

## Naturalization:

If you are not a U.S. citizen by birth or did not acquire/derive U.S. citizenship automatically after birth, you may still be eligible to become a citizen through the naturalization.

## Benefits

The Constitution and laws of the United States give many rights to both citizens and non-citizens living in the United States. However, some rights are only for citizens, such as:

- (1) **Voting.** Only U.S. citizens can vote in Federal elections. Most States also restrict the right to vote, in most elections, to U.S. citizens.
- (2) **Bringing family members to the United States.** Citizens generally get priority when petitioning to bring family members permanently to this country.
- (3) **Obtaining citizenship for children born abroad.** In most cases, a child born abroad to a U.S. citizen is automatically a U.S. citizen.
- (4) **Traveling with a U.S. passport.** A U.S. passport allows you to get assistance from the U.S. government when overseas.
- (5) **Becoming eligible for Federal jobs.** Most jobs with government agencies require U.S. citizenship.
- (6) **Becoming an elected official.** Many elected offices in this country require U.S. citizenship.

## Responsibilities:

When you take the Oath, you must promise to do three things:

- (1) **Renounce Foreign Allegiances.** As stated in the Oath, you must renounce all foreign allegiances to become a U.S. citizen. Therefore you should not acquire another nationality after you become a US citizen by naturalization.
- (2) **Support the Constitution.** You must also be willing to support and defend the principles of the Constitution and the laws of the United States.
- (3) **Serve the United States.** When required by law, you must be willing to (a) fight in the U.S. Armed Forces, (b) perform noncombatant service in the U.S. Armed Forces, and (c) perform civilian service for the United States.

## Name Change when Person Naturalizes

Congress did not give USCIS legal authority to change a person's name when that person naturalizes. Therefore, there are only two ways that USCIS can issue your Certificate of Naturalization under a new name:

1. If you present proof that you have already changed your name according to the legal requirements that apply to persons living in your State, USCIS can issue the Certificate of Naturalization with your new name. Such proof might include a marriage certificate or divorce decree showing that you changed your name when you married or divorced. It might also include some other State court order establishing that you changed your name.
2. If you are going to take the Oath of Allegiance at a Naturalization Ceremony that is held in Court, you may ask the Court to change your name. If the Court grants your request, your new name will appear on your Certificate of Naturalization.

### Renewal of Permanent Resident Cards before Applying for Naturalization

If you apply for naturalization **6 months or more before** the expiration date on your Permanent Resident Card, you do not have to apply for a new card. If you apply for naturalization **less than 6 months before** the expiration date on your Permanent Resident Card, or do not apply for naturalization until your card has already expired, you must renew your card.

### Requirements

Most naturalizations are applicable to those permanent residents who are at least 18 years of age, have been permanent residents for at least five years, have been physically present in the United States at least half and one day of the last five years and have maintained continuous residence and not leaving the United States for trips of 6 months or longer.

Also if a permanent resident is at least 18 years old, has been a permanent resident of three years, is currently married to and living with a U.S. citizen; has been married to and living with that same U.S. citizen for the past 3 years; his/her spouse has been a U.S. citizen for the past 3 years.

### Difference between "physical presence" and "continuous residence"

Physical presence concerns the total number of days you were in the United States during the period required for your naturalization. Continuous residence concerns the time you resided lawfully in the United States without any single absence long enough to "break" that continuity for naturalization. When counting the total number of days

you have been out of the country, include all trips you have taken outside the United States. This includes short trips and visits to Canada and Mexico. Generally, partial days spent in the United States count as whole days spent in the United States.

### Continuous Residence and Re-entry Permit

In almost all cases, if you leave the United States for 1 year or more, you have disrupted your continuous residence. This is true even if you have a Re-entry Permit. If you leave the country for 1 year or longer, you may be eligible to re-enter as a Permanent Resident if you have a Re-entry Permit. But none of the time you were in the United States *before you left* the country counts toward your time in continuous residence. If you return within 2 years, some of your time *out of the country* does count. In fact, the last 364 days of your time out of the country (1 year minus 1 day) counts toward meeting your continuous residence requirement.

### N-400 and Removal

If you have been ordered removed, you are no longer eligible for naturalization. Your naturalization application also cannot be approved if a removal proceeding is pending against you. These restrictions apply to all naturalization applicants, except for those who are eligible for naturalization based on service in the Armed Forces.

### Time as a Resident in a USCIS District or State

Most people must live in the USCIS district or State in which they are applying for at least 3 months before applying. A district is a geographical area defined by USCIS and served by one of the USCIS "District Offices." Students may apply for naturalization either where they go to school or where their family lives (if they are still financially dependent on their parents).

### Good Moral Character

To be eligible for naturalization you must be a person of good moral character. USCIS will make a determination on your moral character based upon the laws Congress has passed.

**Criminal Record.** Committing certain crimes may cause you to be ineligible for naturalization (USCIS calls these "bars" to naturalization). You cannot establish that you are a person of good moral character if you have been convicted of murder, at any time, or of any other aggravated felony, if you were convicted on or after November 29, 1990. Other offenses may be temporary bars to naturalization. Temporary bars prevent an applicant from qualifying for citizenship for a certain period of time after the offense. The "Application for Naturalization" (Form N-400) asks several questions about crimes.

You should report all offenses that you have committed including any that have been expunged (removed from your record) and any that happened before your 18<sup>th</sup> birthday. If you do not tell USCIS about these offenses and we find out about them, you may be denied naturalization (even if the original offense was not a crime for which your case would have been denied). If you have been arrested or convicted of a crime, you must send a certified copy of the arrest report, court disposition, sentencing, and any other relevant documents, including any countervailing evidence concerning the circumstances of your arrest and/or conviction that you would like USCIS to consider. Note that unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than \$500 and/or points on your driver's license.

### Naturalization and Exemptions for English Testing

There are three important exemptions for English testing based on an applicant's age and time as a Permanent Resident:

**(a) If you are over 50 years old and have lived in the United States as a Permanent Resident for periods totaling at least 20 years,** you do not have to take the English test. You do have to take the civics test in the language of your choice.

**(b) If you are over 55 years old and have lived in the United States as a Permanent Resident for periods totaling at least 15 years,** you do not have to take the English test. You do have to take the civics test in the language of your choice.

**(c) If you are over 65 years old and have lived in the United States as a Permanent Resident for periods totaling at least 20 years,** you do not have to take the English test. You do have to take the civics test in the language of your choice. Designated test questions have been selected for you to study and are identified within the list of 100 civics test questions

To qualify for one of these exceptions, your time as a Permanent Resident does not have to be continuous. You are eligible for the exemption as long as your total time residing in the United States (as a Permanent Resident) is at least 15 or 20 years. You may not count time when you were not a Permanent Resident. *You must meet these requirements for age and time as a Permanent Resident at the time you file your application to qualify for an exemption. If you qualify for an exemption of English testing based on age and time as a Permanent Resident, an interpreter, who is proficient in English and the language of your choice, must accompany you to the interview.*

### Naturalization and Selective Service

If the Applicant is a male, he generally needs to register with the Selective Service System before applying for naturalization. If the Applicant is a male and lived in the United States (in any status other than as a lawful nonimmigrant) during ages 18 through 25, he must be registered with the Selective Service System. If the Applicant is a male and entered the United States after he turned 26 years old, he does not have to register with the Selective Service.

### **Naturalization and Child Support or Alimony**

If you are divorced or are obligated to pay child support or alimony in any country in the world, you must provide a notarized statement duly signed by your ex-spouse or correlated third person indicating that all obligations have been paid as required by law. Otherwise, you will not be able to file an application for naturalization. The obligation shall be demonstrated during the naturalization statutory period (previous five years).