

## **PART A – CITIZENSHIP AND NATURALIZATION POLICIES AND PROCEDURES**

### **Chapter 1: Purpose and Background**

#### **A. Purpose**

The United States has a long history of welcoming immigrants from all parts of the world. The United States values the contributions of immigrants who continue to enrich this country and preserve its legacy as a land of freedom and opportunity. USCIS is proud of its role in maintaining our country's tradition as a nation of immigrants and will administer immigration and naturalization benefits with integrity.

United States citizenship is a unique bond that unites people around civic ideals and a belief in the rights and freedoms guaranteed by the U.S. Constitution. The promise of citizenship is grounded in the fundamental value that all persons are created equal and serves as a unifying identity to allow persons of all backgrounds, whether native or foreign-born, to have an equal stake in the future of the United States.

This volume of the USCIS Policy Manual explains the laws and policies that govern United States citizenship and naturalization.

USCIS administers citizenship and naturalization law and policy by:

- Providing accurate and useful information to citizenship and naturalization applicants;
- Promoting an awareness and understanding of citizenship; and
- Adjudicating citizenship and naturalization applications in a consistent and accurate manner.

Accordingly, USCIS reviews benefit request for citizenship and naturalization to determine whether:

- Foreign-born children of U.S. citizens by birth or naturalization meet the eligibility requirements before recognizing their acquisition or derivation of U.S. citizenship.
- Persons applying for naturalization based on their time as lawful permanent residents meet the eligibility requirements to become U.S. citizens.
- Persons applying for naturalization based on their marriage to a U.S. citizen meet the eligibility requirements for naturalization through the provisions for spouses of U.S. citizens.
- Members of the U.S. armed forces and their families are eligible for naturalization and ensure that qualified applicants are naturalized expeditiously through the military provisions.
- Persons working abroad for certain entities, to include the U.S. Government, meet the eligibility requirements for certain exceptions to the general naturalization requirements.

Volume 12, Citizenship and Naturalization, contains detailed guidance on the requirements for citizenship and naturalization.

<b>Volume 12: Citizenship and Naturalization</b>		
	<b>Volume 12 Parts</b>	<b>Guidance</b>
<a href="#">Part A</a>	<b>Citizenship and Naturalization Policies and Procedures</b>	General policies and procedures relating to citizenship and naturalization
<a href="#">Part B</a>	<b>Naturalization Examination</b>	Naturalization examination, to include security checks, interview and eligibility review
<a href="#">Part C</a>	<b>Accommodations</b>	Accommodations and modifications that USCIS may provide in the naturalization process
<a href="#">Part D</a>	<b>General Naturalization Requirements</b>	General naturalization requirements that apply to most lawful permanent residents
<a href="#">Part E</a>	<b>English and Civics Testing and Exceptions</b>	Testing for educational requirements for naturalization
<a href="#">Part F</a>	<b>Good Moral Character</b>	Good moral character for naturalization and the related permanent and conditional bars
<a href="#">Part G</a>	<b>Spouses of U.S. Citizens</b>	Spouses of U.S. citizens who reside in the United States or abroad
<a href="#">Part H</a>	<b>Children of U.S. Citizens</b>	Children of U.S. citizens who may have acquired or derived citizenship stateside or abroad
<a href="#">Part I</a>	<b>Military Members and their Families</b>	Provisions based on military service for members of the military and their families
<a href="#">Part J</a>	<b>Oath of Allegiance</b>	Oath of Allegiance for naturalization, to include modifications and waivers
<a href="#">Part K</a>	<b>Certificates of Citizenship and Naturalization</b>	Issuance and replacement of Certificates of Citizenship and Certificates of Naturalization
<a href="#">Part L</a>	<b>Revocation of Naturalization</b>	General procedures for revocation of naturalization (denaturalization)

## B. Background

Upon the adoption of the U.S. Constitution in 1787, the first U.S. citizens were granted citizenship status retroactively as of 1776. Neither an application for citizenship, nor the taking of an Oath of Allegiance was

required at that time.<sup>1</sup> Persons only needed to remain in the United States at the close of the war and the time of independence to show that they owed their allegiance to the new Government and accepted its protection.

The following key legislative acts provide a basic historical background for the evolution of the general eligibility requirements for naturalization as set forth in the [Immigration and Nationality Act \(INA\)](#).

Evolution of Naturalization Requirements Prior to the Immigration and Nationality Act (INA) of 1952	
Act	Statutory Provisions
Naturalization Act of 1790	<ul style="list-style-type: none"> <li>Established uniform rule of naturalization and oath of allegiance</li> <li>Established two year residency requirement for naturalization</li> <li>Required good moral character of all applicants</li> </ul>
Naturalization Act of 1798	<ul style="list-style-type: none"> <li>Permitted deportation of foreign nationals considered dangerous</li> <li>Increased residency requirements from 2 years to 14 years</li> </ul>
Naturalization Act of 1802	<ul style="list-style-type: none"> <li>Reduced residency requirement from 14 years to 5 years</li> </ul>
Naturalization Act of 1891	<ul style="list-style-type: none"> <li>Rendered polygamists, persons suffering from contagious disease and persons convicted of a “misdemeanor involving moral turpitude” ineligible for naturalization.</li> </ul>
Naturalization Act of 1906	<ul style="list-style-type: none"> <li>Standardized naturalization procedures</li> <li>Required knowledge of English language for citizenship</li> <li>Established the Bureau of Immigration and Naturalization</li> </ul>
The Alien Registration Act of 1940	<ul style="list-style-type: none"> <li>Required the registration and fingerprinting of all aliens in the United States over the age of 14 years</li> </ul>

### C. Legal Authorities

- [INA 103](#); [8 CFR 103](#) – Powers and duties of the Secretary, the Under Secretary, and the Attorney General
- [INA 310](#); [8 CFR 310](#) – Naturalization authority
- [INA 312](#); [8 CFR 312](#) – Educational requirements for naturalization
- [INA 316](#); [8 CFR 316](#) – General requirements for naturalization
- [INA 332](#); [8 CFR 332](#) – Naturalization administration; executive functions
- [INA 336](#); [8 CFR 336](#) – Hearings on denials of applications for naturalization
- [INA 337](#); [8 CFR 337](#) – Oath of renunciation and allegiance
- [8 CFR 2](#) – Authority of the Secretary of the Department of Homeland Security

### Chapter 2: Becoming a U.S. Citizen

<sup>1</sup> See Franklin, F. (1906). *The Legislative History of Naturalization in the United States; From the Revolutionary War to 1861*. Chicago: The University of Chicago Press.

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A person may derive or acquire U.S. citizenship at birth. Persons who are born in the United States and subject to the jurisdiction of the United States are citizens at birth. Persons who are born in certain territories or outlying possessions of the United States are also eligible for citizenship at birth. In general, this includes persons born in:

- Puerto Rico on or after April 11, 1899<sup>2</sup>
- Canal Zone or Republic of Panama on or after February 26, 1904<sup>3</sup>
- Virgin Islands on or after January 17, 1917<sup>4</sup>
- Guam born after April 11, 1899 (if residing in Guam or territory on August 1, 1950)<sup>5</sup>

Persons born in American Samoa and Swain Island are generally considered nationals but not citizens of the United States.<sup>6</sup>

In addition, persons who are born outside of the United States may be U.S. citizens at birth if one or both parents were U.S. citizens at their time of birth. Persons who are not U.S. citizens at birth may become U.S. citizens through naturalization. Naturalization is the conferring of U.S. citizenship after birth by any means whatsoever.

In general, an applicant files a naturalization application and then USCIS grants citizenship after adjudicating the application. In some cases, a person may be naturalized by operation of law. This is often referred to as deriving citizenship. In either instance, the foreign citizen or national must fulfill all of the requirements established by Congress. In most cases, a person may not be naturalized unless he or she has been lawfully admitted to the United States for permanent residence.

Deciding to become a U.S. citizen is one of the most important decisions an immigrant can make. Naturalized U.S. citizens share equally in the rights and privileges of U.S. citizenship. U.S. citizenship offers immigrants the ability to:

- Vote in Federal elections
- Travel with a U.S. Passport
- Run for elective office where citizenship is required
- Participate on a jury
- Become eligible for federal and certain law enforcement jobs
- Obtain certain State and Federal benefits not available to noncitizens
- Obtain citizenship for minor children born abroad
- Expand and expedite their ability to bring family members to the United States

### **Chapter 3: USCIS Authority to Naturalize**

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<sup>2</sup> See [INA 302](#).

<sup>3</sup> See [INA 303](#). (One parent must have been a U.S. citizen).

<sup>4</sup> See [INA 306](#).

<sup>5</sup> See [INA 307](#).

<sup>6</sup> See [INA 308](#).

It has long been established that Congress has the exclusive authority under its constitutional power to establish a uniform rule of naturalization and to enact legislation under which citizenship may be conferred upon persons.<sup>7</sup> Before 1991, naturalization within the United States was a judicial function exercised since 1790 by various courts designated in statutes enacted by Congress under its constitutional power to establish a uniform rule of naturalization.

As of October 1, 1991, Congress transferred the naturalization authority to the Attorney General (now the Secretary of DHS).<sup>8</sup> USCIS is authorized to perform such acts as are necessary to properly implement the Secretary's authority.<sup>9</sup> In certain cases, an applicant for naturalization may choose to have the Oath of Allegiance<sup>10</sup> administered by USCIS or by an eligible court with jurisdiction. Eligible courts may choose to have exclusive authority to administer the Oath of Allegiance.

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<sup>7</sup> See *Chirac v. Chirac*, 15 U.S. 259 (1817).

<sup>8</sup> See [INA 310\(a\)](#).

<sup>9</sup> See [INA 310](#).

<sup>10</sup> See [INA 337\(a\)](#).