

For additional information on this topic, please see the following websites:

US Citizen and Immigration Services
www.uscis.gov
(877) 247-4645

VA Home Page
www.va.gov

Returning Service Members
www.oefoif.va.gov

Department of Defense
www.defenselink.mil

Benefits for Texas Veterans
www.military.com/benefits/veteran-benefits/texas-state-veterans-benefits

For direct legal services, apply to the nearest Legal Aid:

Legal Aid of NorthWest Texas
(800) 955-3959
www.lanwt.org

Lone Star Legal Aid
(800) 354-1889
www.lonestarlegal.org

Texas RioGrande Legal Aid
(888) 988-9996
www.trla.org

FREE LEGAL SERVICES AVAILABLE
FOR ELIGIBLE LOW-INCOME VETERANS

Veterans' Rights: Benefits for Non-Citizens

Information Needed When Applying for Services from Legal Aid:
Current Household Income Information
Social Security Number
Documents related to your case (to the extent possible)



Veterans' Rights: Benefits for Non-Citizens

Do non-citizen service members have the right to become citizens?

Yes. President Bush's recent Executive Order No. 13269 makes it easier for some resident aliens who served in the U.S. Armed Forces to become American citizens. Prior to the executive order, military applicants needed three years of military service to qualify for citizenship. Now a service member needs only one day of honorable active-duty federal service on or since September 11, 2001. Applicants must file INS Form N-400 - application for naturalization, INS Form N-426, which verifies dates of honorable military service; and INS Form G-325B, which requires biographical information, etc. Every base should have a designated point of contact to handle your application. The application should be filed while still in the service or within 6 months of termination of active duty.

What other requirements are there to become a U.S. citizen?

General requirements include:

- Demonstrating good moral character
- Demonstrating knowledge of the English language
- Demonstrating knowledge of U.S. government and history
- Taking an oath of allegiance to the U.S.

Are the benefits for non-citizen veterans the same as for US citizen veterans?

If a veteran has a DD 214 and was released from active duty under other than dishonorable conditions, they have rights to benefits regardless of citizenship. If a veteran is disabled or 65 or older, the veteran can receive SSI. We have provided a link to the benefits booklet that may help answer any other question you might have.

www1.va.gov/OPA/vadocs/current_benefits.asp

Are non-citizen veterans eligible for the exemption from college tuition under the Hazelwood Act in Texas?

Yes. Veterans who are legal permanent residents, but not U.S. citizens, are allowed a college tuition waiver in Texas. The Texas Higher Education Coordinating Board held an emergency meeting Jan. 15, 2008 to immediately allow veterans who were legal permanent residents when they entered the military to qualify and receive the exemption.

Is it legal for a non-U.S. Citizen to join the United States Military?

Yes. A non-citizen can legally enlist in the military. However, federal law prohibits non-citizens from becoming commission or warrant officers. In order for a non-citizen to enlist in the military, he/she must first be a legal immigrant (with a green card), permanently residing in the United States. It's important to note that the military cannot and will not assist in the immigration process. One must immigrate first, using normal immigration quotas and procedures, and — once they've established an address in the United States — they can find a recruiter's office and apply for enlistment.

Are there fees to file for naturalization?

No fees will be charged. The naturalization process is available overseas to members of the Armed Forces. Contact the nearest U.S. embassy, consulate, or military installation.

Can a spouse of a US citizen deployed abroad become a citizen?

Yes. If a non-citizen is married to a US citizen who is deployed abroad by the Armed Forces for a year, the spouse may be eligible for expedited naturalization under Section 319(b) of the Immigration and Naturalization Act.

Can a non-citizen become a citizen if they die while serving in the Armed Forces?

Yes. Citizenship may be awarded posthumously if an application is filed within 2 years of the servicemember's death. Surviving family members seeking immigration benefits are given special consideration.