

TITLE 8 - ALIENS AND NATIONALITY
CHAPTER 12 - IMMIGRATION AND NATIONALITY
SUBCHAPTER III - NATIONALITY AND NATURALIZATION
Part II - Nationality Through Naturalization

§ 1440f. Fingerprints and other biometric information for members of the United States Armed Forces

(a) In general

Notwithstanding any other provision of law, including section 552a of title 5 (commonly referred to as the “Privacy Act of 1974”), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

- (1) the individual may be naturalized pursuant to section 1439 or 1440 of this title;
- (2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;
- (3) the individual—
 - (A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or
 - (B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual’s application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and
- (4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant’s naturalization application.

(b) More timely and effective adjudication

Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual’s naturalization application, the Secretary shall—

- (1) inform the individual of such determination; and
- (2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) Cooperation

The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

- (1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and
- (2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) Electronic transmission

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Not later than one year after June 26, 2008, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) Centralization and expedited processing

(1) Centralization

The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) Expedited processing

The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

(Pub. L. 110–251, § 2, June 26, 2008, 122 Stat. 2319.)

Codification

Section was enacted as part of the Kendell Frederick Citizenship Assistance Act, and not as part of the Immigration and Nationality Act which comprises this chapter.