

NATURALIZATION

By Bruce Coane

Naturalization is the way that immigrants become citizen of the United States. If someone was not born a citizen, they must be naturalized to become one. Deciding to become a US citizen is one of the most important decisions in an immigrant's life. By applying for naturalization, immigrants will be showing their commitment and showing their loyalty to the US constitution and the Americans people. The current national focus on immigration law has guided to an increase in the number of naturalization filings.

The basic requirements for Naturalization in the US are the following:

- Be 18 years old
- Be lawfully admitted as a lawful permanent resident
- Continues residence as an LPR for at least five years or three years if married to a US citizen spouse
- Physical presence for half of the required period of residence, 30 months if five years and 18 months if three years, exceptions to residence or physical presence can be found at INA 317, 319,
- Continuous residence from the date of the application up to the time of admission to citizenship
- Residence in the filing district for at least three months
- Good moral character, during the five or three years preceding the application
- English language skills, there are some exception if 50 years old and 20 years as LPR, or 55 years old and 15 years as LPR
- Knowledge of U.S. history and government, unless applicant qualifies for a medical waiver

- Attachment to the principles of the US constitution

Common issues with naturalization:

Absences during the given period for Naturalization

The regulation permits a number of absences during the prescribed period. If the immigrant is absent for less than six months at a time, there is no alleged break in continuous residence, and the immigrant can file his or her Naturalization application.

If immigrant has been out of the US for about five months and returns to the US for one week and leaves the US again, the immigrant must be ready for an adjudicator to try to challenge the continuity of residence, and the immigrant must have evidence to show that there is no break in residence.

If the immigrant is absent for less than a year but more than six months, there is a rebuttable presumption of abandonment of permanent residence. The immigrant must file with proof that the applicant did not intend to disrupt the continuity of his or her permanent residency status. In such a case the immigrant must submit relevant documents.

Good Moral character and Naturalization:

There is a possibility that an immigrant with criminal records may have problems satisfying the good moral character requirement. The immigrant must show to the CIS good moral character during the three or five years immediately preceding the naturalization application.

The immigrant would have a difficulty, if he or she has a criminal conviction for which he or she has been in jail for six months or more. The immigrant is banned from naturalization, if he or she has been convicted of murder or an aggravated felony.

Also, most immigrants are wonder if they can apply for naturalization when their petition to remove conditions on residence is still pending (I-751.) The local U.S. Citizenship and Immigration Service ["CIS"] office can adjudicate the petition to remove conditions on residence, when the immigrant whose married to the US citizen, contact the local CIS so that it has the A file available at the time of the naturalization interview.

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