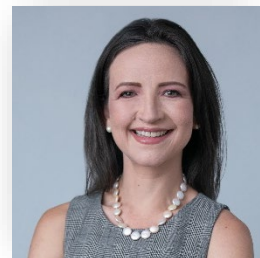


Naturalization FAQs

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With 2024 being an election year, it is important for the millions¹ of lawful permanent residents (LPRs) in the United States to apply for naturalization to get a chance to vote this November.

Although many LPRs are eligible to naturalize, most do not apply fearing they are ineligible for various reasons, such as overdue taxes. However, the majority of LPRs who think they are not eligible are, in fact, eligible to naturalize. There are many misconceptions that deter LPRs from applying for U.S. citizenship. Having overdue taxes, for example, should not be a deterrence.

Below are questions that come up often in our practice about an LPR's eligibility to naturalize.²

Q. How do I become a U.S. citizen?

A. Generally, you are eligible to become a U.S. citizen if you are 18 years of age or older, can read, write, and speak basic English, have a basic knowledge of U.S. history and government, can demonstrate good moral character, have lived in the U.S. as a Permanent Resident for at least 5 years (3 years if married to a U.S. citizen and "living in marital union"), have been physical present in the U.S. for at least 913 days (or 548 days if married to a U.S. citizen), have lived in the state or district where you claim residence for at least 3 months before filing, can demonstrate an attachment to the principles of the U.S. Constitution, and are willing to take the Oath of Allegiance.

¹ See Sarah Miller and Bryan Baker, Estimates of the Lawful Permanent Resident Population in the United States and the Subpopulation Eligible to Naturalize: 2023, available at https://www.dhs.gov/sites/default/files/2023-11/2023_1017_plcy_lawful_permentent_resident_population_estimate_2023.pdf.

² Please note that this does not constitute legal advice. If you have any convictions in your record, we strongly recommend that you consult with a competent immigration attorney before applying for naturalization.



Q. What if I cannot speak English, but have been a resident for more than 15 years?

A. You do not have to take the English reading, writing, speaking portion of the test, and you can take the civics test in a language of your choice if at the time you file your application:

- You are 50 years old or older and have been a LPR for at least 20 years; or
- You are 55 years old or older and have been a LPR for at least 15 years.

If you are 65 years old or older and have been a LPR for at least 20 years, you may take a simplified version of the civics test.

Q. I have a disability that precludes me from being able to study for the civics test. Will I ever be able to apply for U.S. citizenship?

A. Yes. You may be eligible for an exception to the civics test or the English language test or both if you have a physical or development disability or mental impairment that has lasted, or is expected to last, 12 months or more. If you are requesting a medical exception to the English language and civics tests, you must submit Form N-648, Medical Certification for Disability Exceptions with your Form N-400. We recommend that you consult with an experienced attorney to walk you through this process.

Q. If I took a trip abroad for more than 180 days, but less than a year, am I still eligible to apply for naturalization?

A. If you were absent for more than six months but less than one year, you must demonstrate that you did not break the continuity of your residence in the United States. Some factors that indicate that you did not break the continuity of your residence include:

- You maintained your employment in the United States;
- Your immediate family remained in the United States during your absence;
or
- You retained full access to your home in the United States.



If you can show that your absence did not break your continuity of residence, then you may be eligible to apply for naturalization. We recommend that you consult with an experienced immigration attorney if you have one or more trips that lasted 180 days or more before you apply for naturalization.

Q. What does good moral character (GMC) mean?

A. GMC means character that measures up to the standards of average citizens of the community in which the applicant resides. In general, an applicant must show that they have been and continue to be a person of GMC during the required period (5 years if applying based on 5 years as a LPR or 3 years if applying as the spouse of a U.S. citizen) prior to filing and up until they take the Oath of Allegiance.

Q. I have failed to pay for child support. Am I still eligible for naturalization?

A. An applicant who willfully failed or refused to support his/her dependents during the statutory period, even if there is not court-ordered child support, cannot establish good moral character unless the applicant establishes extenuating circumstances.

Q. How can I show that I have complied with any child and spousal support obligations?

A. If you have dependent children living apart from you, provide evidence that you support them such as:

- Cancelled checks or money order receipts;
- A court document showing child support payments;
- Evidence of wage garnishments; or
- A notarized letter from the parent/guardian who cares for your children.



Q. Can I become a U.S. citizen if I was convicted of committing a crime?

A. It depends on the crime and when it occurred. Some offenses such as murder, the commission of an aggravated felony, among others, will result in a permanent bar to good moral character. Other offenses may lead to a conditional bar to good moral character. If you have been charged with or convicted of a crime you should consult with an experienced immigration attorney before you apply for naturalization.

Q. I have two DUIs in my record. Can I still become a U.S. citizen?

A. Evidence of two or more DUI convictions during the statutory period may indicate to a USCIS officer that you lack good moral character. You will need to provide substantial relevant and credible evidence that you had good moral character during the period you committed the DUI offenses. You should consult with an experienced immigration attorney if you have a DUI conviction in your record even if it falls outside of the statutory period.

Q. I have overdue taxes to the IRS. Can I still become a U.S. citizen?

A. Yes. If you owe taxes to the IRS, you must pay the outstanding balance or enter into a payment plan with the IRS before you apply for naturalization. You must bring evidence to the interview that you are on a payment plan with the IRS and are making your monthly payments on time.

Q. I am a 21-year-old male and I want to become a U.S. citizen, but I never registered for the Selective Service. Can I still apply for naturalization?

A. USCIS will likely find that male applicants between 18 and 26 years of age who failed to register for the Selective Service lack good moral character. Therefore, you should register for the Selective Service first before you apply for naturalization.



Q. I am 27 years old, but failed to register for the Selective Service when I became a lawful permanent resident at age 18. Can I still become a U.S. citizen?

A. Yes, but when you apply for naturalization, you must explain why you did not register for the Selective Service.

Q. I am about to submit my N-400, but I will be moving to another state next week. Can I submit it as soon as I move?

A. No. You must reside in the state in which you are applying for naturalization for at least three months before you can submit your application.

Q. Can I apply online for U.S. citizenship?

A. Yes. You can submit your application for naturalization (Form N-400) online.

Q. How many times can I apply for naturalization?

A. There is no limit to the number of times you may apply.

Q. If I fail the English or civics portion of the naturalization test, can I be retested without having to submit a new application?

A. Yes. Unless you qualify for an exemption from the English or civics requirements, you will have two opportunities to pass the English and civics test. If you fail either of these tests during the initial naturalization interview, you will be able to take these tests again at a second examination between 60 and 90 days after your initial interview.



Q. The officer recommended me for approval at the end of my naturalization interview. Does this mean that I am now a U.S. citizen?

A. No. You are not a U.S. citizen until you take your Oath of Allegiance.