accomplished in a periodic series of meetings that bring together active duty attorneys and Reserve judge advocates that specialize in areas of the law relevant to the delivery of legal assistance.

2. In furtherance of this concept, two Regional Legal Assistance Councils (RLACs) are established and will function as set forth in the following paragraphs.

3. The RLAC, East, shall consist of all LAAs from the legal assistance offices located east of the Mississippi River and shall be chaired by the senior active duty LAA in the region.

4. The RLAC, WestPac, shall consist of all LAAs from the legal assistance offices located west of the Mississippi River and shall be chaired by the senior active duty LAA in the region.

5. Marine Corps Reserve LAAs within the region may participate in activities of the RLAC.

LEGADMINMAN

6. Each RLAC shall be co-chaired by a reserve liaison. Each reserve liaison shall:

a. Present seminars at RLAC meetings, as requested by the RLAC.

b. Assist in the development of program improvements.

c. Arrange and schedule regular CLE for legal assistance attorneys located in CONUS.

d. Visit each legal assistance office annually with the Head of JAL, and review the manner in which each office delivers legal assistance to its clients, including:

(1) The nature, extent and types of legal assistance provided;

(2) The condition and adequacy of building and office facilities;

(3) Computer hardware and software;

(4) Library and automated research programs;

(5) Referrals to civilian attorneys;

(6) Difficulties the legal assistance office has in providing quality legal assistance, if any;

(7) Requests or suggestions the legal assistance office has for improving the quality of legal assistance it provides; and

(8) Any other matters or issues the LAAs or the visiting Reservists want to discuss or address, with a view toward improving the delivery of legal assistance to clients.

e. Mentor active duty and Reserve LAAs.

7. The RLACs shall function as follows:

a. The RLACs shall meet, in person if possible, at least every 6 months, to address, at minimum, the following:

LEGADMINMAN

(1) Recent trends, developments and problem areas in legal assistance;

(2) Current and planned preventive law programs with recommendations, if any, for action to be taken; and

(3) Recently concluded (and planned) continuing legal education (CLE) programs attended by LAAs, including an objective evaluation of each course attended. Any LAA who has attended a special CLE or training program will brief the other LAAs on the course, summarize its content, and provide copies of pertinent materials. Copies of the summary and materials should be forwarded to JAL.

b. The RLAC chairman shall submit a semi-annual report to JAL, no later than the 30th day after the conclusion of the RLAC meeting.

c. Each RLAC will invite representatives from legal assistance offices from other uniformed services in the region to participate in the RLAC's activities.

14004. ACCEPTANCE AND USE OF VOLUNTARY SERVICES

1. Legal Assistance Offices may recruit and accept services from volunteers. The acceptance and use of such voluntary services must be in accordance with DoD Directive 1100.21, "Voluntary Services in the Department of Defense", March 11, 2002, and any other implementing regulations and procedures established by the Secretary of the Navy.

2. All volunteers shall sign the appropriate part of DD Form 2793, "Volunteer Agreement for Appropriate Activities or Nonappropriated Fund Instrumentalities." The acceptance of volunteer services shall be acknowledged on this document before an individual is allowed to provide volunteer services. A copy of the signed volunteer agreement should be given to the volunteer prior to commencing volunteer services. Part IV shall be completed at the end of the volunteer's service in order to document the dates of the volunteer service. A copy of the completed volunteer agreement shall be given to the volunteer upon termination of service. Volunteer records shall be retained for 3 years following the termination of volunteer service.

LEGADMINMAN

14004. FACILITIES AND RESOURCES

1. LAAs should be provided with individual private offices with full floor-to-ceiling walls to safeguard confidentiality of consultations with clients.
2. Adequate measures and procedures will be established to ensure the security of clients, confidential records, and office personnel and equipment.
3. Client records shall be maintained for the period of time set forth in JAGINST 5801.2.
4. All Marine Corps legal assistance offices shall be provided software from JAL in such areas as estate planning, time and document management, and legal document creation. Upon receipt, legal assistance offices shall fully employ said software.

14005. SERVICES. Marine Corps legal assistance offices will provide, subject to ethical considerations, the services set forth in Section 708 of the JAGMAN, and JAGINST 5801.2, and will abide by the following:

a. Estate Planning

(1) Paralegals and support staff may assist LAAs in the drafting of wills and related instruments; however, absent unusual circumstance, no will should be executed until it is reviewed by the LAA with the client.

(2) Marine Corps legal assistance attorneys are strongly encouraged to draft wills using the Military Testamentary Instruments (MTI) provisions specified in Department of Defense Directive 1350.4 ("Legal Assistance Matters"), whenever possible.

(3) Every effort should be made to advise primary next of kin (PNOK) on probating wills and settling estates of service members who die while in an active duty status.

(4) In order to minimize hasty preparation and mass will executions, commanders should direct servicemembers to the local legal assistance office during the check-in process to assess

LEGADMINMAN

their estate planning needs. Mass will executions are discouraged.

(5) Although members of a command may be required to attend estate-planning briefs, and be given the opportunity to obtain a will, commanders should not require personnel to draft or execute a will.

b. Domestic Relations and Family Law

(1) Paralegals and support staff may assist LAAs in the drafting of court pleadings, separation agreements, and related instruments; however, no separation agreement may be executed until it is reviewed by the LAA with the client.

(2) LAAs may "ghost write" *pro se* pleadings if such practices are permissible under local law and applicable ethical rules. If professional rules prevent an LAA from providing specific *pro se* assistance, the LAA may do any of the following: (1) refer the client to an Expanded Legal Assistance Program (ELAP) attorney; (2) seek *pro hac vice* admission into the appropriate court; (3) refer the matter to a locally-licensed LAA or Reserve judge advocate; or (4) contact JAL for further guidance and assistance.

(3) Under no circumstances will a Marine Corps legal assistance office conduct divorce-counseling classes in which clients are grouped together, unless the individual is first advised that the same preliminary information regarding the divorce process may be provided through an alternate private and confidential method, such as include video tapes, CD ROMs, written publications, and other methods.

(4) Separation agreement worksheets that require a client's signature or initials shall not be used.

c. Taxes

(1) Legal assistance offices will staff and manage a local program that provides seasonal tax preparation and electronic filing services to eligible clients. Advice will be provided on income, real and personal property tax issues and LAAs will assist with the preparation of Federal and State income tax returns. Advice may be provided on estate, inheritance and gift tax matters, and on appealing tax rulings

LEGADMINMAN

and other findings based on availability of expertise and resources. Legal assistance offices may refer to the Navy ELF Manual for guidance concerning the establishing and maintaining of electronic filing programs.

(2) LAAs with special tax expertise may be authorized to assist clients with tax audits and filing of petitions with the U.S. Tax Court. The LAA must submit a request, endorsed by the Staff Judge Advocate, to JAL, explaining his/her special expertise and the actions which the LAA seeks to perform. Supplemental requests must be submitted for authorization to perform additional representational acts.

(3) Each legal assistance office will submit a final tax report not later than 1 July in a format prescribed by JAL.

d. Economic and Consumer Affairs. Each legal assistance office will designate a point of contact (POC) to the Federal Trade Commission (FTC). Each POC will forward a completed Application for Access to the Consumer Sentinel Website to JAL, which will forward the application to the FTC. After receiving permission from the FTC, the POC will review this database on a regular basis and disseminate information on current consumer fraud activities to other LAAs and judge advocate personnel. The POC will add to the database any information on consumer fraud activities that occur on or around the local installation.

e. Preventive Law. Preventive law is a vital and critical element of the Marine Corps Legal Assistance Program. LAAs will engage in aggressive preventive law programs.

f. Immigration and Naturalization Services. LAAs shall provide counsel and assistance to Marines in matters regarding applications for naturalization based upon qualifying military service, as set out in 8 U.S.C. §§ 1439-1440, and the U.S. Marine Corps Legal Assistance Guide to Naturalization Applications Based on Qualifying Military Service. The guide is provided at Figure 14-1.

14006. EXTENDED LEGAL ASSISTANCE PROGRAM (ELAP). Supervisory attorneys may start or continue ELAP within their command areas. Supervisory attorneys can restrict ELAP by types of cases or limit assistance to personnel of specific grades, status or other criteria. Permission to initiate or continue ELAP

LEGADMINMAN

programs must be requested from CMC (JAL) per the provisions of JAGINST 5801.2, paragraph 8-1.

14007. LEGAL ASSISTANCE OUTREACH SERVICES

1. Independent duty Marines, such as recruiters and those serving on embassy guard duty, often serve at locations without access to legal assistance offices. Because their service is often performed at places far from Marine Corps installations, the need to maintain their morale is of great significance. Every effort will be made to provide these Marines and their dependents quality and timely assistance.

2. When an independent duty Marine or that Marine's dependent requests legal assistance, the LAA will verify eligibility by obtaining the requester's duty assignment, social security number and date of birth. The LAA may presume the independent duty Marine is authorized assistance. If there is a question of eligibility, the LAA may ask for a facsimile copy of the military or dependent identification card or call the Marine's parent command.

3. Typically, legal assistance is not provided over the telephone. However, the special circumstances and conditions of independent duty Marines require a different approach. LAAs may provide legal assistance to independent duty Marines by telephone and, resources permitting, will make use of facsimile, electronic mail and video teleconferencing to expedite the provision of legal services.

4. SJAs at the Marine Corps Recruit Depots should be proactive in making legal assistance available to independent duty Marines by:

a. Providing regular TAD visits to the Recruiting Stations;
and

b. Providing classes and written material to recruiters at Recruiting School.

14008. ALTERNATIVE DISPUTE RESOLUTION. Alternative dispute resolution (including mediation, arbitration, and other alternative dispute resolution services) is a method of settling

LEGADMINMAN

disputes outside a court setting by using a neutral third party to act as a link between the parties. A neutral third party, by definition, can never have advised or represented either party to the dispute on any matter. Based on the availability of expertise and resources, a SJA may authorize alternative dispute resolution services as part of the command's legal assistance program. Attorneys and other individuals who serve as mediators, arbitrators, or in similar roles, will comply with the ethical standards of the Marine Corps and will use the American Arbitration Association rules as a guideline for arbitration matters.

14009. QUARTERLY REPORTS. Legal assistance offices shall provide JAL with quarterly reports in the format provided in Figure 14-2. Such reports are due the 15th day after the conclusion of the quarter being reported.

14010. THE COMMANDANT'S AWARD FOR EXCELLENCE IN LEGAL ASSISTANCE (CAELA)

1. The delivery of quality legal assistance services is an essential element of readiness and morale. The purpose of the CAELA is to promote the delivery of quality legal assistance services by recognizing outstanding achievement, effort and innovation in legal assistance. It will serve as the basis for nominations to the ABA LAMP Committee for the Legal Assistance Distinguished Service Award.

2. Award criteria are as follows:

a. A superior legal assistance program worthy of emulation by other legal assistance offices;

b. Exceptional service in the provision of legal assistance services; and

c. Major legal assistance innovation.

3. Nominations for the CAELA shall be submitted no later than 1 December of each year in a format prescribed by JAL.

4. The selection committee chaired by the Deputy SJA to CMC will evaluate each office on the basis of the information

LEGADMINMAN

contained in the nomination form, the results of site visits, the quality and timeliness of required reports and other submissions, and other relevant information. The report of the selection committee will be forwarded to the SJA to CMC for final approval. Those offices selected to receive the CAELA will be notified not later than 15 February.

5. The nomination forms from the highest-ranking Marine Corps legal assistance offices will be forwarded to the ABA LAMP Committee as the Marine Corps candidates for the Legal Assistance Distinguished Service Award.

U.S. MARINE CORPS LEGAL ASSISTANCE

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

Introduction. In 1999 the Department of Defense and the Immigration and Naturalization Service (INS) examined ways to streamline the processing of certain naturalization (citizenship) applications for military service-members. Several changes have been implemented which should substantially reduce the time for processing applications. Consequently, much of the application processing will now be done at the service-member'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 INS 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 Branch, Judge Advocate Division, at Headquarters, U.S. Marine Corps (Code JAL), is the Marine Corps representative for such matters.

This Guide outlines the new procedures for processing naturalization applications for active duty Marines who submit applications for naturalization based upon qualifying military service, and is intended to supplement the Immigration and Naturalization Service's "A Guide to Naturalization" (Form M-476). Information and certain forms regarding the naturalization process may be obtained from the INS website at www.ins.usdoj.gov. This Guide does not apply to applications for naturalization that are not based upon qualifying military service.

The local Marine Corps Legal Assistance Office (LAO) is the primary source of assistance for Marines who intend to submit naturalization applications. Accordingly, the LAO should provide Marines with counsel regarding immigration law and the application process. In addition, the LAO shall provide the applicant with INS forms, and access to other appropriate resources. With the aid of the CONAD/ADMIN offices, and the Naval Criminal Investigative Service (NCIS), the applicant will complete the application for naturalization and the LAO will forward it to the INS for processing.

Comments regarding this Guide should be directed to the Legal Assistance Branch, Judge Advocate Division, Headquarters, U.S. Marine Corps (Code JAL), 2 Navy Annex, Washington, DC 20380-1775. DSN 224-1266, commercial (703) 614-1266.

Overview. There are a number of categories of persons who are eligible to apply for United States citizenship. However, the changes implemented by this Guide only apply to the following two categories of applicants:

Figure 14-1.--Guide to Naturalization Applications

1. Service in the Armed Forces for 3 years (8 U.S.C. §1439). This category permits naturalization for persons who have served honorably in the Armed Forces of the United States for 3 years. 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, 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.)

2. Service in the Armed Forces during military hostilities (8 U.S.C. §1440). This category authorizes naturalization of persons who have honorably served in an active duty status 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 CFR 329(a) (1994)). 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) at the time of enlistment or reenlistment, the applicant was physically present in the geographical territory of the United States, or other areas as set forth in the statute. (See 8 U.S.C. § 1440(a) et seq.)

In both instances, the applicant must submit a completed “Application for Naturalization” (Form N-400), two photographs, an application fee, a completed “Request for Certification of Military or Naval Service” (Form N-426), and a completed “Biographic Information” (Form G-325B). Once the application and allied documents are mailed and processed, the applicant must have fingerprints taken by INS, submit to an INS 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, and will be given a Certificate of Naturalization.

Obtaining the Forms. The LAO should provide the applicant with Form M-476 which provides information helpful to the applicant in understanding the process. The primary application form is the “Application for Naturalization” (Form N-400). The applicant will also need the “Request for Certification of Military or Naval Service” (Form N-426), and the “Biographic Information” (Form G-325B). These forms should be stocked at the LAO and are available by calling the INS Forms Line (1-800-870-3676) and requesting the “Military Naturalization Packet”. Several forms are available at the INS website at www.ins.usdoj.gov.

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

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

2. “Request for Certification of Military or Naval Service” (Form N-426). Active duty Marines may submit the Form N-426 to their CONAD/ADMIN offices for completion. Once submitted, the CONAD/ADMIN offices will complete and certify the form. When completed, the LAO will be notified, and a representative from LAO will pick up the form. Upon delivery, the LAO representative will authenticate the form at the CONAD/ADMIN office with a raised seal. The certifying official will be identified as “Personnel Officer.”

3. “Biographic Information” (Form G-325B). Active duty Marines will submit the Form G-325B to their Legal Assistance Attorneys, who will contact the local NCIS office to obtain the background report (DCII report). The DCII report will be attached to the Form G-325B, and returned to the responsible Legal Assistance Attorney. The LAO will obtain any military records referenced in the DCII report, and attach them to the G-325B. In the event the LAO is unable to obtain a background report from the local NCIS office, the completed G-325B will be sent for processing to HQMC (Code JAL).

Obtain Two Photographs. Every applicant is required to furnish two identical color photographs of him or herself. The photos must fully comply with the INS specifications set forth on page 33 of Form M-476.

Collect Necessary Documents. The applicant will need to include copies of several documents with the application. Use the “Document Checklist” (Form M-477), which is contained in Form M-476, 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 notarized statement from the translator that he or she is competent to translate and that the translation is correct.

Fingerprinting. The LAO will schedule the applicant to have fingerprints completed at an Application Support Center (ASC). To do this, the LAO will refer to the JAL website at sja.hqmc.usmc.mil, for the complete list of ASCs and their hours of operation. The LAO is not required to call the ASC to schedule the appointment. However, the LAO should review the hours of operation listed on the spreadsheet and may schedule the member accordingly. The LAO will then complete the fingerprint notification form located at the JAL website, using the form at Enclosure (1) as a guide. Once completed with the member’s correct address, ASC location, and date/time of the appointment, the form will be delivered to the applicant. Note that a copy of the form must be included in the application package to indicate that the applicant was scheduled for fingerprinting. The applicant will take the fingerprint notification form, Permanent Resident Card, and another form of identification (drivers license, passport, state identification card) to the fingerprinting appointment. The second form of identification shall have the applicant’s photograph on it.

If the applicant is stationed overseas, the military police may take the applicant’s fingerprints. Send a completed Fingerprint Card (Form FD-258) with the initial application package to the INS Lincoln Service Center at the address provided below.

Mailing the Application Package. The LAO shall review the entire package with the applicant prior to mailing. The applicant should retain a copy of the entire completed package. The application package must also be accompanied by a cover letter from the applicant's Legal Assistance Attorney, indicating the INS office at which the applicant would like to be interviewed, and any periods of unavailability. Note that applicants stationed overseas may have their interviews conducted at the INS offices located in Hawaii, or Washington, DC, whichever is most convenient to the applicant. The letter should also advise INS of the applicant's address, phone number and e-mail address. The letter will also authenticate the Forms N-426 and G-325B, and shall be personally signed by the applicant's Attorney. A sample attorney's cover letter is provided at Enclosure (2).

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

Immigration and Naturalization Service
Nebraska Service Office
P.O. Box 87426
Lincoln, NE 68501-7426

If there are problems with any of the documents, the INS will contact the Legal Assistance Policy Branch (JAL), Headquarters, U.S. Marine Corps, to resolve any issues. Once the application is accepted and processed, INS will send the applicant a letter scheduling the interview.

The Interview. INS 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 the interview is scheduled, by mail, as soon as possible. The letter should explain the circumstances of the request, and ask to reschedule the interview, noting any periods of unavailability. When a new date is set, INS will send the applicant a new interview notice. Rescheduling an interview may add several months to the naturalization process.

To make sure applicants receive the interview notice, INS must be advised of any address changes. Mail INS Form AR-11, "Alien's Change of Address Card" to the Nebraska Service Office at the address provided above for this purpose.

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

In some cases, INS 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.

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

At the interview, an INS officer will place the applicant under oath and then ask about:

1. The applicant's background;
2. Evidence supporting the applicant's case;
3. The applicant's place and length of residence;
4. The applicant's character;
5. The applicant's attachment to the Constitution; and
6. The applicant's willingness to take an Oath of Allegiance to the United States.

A representative may accompany the applicant to his interview if a "Notice of Entry of Appearance as Attorney or Representative" (Form G-28) has been mailed to the INS. Also, if the applicant is exempt from the English requirements, he may bring an interpreter to the interview. If the applicant has any disabilities, he may bring a family member or legal guardian with him at the discretion of the INS officer.

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

1. Granted. At the end of the interview, the INS 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 advising him of the time and location of the ceremony.

2. Continued. The INS officer may also "continue" the case. The most common reasons for continuation are: (1) failing the English and civics tests; or (2) failing to provide INS 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; and/or (2) provide additional documents.

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

include the necessary form. The form for filing an appeal is the “Request for Hearing Proceedings Under Section 336 of the Act” (Form N-336).

Taking the Oath. If INS 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:

1. Establish a ceremony date. INS will notify the applicant by mail of the time and date of the ceremony. The notice INS sends is called the “Notice of Naturalization Oath Ceremony” (Form N-445). In some cases, the INS 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, INS will ask the applicant to come back to the office later that day. At this time, the applicant will take the Oath and receive a Certificate of Naturalization.

2. Check in at the ceremony. When the applicant arrives at the ceremony, he will be asked to check in with INS. If the applicant cannot attend the ceremony on the day he is scheduled, he should return the INS notice (Form N-445) to his local INS office. The applicant should include a letter explaining why he cannot be at the ceremony and asking INS to reschedule the ceremony. If more than a day has passed between the applicant’s interview and the ceremony, he will need to answer questions regarding his conduct since the interview. These questions will be located on the back of the notice INS sends the applicant (Form N-445). Some of the questions include “Have you traveled outside the United States?” and “Have you claimed exemption from military service?” The applicant should read the questions carefully and mark his answers before he arrives at the ceremony.

3. Return the applicant’s Permanent Resident Card. Applicants are required to return their Permanent Resident Cards to INS when they check in for their oath ceremony. Applicants will receive their Certificate of Naturalization at the ceremony.

4. Take the Oath. The applicant is not a citizen until he has taken the Oath of Allegiance. The applicant will take the Oath during the ceremony. An official will read each part of the Oath slowly and ask the applicant to repeat his/her words. The Oath can be found in the section titled “Eligibility Requirements” in the Form M-476 “A Guide to Naturalization.”

5. Receive Certificate of Naturalization. Once the applicant has taken the Oath, he will receive his Certificate of Naturalization. The applicant may use this document as proof that he is a United States citizen.

Applicants should take steps to 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. Applicants may obtain an application for a passport at their oath ceremony or at most post offices.



U.S. Department of Justice
Immigration and Naturalization Service
801 I Street, NW
Suite 900
Washington, DC 20536

Vinnell Corporation
INS Project Office
12900 Federal Systems Park Drive
Mailstop: FP1 / 5133
Fairfax, VA 22033-4411

ASC Communication FY:00-0013

DEC 10 1999

To: INS Regional Directors
INS District Directors
INS Officers in Charge
INS ASC Managers

To: Vinnell Regional Managers
Vinnell Site Supervisors

From: Kathy A. Redman
Acting Associate Commissioner
HQISD

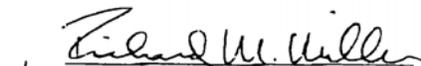
From: Andrew Finlayson
Vinnell ASC Program
Manager

Subject: Fingerprint Processing of Military Personnel for Naturalization

Special fingerprinting procedures have been developed to ensure processing of applications for naturalization filed by certain military personnel. Under these procedures, the applicant for naturalization because of military service will be given an appointment notice by the Department of Defense. The appointment notice will contain a specific date and time to appear at a designated ASC or Colo, with photo identification and/or the person's Alien Registration Receipt Card. No advance notice is given to the ASC or Colo. A copy of the Department of Defense Referral Fingerprint Notification to be used for this purpose is attached.

When the person appears and presents his or her appointment notice, the ASC or Colo will take his or her fingerprints and forward them in the usual manner. Thus, the sole aspect of this process that is unusual is the ability of the applicant to appear for fingerprinting without advance notice to the ASC or Colo.


Kathy A. Redman
Acting Associate Commissioner
Immigration Services Division
Field Services Operations


for Andrew Finlayson
Vinnell Program Manager
INS Application Support Center
Project

Attachment

Figure 14-1.--Guide to Naturalization Applications

Fingerprint Notification			NOTICE DATE
CASE TYPE N400 Application for Naturalization			INS Ad
APPLICATION NUMBER Department of Defense Referral	RECEIVED DATE	PRIORITY DATE	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS			
<p>To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SPECIFIED BELOW OR REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p> <p>APPLICATION SUPPORT CENTER _____ DATE AND TIME OF APPOINTMENT _____</p>			
<p>PLEASE DISREGARD THIS NOTICE IF:</p> <ol style="list-style-type: none"> 1. YOU HAVE BEEN FINGERPRINTED WITHIN THE LAST 90 DAYS, 2. YOUR APPLICATION HAS ALREADY BEEN GRANTED, OR 3. YOU WERE UNDER 14 YEARS OF AGE OR OVER 79 (75 FOR NATURALIZATION APPLICANTS) AT THE TIME YOUR APPLICATION WAS FILED. 			
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted. 			
<p align="center">WARNING!</p> <p><i>Specific appointment time requests will not be guaranteed. Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p>			
<p align="center">REQUEST FOR RESCHEDULING</p> <p>I am unable to appear because: _____</p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon. <input type="checkbox"/> Saturday afternoon.</p> <p>INS cannot guarantee the day preferred, but will do so to the extent possible. If you have any questions regarding this notice, please call 1-888-557-5398.</p> <p>APPLICATION NUMBER</p> <p>Department of Defense Referral</p>			

Figure 14-1.--Guide to Naturalization Applications

LEGADMINMAN

UNITED STATES MARINE CORPS
Office of the Staff Judge Advocate
Legal Assistance Office
John Quick Road; Building 3025
Marine Corps Base, Quantico, VA 22134

5811
LAO
January 1, 2004

Immigration and Naturalization Service
Nebraska Service Office
P.O. Box 87426
Lincoln, NE 68501-7426

Dear Sir or Madam:

SUBJECT: FACILITATED MILITARY APPLICATION FOR NATURALIZATION FOR SERGEANT
JOHN DOE, USMC, (A# 123 45 678)

I write as counsel for Sergeant John Doe, and hereby submit his completed application for naturalization with attachments. Sergeant Smith resides at 100 Main Street, Quantico, Virginia, 22134. His residential phone number is (555) 233-4567, and his e-mail address is doej@emailservice.net. Sergeant Doe prefers to have his interview conducted at the Alexandria INS office. Please be advised that Sergeant Doe will not be available for this interview between the dates of January 15, 2004 and February 15, 2004.

I certify that the enclosed N-426 and G-325B Forms and any attachments thereto, are accurate and authentic records prepared in the regular course of business, by Department of Defense employees with knowledge or from information compiled by a person with knowledge of the matters set forth therein.

Sincerely,

A. FREHLEY
Captain, U.S. Marine Corps
Legal Assistance Attorney

Enclosures: 1. Completed N-400 form
 2. Completed N-426 form
 3. Completed G-325B form
 4. Two color photographs of Sgt. Smith
 5. Completed Fingerprint Notification Form
 6. A check payable to the INS in the amount of \$XXX.XX
 7. Photocopy of (or affidavit of lost) Resident Alien Card
 8. (Any other documents required under Form M-477

*A legal assistance attorney represents the interests of individual clients,
and not those of the United States Government*

Figure 14-1.--Guide to Naturalization Applications

LEGADMINMAN

LEGAL ASSISTANCE QUARTERLY REPORT					
Field Office:	1st QTR OCT-DEC	2nd QTR JAN-MAR	3rd QTR APR-JUN	4th QTR JUL-SEP	TOTAL
SERVICES¹					
Adoption/Name Change					0
Consumer Protection Law ²					0
Domestic Relations ³					0
Immigration ⁴					0
Military Rights and Benefits ⁵					0
Notarizations					0
Property/Landlord-Tenant					0
Tax ⁷ (Do not include VITA/ELF)					0
Wills/Estate Planning					0
Other Services ⁸					0
TOTAL # OF SERVICES	0	0	0	0	0
NEW CLIENTS⁹					
Active Duty					0
Family Members					0
Retirees					0
Reservist					0
DOD Civilians (Overseas Only)					0
TOTAL # OF NEW CLIENTS	0	0	0	0	0
REPEAT CLIENT VISITS⁹					
Active Duty					0
Family Members					0
Retirees					0
Reservist					0
DOD Civilians (Overseas Only)					0
TOTAL # OF REPEAT CLIENT VISITS	0	0	0	0	0
ELAP CLIENTS					
# of ELAP Clients					0
DOCUMENTS PREPARED¹⁰					
# of Wills ¹¹					0
# of Powers of Attorney ⁶					0
# of Separation Agreements					0
# of INS Forms N-400 Sent to Lincoln NE					0
# of Other Documents					0
TOTAL # OF DOCUMENTS PREPARED	0	0	0	0	0
PREVENTATIVE LAW					
# of Preventative Law Briefs ¹²					0
# of Personnel Briefed					0
# of Preventative Law Publications ¹³					0

Figure 14-2.—Legal Assistance Quarterly Report

LEGADMINMAN

LEGAL ASSISTANCE QUARTERLY REPORT INSTRUCTIONS	
1	Referrals are not services, although they may be the logical conclusion to a consultation. Do not count a referral separately from the appointment. Services can be performed by an attorney or non-attorney. Non-attorney assistance such as performing notarizations, or answering basic legal questions under the supervision of an attorney will be counted under the appropriate service category. Scheduling appointments, taking messages, handing out tax forms and other clerical assistance will not be counted. Telephone calls do not count as services unless they are approved incidents of telephonic legal assistance to remote clients.
2	Consumer protection law includes assistance with respect to a broad range of matters, such as personal contracts, debtor-creditor matters, bankruptcy, automobile repairs, and other consumer protection/law matters.
3	Domestic relations includes divorce, separation, child custody, nonsupport, marital advice, and paternity matters.
4	Immigration includes naturalization and citizenship matters, residency permits, visas, employment eligibility, and other immigration-related matters.
5	Military rights and benefits includes issues not falling under personal representation such as SSCRA and USERRA.
6	Powers of Attorney includes generals, specials, and durable health care.
7	Tax includes tax advice, attorney preparation of tax returns <u>outside</u> of the VITA/ELF program and assistance with other tax matters, such as state tax residency disputes. Do not include VITA/ELF that are reported through the normal Legal Assistance Tax Program Report.
8	"Other services" include all legal assistance which does not fit into one of the delineated categories.
9	A service member/family member/retiree is listed only once as a "new client" per fiscal year by a particular legal assistance office. Once an individual is seen by a legal assistance office that fiscal year, when that individual returns for future services they will be listed as a "repeat client visit". "Repeat Client Visits" are only clients that come in for a scheduled appointment or to receive a listed service. The "service" category captures services provided to "new clients" and "repeat client visits". Remember, when a client comes back for a repeat visit and receives 3 services during that appointment they are only counted as one "repeat client visit" and their services are counted in accordance with the "services" section criteria. Each category of service provided to a client is counted separately. Thus if a client comes in for a POA, a will and divorce advice, count three services. However, for each client visit only one service may be counted in each "service category". Thus a visit for a living will and a will counts as only one service with 2 documents prepared.
10	"Documents Prepared" are final, smooth documents. Do not count drafts (of wills, POAs, etc.), copies, or internal documents (dual rep letters) as "documents prepared". Do not count tax returns done as part of the ELF/VITA program.
11	For each will prepared, there will be either one or two services counted. The first to encompass the entire process of the preparation of the will (intake to smooth will). The second service would be counted, if the legal assistance office executes the will. On the rare occasion when a will is prepared and executed by the LA Office on the same day, count one of the services in "wills/estate planning" and the execution service in "other service".
12	Preventative Law Briefs include general information presentations to educate personnel on personal legal affairs such as squadron or ship visits, predeployment briefs, etc.
13	Preventative Law Pubs include articles and newsletters.

Figure 14-2.—Legal Assistance Quarterly Report