

USCIS HQ

Sent: Thursday, January 08, 2015 11:36 AM

Subject: Guidance for J2 spouse of J1 MAVNI

Good Morning,

USCIS Field Office Directorate (FOD), Citizenship Branch, has shared the following guidance with its field offices. Please disseminate to any personnel who are involved in the MAVNI program.

It has come to FOD's attention that field offices have been inconsistent in interpreting the applicability of INA 212(e) to J-2 spouses of J-1s who naturalized under the Military Accessions Vital to the National Interest (MAVNI) program. The Office of Chief Counsel, in consultation with the Department of State (DOS), is providing the following clarification.

A J-1 exchange visitor subject to INA 212(e) who enlists in the military under the MAVNI program is not required to comply with the foreign residence requirement or obtain a waiver in order to naturalize under INA 329. As such, DOS has determined that a J-2 spouse or child of a J-1 who naturalized under MAVNI is also not required to comply with the foreign residence requirement or obtain a waiver in order to adjust status as a lawful permanent resident.

Any I-485 cases currently on hold may be adjudicated in accordance with the guidance above. The Office of Policy and Strategy will issue updates to relevant sections of the USCIS Policy Manual as they are published.

Please email the OFO Citizenship mailbox if you have further questions.

Many  
thanks,

USCIS HQ

Classification: UNCLASSIFIED

Caveats: NONE