

Questions & Answers About The Hmong Veterans' Naturalization Act of 2000

National Asian Pacific American Legal Consortium, Southeast Asia Resource Action Center, and Hmong National Development, Inc. : 2000

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[Page]

Q#1: Is there a new law regarding Hmong and Laotian veterans and how they become U.S. citizens?

A: **YES.** On May 26, 2000, President Clinton signed into law the Hmong Veterans' Naturalization Act of 2000.

Q#2: Does this new law mean that certain veterans will not have to take any tests to become U.S. citizens?

A: **NO.** This law provides an *exemption* from the English language requirement. This means you will not be tested on your ability to read, write, or speak English. However, *you will still need to pass the Civics Testing.*

Q#3: Does this law provide special consideration for the Civics Testing?

A: **YES.** Eligible applicants will be asked 10 of 25 questions for the Civics Testing. Applicants must answer at least 6 of the questions correctly. This can be done in the language of their choice. (See Attachment #1 for the questions and answers).

Q#4: If I am eligible for the English language exemption, will an interpreter be provided or may I bring my own interpreter?

A: **YES.** The INS will provide interpreters. However, if you do not request an interpreter before your interview, an interpreter may not be available. If this is the case the interview may be postponed and rescheduled for another date at which time the INS will have a person prepared to serve as your interpreter.

You may also bring your own interpreter who can speak English. This means you can bring a family member, friend, or community representative.

Q#5: Who is eligible for the English language exemption and special consideration for the Civics Testing?

A: This new law applies to all people who:

- Served with a Laotian-based special guerrilla unit, or irregular forces, and
- Served at any time between February 28, 1961 to September 18, 1978, and
- Were admitted into the U.S. through refugee status from Laos, or
- Is the legal spouse of a veteran who meets all of the qualifications listed above at the time the veteran applied to enter the U.S. and was admitted as a refugee from Laos.

Q#6: This law is called the "Hmong Veterans' Naturalization Act." Does this mean that the law applies only to veterans who are Hmong?

[Page]

A: **NO.** You **DO NOT** have to be Hmong to be eligible. Anyone who fits the above qualifications can apply under this law.

Q#7: I lived in another country as a refugee before moving to the U.S. but I fought for the U.S. during the Vietnam War. Am I eligible under this law?

A: **NO.** According to INS, you have to be admitted as a *refugee directly from Laos* in order to be eligible.

Q#8: How do I prove that I am eligible under this law?

A: You need to have proof of your service (or your spouse's service) with special guerrilla units or irregular forces. INS believes they may already have the necessary proof in your refugee file if you had already informed them of your involvement in a special guerrilla unit or irregular forces when you first applied to enter the U.S. In case the INS does not have the information, you can send copies of the following documents listed below with your application to INS and bring the copies to your interview:

- Original documents regarding your participation in the service, or
- An affidavit from your superior officer, or
- Two affidavits from other individuals who also served in special guerrilla units, or irregular forces, and personally knows of your involvement in the service, or
- Other appropriate proof (such as a copy of your I-590, Refugee "T" file, or Voluntary Agency document)

Q#9: What is an affidavit and what kind of information should it contain from my superior officer or other individuals who know of my involvement in a guerrilla unit or irregular forces?

A: An affidavit is a legal document. It is a sworn statement put on paper (usually typed) with the signature, name, address, phone number, and other identifying information of the writer. The affidavit needs to be signed and notarized in the presence of a person who is legally authorized to administer an oath or affirmation.

If the affidavit is written in a language other than English, it needs to be translated into English. The original affidavit and its translation in English both need to be signed and notarized in the presence of a person who is legally authorized to administer an oath or affirmation.

The information needed on the affidavits is the sworn statements of your involvement in the service by the superior officer or other individuals who know of your service in a special guerrilla unit or irregular forces. The affidavits need to have the signatures of the superior officer or other individuals, as well as their names, addresses, phone numbers, and other identifying information. The affidavits and any English translations of them *ALL* need to be signed and notarized in the presence of a person who is legally authorized to administer an oath or affirmation.
[Page]

Q#10: Is there a deadline to apply for U.S. citizenship under this law?

A: **YES.** All applicants must file their applications by **November 26, 2001.**

Q#11: Is there a limit to the number of people who can become U.S. citizens under this law?

A: **YES.** The maximum number of number of people who can become U.S. citizens under this law is 45,000.

This law, though, is not the only law that provides the English language exemption. You may already be eligible for the English language exemption (whether you are or are not a veteran) if you filed your Form N-400 and:

- Are age 55 or older and have had a green card for at least 15 years in the U.S.
- Are age 50 or older and have had a green card for at least 20 years in the U.S.

If you are 65 or older and have had a green card for at least 20 years in the U.S., you may be eligible for a language exemption and special consideration for the Civics Testing.

If you have a qualifying disability, you may also be eligible for the English language exemption and special consideration for Civics Testing. You will need your physician to complete a Form N-648 (Medical Certification for Disability Exception).

Q#12: I am a veteran but I am not a member of a veterans' group or organization. Do I need to be a member of a veterans' group or organization to be eligible for the benefits under this law?

A: **NO.** You **DO NOT** need to be a member of a veterans' group or organization to be eligible for the benefits. You can apply to INS on your own and still benefit from the law if you are eligible.

According to the law, the INS may consider any documentation provided by organizations maintaining records to your military history. The INS will not determine your eligibility based only on whether you belong to such an organization or if such documentation is available. Your eligibility will be determined by all the documents that are available and that you provide.

Q#13: I am a veteran and have already sent in my forms to become a U.S. citizen. Is it too late for me to use the English language exemption?

A: **NO.** It is still possible for you to use the English language exemption. In case the INS does not have the necessary documents in your refugee files, be sure to bring with you to your interview the necessary documents to prove your eligibility.

[Page]

Q#14: I am a Hmong veteran with a *criminal conviction on my record*. Does this law provide exemptions for criminal arrests or convictions to become a U.S. citizen?

A: **NO.** This law **DOES NOT** provide any new exemptions for applicants with criminal records. If any of your convictions were for an aggravated felony, you are not eligible to become a U.S. citizen and *can be placed in removal proceedings (deportation)*. If you have had any criminal arrests or convictions, be sure to consult an immigration attorney before filing any application with INS.

Q#15: I already applied to become a U.S. citizen, but was denied because I failed the English language requirement. Will I be able to re-apply under this new law and receive an exemption from the English language requirement if I am eligible?

A: **YES.** If you failed to pass the English language requirement and are eligible, you may re-apply under this new law and receive an exemption from the English language requirement

Q#16: I am the widow of a veteran who died while fighting in the war or who died of other causes before she/he could come to the U.S. Does this new law apply to me as well?

A: **NO**. According to INS, this law **DOES NOT** apply to the widows of otherwise eligible veterans who died before they were admitted to the U.S. as refugees.

Q#17: If I am eligible for the benefits under this law, do I still have to pay the \$225 citizenship application fee?

A: **YES**. You still need to pay the \$225 fee. However, you may apply for a fee waiver and pay a lesser fee if you can not pay the full \$225 fee.

Q#18: Does this law provide veterans' benefit or monetary reparations, too?

A: **NO**. This law **DOES NOT** provide veterans' benefit or monetary reparations. This law only provides an exemption of the English language requirement and special consideration for Civics Testing.