

## **TOPICS ON IMMIGRATION: NATURALIZATION**

prepared for the University YMCA Welcome Center

by David Dorman (rev. 7/1/2018)

### **AN OVERVIEW OF ENTERING AND RESIDING IN THE US AS A NON-CITIZEN (7/1/2018)**

There are three ways that a foreign national can enter the US:

1. By receiving a green card which entitles one to permanent residence
2. By receiving a temporary visa which allows one to stay in the US temporarily
3. By entering the US without permission

These three ways of entering the US have given rise to the following three broad categories of foreign nationals residing in the US:

1. Immigrants with permanent resident status, also called green card holders
2. Those with temporary permission to reside in the US. This diverse group includes:
  - A. Visitors with temporary visas
  - B. People who have received temporary protection from adverse circumstances such as persecution, war, natural disaster or crime
  - C. People who entered or stayed in the US without permission and who have been given temporary permission by the Executive branch of the Federal Government to remain in the US under the Deferred Action for Childhood Arrivals (DACA)
3. Those who lack proper authorization to be in the US. This group includes:
  - A. People who entered the US without going through customs, also referred to as undocumented immigrants
  - B. Visitors who overstayed their temporary authorization to be in the US
  - C. People who lost their permanent immigration or temporary resident status by committing a serious crime or by committing fraud in their immigration or visa application, and who remain in the US without authorization.

In many cases, people with temporary resident status can apply for a permanent resident status, and there are well defined criteria that permit permanent residents to obtain citizenship. After a resident obtains naturalized citizenship, they have all the rights and privileges of native-born citizens. However, even having permanent resident status does not prevent a resident from being deported due to immigration fraud or other serious crimes.

US residents who become naturalized citizens have the same rights and privileges as native born citizens with one exception: naturalized citizens can be denaturalized and then deported by a Federal Court for any of the following reasons:

1. Falsification or Concealment of Relevant Facts During Immigration or Naturalization Application;
2. Refusal to Testify Before Congress (This requirement to testify in order to maintain citizenship; status expires after 10 years of becoming naturalized)
3. Becoming a member, within five years of becoming a naturalized citizen, of a group designated as subversive by the US government, such as Al Qaeda or the Nazi Party;
4. Dishonorable Military Discharge following a general court-martial within five years of beginning military service.

Source: <https://immigration.findlaw.com/citizenship/can-your-u-s-citizenship-be-revoked-.html>  
<https://www.ilrc.org/essentials-of-asylum-law>

The book this website describes is a comprehensive overview of asylum law.  
[https://therefugeecenter.org/resources/daca-and-the-travel-ban-update/?gclid=CjwKCAjw9-HZBRAwEiwAGw0QcWO1twEhpoVYwpDK79eSGtihXP2t2kyjRX1RrM4vagqkZDhSC1p1IRoC1OYQAvD\\_BwE](https://therefugeecenter.org/resources/daca-and-the-travel-ban-update/?gclid=CjwKCAjw9-HZBRAwEiwAGw0QcWO1twEhpoVYwpDK79eSGtihXP2t2kyjRX1RrM4vagqkZDhSC1p1IRoC1OYQAvD_BwE)

#### **A. What is Naturalization? (2/19/2018)**

“Naturalization is the manner in which a person not born in the United States voluntarily becomes a US citizen.” (<https://www.uscis.gov/citizenship/educators/naturalization-information>).

#### **B. Who Can Apply for Naturalization? (4/25/2018)**

The general rule is that anyone who is 18 years old and has had a Green Card (i.e. had permanent resident status) for 5 years can apply for Naturalization. However, there are other conditions that qualify a person to apply for naturalization. For example, a parent can apply for a child under 18, a spouse of a citizen only has to have had a Green Card for 3 years, and a person who has seen active duty in the US. armed forces does not need a Green Card to be eligible for naturalization.

The laws and regulations concerning naturalization are complicated and there are numerous exceptions to every standard requirement. Anyone who is interested in naturalization should consult an immigration lawyer or an accredited representative.

For an overview of application eligibility, see <https://www.immihelp.com/citizenship/naturalization-eligibility.html>

Note: Eligibility to apply does not imply eligibility to become naturalized. There are many circumstances that can cause an application for naturalization to be denied. It cannot be stressed too much that having accredited representation in the process is very important.

#### **C. What are the Benefits of Naturalization? (2018-02-24)**

“*A Guide to Naturalization*” (see above) lists the following benefits of naturalization:

1. Voting
2. Bringing Family Members to the United States
3. Obtaining Citizenship for Children Born Abroad
4. Traveling with a US Passport
5. Becoming Eligible for Federal Jobs
6. Becoming an Elected Official
7. Showing Your Patriotism

#### **D. Overview of the Application Process (2/23/2018)**

The USCIS provides an overview of the application process by condensing the process into 9 steps (see <https://www.uscis.gov/citizenship/learners/apply-citizenship>)

Step 1. Determine if you are already a US citizen.

- Step 2. Determine if you are eligible to become a US. citizen.
- Step 3. Prepare the N-400 Form, the basic application form for citizenship.
- Step 4. Submit your Form N-400, Application for Naturalization.
- Step 5. Go to the biometrics appointment, if applicable.
- Step 6. Complete the USCIS interview.
- Step 7. Receive a decision from USCIS on your Form N-400, Application for Naturalization.
- USCIS can issue one of three decisions:
1. Granted
  2. Continued (additional information/requirements are needed)
  3. Denied
- Step 8. (If step 7 decision is “granted”) Receive notice to take Oath of Allegiance.
- Step 9. Take the Oath of Allegiance to the United States.

#### **E. Determining Eligibility (2/23/2018)**

Because the eligibility rules are numerous and complex, this step should be taken in consultation with an immigration lawyer or accredited representative.

#### **F. Forms and Documents Required (5/17/2018)**

At a minimum, the N-400 form, which is the basic application form for naturalization, must be filled out. If the applicant has a lawyer or accredited representative helping them, that person will need to fill out a G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Other frequently used forms that may be relevant to applicants are:

- form I-912, Request for Fee Waiver;
- form I-912P, HHS Poverty Guidelines for Fee Waiver Request;
- form I-942, Request for Reduced Fee;
- form I-942P, Income Guidelines for Reduced Fees.

There are, in addition to the basic N-400 form, ten N series USCIS forms that relate to applying for naturalization. A lawyer or accredited representative will be able to advise the applicant on what forms may be required. All USCIS forms can be viewed and downloaded at <https://www.uscis.gov/forms>.

#### **G. Legal Representation and Paralegal Advice (5/17/2018)**

USCIS has an overview of legal representation at <https://www.uscis.gov/avoid-scams/find-legal-services> and an overview on finding free legal advice at <https://www.uscis.gov/archive/archive-laws/archive-legal-documents/finding-free-legal-advice>.

The Immigrant Legal Resource Center has a website with a great deal of useful legal information regarding naturalization: <https://www.ilrc.org/citizenship-and-naturalization>.

The Immigration Project, a non-profit organization offering legal services to immigrants for free or for a very reduced fee, and headquartered in Normal, Illinois, has an office in Champaign. Their contact information is:

505 W. University Avenue, Suite 214  
Champaign, IL 61820  
309-829-8703  
[info@immigrationproject.org](mailto:info@immigrationproject.org)  
<http://www.immigrationproject.org/>

The University YMCA in Champaign hosts a New American Welcome Center (NAWC) which offers the following free services:

- Presenting information on the naturalization process
- Providing a checklist of the documents needed
- Assisting with an overview of the N-400 application
- Helping applicants learn more about application fee waiver options (form I-912) to help cover the cost of the filing fee
- Providing legal referrals and legal resources, including low-cost or pro-bono legal services
- Providing friendly advice and assistance until the applicant participates in the oath ceremony

NAWC contact information:

<https://universityymca.org/welcome/>

Director: Gloria Yen

[gloria@universityymca.org](mailto:gloria@universityymca.org)

217.337.1514

A Google search for “immigration lawyers champaign il” will bring up a listing of immigration lawyers in the Champaign-Urbana area.

## **H. What are the Costs of Applying for Naturalization? (2018-04-09)**

Here are the major cost factors an applicant should be aware of:

1. Filing fees
2. Legal costs
3. Travel costs
4. Costs of Acquiring and/or Copying Needed Documentation

The actual costs will vary significantly depending on whether the applicant gets free or lost-cost legal assistance, is eligible for an N-400 application fee waiver or a reduced fee, how much traveling the applicant has to do to fulfill requirement such as fingerprinting and attending an interview. If the applicant needs copies of court records, marriage or birth certificates, etc., obtaining these may also incur costs.

The current fee to file an N-400 Application for Naturalization is \$640. For more information on fees see:

<https://www.uscis.gov/forms/our-fees>

<https://www.uscis.gov/fees>

<https://www.uscis.gov/citizenship/learners/apply-citizenship/forms-and-fees>

<https://www.uscis.gov/archive/tips-filing-form-i-912-request-fee-waiver>

<https://benefits.gov/benefits/browse-by-state/state/154>

## **I. Necessary Travel During the Naturalization Process (2/18/2018)**

Naturalization applicants from Champaign County will need to go to Indianapolis to be fingerprinted, if they have not already done so. All official USCIS naturalization interviews will take place at the USCIS Application Services Center in Chicago. For residents of Champaign County, the oath of citizenship will normally be taken in Urbana. Occasionally special ceremonies are arranged in Peoria for naturalization candidates throughout Central Illinois.

## **J. How Long Does it Take to Process an Application? (2018-02-25)**

It generally takes from 3 to 6 months for USCIS to process an N-400 application after it is submitted, and it can take several months to fill out the application and meet all of its requirements prior to submission. A green card holder can submit an N-400 application to USCIS up to 90 calendar days prior to completing the permanent residence requirement, which is typically 3 or 5 years depending on one's circumstances. Some support organizations, such as the University YMCA and the Immigration Project, will begin working with applicants up to six months prior to completing the permanent residence requirement because it can take several months to fully prepare an N-400 application for submission.

## **K. Citizenship Instruction Resources (2018-02-25)**

### **Urbana Adult Education**

211 North Race Street

Urbana, IL 61801

217/384-3530

[uae@usd116.org](mailto:uae@usd116.org)

<https://urbanaadulteducation.org/>

The Urbana Adult Education Center offers English as a Second Language (ESL) courses, a High School completion program; Certified Nurse Assistant (CNA) Courses; and the Odyssey Project, a free college-accredited course in the Humanities, offered to low-income adults in the Champaign-Urbana area. Classes are taught by some of the University of Illinois' top professors, and subjects include Art History, Literature, Philosophy, and Writing.

For additional information, see <https://urbanaadulteducation.org/basic-education/>

### **Parkland College Adult Education**

2400 West Bradley Ave.

Champaign, IL 61821

217/351-2580 or 800/346-8089

web contact form: <http://www.parkland.edu/contactUs.aspx>

<http://www.parkland.edu/resources/adulted>

For email addresses of staff connected to the program, go to

<http://www.parkland.edu/about/directory/adultEd.aspx>

Parkland Adult Education offers free services and instruction to adults who

- need to improve their basic literacy skills
- do not have their high school diploma
- do not speak English as their first language
- need assistance with career preparation

Classes and literacy services are available on Parkland's campus and at other locations throughout the Parkland College service area. (see <http://www.parkland.edu/district-map> for service area.)

## **Studying for the USCIS Citizenship Test**

The USCIS has many resources applicants can use to prepare for the naturalization test. An overview of these resources can be found at <https://www.uscis.gov/citizenship/learners/study-test/study-materials-civics-test>. In addition, the USCIS makes the following documents available online:

“*Welcome to the United States: A Guide for New Immigrants*” (Form M-618)  
(<https://www.uscis.gov/tools/settling-us/welcome-united-states>)

This is a comprehensive guide that contains practical information to help new arrivals settle into everyday life in the United States. It also contains basic civics information that introduces naturalization applicants to the US. system of government. It can be download free in 14 languages.

“*A Guide to Naturalization*” (Form M-476)

[www.uscis.gov/sites/default/files/files/article/M-476.pdf](http://www.uscis.gov/sites/default/files/files/article/M-476.pdf)

This gives an overview of the naturalization process

“*The USCIS Naturalization Interview and Test Video*” (Form M-770)

<https://www.uscis.gov/citizenship/teachers/educational-products/uscis-naturalization-interview-and-test-video>

A short video providing an overview of the naturalization interview process and test.

“*The Citizens Almanac*” (M-76):

<https://www.uscis.gov/sites/default/files/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/M-76.pdf>

This publication highlights prominent foreign-born Americans, presidential quotes on citizenship, patriotic songs and poems, and several of our essential founding documents.

See also <https://www.uscis.gov/us-citizenship/naturalization-test>. For additional resources, search for “guides to naturalization” on the USCIS website (<https://www.uscis.gov/>).

#### **L. Are There Any Risks to Applying for Naturalization? (2018-02-24)**

If any of the following situations apply to an applicant, the applicant should consult an immigration attorney or an accredited representative before submitting an application for citizenship to USCIS:

1. Have a Criminal Record
2. Used Fraud in Obtaining a Green Card
3. The Employer Who Sponsored the Applicant Used Fraud in Obtaining Applicant’s Green Card
4. Spent Long Stretches of Time Outside of the US
5. Abused Drugs

If the USCIS becomes aware of any of these things, the applicant may be subject to arrest and deportation. It is therefore prudent for the applicant to consult an immigration attorney or an accredited representative if any of these situations apply. Consulting an attorney or an accredited representative does not entail risk because such consultations are protected by attorney-client privilege.

See <https://www.nolo.com/legal-encyclopedia/who-should-not-apply-naturalized-us-citizenship-without-talking-lawyer.html>

See also <http://asianjournal.com/immigration/risks-you-should-know-when-filing-a-citizenship-application/>

#### **M. Is it Possible to Lose Citizenship Acquired Through Naturalization? (2/23/2018)**

The short answer is yes. However, no citizen, born or naturalized, can be deported while they are citizens. A naturalized citizen can be stripped of his or her citizenship, and then deported, for the following reasons:

1. Person Procures Naturalization Illegally;
2. Person Concealed of Material Fact or Willful Misrepresentation during the Naturalization Process;
3. Person Joined or was Affiliated with Certain Organizations within 5 Years of Naturalization;
4. Person Received an Other than Honorable Discharge before Five Years of Honorable Service after Naturalization.

More detailed information on losing citizenship can be found at

<https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartL-Chapter2.html>