

SOME COMMON QUESTIONS ABOUT NATURALIZATION

This information is current as of 9/03 and is provided courtesy of the Northwest Immigrant Rights Project.

What are the requirements for naturalization?

The basic requirements are that you:

- Be at least 18 years old
- Have been a lawful permanent resident for at least the last five years (or three years, if married to a U.S. citizen). You'll need a "green card:" an I-551 or I-151.
- Have been present in the U.S. for 2-1/2 of the past five years (or 1-1/2 of the past three, if married to a U.S. citizen), and haven't been outside the U.S. for one year or more within the last five years (or three years, if married to a U.S. citizen)
- Have been a resident of the state from which you are filing your application for at least three months
- Be able to speak, read and write ordinary English (some exceptions are discussed below)
- Be able to pass a U.S. history and government exam (some exceptions are discussed below)
- Be a person of "good moral character" (this will be difficult to establish if you have failed to pay child support, taxes, or have been convicted of certain crimes, among other things)
- Take an oath of loyalty to the U.S.

What is the process?

To apply for naturalization, you'll need to submit a Form N-400, Application for Naturalization, a photocopy of both sides of your green card, two immigration-style photos and a check or money order for \$310 (\$260 plus \$50 for fingerprints) to the following address: US CIS Nebraska Service Center, Attn: N-400 Unit, PO Box 87400, Lincoln, Nebraska 68501-7400. Please use the newest version of the N-400 form, which is 10 pages long. You can send your application to CIS 90 days before you have five years of lawful permanent residence (or three years, if married to a U.S. citizen). It is a good idea to send any documents to CIS (formerly INS) by certified mail, and keep copies. After you submit your application, CIS will send you a written notice scheduling you for fingerprints. Several months later, you will be notified by the CIS about your interview date. At the interview you will be questioned about the information on your application, and tested for English ability and knowledge of U.S. history and government. If the application is approved, CIS will schedule you to appear at a swearing in ceremony and get your certificate of naturalization.

What if I can't pay the fee?

You can send CIS a request for a fee waiver with your application. You must show proof that you are low-income (for example, a copy of your SSI check or TANF grant).

Do I need to be fluent in English?

You don't need to be fluent. You should, however, be able to answer questions about your application in English at the interview, and answer the U.S. history and government questions in English. The interviewer will dictate an English sentence to you, which you need to be able to read and write in English.

Am I exempt from the English Requirement?

You may be exempted from the English requirement, and have the interview and examination conducted in your own language, if you are over **50** years old and have been a lawful permanent resident for at least **20** years, or if you are over **55** years old and have been a lawful permanent resident for at least **15** years by the date of your application. If you are exempt from the English requirement you may bring an interpreter to the interview, who may not be a relative. Some people may also be exempted because of certain disabilities - physical or mental - which keep them from learning or being tested on English language or Civics. These applicants must have their disability properly documented by a medical professional trained to evaluate that type of disability, and submit this documentation, on CIS form N-648, with the naturalization application, N-400. Applicants who qualify under the Hmong Veterans' Naturalization Act and whose N-400s get to CIS before the applicable deadline (May 26, 2003 for veterans and their spouses and November 1, 2003 for widows of veterans) also are exempt from the English requirement.

Are the requirements the same for refugees and asylees?

The basic requirements are the same, although refugees and asylees are entitled to a special residence rule when applying to naturalize. Refugees are not eligible for lawful permanent resident (LPR) status until they have been in the U.S. for a year, and asylees cannot apply for LPR status until one year after their asylum applications have been approved. Under **rollback**, refugees can start counting the five years required for citizenship from the date they arrived in the U.S., rather than the date they obtained LPR status, and asylees can start counting from one year before their applications for LPR were approved. Refugees' and asylees' green cards may already list these as the date their lawful permanent resident status was granted.

How do I learn about U.S. history and government?

Many community colleges and a number of community-based organizations offer citizenship courses that will teach what you need to know for the exam. The CIS examiner must choose about 10 questions from a list of 100 standard ones. This list of questions, and their answers, is available for review. Under the law, persons who are over 65 and have been a lawful permanent resident of the U.S. for more than 20 years, or who qualify under the Hmong Veterans' Naturalization Act (see above), are entitled to be asked 10 questions out of a list of 25. A list of these 25 questions is also available. If you do not pass the history and government exam at your first interview, you may be re-examined once without filing a new application.

Can I take the history and government test before my interview with CIS?

In the past, applicants for naturalization could take the history and government test in one of two ways: at the interview with the CIS, or before the interview at certain independent testing agencies approved by the CIS. Since 1998, however, the test is only available at your naturalization interview with CIS.

Does being on welfare, or receiving SSI make me ineligible to naturalize?

NO! Receiving public benefits is not, in and of itself, a bar to naturalization. Your receipt of public assistance will only get in the way of naturalizing if it is discovered that you received them through some kind of fraud, for instance, by failing to disclose all of your assets while you were receiving benefits.

Do I risk anything by applying for naturalization?

If you become a U.S. citizen, you may have to give up citizenship in your native country. Dual citizenship is allowed by many countries, however. Some countries will not allow ownership of property by non-citizens, so if you must give up citizenship, you may also have to give up property rights in your native country.

You may also risk deportation by applying to naturalize. Even if you have a green card, the CIS may determine that you are deportable, or were excludable the last time you entered the U.S., if it is discovered that you have been convicted of certain crimes, have been out of the U.S. for too long, helped someone enter the U.S. illegally, made fraudulent statements to receive public assistance or immigration benefits, among other reasons. ***Because of this risk, it is very important that you have help from a person knowledgeable about these issues in evaluating your eligibility before you apply.***

Do my children become citizens when I do?

A relatively new law provides that children who are under 18 automatically derive citizenship when one parent naturalizes, as long as the children are LPRs and are in the legal and physical custody of the naturalizing parent.

This material provides general information only and is current only as of the date it is written. To receive information on how this material may apply to a specific situation, you may wish to consult an immigration attorney or accredited representative. Northwest Immigrant Rights Project can provide naturalization information and legal assistance to persons of low income.