

Who Is Eligible for Naturalization?

Naturalization is how immigrants become citizens of the United States. If you wish to apply for naturalization, you should use the “Application for Naturalization” (Form N-400).

If you want to apply for citizenship for a child who is under 18 years old, you should use the “Application for Certificate of Citizenship” (Form N-600) or “Application for Citizenship and Issuance of a Certificate under Section 322” (Form N-600K). For more information about applying for citizenship for your children, see Questions 25-26 on pages 13-15.

In the next few pages, we describe the naturalization eligibility requirements for persons who will use Form N-400.

The following table summarizes the naturalization requirements for *most* types of applicants. After the table is a section that provides more information on each requirement. If you still have questions about your eligibility, you should consult an immigrant assistance organization or USCIS.





**Time as
Permanent
Resident**

Continuous Residence

REQUIREMENTS

TYPE OF APPLICANT

| | | |
|--|--|--|
| <p>If you are at least 18 years old and:</p> <p>Have been a Permanent Resident for the past 5 years and have no special circumstances.</p> <p><i>NOTE: Over 90% of applicants fall into this category.</i></p> | <p>5 years</p> | <p>5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.</p> |
| <p>If you are at least 18 years old and:</p> <p>Are currently married to and living with a U.S. citizen; and Have been married to and living with that same U.S. citizen for the past 3 years; and Your spouse has been a U.S. citizen for the past 3 years.</p> | <p>3 years</p> | <p>3 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.</p> |
| <p>If you:</p> <p>Are in the U.S. Armed Forces (or will be filing your application within 6 months of an honorable discharge); and Have served for at least 1 year.</p> | <p>You must be a Permanent Resident on the day of your interview.</p> | <p>Not Required</p> |
| <p>If you are at least 18 years old and:</p> <p>Were in the U.S. Armed Forces for less than 1 year or If you are at least 18 years old and:</p> <p>Were in the U.S. Armed Forces for 1 year or more, but you were discharged more than 6 months ago</p> | <p>5 years</p> | <p>5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.</p> <p><i>NOTE: If you were out of the country as part of your service, this time out of the country does not break your continuous residence. It is treated just like time spent in the United States. See "Naturalization Information for Military Personnel" (Form M-599) for more information.</i></p> |
| <p>If you:</p> <p>Performed active duty military service during:</p> <ul style="list-style-type: none"> • World War I (April 6, 1917-November 11, 1918); • World War II (September 1, 1939-December 31, 1946); • Korea (June 25, 1950-July 1, 1955); • Vietnam (February 28, 1961-October 15, 1978); • Persian Gulf (August 2, 1990-April 11, 1991); or • On or after September 11, 2001. | <p>You are not required to be a Permanent Resident.</p> <p><i>NOTE: If you did not enlist or reenlist in the United States or its outlying possessions, you must be a Permanent Resident on the day you file your application.</i></p> | <p>Not Required</p> |
| <p>If you are at least 18 years old and:</p> <p>Were married to a U.S. citizen who died during a period of honorable active duty service in the U.S. Armed Forces.</p> <p><i>NOTE: You must have been married to and living with your U.S. citizen spouse at the time of his/her death.</i></p> | <p>You must be a Permanent Resident on the day of your interview.</p> | <p>Not Required</p> |
| <p>If you are at least 18 years old and:</p> <ul style="list-style-type: none"> • Are a U.S. national (a non-citizen who owes permanent allegiance to the United States); and • Have become a resident of any State; and • Are otherwise qualified for naturalization. | <p>You are not required to be a Permanent Resident.</p> | <p>The same requirements as any other applicant for naturalization, depending on your qualifications.</p> <p><i>NOTE: Any time you resided in American Samoa or Swains Island counts the same as the time you resided within a State of the United States.</i></p> |

Where to go for more information.



Physical Presence in the United States

Time in USCIS District or State

Good Moral Character

English & Civics Knowledge

Attachment to the Constitution

| | | | | |
|---|---|----------|----------|----------|
| 30 months | 3 months | Required | Required | Required |
| 18 months | 3 months | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |
| 30 months <i>NOTE: Time in the U.S. Armed Forces counts as time physically present in the United States no matter where you were. See "Naturalization Information for Military Personnel" (Form M-599) for more information.</i> | 3 months | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |
| The same requirements as any other applicant for naturalization, depending on your qualifications. <i>NOTE: Any time you resided in American Samoa or Swains Island counts the same as the time you resided within a State of the United States.</i> | 3 months or not required, depending on your qualifications. | Required | Required | Required |

Pages 23-24

Page 24

Page 25

Pages 26-27

Pages 28-29



**Time as a
Permanent
Resident**



Continuous Residence

REQUIREMENTS

TYPE OF APPLICANT

If you are at least 18 years old and:

Served on a vessel operated by the United States
or

If you:

Served on a vessel registered in the United States and owned by U.S. citizens or a U.S. corporation.

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.

***NOTE:** If you were out of the country while serving on a vessel, this time out of the country does not break your continuous residence. It is treated just like time spent in the United States.*

If you are at least 18 years old and:

Are an employee or an individual under contract to the U.S. Government.

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.

***NOTE:** An absence from the United States for 1 year or more will break your continuous residence. You may keep your continuous residence if you have had at least 1 year of unbroken continuous residence since becoming a Permanent Resident and you get an approved Form N-470 before you have been out of the United States for 1 year.*

If you are at least 18 years old and:

Are a person who performs ministerial or priestly functions for a religious denomination or an interdenominational organization with a valid presence in the United States.

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.

***NOTE:** An absence from the United States for 1 year or more will break your continuous residence. You may keep your continuous residence if you have had at least 1 year of unbroken continuous residence since becoming a Permanent Resident and you get an approved Form N-470 at any time before applying for naturalization.*

If you are at least 18 years old and:

Are employed by one of the following:

- An American institution of research recognized by the Attorney General;
- An American-owned firm or corporation engaged in the development of foreign trade and commerce for the United States; or
- A public international organization of which the United States is a member by law or treaty (if the employment began after you became a Permanent Resident).

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer.

***NOTE:** An absence from the United States for 1 year or more will break your continuous residence. You may keep your continuous residence if you have had at least 1 year of unbroken continuous residence since becoming a Permanent Resident and you get an approved Form N-470 before you have been out of the United States for 1 year.*

If you are at least 18 years old and:

Have been employed for 5 years or more by a U.S. nonprofit organization that principally promotes the interests of the United States abroad through the communications media.

5 years

Not Required

If you are at least 18 years old and:

Are the spouse of a U.S. citizen who is one of the following:

- A member of the U.S. Armed Forces;
- An employee or an individual under contract to the U.S. Government;
- An employee of an American institution of research recognized by the Attorney General;
- An employee of an American-owned firm or corporation engaged in the development of foreign trade and commerce for the United States;
- An employee of a public international organization of which the United States is a member by law or treaty; or
- A person who performs ministerial or priestly functions for a religious denomination or an interdenominational organization with a valid presence in the United States

You must be a Permanent Resident at the time of your USCIS interview.

Not Required

and You will be proceeding to join your spouse whose work abroad under orders of the qualifying employer will continue for at least 1 year after the date you will be naturalized. Form N-400 should be filed prior to departing.

Where to go for more information.

Page 22

Pages 22-23



Physical Presence in the United States

Time in USCIS District or State

Good Moral Character

English & Civics Knowledge

Attachment to the Constitution

| | | | | |
|--|--------------|----------|----------|----------|
| 30 months <i>NOTE: Time served on the vessel counts as time "physically present" in the United States no matter where you were.</i> | 3 months | Required | Required | Required |
| 30 months <i>NOTE: Time spent in this type of employment counts as time physically present in the United States no matter where you are as long as you get an approved Form N-470 before you have been out of the United States for 1 year.</i> | 3 months | Required | Required | Required |
| 30 months <i>NOTE: Time spent in this type of employment counts as time physically present in the United States no matter where you are as long as you get an approved Form N-470 before you apply for naturalization.</i> | 3 months | Required | Required | Required |
| 30 months | 3 months | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |
| Not Required | Not Required | Required | Required | Required |

Pages 23-24

Page 24

Page 25

Pages 26-27

Pages 28-29



Time as a Permanent Resident

Permanent Residents are people who have “permanent resident” status in the United States as provided for under U.S. immigration laws. Permanent Residents are normally given Permanent Resident Cards, also known as “Green Cards.” (NOTE: These cards used to be called Alien Registration Cards.)

In most cases, you must be a Permanent Resident for a certain number of years before you may apply for naturalization. But, it is not enough to be a Permanent Resident for the required number of years; you must also be in “continuous residence” during that time.



Continuous Residence

“Continuous residence” means that you have not left the United States for a long period of time. If you leave the United States for too long, you may interrupt your continuous residence.

What if I was outside the United States between 6 and 12 months? If you leave the United States for more than 6 months, but less than 1 year, you have broken or disrupted your continuous residence

unless you can prove otherwise. Read the “Document Checklist” in the back of this *Guide* to find out what information you must give to prove you did not break your continuous residence.

What if I was outside the United States for 1 year or longer? 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.

You may file Form N-400 ninety (90) calendar days before you complete your permanent residence requirement if your eligibility for naturalization is based upon being a:

- Permanent resident for at least 5 years; or
- Permanent resident for at least 3 years if you are married to a U.S. citizen.

To determine your 90-day early filing date, begin by identifying your 5-year or 3-year date as a permanent resident. For example, if the date on your Permanent Resident Card says “July 4, 2006,” you meet the 5 year permanent resident requirement on “July 4, 2011.” If you have met all other eligibility requirements, you may file your completed Form N-400 90 days before “July 4, 2011.” The earliest date you may apply for naturalization would be “April 5, 2011.”

Locate the USCIS Early Filing Calculator on the USCIS website at www.uscis.gov/n-400. The calculator will help you verify that you file your Form N-400 with USCIS no more than 90 days prior to your permanent resident anniversary date. USCIS will deny your Form N-400 if you file your Form N-400 more than 90 days prior to your anniversary date.

The continuous residence requirement does not apply to certain types of applicants, such as members of the U.S. Armed Forces serving during designated periods of conflict.

Other provisions allow a few other types of applicants to remain abroad more than 1 year without disrupting their continuous residence status. To maintain their continuous residence while out of the country, these people must file an “Application to Preserve Residence for Naturalization Purposes” (Form N-470). See the table at the beginning of this section for more information on who can use Form N-470 and when it must be filed.

Physical Presence in the United States

“Physical presence” means that you have actually been in the United States. Most applicants must be physically present in the United States for a certain number of months to be eligible for naturalization.



What is the 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 purposes.

“Continuous Residence” Example

- An applicant became a Permanent Resident on January 1, 1994.
- She lived in the United States for 3 years, then returned to her native country for 1 year and 3 months.
- She got a Re-entry Permit before leaving the United States so that she could keep her Permanent Resident status.
- The applicant re-entered the United States with Permanent Resident status on April 1, 1998.

Question: When is the applicant eligible for naturalization?

Answer: On April 2, 2002, 4 years and 1 day after she returned to the United States. The last 364 days the applicant was out of the United States count toward her time as a Permanent Resident in “continuous residence,” but the 3 years in the United States before leaving do not.

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. For example, if you go to Canada for a weekend, you must include that trip when you are counting how many days you have spent out of the country. Generally, partial days spent in the United States count as whole days spent in the United States.

Certain types of applicants may count time abroad as time physically present in the United States. An example of this exception is an applicant who is abroad in the employment of the U.S. Government. See the table at the beginning of this section for more information.

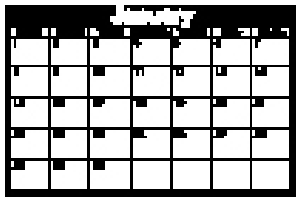
Time as a Resident in a USCIS District or State

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).

Effect of Removal Proceedings

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.



Important Information for Military Personnel

If you are applying for naturalization based on your own service in the Armed Forces of the United States, you may be eligible to apply under special provisions provided for in the Immigration and Nationality Act. For more information, request “Naturalization Information for Military Personnel” (Form M-599) from the USCIS Forms Line at 1-800-870-3676.

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. In the following section, we describe some of the things USCIS may consider.

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 18th 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.

Please note that if you have committed certain serious crimes, USCIS may decide to remove you from the United States. If you have questions, you may want to seek advice from an immigrant assistance organization or an immigration attorney before applying.

Lying. If you do not tell the truth during your interview, USCIS will deny your application for lacking good moral character. If USCIS grants you naturalization and you are later found to have lied during your interview, your citizenship may be taken away.



Examples of Things That Might Demonstrate a Lack of Good Moral Character

- Any crime against a person with intent to harm.
- Any crime against property or the Government that involves “fraud” or evil intent.
- Two or more crimes for which the aggregate sentence was 5 years or more.
- Violating any controlled substance law of the United States, any State, or any foreign country.
- Habitual drunkenness.
- Illegal gambling.
- Prostitution.
- Polygamy (marriage to more than one person at the same time).
- Lying to gain immigration benefits.
- Failing to pay court-ordered child support or alimony payments.
- Confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past 5 years (or 3 years if you are applying based on your marriage to a United States citizen).
- Failing to complete any probation, parole, or suspended sentence before you apply for naturalization.
- Terrorist acts.
- Persecution of anyone because of race, religion, national origin, political opinion, or social group.



English and Civics

According to the law, applicants must demonstrate:

- “An understanding of the English language, including an ability to read, write, and speak...simple words and phrases...in ordinary usage in the English language....”
- “A knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States....”

This means that to be eligible for naturalization, you must be able to read, write, and speak basic English. You must also have a basic knowledge of U.S. history and government (also known as “civics”).

What if I cannot meet the English or civics requirements? Certain applicants, because of age and time as a permanent resident; or others because of a disability, have different English and civics requirements.

Age — 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, which can be found at www.uscis.gov under Education and Resources.

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.

Disability — If you have a physical or developmental disability or a mental impairment so severe that it prevents you from acquiring or demonstrating the required knowledge of English and civics, you may be eligible for an exception to these requirements. To request an exception, you must file a “Medical Certification for Disability Exceptions” (Form N-648). If you believe you qualify, contact a licensed medical or osteopathic doctor or licensed clinical psychologist who will need to complete and sign your Form N-648.

To apply for a disability exception, your disability:

- Must be at least 1 year old (or be expected to last 1 year); and
- Must not have been caused by illegal drug use.

If you qualify for this exception, an interpreter, who is proficient in English and the language of your choice, must accompany you to the interview.

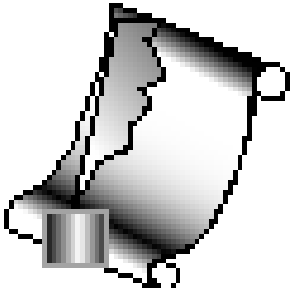


If you qualify for a medical exception from the English and civics requirement, you must still be able to take the Oath of Allegiance to the United States. If you cannot communicate an understanding of the meaning of the oath because of a physical or mental disability, USCIS may excuse you from this requirement.

Disability Accommodations — Under section 504 of the Rehabilitation Act of 1973, USCIS provides accommodations or modifications for applicants with physical or mental impairments that make it difficult for them to complete the naturalization process. In order for USCIS to have enough advance notice to respond to accommodation requests, applicants are encouraged to state their needs on the place provided in the “Application for Naturalization” (Form N-400).

How can I prepare for the English and civics tests? Many schools and community organizations help people prepare for their naturalization tests.

USCIS has a variety of study materials available for the naturalization test at www.uscis.gov. These materials include the 100 civics (history and government) questions and answers; reading and writing vocabulary lists; Civics Flash Cards; and the study booklet, *Learn About the United States: Quick Civics Lessons*. In addition, you can find links to other Internet sites that can help you get more information on U.S. history and government and help you find English classes in your area.



Attachment to the Constitution

All applicants for naturalization must be willing to support and defend the United States and our Constitution. You declare your “attachment” to the United States and our Constitution when you take the Oath of Allegiance. In fact, it is not until you take the Oath of Allegiance that you actually become a U.S. citizen. If you are unwilling to take the Oath of Allegiance in its entirety, you must inform USCIS by requesting to take a modified oath. Please see Page 38 for more information about this process.

What does the Oath require? When you take the oath, you must promise to do three things:

The Oath of Allegiance

*I hereby declare, on oath,
that I absolutely and entirely renounce and abjure all
allegiance and fidelity to any foreign prince,
potentate, state, or sovereignty, of whom or which I
have heretofore been a subject or citizen;
that I will support and defend the Constitution and
laws of the United States of America against all
enemies, foreign and domestic;
that I will bear true faith and allegiance to the same;
that I will bear arms on behalf of the United States
when required by the law;
that I will perform noncombatant service in the Armed
Forces of the United States when required by the
law;
that I will perform work of national importance under
civilian direction when required by the law; and
that I take this obligation freely without any
mental reservation or purpose of evasion; so help
me God.*

(1) Renounce Foreign Allegiances. As stated in the oath, you must renounce all foreign allegiances to become a U.S. citizen.

(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.

What else will USCIS consider about my promise to serve the United States?

In addition to your promise to serve the United States when required, USCIS also considers the following three things when determining if you are truly willing to serve the United States:

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

If you were required to register, you will need to provide your Selective Service number to USCIS when you apply. You may get your Selective Service number by calling **1-847-688-6888**. For men born prior to 1960, this information can be obtained by writing the Selective Service, Records Division at:

Selective Service System
National Headquarters
Arlington, VA 22209-2425

If you have not registered, you must register at a United States Post Office or on the Selective Service System's Internet site to receive a Selective Service number. The Selective Service System Internet site can be reached at **www.sss.gov** or through the USCIS Internet site at **www.uscis.gov**. You must have a Social Security number to register on the Internet.

If you were required to register, but did not register before you turned 26, you must do the following:

- Call **1-847-688-6888** or register online at **www.sss.gov** and complete the Selective Service System's Questionnaire Form. Note that registering online may speed up the process;
- Receive a "status information" letter from the Selective Service; and
- Send the "status information" letter with your application.

(2) Alien Discharge from the U.S. Armed Forces — If you ever received an exemption or discharge from the U.S. Armed Forces because you are an alien, you may not be eligible for naturalization.

(3) Desertion from the U.S. Armed Forces — If you were ever convicted of desertion from the U.S. Armed Forces, you are not eligible for naturalization. Desertion means that you left military service before you were discharged.