U.S. Citizenship and Immigration Services

USCIS Policy Manual

Overview and Briefing of USCIS Policy Manual and New and Updated Citizenship and Naturalization Policies

U.S. Citizenship and Immigration Services

January 2013

Outline of Presentation

- Policy Manual Overview and Organization
- Volume 12: Citizenship and Naturalization
- New and Updated Citizenship and Naturalization Policies

Policy Manual Overview and Organization

- Overview of Policy Manual
- Organization of Policy Manual

U.S. Citizenship and Immigration Services

Overview of Policy Manual

- Agency's centralized online repository for USCIS's immigration policies
- Will ultimately replace Adjudicator's Field Manual, policy memoranda, other policy repositories
- Organized into volumes, parts, and chapters that present policies in logical and sequential manner

Overview of Policy Manual

User-friendly features and enhancements:

- *Up-to-the-minute policy updates*
- *Expanded table of contents*
- *Links to INA, CFR, and public use forms*
- *Keyword search function*
- *Legal citations and references in footnotes*
- *Tables and charts to simplify complex topics*

Organization of Policy Manual

Volume 1 – General Policies and Procedures

Volume 2 – Nonimmigrants

Volume 3 – Protection and Parole

Volume 4 – Refugees

Volume 5 – Asylees

Volume 6 – Immigrants

Organization of Policy Manual

Volume 7 – Adjustment of Status

Volume 8 – Admissibility

Volume 9 – Waivers

Volume 10 – Consent to Reapply

Volume 11 – Travel, Employment, and Identity Documents

Volume 12 – Citizenship and Naturalization

Volume 12: Citizenship and Naturalization

- Overview of Volume 12
- Organization of Volume 12

U.S. Citizenship and Immigration Services

Overview of Volume 12

Replaces citizenship and naturalization policy found in:

- Chapters 71 – 76 of the AFM
- The AFM's related appendices
- Related USCIS policy memoranda

Organization of Volume 12

Part A – Citizenship and Naturalization Policies and Procedures

Overview of policies, procedures, and naturalization authority

Part B – Naturalization Examination

Background and security checks, naturalization interview, hearings

Part C – Accommodations

USCIS policies and types of accommodations provided

Part D – General Naturalization Requirements

Including continuous residence, physical presence, attachment to the Constitution, English and civics, good moral character

U.S. Citizenship and Immigration Services

Organization of Volume 12

Part E – English and Civics Testing and Exceptions

Naturalization testing and exceptions, including disability exception

Part F – Good Moral Character

Adjudicative factors, evidence and the record, permanent and conditional bars to naturalization

Part G – Spouses of U.S. Citizens

Marriage and marital union, spouses in the United States or abroad, conditional permanent resident spouses

Part H – Children of U.S. Citizens

Definition of child, U.S. citizens at birth, acquisition of citizenship after birth, and child residing abroad

Organization of Volume 12

Part I – Military Members and their Families

Service during peacetime or hostilities, posthumous citizenship, benefits for spouses, children, and surviving family members

Part J – Oath of Allegiance

Oath of Allegiance, modifications and waivers, model plan for naturalization ceremonies, judicial and expedited oath ceremonies

Part K – Certificates of Citizenship and Naturalization

Eligibility for certificate of citizenship or naturalization, replacement of certificates, cancellation of certificates

Part L – Revocation of Naturalization

Grounds for revocation of naturalization, effects of revocation

New and Updated Citizenship and Naturalization Policies

U.S. Citizenship and Immigration Services

English and Civics Testing at INA 336 Hearings

Establishes policy to administer any portion of English or civics tests at an N-336 hearing that the applicant previously failed during interviews on his or her naturalization application. Officers provide only one opportunity to pass failed portion of tests at the hearing.

Treatment of Time Residing in Commonwealth of the Northern Mariana Islands (CNMI)

Policy explains USCIS counts residence in the CNMI on or after November 28, 2009, as continuous residence and physical presence within the United States for naturalization purposes. In addition, lawful permanent residents do not abandon their LPR status solely by residing in the CNMI. Guidance follows recent legislation.

Validity of Marriage and Living in Marital Union

All applicants filing on the basis of marriage must be in a valid marriage with their citizen spouse from the time of filing until naturalization. Living in marital union (if applicable) is not required between the time of filing until naturalization. Policy explains difference between those requirements and how they apply under each respective spousal provision.

GMC Period for Spouses of U.S. Citizens Employed Abroad – INA 319(b)

Establishes policy to specify statutory period for GMC for spouses of U.S. citizens employed abroad. Such period is not specified in corresponding statute and regulations. Policy establishes GMC period three years prior to filing application until time of naturalization.

Calculating Period "Regularly Stationed Abroad" under INA 319(b)

Establishes policy to calculate the period of citizen spouse's qualifying employment abroad from the time applicant spouse files for naturalization under INA 319(b). The corresponding statute and regulations do not specify when to begin calculating the employment period abroad.

Waiving Oath of Allegiance for Children under 14 Years of Age

USCIS has the authority to waive the taking of the Oath of Allegiance if USCIS determines that a person is unable to understand its meaning. USCIS considers a child under 14 years of age as generally being unable to understand the meaning of the Oath of Allegiance. Accordingly, USCIS will waive the requirement of taking Oath of Allegiance for all children younger than 14 years of age.

Replacement Certificates of Naturalization Reflecting New Gender

Policy establishes that an applicant who has legally changed his or her gender may apply for a replacement Certificate of Naturalization reflecting the new gender so long as the change of gender on the certificate does not affect the validity of a marriage under the Defense of Marriage Act (DOMA).

U.S. Citizenship and Immigration Services