

PERSONNEL AND
READINESSUNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

SEP 30 2016

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Military Accessions Vital to the National Interest Pilot Program Extension

The Military Accessions Vital to the National Interest (MAVNI) pilot program is currently set to expire on September 30, 2016. This memorandum was developed in coordination with the Under Secretary of Defense for Intelligence and extends the MAVNI pilot program through September 30, 2017, and implements revised eligibility requirements. This guidance will serve as a single source document for the administration of the MAVNI program and replaces all previously issued program guidance.

The application of the limited authority under section 504(b)(2) of title 10, United States Code, allows the Services to expand the military recruiting market to include certain non-immigrant aliens. The authority is contingent upon a case-by-case determination by the Secretary of the Military Department concerned that each such enlistment is vital to the national interest. The exercise of such authority regarding health care professionals shall be limited to those holding medical specialties for which a Service has a critical shortfall. The recruitment of persons with special language and associated cultural backgrounds shall be limited to those with qualifications necessary to support current and projected future military operations, and for which the Military Service concerned currently has a critical shortfall. Persons enlisted under this program shall be screened and identified for eligibility for special operations and special operations support career fields, and if eligible, assignment priority will be given to those units.

Changes reflected in the enclosed guidance will strengthen and improve the execution of the MAVNI program. These changes are the result of a comprehensive review of the program and include specific security and mission requirements outlined below and also in the enclosure. The Secretaries of the Military Departments will ensure adequate controls and audit processes are in place for compliance with all administrative, security, and suitability requirements outlined in this memorandum.

The Service MAVNI program allocations for the maximum number of annual accessions will be: Army – 1,200; Navy - 65; Marine Corps - 65; and Air Force – 70. Within 60 days of the date of this memorandum, the Secretaries of the Military Departments will provide a report to the Assistant Secretary for Manpower and Reserve Affairs detailing the methodology supporting requested accession allotments against critical manpower gaps and operational requirements.

In execution of the enclosed guidance, the Secretaries of the Military Departments shall:

- limit the accession of individuals with language/culture skills to not more than 10 percent of the total Service allocation for reserve accessions;
- access medical personnel for Active and Reserve enlistments as needed;

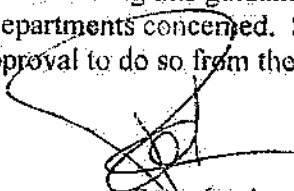
- limit the number of annual accessions for any one language/associated culture capabilities to not more than 10 percent of total MAVNI Service authorization.
- prohibit Category-2 language/associated culture applicants from shipping to basic training or serving for any period of time on active duty until the Military Service certifies in writing to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) and the Under Secretary of Defense for Intelligence (USD(I)) their ability to meet administrative, security, and suitability protocols mandated herein prior to accessing any new applicants into the Delayed Entry Pool (DEP).

Updated guidance regarding program eligibility, languages, security reviews, and screening processes, eligibility for a security clearance, suitability determination, and military endorsement for naturalization are necessary to ensure the security, success and sustainability of the MAVNI program. Specific policy details and methodologies are outlined in the enclosed guidance.

- The guidance within this memorandum applies to all MAVNIs currently in the DEP, all future applicants, and all Reserve accessions who enter Service or ship to basic training on or after the date of this memorandum. Those persons in the DEP who were recruited under the eligible language list in effect since 2014 may continue in the accession process, but they must be satisfactorily screened under the revised screening protocols found in this memorandum.
- All personnel accessed through the MAVNI program since its inception in 2009 must be continuously monitored and accounted for throughout the duration of their affiliation with the Department of Defense (e.g. active duty, Reserve, government civilian, or contractor).
- No Service member accessed under language/associated culture MAVNI eligibility is eligible for a security clearance until they have satisfied time in service requirements and have received an updated and favorable determination by the Consolidated Adjudications Facility.

All costs associated with the accession of MAVNI applicants are borne by the contracting Service. Services recruiting under MAVNI will provide to USD(P&R) and USD(I) a MAVNI report by accession cohort at the end of each quarter and annually following the end of each fiscal year. Complete reports listing all MAVNIs in service will be provided to USD(P&R) and USD(I) on an annual basis. The Services shall notify USD(P&R), USD(I), and United States Citizenship and Immigration Services (USCIS) when individuals become classified as "unsatisfactory participants" and/or are administratively separated from the military.

Any clarification required concerning this guidance shall be requested prior to program implementation by the Military Departments concerned. Services may not deviate from these requirements without a written approval to do so from the USD(P&R) in coordination with USD(I).



Peter Levine
Acting

Attachments:
As stated

cc:

Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
Chief of the National Guard Bureau
Assistant Secretary of the Army for
Manpower and Reserve Affairs
Assistant Secretary of the Navy for
Manpower and Reserve Affairs
Assistant Secretary of the Air Force for
Manpower and Reserve Affairs

Program Eligibility

Overall Eligibility:

1. Eligibility is extended to aliens in one of the following categories at time of enlistment:
 - a. Asylee, refugee, Temporary Protected Status (TPS), or
 - b. Nonimmigrant categories E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V.
2. Additionally, program applicants:
 - a. Must have been in a valid status in one of those categories for at least the 2 years immediately prior to the enlistment date. However, it does not have to be the same category as the one held on the date of enlistment;
 - b. Must not have had any single absence from the United States of more than 90 days during the 2-year period immediately preceding the date of enlistment; and
 - c. Are rendered ineligible by virtue of having a pending application for adjustment of status to lawful permanent residence. In the specific case of an alien with H nonimmigrant status at the time of filing a pending application for adjustment of status who has lost such status while his or her application for adjustment was pending, and who is otherwise eligible for enlistment under the MAVNI program, the military Service may on a case by case basis waive the requirement that the alien be in a status described in paragraph 1 above at the time of enlistment; however, the Service will ensure the applicant in DEP maintains an immigration status or obtains Deferred Action from the Department of Homeland Security (DHS) or the applicant in DEP will no longer qualify for enlistment.
3. Individuals who have been granted deferred action by the DHS pursuant to the Deferred Action for Childhood Arrivals process are eligible.

Program Specific Eligibility (Services may add additional requirements)

1. Health Care Professionals

- a. Applicants must be recruited specifically to fill medical specialties wherein the Service has a critical shortfall.
- b. Applicants must meet all qualification criteria required for their medical specialty.
- c. Applicants must meet the criteria required for foreign-trained Department of Defense medical personnel recruited under other authorities.
- d. Applicants must demonstrate proficiency in English – reading, speaking, and listening – on a standardized test in accordance with all existing Service criteria for commissioned officers.

- e. Enlistments must be for at least 3 years of Active Duty or 6 years of SELRES service.

2. Enlisted Individuals with Special Language and Culture Backgrounds

Enlistments must be for at least 3 years of Active Duty or 6 years of SELRES service, and enlistees must:

- a. Possess capability in a specific language with the associated cultural background from the list of critical eligible languages (below), and
- b. Demonstrate language proficiency at the 2/2/2 level on the Defense Language Proficiency Test or 2/2 on the Oral Proficiency Interview; or as needed for the career field, but not at less than 1+ on any modality.

Eligible Languages

Services may recommend additional languages to meet emerging needs or request exceptions to policy for especially meritorious individual cases to the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy.

Category 1

Albanian	Dhivehi (language of	Portuguese
Bengali	Maldives)	Sinhalese
Bulgarian	Haitian-Creole	Tagalog
Cebuano	Hungarian	Tamil
Czech	Malayalam	Thai
	Polish	

Category 2

Amharic	Igbo	Sindhi
Arabic	Indonesian	Somali
Azerbaijani	Kashmiri	Swahili
Burmese	Kurdish	Tajik
Cambodian-Khmer	Lao	Turkish
French (limited to	Malay	Turkmen
individuals possessing	Moro	Ukrainian
citizenship from an	Nepalese	Urdu
African country)	Pahari	Uzbek
Georgian	Punjabi	Yoruba
Hausa	Pushtu (aka Pashto)	
Hindi	Serbo-Croatian	

Security and Suitability Screening Requirements

1. **Applicability.** Services may not deviate from the following requirements without written approval from the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) in coordination with the Under Secretary of Defense for Intelligence (USD(I)).
2. **Initial Screening.** Prior to shipping to basic training or serving for any period of time on active duty in the Armed Forces, each MAVNI applicant must satisfactorily complete all security screening requirements. Services shall clearly annotate MAVNI in all Service Component Accessions Systems and use the Joint Personnel Adjudication System (JPAS) (or its successor, the Defense Information System for Security (DISS)) Agency Use Block and indicate MAVNI to ensure the Department's ability to track MAVNI's period of military service. Sequencing of security screening (NIACs, Counterintelligence (CI)-Security Interviews, Tier 3 or Tier 5 background investigations, polygraphs) as applicable is critical and provided at Enclosure 2.

a. **National Intelligence Agency Check (NIAC):** The NIAC will include at a minimum a name check of the following databases:

- i. CIA External Name Trace System
- ii. PORTICO (USD(I)-approved CI information system)
- iii. National Crime Information Center
- iv. Defense Central Index of Investigations
- v. FBI Checks (Name and Foreign Terrorism Tracking Task Force)
- vi. Foreign Travel (Advance Passenger Information System or similar system when available)
- vii. Public Records, Commercial Data, Social Media (as appropriate)

Services will forward the results of the NIAC to the DoD Consolidated Adjudications Facility (CAF) leading to a National Security Determination in support of a suitability for service determination.

b. **CI-Security Interview:** The Service counterintelligence element will conduct the CI-Security Interview. The CI-Security Interview will be based upon the findings of the completed NIAC, a review of the subjects SF-86, and standard questions from the Services and the DoD CAF. Results of the CI-Security Interview will be forwarded to the DoD CAF to support the National Security Determination.

c. **Military Suitability Determination:** The DoD CAF will render a National Security Determination based on 13 National Adjudicative Guidelines. JPAS will then be coded as "No Determination Made" (MAVNIs are not eligible for a security clearance during their initial accession, see Para 4 below for security clearance eligibility requirements). The DoD CAF will forward a notification to the Service recruiting command, via the Case Adjudication Tracking System, with one of the following decisions: 1) The subject has a non-favorable national security determination based on unmitigated derogatory or missing information or; 2) A non-favorable national security determination solely because of citizenship with the absence, or successful mitigation, of other derogatory information. If derogatory information was revealed, the DoD CAF will provide information to the accessing service via the Case Adjudication Tracking System. The accessing service will use this information to then render the final military suitability determination in accordance with DoDI 1304.26 and any service specific policies.

d. **Health Care Professionals and Category 1 Language Requirements:** Will have a completed Tier 3 background investigation, a completed NIAC, a completed CI-security interview, a National Security Determination by the DoD CAF, and a favorable military suitability determination rendered by the Service accession organization. If derogatory information is revealed in the background investigation or NIAC and cannot be mitigated, the DoD CAF may request a polygraph examination as applicable. The Military Service may either administer a polygraph to resolve the issue or separate the individual. Applicants refusing to consent to a polygraph examination will be separated. A Category 1 MAVNI's country of origin should be taken into consideration to determine whether a Tier 5 investigation is more appropriate vice a Tier 3 investigation.

e. **Category 2 Language Requirements:** Will have a completed Tier 5 background investigation, a completed NIAC, a completed CI-security interview, a National Security Determination by the DoD CAF, and a favorable military suitability determination rendered by the service accession organization. If derogatory information is revealed in the background investigation or NIAC and cannot be mitigated, the DoD CAF may request a polygraph examination as applicable. The Military Service may either administer a polygraph to resolve the issue or separate the individual. Applicants refusing to consent to a polygraph examination will be separated.

3. **Continuous Monitoring (CM).** The Services will execute annual comprehensive counterintelligence CM throughout each MAVNI's period of military service. Services shall use the JPAS (or its successor DISS) to record completion of annual CM and vetting status throughout their periods of military and government service.

a. **Continuous Monitoring requirements:** The Service CI-element will conduct, at a minimum, a NIAC on each MAVNI serving, annually. Any derogatory information identified by CM (or separately by the unit) will be reported per DoDI 5200.02. If the CAF cannot mitigate derogatory information, the DoD CAF may request a CI-security interview and/or a polygraph examination, as applicable. The Military Service may administer a polygraph and/or interview to resolve the issue or separate the individual. Service members refusing to consent to a polygraph examination and/or interview will be separated. This process will serve as CM until further capabilities are available.

b. **Reporting requirements:** Annually in September, each Service Deputy Chief of Staff for Manpower and Personnel will submit a comprehensive report of all MAVNIs serving in all Components to its Service CI-element, USD(I), and USD(P&R). An initial submission is due to those organizations within 60 days of the date of this memorandum. The listing shall include at a minimum the name, DoD ID number, job title, unit of assignment, country of origin, native language, and security clearance classification if any. This reporting requirement is intended to inform and facilitate Service CI-elements execution of CM.

4. **Security Clearance Eligibility Requirements.** MAVNIs will be designated in JPAS (or its successor DISS) as not eligible for an interim security clearance or access until the completion of first enlistment and a positive national security eligibility determination is made by the DoD CAF. Commands may request eligibility for a clearance for MAVNIs through its Service security manager after ensuring MAVNIs have completed the first enlistment and meet all other requirements for a clearance. The DoD CAF is responsible for adjudicating completed personnel security background investigations to render a determination of each individual's eligibility to access classified information and may require the Military Components to submit a request for an updated background investigation, updated CI-security interview, or NIAC as

applicable, prior to rendering a security clearance eligibility determination. If the CAF cannot mitigate derogatory information, the DoD CAF may request a CI-security interview and/or a polygraph examination, as applicable. The Military Service may administer a polygraph and/or interview to resolve the issue or separate the individual.

DoD MAVNI Security and Suitability Sequence Map

