



December 13, 2019

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## Policy Alert

SUBJECT: Conditional Bar to Good Moral Character for Unlawful Acts

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) on unlawful acts during the applicable statutory period that reflect adversely on moral character and may prevent an applicant from meeting the good moral character (GMC) requirement for naturalization.<sup>1</sup>

### Background

An applicant who has committed, was convicted of, or was imprisoned for an unlawful act during the applicable statutory period may be found to lack GMC if the act adversely reflects on his or her moral character, unless the applicant can demonstrate extenuating circumstances.<sup>2</sup> An act is unlawful if it violates a criminal or civil law of the jurisdiction where it was committed. The regulation addressing “unlawful acts” does not require the applicant to have been charged with or convicted of the offense. This guidance, contained in Volume 12 of the Policy Manual, is controlling and supersedes any prior guidance.

### Policy Highlights

- Expands existing guidance on the “unlawful acts” bar to establishing GMC for naturalization, including adding additional examples of unlawful acts.
- Emphasizes that USCIS officers determine whether an “unlawful act” is a conditional bar on a case-by-case basis and provides guidance on that case-by-case analysis.

### Citation

Volume 12: Citizenship and Naturalization, Part F, Good Moral Character, Chapter 5, Conditional Bars for Acts in Statutory Period [[12 USCIS-PM F.5](#)].

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<sup>1</sup> See [INA 101\(f\)](#). See [8 CFR 316.10\(b\)\(3\)\(iii\)](#).

<sup>2</sup> See [INA 101\(f\)](#). See [8 CFR 316.10\(b\)\(3\)\(iii\)](#). For cases arising in the Ninth Circuit, in addition to extenuating circumstances which precede or are contemporaneous with the act, USCIS must also consider and weigh all factors relevant to the determination of GMC, which include education, family background, employment history, financial status and lack of criminal record. See *Hussein v. Barrett*, 820 F.3d 1083 (9th Cir. 2016).