



## Frequently Asked Questions: Form N-400 Updates

May 2024

### **When must applicants begin using the April 2024 edition of Form N-400, Application for Naturalization?**

Starting on June 3, 2024, U.S. Citizenship and Immigration Services (USCIS) will accept only the 04/01/24 edition. Until that date, the 09/17/19E and the 09/17/19 editions will be accepted.

### **What is the new fee for Form N-400?**

On Jan. 31, 2024, USCIS published a final rule to change certain immigration and naturalization filing fees. This rule went into effect on April 1, 2024. Under the new fee rule, there is no longer a separate biometric service fee, and the fee for paper filers is \$760.00. The fee for online filers is \$710.00.

There is no longer a biometrics fee exemption for applicants over 75 years of age.

### **What is considered an applicant's current legal name?**

The applicant's current legal name is the name on their birth certificate unless it has subsequently changed by marriage, divorce, or court order. It is not necessarily the name that appears on an applicant's permanent resident card.

### **The N-400 no longer asks applicants to include their name exactly as it appears on their permanent resident card. Does this mean applicants no longer need to include it in the application?**

No. The new form does ask applicants to provide all other names used, including aliases, maiden name, family name at birth, assumed names, nicknames, and alternate spellings or variations of names. Applicants should include any names used in previous immigration applications, petitions, or removal proceedings; name as it appears on resident card; any names provided to immigration officers, U.S. Customs and Border Protection (CBP), or U.S. Immigration and Customs Enforcement (ICE); and any names used in any federal, state, or local criminal arrests, citations, or proceedings. Applicants should include the first, middle, and last name for each additional name used. Applicants should include this information under Part 2, Item 2, on page 1 of the form.

### **My client does not identify as the gender listed on their birth certificate. How should I list this on the application?**

When answering this question, indicate how your client identifies. Based on this selection, a gender of "M" (male), "F" (female) or "X" (another gender identity) will be reflected if the application is approved. No evidence is required for this selection.

### **What country should an applicant list under Part 2, Item 8, when their country of origin no longer exists?**

Applicants should list the name of the country as it was known on the day they were born. For example, if the applicant was born in Czechoslovakia prior to its dissolution in 1992, the applicant would list Czechoslovakia in Part 2, Item 8.

**Must applicants still provide detailed information about their parents?**

No. The section previously titled Information About Your Parents has been removed from the form. The information requested to determine potential eligibility for derivation or acquisition of citizenship has been narrowed down to a single question: Was one of your parents (including adoptive parents) a U.S. citizen before your 18<sup>th</sup> birthday?

**If my client has a physical or developmental disability or mental impairment, what must they do to complete the naturalization process?**

If an applicant cannot undergo any part of the naturalization process because of a physical or developmental disability or mental impairment, they may have a legal guardian, a surrogate, or an eligible designated representative complete the naturalization process for them. They must provide a court order authorizing the legal guardian or surrogate to exercise authority over the applicant's affairs.

**What if I do not have a court-ordered legal guardian or surrogate to complete the naturalization process for me?**

In the absence of a court-ordered legal guardian or surrogate, an authorized designated representative who is the primary custodial caregiver and who takes responsibility for the applicant can serve as the designated representative. The family member must provide documentation to establish a familial relationship between the applicant and the designated representative, as well as proof that the designated representative is the primary custodial caregiver and takes responsibility for the applicant.

If unable to take the Oath of Allegiance, the applicant may provide a completed and signed Form N-648, Medical Certification for Disability Exceptions. Alternatively, they may provide a written evaluation by an authorized medical professional.

**The questions related to the English and Civics Exemptions are missing from the form. Does that mean naturalization applicants can no longer be exempted from the requirement?**

No. USCIS removed questions addressing these exemptions from the form, but the Instructions continue to detail requirements for the exemptions. Pro se applicants may not know the exemptions exist so may be discouraged from applying.

There has been some confusion around changes made to the language in the Instructions related to the exemptions. The exemptions have long required that the applicants have lived in the United States as a permanent resident for either 15 or 20 years. This was reflected more precisely in the previous Instructions, which stated that the applicant had to "have lived in the United States as a permanent resident for periods totaling at least 20 years" or "15 years," depending upon which exemption the applicant was relying. The Instructions now state that the applicant must "have been a lawful permanent resident for at least 20 years" or "15 years." Some practitioners question, therefore, whether the exemptions' residence requirements have changed. As of the date of this publication, there has been no guidance from USCIS on this. However, the official regulations detailed in the USCIS Policy Manual have

not changed, nor has the statute. Further, applicants must still meet the statutory continuous residence and physical presence requirements.

Our recommendation is for practitioners to indicate in the Form N-400 cover letter that the applicant is eligible for the exemption and explain using the law and facts their eligibility for the pertinent exemption.

USCIS also removed questions related to Requests for Accommodations, but they are also still addressed in the Instructions. As a matter of federal law, USCIS must provide reasonable accommodations to applicants with disabilities.

**Do applicants need to request a new social security card when they apply for naturalization?**

No, applicants are not required to request a new or updated social security card through this application. However, if applicants would like the Social Security Administration (SSA) to issue them an original Social Security card or issue a replacement Social Security card and update their immigration status, they should answer “Yes” to Part 2, Items 12.a. and 12.c., which gives consent for USCIS to provide their information to the SSA.

The SSA will update the applicant’s immigration status to that of U.S. citizen after they take the Oath of Allegiance. If the applicant requests a name change as part of Form N-400, USCIS will send their updated name to the SSA.

**Must applicants provide an address if they are homeless or victims of domestic violence?**

No. If the applicant is homeless, they may state so in the first line under Part 4, Item 1. They must still provide their city, state, and zip code. To request notifications about their case by text or e-mail, they may submit Form G-1145, e-Notification of Application/Petition Acceptance.

If the applicant is a victim of domestic violence, they are not required to disclose a confidential address. If they are currently living or have lived in a shelter or safe house during the statutory period, they may provide only the city and state for the shelter or safe house in Part 4, Item 1. USCIS may ask more details about their living circumstances at the naturalization interview. The applicant may provide a “safe address” where they are able to receive mail in Part 4, Item 3, such as a P.O. Box, or address of a friend, attorney, community-based organization, or any other address where they can safely and timely receive mail.

**Must applicants provide detailed information about their marriage if they are not applying under eligibility based on marriage to a U.S. citizen.?**

No. Applicants applying for naturalization under the general eligibility requirements need only answer Part 5, Items 1-3 on page 4. Applicants applying under the eligibility requirements for a U.S. citizen spouse must answer all the questions under Part 5. Note, however, that the spouse’s employment needs only be listed in Item 8 if the spouse has certain qualified employment outside the United States. The Instructions provide more details on what employment qualifies for purposes of this question.

Some practitioners have faced confusion when filing Form N-400 online as the online form does not ask for spousal details once the applicant has indicated they are not filing under the spousal eligibility basis.

These applicants are not missing part of the form, but, rather, are no longer required to provide that information.

**Must applicants still provide the address for all children listed on the form?**

No. Applicants are no longer required to provide the complete address for their children. Applicants must now provide only information relating to whether their children reside with them. This question is an indication of child support and whether the applicant has provided financially for their children, which relates to the element of good moral character.

In addition, the new Form N-400 asks only for information relating to children who are under 18 years of age. Previously, applicants were required to list all their children regardless of age. Therefore, applicants are also no longer required to list children who are deceased.

**Must all naturalization applicants still provide details about their employment and travel for the five years preceding filing of the application?**

No. Applicants applying pursuant to eligibility based on marriage to a U.S. citizen, under VAWA provisions, or as the spouse of a U.S. citizen in qualified employment outside the United States must list employment (or school) and travel information for the preceding three years only. Those applicants applying pursuant to military service during a period of hostilities must only provide this information for the past year. Everyone else must continue to provide this information for the five years preceding filing of the application.

Naturalization applicants who travel frequently, such as those who cross the border every weekend, do not have to list every single trip. Instead, they may include a statement in Part 14 explaining the frequency of their travel. The statement should include details about how often the applicant travels and an approximation of how long they are outside of the country, together with their reason for travel. For example: "I live near the border in San Diego and travel to Tijuana every other weekend throughout the year. I spend 1-2 days in Tijuana each trip visiting my grandmother and cousins."

Practitioners should screen for abandonment of permanent residence based on all trips taken since the applicant became a lawful permanent resident. During the naturalization application process, USCIS confirms applicants' travel history through the CBP database to which they have access. When the information provided on Form N-400 or at the naturalization interview does not match the information in this database, USCIS will question the applicant more stringently on this issue to clarify the inconsistencies and to ensure the applicant has not abandoned their residency. The interviewing USCIS officer will also question naturalization applicants on any travel taken between submission of Form N-400 and the date of the naturalization interview.

**Where should the applicant report what groups or associations they have been a member of or involved in?**

USCIS has removed the question previously requiring applicants to list all the groups, associations, or organizations that they have been a member of or involved in from the new Form N-400.

**My client voted in a local election in which it was lawful for noncitizens to vote. Do they have to mark “yes” to the question, “Have you ever registered to vote or voted in any Federal, state, or local election in the United States?”**

No. The Instructions for the new Form N-400 provide that applicants who vote in local elections will not be rendered ineligible for naturalization if they were eligible to vote under the relevant law.

**My client is still making payments to the IRS for overdue taxes. Do they have to wait until they have finished making all payments to the IRS before applying to naturalize?**

Not necessarily. If an applicant owes the IRS overdue taxes but has agreed to a repayment plan with the IRS and is current with making those payments, they can still apply to naturalize before the taxes have been paid off if they have evidence of the payment plan and that it is current.

**My client has been subject to an involuntary mental health hold. Do I have to report this on the new Form N-400?**

No. The question related to whether an applicant has ever been confined to a mental institution has been removed from Form N-400. If the incident did not involve an arrest by law enforcement, naturalization applicants do not have to report such a hold on the new form.

**What records must an applicant with a criminal record submit as proof of what occurred?**

Page 21 of the Form N-400 Instructions provides a detailed description of the records an applicant is required to submit depending on the circumstances of their past criminal history. Practitioners should note that some of these requirements have been expanded to include arrest records where previously only certified court dispositions were requested. Practitioners should carefully and thoroughly review arrest records when required to ensure they contain no adverse information that would result in a negative finding of good moral character.

Some practitioners and applicants have expressed confusion about when to submit documentation relating to a traffic incident. Documentation should only be submitted when the traffic incident was alcohol or drug related, led to an arrest, or seriously injured another person.

**Form N-400 no longer asks how long an applicant was in jail or prison. Do I still need to get this information from my client?**

Yes. Applicants with arrest records who have spent any time in jail or prison remain subject to the Immigration and Nationality Act (INA) §101(f)(7), which holds that a naturalization applicant who has been incarcerated for more than 180 days within the statutory period is conditionally barred from naturalizing.

**Must applicants still report on Form N-400 whether they are a “habitual drunkard”?**

No. This question has also been removed from the new Form N-400. However, USCIS can still deny naturalization to someone for whom there is evidence they have been a “habitual drunkard” within the statutory period.

**Before my client was granted permanent resident status, they were in removal proceedings. What information must they disclose when completing Form N-400?**

If your client was in removal, recission, or deportation proceedings or was removed or deported from the United States, they must provide their name used at the time of proceedings, Port of Entry (POE) of removal, whether they departed by plane or land border, and the reason for their removal. It would also be beneficial to include any documentation showing a granting of relief or dismissal or termination of any proceedings.

**Are there different requirements for current or former members of the U.S. Armed Forces?**

Yes. Some applicants may qualify for naturalization based on current or previous military service. If an applicant is or was a member of the U.S. Armed Forces, certain naturalization requirements may not apply to them. To check eligibility, please see sections 328 and 329 of the INA.

**What is the difference between a Request for Fee Reduction and Request for Fee Waiver?**

The new fee rule provides a reduced naturalization fee (\$380) for applicants with a household income at or below 400% of the Federal Poverty Guidelines, which expands eligibility for this reduced fee.

Those seeking a full fee waiver can submit Form I-912, Request for Fee Waiver, along with Form N-400, Application for Naturalization.

**If an applicant is filing Form I-912, Request for Fee Waiver, must they also complete Part 10, Request for Fee Reduction, on Form N-400?**

This section has caused great confusion for many applicants and practitioners. While waiting for further guidance from USCIS regarding this specific question, we recommend this section to be completed as follows:

Applicants who are submitting Form I-912, Request for Fee Waiver, should answer "yes" to Part 10, Question 1 on page 11, but skip Questions 2-5b. In Part 14, Additional Information, the applicant should state: "I am not applying for a reduced fee. I am eligible for a full fee waiver and am filing Form I-912."

**If an applicant requests a fee reduction, do they still need to complete and submit Form I-942?**

It depends. An applicant requesting a reduced fee with the 04/01/24 edition of the N-400 on or after April 1, 2024, should submit the new Form N-400 with Part 10 completed and should pay the amount of the reduced fee (\$380).

If an applicant is applying for naturalization before June 3, 2024, using the 09/17/2019E or 09/17/19 editions, the applicant must submit both the N-400 and the I-942, along with the reduced fee amount of (\$380.)

**My client wants to apply for a reduced fee. Who should be considered a member of their household?**

There has been much confusion over who is considered a household member. Someone will count as a household member if they are:

*Applicant*

*Head of household* - If not the applicant, this would be the person who filed the most recent tax return on which the applicant is listed as a dependent or the person who provides most of the household's income.

*Spouse* - Applicants must include their spouse if they are living together (if they are separated or not living together, they should not include their spouse.) If their spouse lives outside the United States and provides support to their household, they should include their spouse's contributions to their household under total household income.

However, if the applicant's spouse lives outside the United States and provides **no** support to their household, they should include a statement and documentation explaining the situation. If their spouse does not live with them due to separation, they should not include their spouse's income but should include a statement and documentation explaining the situation.

Acceptable documents may include a copy of the court order that formalized their legal separation, a formal notarized property settlement agreement, financial support agreement, or separate mortgage, lease, or utility bills that show that the applicant and their spouse live apart.

If an applicant is applying based on being a battered or abused spouse of a U.S. citizen with whom they continue to reside, they should not include that spouse's income.

*Children* – Applicants must include the following: children or legal wards (someone who is under their legal care) who are unmarried and under the age of 21; children or legal wards who are unmarried and between the ages of 21-24 who are full time students and who live with applicant while not at school; and children or legal wards who are unmarried and for whom the applicant is a legal guardian because they are physically or developmentally disabled or mentally impaired to the extent that they cannot adequately care for themselves and cannot establish, maintain, or re-establish their own household.

*Parents* – If an applicant's parents live with them, they must include their parents as household members.

If the applicant is a child (under 21 years of age) applying individually, they should provide the information of their primary custodial parent as a household member.

*Others* – Applicants must include any other dependents listed on their federal tax return, or on their spouse's (unless separated or not living together) or head of household's federal tax returns.

### **Can applicants file Form N-400 online with a fee waiver?**

No. Currently, applicants submitting Form N-400 together with Form I-912, Request for Fee Waiver, or requesting a reduced fee must continue to paper file. Applicants paying the filing fee with a check or money order must also continue to file by paper.