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## Chapter Two

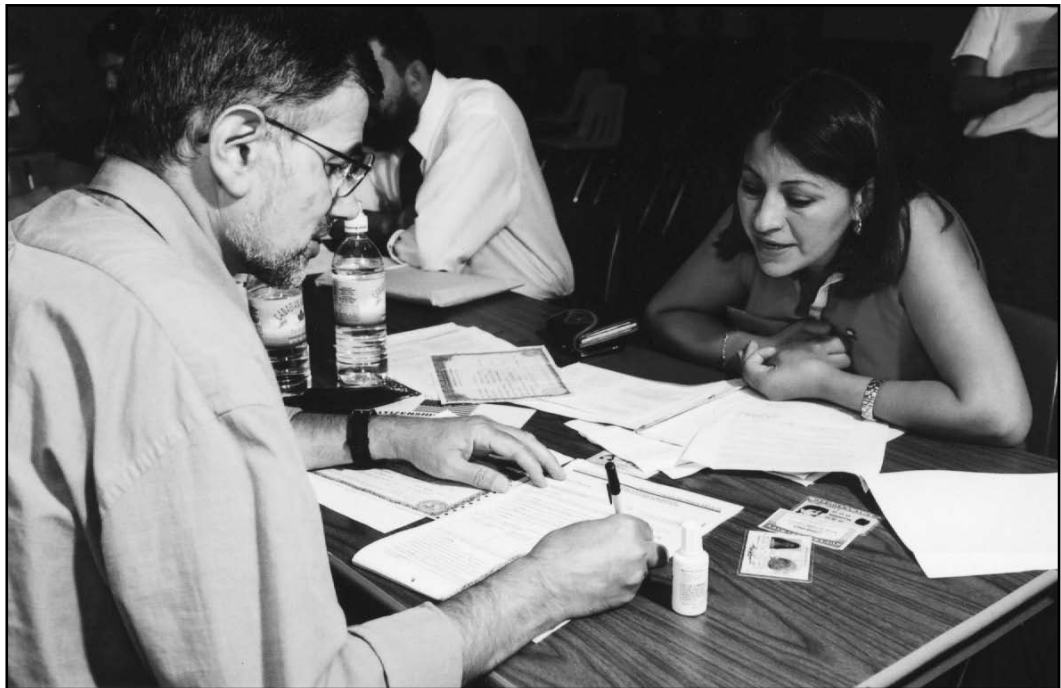
# Citizenship Requirements

*Look before you leap.*

*–Anonymous*

### In this Chapter:

- How Naturalization Requirements Are Decided
- You May Already Be a Citizen
- Naturalization Requirements Summary
- Naturalization Requirements Up Close



***Immigrants can become United States citizens through naturalization.***

This chapter outlines the requirements for an adult to become a United States citizen through the legal process called naturalization.

## HOW NATURALIZATION REQUIREMENTS ARE DECIDED

### WHO DECIDES THE GENERAL REQUIREMENTS

The United States Congress writes the general requirements and procedures for United States citizenship. Most of the basic naturalization requirements today are similar to those in the first naturalization law passed by Congress in 1790. Since then, Congress has passed other laws that have made small changes in the requirements. Current naturalization procedures are written in Title 8 of United States Code (U.S.C.), a text of all United States laws.

In the future, Congress may pass new laws that may change the requirements again. You can tell your Congressional representatives what changes you think they should make.

#### **Who Decides How to Implement the Law**

The Department of Homeland Security (DHS) through the U.S. Citizenship and Immigration Services (USCIS) writes regulations or specific rules on how to put immigration and naturalization laws into action. For example, the law says that all citizenship applicants must have “good moral character” for five years. USCIS regulations define what “good moral character” means.

#### **How Regulations are Decided**

After USCIS writes regulations, they must go through a long process before they are approved. First, USCIS must publish draft or temporary regulations in a public document called the *Federal Register*. Then USCIS must invite the public (citizens and non-citizens) to give opinions about the proposed regulations. Usually USCIS gives the public 60 days to respond with suggestions for changes. Then USCIS may rewrite the regulations taking into consideration what the public has said.

## YOU MAY ALREADY BE A CITIZEN

If you are already a United States citizen, you have no need to be naturalized. You are a citizen if you were born in the United States or its territories of Puerto Rico, the U.S. Virgin Islands, Guam, or the Northern Mariana Islands (after November 4, 1986). \*



*See Chapter 8 for more information about acquisition and derivation.*

You may have acquired citizenship at birth if one or both of your parents were citizens and you were born outside of the United States.

If one or both parents became naturalized United States citizens before you were age 18, you may have derived citizenship.

American Samoa and Swains Island are possessions of the United States. The people who were born there as well as some people from the Northern Mariana Islands are called non-citizen nationals of the United States. Their requirements for naturalization are similar to those of permanent residents.

\* This does not include the children of foreign diplomats.

## NATURALIZATION REQUIREMENTS SUMMARY

You must meet the following requirements to become a naturalized United States citizen.

1. Be at least 18 years old.
2. Be a lawful permanent resident for five years (three years if you are married to a citizen).\*
3. Have made the United States\*\* your continuous residence for five years (three years if you are married to a citizen).
4. Have been in the United States for at least half of the five years (three years if married to a citizen) before applying for naturalization.
5. Pass a test on speaking, understanding, reading and writing basic English.\*\*\*
6. Pass a United States history and government test.\*\*\*\*
7. Have good moral character.
8. Understand and accept the oath of allegiance to the United States.\*\*\*\*
9. Have no citizenship-related legal problems.

\* People who received their green card as the spouse, former spouse, intended spouse, or child of a current or former U.S. citizen under the Violence Against Women Act (VAWA) are also eligible to apply after three years. Also, certain people who served or are currently serving in the United States military are exempted from the residence and physical presence requirements. For more information, see Attachment A.

\*\* The United States includes the territories of Puerto Rico, Guam, the United States Virgin Islands, and the Northern Mariana Islands.

\*\*\* Unless eligible for an exemption based on age and long residence or a waiver based on disability.

\*\*\*\* Unless eligible for a waiver based on disability.

## NATURALIZATION REQUIREMENTS UP CLOSE

*See Chapter 8,  
page 273  
for more  
information.*

### **1. Be at Least 18 Years Old.**

You must be at least 18 years old when you sign and date your application for naturalization. Children under 18 may derive citizenship automatically when at least one parent is a citizen, either by birth or by naturalization.

### **2. Be a Lawful Permanent Resident for Five Years (three years if you are married to a United States citizen).**

#### **Definition of Lawful Permanent Resident**

A lawful permanent resident (LPR) is a person who has received an immigrant visa to live and work in the United States permanently. An LPR receives an identification card that is often called a green card.

#### **Five Years**

You can apply for citizenship 90 days before you complete five years as a permanent resident. Therefore, you can apply four years, nine months, and one day after receiving lawful permanent residence. Do not apply before this date.

#### **Three Years**

You can apply for citizenship 90 days before you complete three years as a permanent resident if you have been married to the same United States citizen for three years. You must stay married to the citizen until you receive your naturalization certificate. While brief separations are not usually a problem, longer separations may be, especially if the husband and wife each have a separate home. Death of a spouse, even after the application is filed, ends eligibility under the three-year rule.

If you apply more than 90 days before you complete the required period of residency, USCIS will not accept your application.

## How to Count the Years

You can count the five (or three) years since you were approved as a permanent resident by reading your green card. The date of adjustment or admission will tell you when to start counting your five or three years of residence required.

## Residence for Refugees

If you are a refugee, you can count the five years from the date you arrived in the United States. The date of your arrival appears on the green card as taken from the refugee I-94 card.

## Residence for Asylees

As an asylee, your lawful permanent residence begins one year before your green card was approved. This should be the date on your green card.



refugees and asylees = People who were persecuted or feared persecution because of their race, religion, nationality, membership in a social group, or political opinion. Refugees apply for and receive refugee status outside the United States, before they enter. Asylees first enter the United States and then apply for asylum. *“The refugees and asylees were afraid to return to their native country.”*



### **3. Have Made the United States Your Continuous Residence for Five Years (three years if you are married to a United States citizen).**

#### **Residence Definition**

You must have made the United States or its territories your main home for the required period of time – five or three years – and continue to make the United States your main home until you are naturalized.

#### **Continuous Residence**

Continuous residence means that you have made the United States your main home through the required period of time. Trips out of the country for less than six months do not break your continuous residence.

#### **Interruption of Continuous Residence**

If you have been outside of the United States for six months or more since becoming a permanent resident, USCIS may question you at the interview to decide if you have interrupted your permanent residence. You must show USCIS that you did not stop your residence in the United States. For example, you may show that you kept your job, house, or bank account, or that your family remained. If USCIS decides that you interrupted your permanent residence, you cannot apply for citizenship until you have lived in the United States again for four years and one day (or two years and one day if married to a citizen) from your return date. If you leave the United States for one year or more, you are generally considered to have broken your continuous residence.

#### **Abandonment of Residence**

If you left the United States and made another country your main home, USCIS may decide that you abandoned your permanent residence and try to take away your green card. In general, living outside the United States for one year or more as a permanent resident will be seen as abandonment of residence unless you received permission to re-enter the United States prior to leaving.

continuous = To go on for a period of time. *“He has lived in San Diego continuously since he arrived in the United States.”*

interrupt = To stop something. *“Your phone call interrupted our dinner.”*

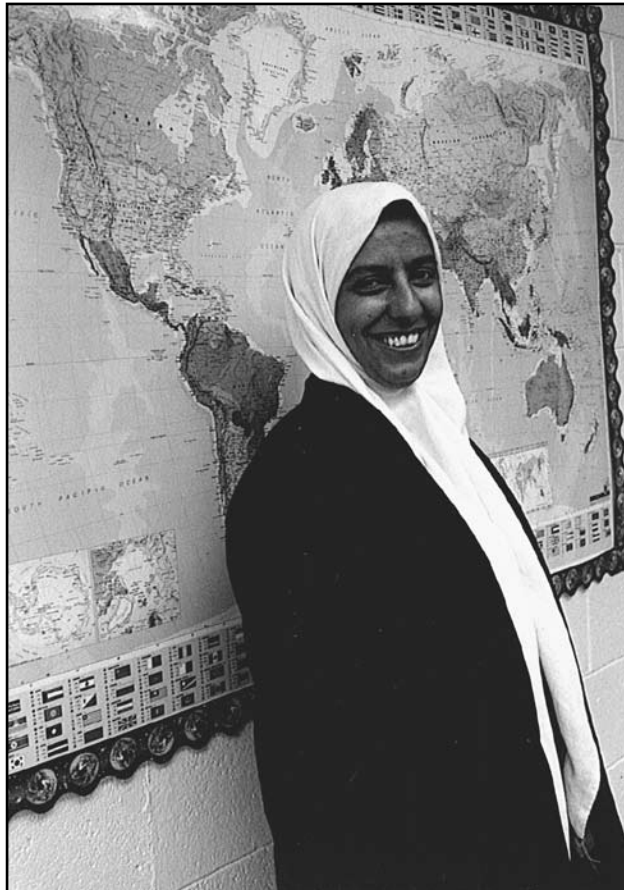
abandon = To leave something that was once yours. *“My father abandoned our family.”*

### **Residence in Your USCIS District**

You must have lived in the USCIS district in which you apply for citizenship for at least three months before you file your application. It is recommended that you continue living in the district where you applied. If you move to another USCIS district, you must request a transfer of your application and you must notify USCIS of your new address by filing Form AR-11. You should keep a copy of the transfer request and AR-11.

### **4. Have Been in the United States For at Least Half of the Five Years (three years if married to a citizen) before applying for naturalization.**

You must have been physically in the United States for at least half of the required period of permanent residence. The time does not need to be continuous. Some military personnel, religious workers, employees of the United States government, and employees of international organizations can count service time outside the country as physical presence.



## 5. Pass a Test on Speaking, Understanding, Reading, and Writing Basic English.

Most citizenship applicants are required to pass an English test. According to the law, you must demonstrate “an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.”

### How USCIS Tests English

#### Listening and Speaking

Your ability to answer questions about your citizenship application and how well you follow directions during the interview.

#### Reading

Your ability to read at least one sentence using the vocabulary words found on the USCIS list of “Reading Vocabulary for the Redesigned Naturalization Test.” You will be given up to three chances to read a sentence.

*See Chapter 5, Attachments A and B for the USCIS vocabulary lists.*

#### Writing

Your ability to write at least one dictated (spoken) sentence using the vocabulary words found on the USCIS list of “Writing Vocabulary for the Redesigned Naturalization Test.” You will be given up to three chances to write a sentence.

## 6. Pass a United States History and Government Test.

Most citizenship applicants are required to pass a test on United States history and government. According to the law, you must demonstrate “a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.” The test questions are taken from a USCIS list of 100 questions. Applicants are given 10 questions on history and government, and must answer at least six questions correctly in order to pass the test.

*See Chapter 5, Attachment D for the list of 100 history and government questions.*

### Testing Tips

- Listen for key words or phrases to understand the question.
- Look the USCIS officer directly in the eye and watch his or her face as that may help you answer correctly.

## Special Testing Rules

There are four kinds of special testing rules:

- Exemptions and Waivers
- Due Consideration
- Special Consideration
- Reasonable Accommodations



*See Chapter 7 for more information about waivers.*

## Exemptions and Waivers

Some people are exempt from the English testing requirement. Others may be able to get a waiver from the English and/or United States history and government requirements.

## Age and Long-Term Permanent Residence

You are exempt from the English requirement and can take the civics test and have the interview in your native language if:

- you are 50 years or older and have lived in the United States for at least 20 years as a lawful permanent resident; or
- you are 55 years or older and have lived in the United States for at least 15 years as a lawful permanent resident.

You must meet these requirements on the date you sign and submit your naturalization application.

*I'm glad I could take the test in my language. I don't think I could pass the English test.*

*I am elderly—76 years old—but I still had to take the test in English because I've only had my residence for 10 years. If I waited another 5 years to take the test in my native language, I could be dead!*

exempt = Free from a requirement. *"I am exempt from the English requirement because I am 59 years old and have been a permanent resident for 17 years."*

waiver = Permission to avoid a requirement. *"USCIS granted him a disability waiver from the tests."*

civics test = Often refers to the test on United States history and government. *"I took the civics test in my native language because I am exempt from the English requirement."*

## Disability

You can get a waiver from the English and/or civics tests if you have a disability that prevents you from learning or remembering the required information. To get a disability waiver from the tests, USCIS must approve a Medical Certification for Disability Exception (Form N-648).

*See Chapter 7  
for more  
information.*



## Hmong Veterans' Naturalization Act of 2000

On May 26, 2000 Congress passed a law exempting certain Hmong veterans and their spouses from the English requirement and giving them special consideration on the civics requirement. To qualify, applicants must have original documents, affidavits, or other proof that they or their spouse assisted the United States military in Laos during the period from February 28, 1961 to September 18, 1978. In addition, they must have filed their N-400 on or before May 26, 2003 (or November 1, 2003 for widows of veterans). For more information, contact an immigration service provider.

## Amnesty Program

The amnesty program was based on a law called the Immigration Reform and Control Act of 1986 (IRCA) which allowed many people who were living undocumented in the United States to become lawful permanent residents. In addition, there was a special provision to grant amnesty to certain agricultural workers.

You may be exempt from part of the English and all of the civics testing if:

- you became a permanent resident through the amnesty program; AND
- you passed a written test on English/civics at the amnesty interview, also called the "312" test, given by an INS official.

Your ability to speak English will still be tested at the interview.

**Note:** A *Certificate of Satisfactory Pursuit* from an amnesty class does not meet this requirement.

## Due Consideration

The USCIS officer is required by law to adjust the difficulty in how history and government test questions are asked and evaluated for certain people. This includes those who are older, have less formal education, have lived a longer period in the country, have limited access to educational services, or have other circumstances that make the test more difficult for them. You can bring a letter with you to the interview that says (1) how much education you had in your country, (2) how old you are, (3) how you have studied for the test, and (4) how long you have lived in the United States. Show it to the officer so he or she will adjust the questions accordingly.

*See Attachment B  
for a sample letter.*

*See Attachment C for a complete list of questions and answers.*

### Special Consideration

The USCIS gives special consideration to naturalization applicants who are age 65 and older and who have been living in the United States as lawful permanent residents for 20 years or more. They do not have to take the regular civics test based on 100 questions. Instead, they must answer questions such as the following from a shorter list of 20 questions in the language they choose.

1. What is one right or freedom from the First Amendment?
2. Who was the first President of the United States?
3. What is the name of the President of the United States now?
4. What is the economic system in the United States?
5. Name one branch or part of the government.



## Reasonable Accommodations

If you have a disability, you can ask USCIS to give you reasonable accommodations for the test and interview. The accommodations must meet your needs but not change the test requirements.

Some reasonable accommodations you can request include:

- Asking the USCIS officer to speak loudly and slowly because you are hearing impaired.
- Asking USCIS to give you the interview at your home because you are very ill and physically unable to travel to the interview.
- Asking USCIS to give you an interpreter fluent in American Sign Language or another sign language because you are deaf or mute.
- Asking USCIS to let you take the test orally because you are blind.

*See Chapter 7,  
page 254  
for more  
information.*

You should request accommodations before the test and interview by using the space provided in Part 3 of the N-400.



reasonable = Something that is fair or acceptable. *"I think asking the USCIS officer to speak loudly and repeat often is a reasonable accommodation."*

hearing impaired = Having a limited or severe hearing loss. *"He became hearing impaired at age 60."*

## 7. Have Good Moral Character.

### Definition

Good moral character includes truthfulness throughout the naturalization process and a lack of certain criminal issues. Criminal behavior often creates a good moral character problem, but good moral character problems are not always criminal. USCIS has the authority to define actions that indicate a lack of good moral character and to take action against those with criminal behavior.

### Length of Good Moral Character

You must have good moral character for the five years (or three if married to a citizen) before you apply for naturalization, although USCIS may consider conduct outside that time period.

### Re-Establishing Good Moral Character

You may apply after five years (or three if married to a citizen) of continuous good moral character. For example, if you lie at the USCIS interview, you will be denied and must wait five years to reapply.

You may be able to correct some kinds of good moral character problems before the USCIS interview. For example, if you previously failed to file or pay taxes to the government, you can pay the taxes and give USCIS proof of payment at the interview. This will re-establish good moral character.

For some problems, you may never be able to have good moral character. These result in a permanent bar to citizenship. You may even be ordered deported if you apply for citizenship and have certain criminal convictions.

*See Chapter 3, page 53 for more information about accredited representatives and other legal professionals who can assist you.*

Talk to an immigration lawyer or Board of Immigration Appeals (BIA) accredited representative before you apply for naturalization if you are in doubt about a good moral character question. If you apply for citizenship and cannot demonstrate good moral character, USCIS will deny your application and you will lose your money. You also may have a serious immigration problem as a result.

Board of Immigration Appeals (BIA) = A group of judges who review decisions made by other immigration judges, USCIS District Directors, and immigration officials.  
*“I’m bringing a BIA accredited representative to my citizenship interview.”*

## Some Good Moral Character Problems

Talk to an immigration lawyer or BIA accredited representative before you apply for citizenship if you have had any of these problems.

*See Chapter 6, page 216 for information on documents you must show to USCIS for these problems.*

- You were arrested.
- You were convicted of a crime.
- You were arrested for drunk driving or being drunk in public.
- You helped someone enter the United States illegally.
- You did not file your federal income tax returns.
- You are a male and you did not register with the Selective Service as required.
- You lied to USCIS to get a green card for yourself or someone else.
- You lied or did not tell the complete truth in order to get public benefits.
- You have not paid child or spousal support as ordered.
- You are an alcoholic or habitual drug user.
- You have had more than one spouse/marriage at the same time in the United States.
- You were convicted of or tell USCIS you have been involved in prostitution.
- You have been involved in illegal gambling.
- You were arrested for domestic violence or assault.
- You were convicted of selling or possessing drugs.

domestic violence = Assault against residents in your home. "My ex-husband was deported because he beat me and was convicted of domestic violence."

### **You were arrested.**

You must tell USCIS about all of your arrests. If you were ever taken into custody and fingerprinted by the police, you were arrested even if the charges were dismissed or you never went to jail. When you apply for citizenship, USCIS sends your fingerprints to the FBI. The FBI tells USCIS about all your arrests, even if you used a different name or your criminal record was expunged. If you do not tell USCIS the truth about any arrests, you will not have good moral character for citizenship. To determine whether you qualify for citizenship with a prior arrest, always consult with an immigration lawyer or BIA accredited representative. They may advise you to get a copy of your criminal record directly from the FBI before applying.

*See Attachment D for more information and a sample letter to the FBI.*

### **You were convicted of a crime.**

Always consult with an immigration lawyer or BIA accredited representative before making any application to the USCIS. Sometimes a conviction has occurred and remains permanent for immigration and naturalization purposes even when:

- Your record was “erased.”
- Your attorney told you that you would never have to tell anyone you were arrested after it was erased.
- You were convicted many years ago.
- You served probation or paid a fine.
- You were convicted in another country.

This is a difficult area because the law changes often.

### **You were arrested for drunk driving or being drunk in public.**

Drunk driving charges are called Driving Under the Influence of Alcohol (DUI) or Driving While Intoxicated (DWI). If you have a conviction for drunk driving or being drunk in public, and particularly if you have more than one such conviction, USCIS may decide you do not have good moral character because you are a “habitual drunkard.” Depending upon the state law, damages caused, and the decision of the court, convictions of DUI/DWI may disqualify you for five years.

dismissed = Dropped. *“I was released from jail when the charges were dismissed.”*

FBI = The Federal Bureau of Investigation, a department of the federal government that investigates crime in the United States. *“My citizenship application was on hold until the FBI approved my fingerprints.”*

expunged = Erased. *“I was told not to worry because my conviction was expunged.”*

### **You helped someone enter the United States illegally.**

You may not have good moral character if you helped someone enter the United States illegally. This is a ground for deportation. When it is the first time and the person was your spouse, parent, or unmarried child under 21, you may apply for a waiver. There is another waiver which is harder to get. If this offense leads to a finding that you committed an aggravated felony, you are permanently barred from establishing good moral character and may be deported.

### **You did not file your federal income tax returns.**

This applies only if you earned enough income to file. You must pay your federal income taxes every year that you worked in the United States. If you did not pay your taxes or you did not report all of the money you earned, you may not have good moral character. To re-establish good moral character, you can pay the previous taxes and submit evidence to USCIS without waiting the additional five years.

### **You are a male and you did not register with the Selective Service as required.**

The Selective Service is a government registry of names for a military draft in the future. When necessary, often in times of war, Congress will vote for a draft, requiring men of certain ages to join the military. If you are a male born after 1960 who lived in the United States between ages 18 and 26, you were required to register for the Selective Service by your 26th birthday. If you knew you were supposed to register for the Selective Service and failed to register, you may not have good moral character.

*See Chapter 6,  
page 219  
for more  
information.*

*A couple of years ago I drove to visit some friends in Toronto, Canada. I met a beautiful woman who asked if she could ride back with me. I said, "Of course." I didn't know she had tried to cross the border before and was told "no." At the border, the police questioned me. They thought I was trying to smuggle her into the United States. I'm grateful that I had my passport with me. When I showed them that I was a United States citizen, they let me go. If I had a green card, I think USCIS would have tried to deport me.*



smuggle = To help someone enter another country or place illegally. "He tried to smuggle her across the border."

**You lied to USCIS to get a green card for yourself or someone else.**

You may not have good moral character if you lied to USCIS at an interview or on an application to immigrate yourself or another family member. This is known as immigration fraud and may result in deportation. For example:

- You wrote that you were single on your permanent resident application. Later, you wrote on your citizenship application that you were married before you became a permanent resident.
- You applied for a green card for someone to come to the United States as your husband. He got a green card, but he is not your husband.
- You loaned a relative your green card to get into the United States.
- You wrote that you entered the United States in 1981 in order to get a permanent resident card. At your citizenship interview you said you entered the United States in 1985.

**You lied or did not tell the complete truth in order to get public benefits.**

You may not have good moral character and may even be deportable if you lied or hid information to receive public benefits such as food stamps or Medicaid. Examples include:

- You said you were single when you were really married.
- You said you did not earn money when you had an income.
- You said you were a citizen when you were not.

**You have not paid child or spousal support as ordered.**

You may not have good moral character if you are under court order to support your children or spouse and have failed to do so. USCIS also may ask you to show evidence you are supporting your children, even those living outside of the United States.

**You are an alcoholic or habitual drug user.**

You may not have good moral character if there is evidence of chronic alcoholism or drug abuse. USCIS established this requirement regarding alcoholism many years before the medical community began to define alcoholism as a disease. Drug abuse could be a problem if it occurred within the last five years.

**You have had more than one spouse/marriage at the same time in the United States.**

You may not have good moral character if you practiced polygamy in the United States. Polygamy means having more than one husband or wife at the same time.

**You were convicted of or tell USCIS you have been involved in prostitution.**

You may not have good moral character if you worked as a prostitute, hired a prostitute, or sold the services of prostitutes. If you are convicted of activities related to the prostitution business, you may be deportable.

**You have been involved in illegal gambling.**

You may not have good moral character if you earned the majority of your income from illegal gambling or have two or more convictions for illegal gambling.

**You were convicted of domestic violence or assault.**

You may not have good moral character if you were convicted of domestic violence as a result of hitting your spouse or child. Domestic violence also may be a deportable offense. In addition, breaking a protection or restraint order imposed against you as a result of domestic violence or threats is a good moral character problem and a deportable offense.

**You were convicted of selling or possessing drugs.**

All drug offenses are extremely serious for immigration purposes. Other than "simple possession" of 30 grams or less of marijuana, almost all other convictions for selling or possessing drugs make you deportable.

Immigration counseling is necessary to determine eligibility for anyone who has a history of good moral character problems and/or criminal offenses. This area of immigration law changes rapidly. Submitting an application without good counsel will give USCIS the information necessary to deny, or worse, deport you.

evidence: Testimony, documents, or other things that show the truth. "My evidence of paying taxes comes from the IRS."

## 8. Understand and Accept the Oath of Allegiance to the United States.

*See Chapter 9, page 307 for the words to the oath of allegiance.*

### **You Are Not a Citizen Until You Take the Oath**

The oath is a statement giving support to the principals of the United States Constitution and form of government. Only after taking the oath do you become a full United States citizen with all the rights and responsibilities of citizenship.

### **How USCIS Decides if You Understand and Accept the Oath**

At your interview, the USCIS officer will ask you questions from Part 10, Section H of the *Application for Naturalization* to find out if you understand and accept the oath. Then you will take the oath either at the interview or at the naturalization ceremony, depending on your USCIS district.

### **You Must Understand and Accept the Ideas in the Oath**

You must show that you are attached to the principles of the Constitution and well disposed to the good order and happiness of the United States.

### **You Must Take the Oath and Really Believe It**

You cannot take orders from or be loyal to another government as a United States citizen. However, you can still have feelings for your native country and keep your traditions. You may also be a dual citizen.

attached to the principles of the Constitution = You accept the government and laws as written in the Constitution, the highest United States law.

well disposed to the good order and happiness of the United States = You want to promote stability and safety for the people of the United States.

## Special Groups Can Take a Modified Oath

If your religion and beliefs do not allow you to bear arms in defense of the United States or you do not believe in taking an oath, you can ask to take a modified oath.

If you do not believe in bearing arms, you can ask to take the oath without the words, "I will bear arms." If you are opposed to all military service, then you can take the oath without the words, "I will perform noncombatant services in the armed forces."

If you are a Quaker, Jehovah's Witness, or belong to another faith or religion that does not believe in taking an oath, you can take a modified oath without the words "on oath" or "so help me God." You can use the words "solemnly affirm" instead.

To take a modified oath without the words on bearing arms, you must show USCIS:

- You are opposed to any form of armed service in the military (if asking to remove the words, "I will bear arms");
- You must make the change because of your religious or moral beliefs; and
- Your beliefs are sincere and deeply held.

You will need to submit a written explanation of your beliefs and why they require you to take a modified oath. If you are a member of an organized faith, you should submit a letter from a minister of your faith attesting to your membership and explaining the beliefs of your faith on bearing arms.

## Severely Disabled Applicants Can Get an Oath Waiver

In November 2000, Congress passed a law allowing an oath waiver for people who are so severely disabled that they cannot understand or communicate an understanding of the oath. The new law affects only a small number of people. Most disabled applicants will be able to demonstrate enough of an understanding to meet the oath requirement.

*See Chapter 7,  
page 258  
for more  
information about  
the oath waiver.*

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bear arms = To be a fighting member of the United States armed forces. "I will bear arms if the government requires it of me."

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## 9. Have No Citizenship-Related Legal Problems.

Talk to an immigration lawyer or BIA accredited representative before you apply for citizenship if you think you may have a legal problem.

**Beware of giving false information!  
It can cause serious legal problems.**

False: My record was erased, so I don't have to tell USCIS.

**True: USCIS can find an erased criminal record through your fingerprints and other ways.**

False: I was arrested many years ago, so USCIS won't find out.

**True: USCIS can find a very old criminal record through your fingerprints and other ways.**

False: The charges for my arrest were dropped, so I don't have to tell USCIS.

**True: USCIS has a record of all of your arrests through your fingerprints. If you do not tell USCIS the truth, you cannot become a citizen.**

False: If I forget to tell USCIS, I won't have a problem.

**True: If you do not tell USCIS the complete truth, USCIS may conclude that you do not have good moral character. You must try to remember any and all arrests.**

False: If USCIS didn't find out about a problem when I applied for my green card, it won't find out now.

**True: USCIS carefully reviews all of your green card records when you apply for citizenship. It's not too late for past lies and misinformation to be discovered.**

False: My juvenile records were sealed so I don't have to tell USCIS.

**True: USCIS can learn about all of your arrests at any age through your fingerprints.**

False: I was deported many years ago, so I don't have to tell USCIS.

**True: USCIS probably has a record of your deportation, even if it was many years ago.**

## **Some Additional Legal Problems**

Talk to an immigration lawyer or BIA accredited representative before you apply for citizenship if you have had any of these problems.

- You were ordered deported – now or in the past.
- You said you were a United States citizen, but were not.
- You were a member of a political movement against democratic ideals.
- You are on probation or parole for a criminal conviction.

### **You were ordered deported – now or in the past.**

You cannot apply for citizenship until the United States government removes any order of deportation against you. If you are currently in deportation proceedings, the government must end the proceedings before you can apply for citizenship. When in doubt, ask a representative to request your USCIS file to see if an order has been given.

*See Attachment E for the application to request your USCIS file (Form G-639).*

### **You said you were a United States citizen, but were not.**

You can have serious legal problems if you:

- Registered to vote before you were a citizen or voted illegally in any federal, state, or local election in the United States.
- Claimed that you were a citizen on an application for public benefits.
- Claimed that you were a citizen when entering the United States.
- Claimed that you were a citizen to get a job.

**Caution:** Beware of voter registration services found at the Department of Motor Vehicles. Only a citizen can register to vote.

### **You were a member of a political movement against democratic ideals.**

You may have a problem if you were a member of the Communist Party or an organization related to the Communist Party in the United States or another country in the past. It should not be a problem if your membership was required under law; if it occurred more than 10 years before you apply for citizenship; if you did not understand the organization's purpose; if your membership ended before you turned 16; or if you needed to join the party to get a job, food, housing, or other necessities of life.

Past or current membership and activity in a totalitarian or anarchist group when seeking citizenship is a bigger problem. Such groups do not support democratic ideals and members of these groups are often barred from entering the United States.

**You are on probation or parole for a criminal conviction.**

If you are currently on probation or parole, you may not become a citizen until you complete your probation period or end the legal process related to your parole.

If you are arrested as a non-citizen, it is very important to talk with a BIA accredited representative or an immigration lawyer as well as a criminal lawyer. Note that a criminal problem is almost always an immigration problem, and that many criminal lawyers do not understand immigration law.

probation = When a person found guilty of a crime is supervised in the community instead of going to jail or prison. The person must show good behavior and report to a probation officer. *"My probation period is for one year."*

parole = When a person is given freedom from jail or prison after serving part of a sentence. The person is usually under the watch of a parole officer. The person may be returned to jail or prison if he or she does not follow certain rules. *"I got parole after serving six months in prison."*



# Naturalization for Military Personnel

Office of Citizenship



## If You Qualify...

Every military installation should have a designated point-of-contact to handle your application and certify your Request for Certification of Military or Naval Service (N-426). You should inquire through your chain of command to find out who this person is, so they can help you with your application packet.



Your point-of-contact will send you N-400, G-325B, and certified N-426 to:  
The Nebraska Service Center  
PO Box 87426  
Lincoln, NE 68501-7426

The Service Center will review your application and perform the necessary security checks. Then, they will send it to the district office closest to your location. If you have a preference as to where you would like to be interviewed, you can provide that information in a cover letter attached to your naturalization packet. The district office will set a date to interview you and test your knowledge of English and Civics. If granted, USCIS will inform you of the date you can take your oath of allegiance.

## Forms You Will Need to Complete and Submit:

- ▶ **N-400**, Application for Naturalization
- ▶ **N-426**, Request for Certification of Military or Naval Service (This form requires certification by the military prior to submission to USCIS.)
- ▶ **G-325B**, Biographic Information

## Forms and Handbooks

To get these forms, you can call the USCIS Form Line at 1-800-870-3676 to request the "Military Packet" and obtain a copy of the handbook, *A Guide to Naturalization* or visit the website [www.uscis.gov](http://www.uscis.gov).

M-599 (rev. 6/06)

## Spouses of US Citizens Deployed Abroad

If you are married to a U.S. citizen who is a member of the U.S. Armed Forces and your citizen spouse is or will be deployed abroad by the Armed Forces for one year, you may be eligible for expedited naturalization under section 319(b) of the INA. For more information, please refer to the USCIS handbook, *A Guide to Naturalization* (page 22) at <http://uscis.gov/graphics/services/natz/english.pdf>.

## Posthumous Benefits

The INA allows for the awarding of posthumous citizenship to active-duty military personnel who died while serving in the Armed Forces. In addition, surviving family members seeking immigration benefits are given special consideration. To learn more, contact your military point-of-contact or the local district USCIS office.

## Military Contact Information



## Eligibility and the Process

If you are a member of the U.S. Armed Forces and are interested in becoming a U.S. citizen, you may be eligible to apply for citizenship under special provisions provided for in the Immigration and Nationality Act (INA). Generally, service in the U.S. Armed Forces means service in one of the following branches:

- ▶ Army
- ▶ Navy
- ▶ Marine Corps
- ▶ Air Force
- ▶ Coast Guard
- ▶ Certain Reserve components of the National Guard
- ▶ Selected Reserve of the Ready Reserve

Recent changes in the relevant sections of the INA (Sections 328 and 329) make it easier for qualified military personnel to become U.S. citizens if they choose to file a naturalization application.



U.S. Citizenship and Immigration Services (USCIS) has created a streamlined process specifically for military personnel who are serving in active-duty status or have recently been discharged.

This brochure provides you with some basic information about the laws that govern citizenship for military personnel and the process that you should follow to begin your journey to citizenship.

### Do You Qualify?

There are general requirements and qualifications that must be met in order for you to become a U.S. citizen. These include:

- ▶ Demonstrating that you have good moral character
- ▶ Demonstrating knowledge of the English language
- ▶ Demonstrating knowledge of U.S. government and history (“civics”)
- ▶ Demonstrating attachment to the United States by taking an oath of allegiance to the U.S. Constitution

As a member of the military there are other naturalization requirements that you may be excepted from, including the required residency and physical presence in the United States. These exceptions are outlined in Sections 328 and 329 of the INA.

If you meet all of the check marks in either Section, you may apply for citizenship under that Section.

### Section 329, INA

This section applies to members of the U.S. Armed Forces who currently serve or have served in active-duty status during authorized periods of conflict as outlined in the INA (WWI, September 1, 1939-December 31, 1946; June 25, 1950-July 1, 1955; and February 28, 1961-October 5, 1978) or any additional period designated by the President in an Executive Order.\*

You may qualify if:

- ✓ You served honorably in the U.S. Armed Forces during an authorized period of conflict.
- ✓ After enlistment, you were lawfully admitted as a permanent resident of the United States, OR at the time of enlistment, reenlistment or induction you were physically present in the United States or a qualifying territory.

\* Recently, the President signed an Executive Order identifying September 11, 2001 and after as an authorized period of conflict.

### Changes on October 1, 2004

Recent legislation has called for additional benefits to members of the military. These benefits will go into effect on October 1, 2004.

No fees will be charged when you file for naturalization.

The naturalization process will be made available overseas to members of the Armed Forces at U.S. embassies, consulates, and where practical, military installations abroad.

### Section 328, INA

This section applies to all members currently serving in the U.S. Armed Forces or those who have already been discharged from service. You may qualify if:

- ✓ You have served honorably for a total of one or more years.
- ✓ You are a lawful permanent resident.
- ✓ You will be filing your application for naturalization while still in service or within six months of being discharged.

November 1, 2008

**USCIS District Office**  
(full address)

Re: Request for Due Consideration on Citizenship Test

Dear Sir or Madam:

With regard to the educational and testing requirements for citizenship, 8 CFR § 312.2 (c) (2) states, “In choosing the subject matters, in phrasing questions and in evaluating responses, due consideration shall be given to the applicant’s education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the requisite knowledge, and any other elements or factors relevant to an appraisal of the adequacy of the applicant’s knowledge and understanding.”

In accordance with the law, I am requesting due consideration on the citizenship test. Please take into account the following factors when testing me:

(Choose from below or add other relevant factors.)

- my elderly age of ...
- my limited education in my native country (add details)
- my longtime residence in the U.S. as an LPR (add how many years)
- my efforts to attend classes and prepare for the test (add details)

Thank you very much. If you have any questions, please contact me at ...

Sincerely,

Signature  
Name  
A#  
Address

**CIVICS (HISTORY AND GOVERNMENT)  
QUESTIONS FOR ELDERLY APPLICANTS**

If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions on this list. You may also take the test in the language of your choice because you are exempt from the English language requirement.

**AMERICAN GOVERNMENT**

## Principles of American Democracy

1. What is one right or freedom from the First Amendment?

**Speech**

**Religion**

**Assembly**

**Press**

**Petition the government**

2. What is the economic system in the United States?

**Capitalist economy**

**Market economy**

## System of Government

3. Name one branch or part of the government.

**Congress**

**Legislative**

**President**

**Executive**

**The courts**

**Judicial**

4. What are the two parts of the U.S. Congress?

**The Senate and House (of Representatives)**

5. Who is one of your state's U.S. Senators?

**Answers will vary and may change after the 2008 election. [For District of Columbia residents and residents of U.S. territories, the answer is that D.C. (or the territory where the applicant lives) has no U.S. Senators.]**

6. In what month do we vote for President?

**November**

7. What is the name of the President of the United States now?

**George W. Bush**

**George Bush**

**Bush**

**[Answer will change after the 2008 election]**

8. What is the capital of your state?

**Answers will vary. [District of Columbia residents should answer that D.C. is not a state and does not have a capital. Residents of U.S. territories should name the capital of the territory.]**

9. What are the two major political parties in the United States?

**Democratic and Republican**

#### Rights and Responsibilities

10. What is one responsibility that is only for United States citizens?

**Serve on a jury**

**Vote**

11. How old do citizens have to be to vote for President?

**Eighteen (18) and older**

12. When is the last day you can send in federal income tax forms?

**April 15**

#### AMERICAN HISTORY

##### Colonial Period and Independence

13. Who was the first President?

**(George) Washington**

##### 1800s

14. What was one important thing that Abraham Lincoln did?

**Freed the slaves (Emancipation Proclamation)**

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**Saved (or preserved) the Union**  
**Led the United States during the Civil War**

Recent American History And Other Important Historical Information

15. Name one war fought by the United States in the 1900s.

**World War I**  
**World War II**  
**Korean War**  
**Vietnam War**  
**(Persian) Gulf War**

16. What did Martin Luther King, Jr. do?

**Fought for civil rights**  
**Worked for equality for all Americans**

## **INTEGRATED CIVICS**

Geography

17. What is the capital of the United States?

**Washington, D.C.**

18. Where is the Statue of Liberty?

**New York (Harbor)**  
**Liberty Island**

**[Also acceptable are New Jersey, near New York City, and on the Hudson (River).]**

B: Symbols

19. Why does the flag have 50 stars?

**Because there is one star for each state**  
**Because each star represents a state**  
**Because there are 50 states**

C: Holidays

20. When do we celebrate Independence Day?

**July 4**

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## How to Request a Copy of Record

### 1. Complete cover letter.

- If for a couple, family, etc., all persons must sign cover letter
- Include your complete mailing address
- If you have a deadline (e.g., an immigration deadline), please include the deadline in your cover letter and on the outside of the envelope.

### 2. Obtain proof of identity, which consists of a set of your fingerprints (original card, no copies), with your name, date of birth and place of birth. Fingerprints should be placed on a standard fingerprint form (FD-258) commonly used for applicant or law enforcement purposes.

- Include rolled impressions of all ten fingerprints and impressions of all ten fingerprints taken simultaneously (these are sometimes referred to as plain or flat impressions.)
- If possible have your fingerprints taken by a fingerprinting technician (this service may be available at a Law Enforcement Agency.)
- Previously processed fingerprint cards will not be accepted.

### 3. Include \$ 18 - U.S. dollars in the form of a money order, certified check made payable to the Treasury of the United States, or you may pay by credit card

- Be sure to sign where required
- No personal checks or cash
- Must be exact amount
- If for a couple, family, etc., include \$18 for each person
- If paying by credit card you must include the completed credit card payment form
- Credit cards will not be used for expedited mail services

### 4. Mail the items #1, #2, #3 (listed above) to the following address:

**FBI CJIS Division – Record Request  
1000 Custer Hollow Road  
Clarksburg, West Virginia 26306**

*Allow approximately 3-4 weeks for processing, upon receipt to the FBI.*

## What You Will Receive

1. No Record Response – Consists of the original fingerprint card stamped with the stamp “No Record.”

**Or**

2. FBI Identification Record

<http://www.fbi.gov/hq/cjisd/fprequest.htm>

REVISED 10/5/05

COVER LETTER

Date:

Requestor Name: \_\_\_\_\_

Requestor Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention Record Request:

I, \_\_\_\_\_, am requesting a criminal history background check for personal review pursuant to 28CFR§16.30-16.34. Please mail the results of the check to the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have a reason/date that requires expeditious handling (optional):  
**(PLEASE PLACE DATE/REASON ON OUTSIDE OF MAILING ENVELOPE)**

Date Required: \_\_\_\_\_ Reason: \_\_\_\_\_

If you have any further questions, please contact me at:

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
(Signature)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**G-639, Freedom of Information/  
Privacy Act Request**

**NOTE:** The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.

**START HERE - Please type or print in black ink. Read instructions before completing this form.**

**1. Type of request:** *(Check appropriate box.)*

- Freedom of Information Act (FOIA). *(Complete all items except Number 6.)*
- Privacy Act (PA). *(Number 6 must be completed in addition to all other applicable items.)*
- Amendment. *(PA only. Number 5 must be completed in addition to all other applicable items.)*

**2. Requester information.**

Name of Requester: (Last, First and Middle Names)		Date (mm/dd/yyyy)	Daytime Telephone:
Address <i>(Street Number and Name):</i>			Apt. Number:
City:	State:	Zip Code:	

**By my signature, I consent to the following:**

Pay all costs incurred for search, duplication and review of materials up to **\$25.00**, when applicable. *(See Instructions.)*

**Signature of requester:**

- Deceased Subject - **Proof of death must be attached.** *(Obituary, Death Certificate or other proof of death required.)*

**3. Consent to release information.** *(Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)*

Print Name of Person Giving Consent:	Signature of Person Giving Consent: <i>(Original signature required.)</i>
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**By my signature, I consent to the following:** *(Check applicable boxes.)*

- Allow the Requester named in **Number 2** above to review:
  - All of my records, or
  - A portion of my records. *(If a portion, specify below what part, i.e. copy of application.)*

*(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)*

**4. Information needed to search for record(s).**

Specific information, document(s) or record(s) desired: *(Identify by name, date, subject matter and location of information.)*

**Purpose:** *(Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.)*

**5. Data needed on subject of record.** *(If data marked with an asterisk (\*) is not provided, records may not be located.)*

* Family Name:	Given Name:	Middle Name:	
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:	
* Alien Registration Number: (A#)	* Petition or Claim Receipt #:	* Country of Birth:	* Date of Birth (mm/dd/yyyy)
Names of other family members that may appear on requested record(s) <i>(i.e., Spouse, Daughter, Son):</i>			
Father's Name	First	Middle	Last
Mother's Name	First	Middle	Last (Include Maiden Name)

Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

**6. Verification of subject's identity:** *(See Instructions for explanation. Check one box.)*

In-Person With ID       Notarized Affidavit of Identity       Other *(Specify)* \_\_\_\_\_

**7. Signature of subject of record:**

*(Original signature required)* \_\_\_\_\_ Date: \_\_\_\_\_  
 Telephone No.: (     ) \_\_\_\_\_

**8. Notary:** *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

Signature of Notary \_\_\_\_\_ My Commission Expires on \_\_\_\_\_

**OR**

**NOTE:** *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

**Executed outside U.S.**

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: \_\_\_\_\_

**Executed in U.S.**

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: \_\_\_\_\_

**(Seal/Stamp)**

**(Seal/Stamp)**

