

- » Planning your way to citizenship
- » Understanding the immigration process
- » Preparing to prove your case

## Chapter **1**

# The Joys of Becoming a U.S. Citizen

**T**he decision to become a U.S. citizen is one of the most important choices you can ever make. Before you can become a U.S. citizen, however, you first must be a lawful permanent resident of the United States. For this reason, before you begin the process, you need to know what you want to achieve — legal immigration or naturalization — and whether you can expect to qualify for it.

This chapter gives you an overview of your immigration options, helps you understand the benefits and disadvantages of becoming a U.S. citizen, and shows you what to expect during the process. Although we go into more detail later in the book, this chapter helps you determine what your immigration and citizenship goals are and shows you how best to pursue them.

## Determining Whether You Really Want to Become a U.S. Citizen

Becoming a U.S. citizen carries important duties and responsibilities as well as rights, rewards, and privileges. Before you make the decision to pursue U.S. citizenship, you need to be aware of what you stand to lose and what you stand to gain and be sure that you're ready to fulfill all the obligations of a good citizen.



REMEMBER

*Naturalization* refers to the process by which immigrants become citizens. In most cases, if you were not born in the United States, you must be *naturalized* to become a U.S. citizen.

## What you lose

When you become a U.S. citizen, you must give up all prior allegiances to other countries. Although nobody will care if you root for your birth country in a soccer match (actually, some soccer fans may care, but the U.S. government certainly won't), you won't be able to defend that country against the United States in times of conflict or war. You must also be willing to serve your new country, the United States of America, when required. What this means is that if the United States is at war or in the midst of some other type of crisis, you need to be willing to take up arms or otherwise aid the U.S. military effort in whatever capacity is needed.

Giving up your allegiances to other countries doesn't necessarily mean you have to give up your citizenship in other countries. You may be able to maintain your original citizenship(s) *and* hold U.S. citizenship (having citizenship in more than one country is known as *dual citizenship*). The United States allows dual citizenship (though it is disfavored). Some countries do not allow dual citizenship. If you are a citizen of such a country, you will likely give up your citizenship upon naturalizing to U.S. citizenship. This information may affect your decision to apply for U.S. citizenship. To find out if your citizenship can be affected, check with the embassy of each country where you have or are considering citizenship.

Furthermore, giving up your allegiance to other countries does not mean that you must stop speaking your native language, teaching your children about your culture, or practicing your religion. These are gifts to be shared not only with your friends and family but also your fellow Americans.

## What you gain

The United States Constitution, the country's most important document and essentially the rulebook for how the U.S. government runs, guarantees all people living in the United States, whether U.S. citizens or not, certain rights. Freedom of religion and speech, the right to peaceable assembly, and the right to a fair trial if you're ever accused of a crime are all important freedoms guaranteed to everyone in the United States.

U.S. citizens, both born and naturalized, however, are eligible for many additional benefits based on their status as U.S. citizens. These include the following:

- » The right to vote and, therefore, to have a voice in government
- » The right to hold elected office (except for the offices of president and vice president, which are reserved for natural-born citizens)
- » Certain government jobs
- » Scholarships and/or grants
- » The ability to petition for immediate relatives to join you in the United States without being subject to visa limits
- » Protection from forced removal from the country
- » Certain types of public assistance

## Your rights and responsibilities as a U.S. citizen

When you become a naturalized U.S. citizen, you must take the *Oath of Allegiance*. The Oath of Allegiance is your promise to the government and the people of the United States that you will

- » Give up any prior allegiances to other countries.
- » Support and defend the Constitution and the laws of the United States against all enemies.
- » Support, defend, and obey the laws of the United States.
- » Serve the United States, if required, in times of war or national emergency. You may be called to serve in the military or help U.S. military efforts in some capacity.
- » Swear allegiance to the United States.

In addition to the responsibilities outlined in the Oath of Allegiance, U.S. citizens have other important duties:

- » **Serving on a jury:** One of the most important rights in the United States is the right to a trial by a jury in most cases. Serving on a jury when asked is an important obligation of U.S. citizens in order to protect the U.S. system of justice, in which the power still rests with the people.



WARNING

Although there is a small chance you may never be called to report for jury duty, know that if you do receive a notice to report, you're legally compelled to do so. Failure to report for jury duty can result in a fine, jail time, or both.

- » **Voting:** The United States has a government of the people, by the people, and for the people. The ultimate political authority is not in the hands of the government or of any single government official — instead, the ultimate political authority is in the hands of the people. Citizens of the United States have the right to change or abolish the government or to amend the Constitution. U.S. citizens exercise their power by voting for elected representatives.
- » **Being tolerant of others:** Some people say that the United States is a “melting pot,” the assimilation of many different peoples to create one people; others say that the United States is more like a “tossed salad,” a medley of different cultures — each separately identifiable — while still enhancing the common culture. People living here need to be tolerant of all races, religions, and cultures.



REMEMBER

Although you aren't legally compelled to perform some of these duties — for instance, no one will take you to jail if you don't exercise your right to vote — you will deprive yourself of the important benefits of living in the United States if you don't participate.

## Mapping Your Way to America: Typical Ways People Immigrate to the U.S.

Before you can even think about becoming a naturalized citizen of the United States, you must be a lawful permanent resident of this country. A *lawful permanent resident* is a foreign national who has been granted the privilege of permanently living and working in the United States. Most adult applicants (those 18 or older) must have been lawful permanent residents of the United States for the five years prior to applying for citizenship. If you're married to and living with your U.S. citizen spouse, and your permanent residence is based on that marriage, the residence requirement drops to three years, as long as your spouse has been a citizen for the three years prior to your application. (We go over the eligibility requirements for naturalization in further detail in Chapter 3.)



WARNING

If you were admitted or paroled into the United States by an immigration officer, you were issued or received a Form I-94, Arrival/Departure Record, which shows a specific date when you are required to leave. People who stay in the United States illegally for over 180 days past the I-94 Departure Date and then leave the United

States can be barred from reentering the country for at least three years. If the period of unlawful presence was less than a year, then the bar applies for three years (unless you leave voluntarily after removal proceedings start). If the period of unlawful presence was for a year or more, the bar is for ten years.

U.S. Citizenship and Immigration Services (USCIS) won't count time you spent here illegally before April 1, 1997. Asylees (with pending cases), minors under the age of 18, Family Unity beneficiaries, and battered spouses/children and victims of trafficking (who can prove a connection between the status violation and abuse) do not accrue unlawful presence.

For further information, [USCIS.gov](http://USCIS.gov) has a detailed web page about Unlawful Presence and Bars to Admissibility with a link to the USCIS Adjudicators Field Guide (ch.40.9.2), which describes special circumstances and remedies. Please consult with an immigration legal service representative about lawful presence issues.



WARNING

Bottom line: Don't overstay your welcome. If you're in the United States on a temporary visa and you stay after your visa expires, you're putting your future chances for lawful permanent residence at risk. Being in the country illegally is grounds for removal and for denial of future immigration benefits. If you are currently in the country illegally, you should seek competent legal advice before leaving the United States to try to secure a visa.



TIP

To check whether your immigration status is currently legal, rely on your I-94 (Arrival-Departure Record). You receive this document from U.S. Customs and Border Protection (find out more about the CBP in Chapter 2) upon entering the country, or from the USCIS if you extended your immigration status while already in the United States. Many people believe the visa is what determines the amount of time you can stay in the United States, but this isn't the case.

The CBP is supposed to give a person the amount of time for which a visa petition is approved, rather than the amount of time the visa is valid — which is sometimes less than the amount of time granted in the petition. Likewise, the CBP can approve entry for a lesser amount of time than the visa would indicate.



REMEMBER

If you stay in the United States for more time than your I-94 allows, you are out of status, even if your visa indicates a longer period.

Your visa can say it expires tomorrow, but the airport inspector can stamp your I-94 for six months. On the other hand, your visa can say it's valid through 2010, but the inspector can stamp you for only one month. The stamp is always your guide.



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## HOW IMMIGRATION LAW DEFINES CHILDREN

The definition of a child has specific meaning in immigration law. When you read government documents that say, for instance, that you're able to sponsor "children," that means you can sponsor an unmarried son or daughter under the age of 21 who was born in wedlock or is your legally recognized stepchild or adopted child. If, on the other hand, an immigration document refers to a "son or daughter," this refers to a child age 21 or older.

How can you achieve legal permanent residence? Although there are other ways, which we go into in Chapter 3, most people immigrate for one of two reasons:

- » To reunite with family members already living in the United States
- » To pursue a permanent employment opportunity in the United States

## Reuniting with your family

In order to use family connections to immigrate to the United States, you must have a *close* relative already living here who is willing to sponsor you. So how close is close? If your relative is at least 21 years old and a U.S. citizen, born or naturalized, they may sponsor you if you are their

- » Husband or wife
- » Unmarried child under age 21
- » Unmarried son or daughter over age 21
- » Married son or daughter
- » Brother or sister
- » Parent

Citizens may *not* sponsor their grandparents, grandchildren, aunts, uncles, cousins, or anyone else.

Legal permanent residents, or green-card holders — those legally living and working in the United States who have not become naturalized citizens — may only sponsor their

- » Husband or wife
- » Unmarried children of any age

Legal permanent residents (green-card holders) may *not* sponsor brothers or sisters, parents, grandparents, grandchildren, aunts, uncles, cousins, or anyone other than their spouse and children.

But wait, it's not so easy. Beyond having a willingness to sponsor you, your relative must meet certain criteria in order to be eligible to become a sponsor:

- » Your relative must be able to provide documentation of their own immigration status — as a lawful permanent resident or as a United States citizen (born or naturalized).
- » Your relative must be able to prove that they can financially support you (and any other family members they are financially responsible for) at 125 percent above the government-mandated poverty level. In other words, in order for a sponsor to bring a relative to live permanently in the United States, the sponsor must be both willing and able to accept legal responsibility for financially supporting that family member. You can find more information about how to meet this qualification in Chapter 3.

## Pursuing employment opportunities

If you want to immigrate to the United States based on the fact that you have a full-time, permanent employment opportunity waiting for you here, both you and your prospective employer must meet a list of specific qualifications. Although one of the goals of the USCIS is to provide the United States with a strong and stable workforce, the USCIS also wants to be sure that immigrants aren't taking jobs that would otherwise go to unemployed U.S. citizens.



REMEMBER

Before you even get started, keep in mind that your prospective employer has to first certify the position with the Department of Labor. This *Labor Certification* is required to show there are no qualified, available U.S. workers to fill the job.

The USCIS grants permanent residence based on employment skills in one of five categories:

- » **Priority Workers (category EB-1)** have extraordinary ability in the arts, education, business, science, or athletics, or are considered to be outstanding professors or researchers. Notice the superlatives: *extraordinary*, *outstanding*. This category is one of the most difficult ones to qualify for unless you're a

Nobel Prize winner or hold other such prestigious and public accolades in your given field. You may qualify, however, by presenting extensive documentation proving your professional or academic achievements in one of the listed fields as well as evidence of your financial success in your field and your ability to substantially benefit the United States. Another way to qualify for the Priority Workers category is if you happen to be a manager or executive of a company that has transferred you to one of its branches in the United States.

- » **Professionals with Advanced Degrees or Persons with Exceptional Ability (category EB-2)** are members of their professions holding advanced degrees, or their U.S. equivalent, or persons with exceptional ability in business, sciences, or the arts who will benefit the interests or welfare of the United States. In order to qualify for this category, be prepared to show how becoming a legal permanent resident will be good for the economy or culture of the United States or how you can help meet the academic needs of the country. You may also qualify for this category if you're a qualified physician and you agree to practice medicine in an area of the United States that is medically underserved.
- » **Skilled or Professional Workers or Other Workers (category EB-3)** have less stringent requirements for qualification than people who qualify under the EB-1 and EB-2 classifications, but this category sometimes has a much longer backlog of people waiting for visas, especially in the Other Workers category. You can qualify for a classification EB-3 employment visa in three ways:
  - **As a Skilled Worker:** If you can fill an open position that requires at least two years of experience or training, you can qualify as a Skilled Worker. The Department of Labor determines which jobs are considered skilled, as opposed to unskilled, labor.
  - **As a Professional:** Professionals must hold a U.S. baccalaureate degree or the foreign equivalent degree normally required for the profession. Education and experience may not be substituted for the actual degree.
  - **As an Other Worker:** Those who fall into the category of Other Workers have the skills to fill jobs that require less than two years of higher education, training, or experience. This category receives the most petitions, so if you fall in this group, you may have to wait many years before being granted a visa.
- » **Special Immigrants (or category EB-4)** primarily are members of religious denominations that have nonprofit religious organizations in the United States. You must be able to prove that you have been a member of this organization and have worked for the organization for at least two years before you applied for admission, and you must be coming to the United

States to work as a minister or priest or other religious vocation that helps the organization. You may also qualify if your work helps the organization in a more professional capacity; however, this means that a U.S. baccalaureate degree, or the foreign equivalent, is required to perform the job.

» **Immigrant Investors (or category EB-5)** must agree to make a “qualified investment” in a new commercial enterprise. All Immigrant Investors must demonstrate that their investment will benefit the United States economy, as well as create a specified number of full-time jobs for qualified U.S. citizens.

This category is often known as the “million-dollar visa” because the minimum investment (which is subject to change) is, you guessed it, a million dollars. You can invest less and still qualify if you invest in a *targeted employment area* (a rural area or an area of high unemployment).

A special pilot program allows an investor within an approved regional center to receive an EB-5 visa by showing that their investment will create jobs indirectly through revenues generated from increased exports, improved regional productivity, job creation, or increased domestic capital investment resulting from the new commercial enterprise. As of December 31, 2021, legislation to re-authorize the EB-5 program is pending. For updates, check out [www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program](http://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program).

There are several categories of visas for nonimmigrants that allow the visa holders to temporarily live and work in the United States. Of special note are the following categories of essential workers:

- » H-1B Specialty Occupations (and their H-4 family members)
- » H-2A Agricultural Workers
- » H-2B Non-Agricultural Workers
- » L-1A Intracompany Transferee Executive or Manager
- » L-1B Intracompany Transferee Specialized Knowledge

Corporations or research facilities can sponsor a visa-holding employee with exceptional merit and skills to apply for an “Adjustment of Status,” allowing the employee and their family to become U.S. lawful permanent residents, putting them on the path toward naturalization in five years. For further details, see the USCIS Temporary (Nonimmigrant) Worker page at [www.uscis.gov/working-in-the-united-states/temporary-nonimmigrant-workers](http://www.uscis.gov/working-in-the-united-states/temporary-nonimmigrant-workers).

## Winning the visa lottery

Even if you qualify for one of the visa categories listed in the preceding section, entering the Diversity Visa (DV) Lottery Program makes sense because it can speed up your process of receiving a visa, especially if you find yourself in one of the lower preference categories.

Natives of countries with historically low rates of immigration to the United States may be eligible to enter. Those born in any territory that has sent more than 50,000 immigrants to the United States in the previous five years are not eligible to receive a diversity visa.



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### SURPRISE! YOU MAY ALREADY BE A U.S. CITIZEN

If you were actually born in the United States — including, in most cases, Puerto Rico, Guam, and the U.S. Virgin Islands — you're considered a U.S. citizen at birth. Your birth certificate serves as proof of your citizenship. The one exception to this rule is if one or more of your parents was a foreign diplomat at the time of your birth (you would be considered a permanent resident in that case).

Are there ways to be born abroad and still be a U.S. citizen? Yes, under certain specific conditions. If you were born abroad but both your parents were U.S. citizens, and at least one of those two parents lived in the United States at some point prior to your birth, then you are considered a U.S. citizen in most cases.

If you were born abroad but only one of your parents was a U.S. citizen and the other parent was an alien, you will be considered a citizen in most cases if, before you were born, your citizen parent lived in the United States for at least five years. In order to qualify, at least two of those five years had to have taken place after your citizen parent's 14th birthday.

Notice how we keep saying "in most cases"? The previous explanation is current law, and it's a generalization. Whether you acquired U.S. citizenship at birth depends on the law that was in effect at the time of your birth. This is one of the toughest areas of immigration law, filled with loopholes and exceptions, so getting expert help in these cases is always a good idea. Be sure to seek and get competent legal help *before* you need it. (You can get more information on finding legal help in Chapter 7.)

Entering the visa lottery is easy. You can file online at <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-submit-entry1.html>. Submitting more than one application disqualifies you from the lottery.

If you receive a visa through the Diversity Visa Lottery Program, you'll be authorized to live and work permanently in the United States, as well as bring your husband or wife and any children under the age of 21 along with you.

Each year 50,000 immigrant visas become available to people who come from countries with low rates of immigration to the United States. The Department of State randomly selects about 100,000 applicants from among the qualified entries. Why do they pick 100,000 when only 50,000 visas are available? Because they know that not all the applicants will be able to successfully complete the visa process. When 50,000 applicants have qualified and completed the immigration process, no further Diversity Lottery visas are issued for that year.

## Documenting Your Immigration Status

Your entry document (such as an I-94 card for nonimmigrants) or a green card (if you're a permanent resident) serves as the important documentation you need to prove that you're in the United States legally and that you're entitled to all the rights and privileges that come with that status. As long as you hold a valid USCIS entry document or green card, are maintaining lawful status, and have not committed a removable offense, you don't have to worry about being forced to leave the country. For naturalized citizens, a Certificate of Naturalization or a U.S. passport serves as the same proof of immigration status.

Depending on where you are in the immigration process, you'll need various forms and documentation.

### Just visiting

A *nonimmigrant*, or temporary, visa allows you to legally stay in the United States for a given length of time, after which you must leave the country. In order to qualify for a temporary visa, you'll usually need to prove that you have a residence outside the United States, as well as binding ties to your home country, such as a family or a job. The U.S. government wants to be sure that you'll return home at the end of your visit. In most cases, you'll also need to show that you have enough money to support yourself while in the United States.

The type of temporary visa you get will depend on the reasons why you want to visit the United States. You can gain temporary access to the United States in many ways, including the following:

- » As a visitor or tourist
- » For business
- » To seek medical treatment
- » As a temporary worker or to receive work training
- » As a student, either for academic or vocational training
- » By participating in an educational or cultural exchange program
- » As a fiancé(e) of an American citizen
- » As a NAFTA professional



Qualified citizens of Canada and Mexico may obtain temporary TN (Trade NAFTA) status. This status is available to certain professionals under the North American Free Trade Agreement (NAFTA). These citizens are *visa exempt*, meaning they don't have to obtain visas at a U.S. consulate in order to enter the United States in this status. Through the agreement, a citizen of a NAFTA country may work in a professional occupation in another NAFTA country, providing they can meet the following conditions:

- » The profession is on the NAFTA list.
- » The person has the necessary skills and qualifications to fill the position.
- » The position requires someone in a professional capacity.
- » The person will be working for a U.S. employer.

Under this particular status, you will be allowed to bring your spouse and unmarried children under 21 with you, although they will not be allowed to work in the United States unless they qualify for work authorization on their own.



Travelers from certain eligible countries also may be able to visit the United States (for business or pleasure only) without a visa through the Visa Waiver Program. Check with the Department of State ([www.travel.state.gov/vwp.html](http://www.travel.state.gov/vwp.html)) to see if your home country qualifies. See the full list of visa categories at <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>.

## Here to stay

To become a lawful permanent resident, an alien must first be admitted as an immigrant. Most people get their immigrant visas because a qualified relative or employer has sponsored them as follows:

1. The employer or relative filed a petition with the USCIS.
2. The USCIS approved the petition and then forwarded it to the National Visa Center for further processing.
3. The State Department issued a visa after an immigrant visa number became available.

If you're already living in the United States, you may be eligible to adjust your immigration status from temporary to lawful permanent resident without leaving the country. And here's some good news: As an applicant, you may apply for a work permit while your case is pending. (You can find out more about this in Chapter 3.)



WARNING

If you plan to leave the United States while applying for adjustment to permanent resident status, you must receive advance permission, called *advance parole*, to return to the United States. If you do not apply for advance parole *before* leaving the United States, the USCIS will assume that you have abandoned your application and you may not be permitted to reenter the United States.

In most cases, as an alien applying for permanent residence, you will need to provide

- » A valid passport
- » Three photographs
- » Birth and police certificates
- » Marriage, divorce, or death certificates of your current and/or prior spouse(s)
- » Proof of financial support
- » Proof of medical examination



TIP

You can get more-specific details about what to provide at the National Visa Center (NVC); requirements vary slightly from consulate to consulate. Submit online immigrant visa case inquiries at <https://nvc.state.gov/inquiry>. You can visit the NVC website at <https://nvc.state.gov> for more information.

Customer Service Representatives for Immigrant Visa inquiries only are available at (603) 334-0700 from 7 a.m. to midnight Monday through Friday, excluding federal holidays. You can see the current status of your case or make updates by logging into the Consular Electronic Application Center at <https://ceac.state.gov>.

Customer Service Representatives for Nonimmigrant Visa inquiries only are available at (603) 334-0888 from 7 a.m. to midnight Monday through Friday, excluding federal holidays. Please note only English-speaking representatives are available on this line.



WARNING

The NVC is not open to the public. Unfortunately, some people have traveled long distances to inquire about their case in person, only to discover that NVC staff is unable to meet with them.



REMEMBER

Seek competent legal help if you have been in the United States illegally. If you leave the United States to obtain an immigrant visa abroad and the unlawful presence accrued after March 31, 1997, you will be barred from reentering the United States for three years (if the continuous unlawful presence was from 181 days to one year) or ten years (if the continuous unlawful presence was for more than one year).

## Joining the club: Naturalization

*Naturalization*, the process by which lawful permanent residents become U.S. citizens, is the next step in the immigration process. Many lawful permanent residents stop before achieving citizenship, but if you bought this book, chances are you're interested in going all the way.



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As a naturalized citizen, a person has the exact same rights, responsibilities, and benefits of natural-born U.S. citizens, with one exception: Only natural-born citizens may become president or vice president of the United States.

In most cases, naturalization applicants must prove they can meet these requirements:

- » A designated period of continuous residence in the United States (usually three or five years immediately prior to applying) as a lawfully admitted permanent resident.
- » Physical presence in the United States for at least half the designated time.

- » Residence in a particular USCIS district prior to filing, usually for at least three months. Districts are geographical areas serviced by local USCIS offices. You can get up-to-date information about districts at [www.uscis.gov/about-us/find-a-uscis-office/field-offices](http://www.uscis.gov/about-us/find-a-uscis-office/field-offices).
- » The ability to read, write, and speak basic English.
- » A basic knowledge and understanding of U.S. history and government.
- » Good moral character. Applicants for naturalization must be “of good moral character,” meaning that the USCIS will make a determination based on current laws. Conviction for certain crimes will cause you to lose your eligibility for citizenship. If you have ever been convicted of murder or convicted of an aggravated felony (committed on or after November 29, 1990), you may never become a citizen of the United States. Other lesser crimes may delay your immigration or citizenship goals because they prevent you from applying until a specified amount of time has passed since you committed the crime. In 2014, USCIS added additional questions about violent activities and war crimes as per U.S. national security laws. These additional questions doubled the size of the N-400 Application for Naturalization from 10 to 20 pages’ worth of questions that will be asked during your naturalization interview! In determining good moral character, however, the USCIS can consider conduct that would have been a crime even if you were never arrested, charged, or convicted. (You can find more on good moral character in Chapter 3.)
- » Attachment to the principles of the U.S. Constitution and a favorable disposition toward the United States. This means that you must be willing to take the Oath of Allegiance to the United States of America, giving up any prior allegiances to other countries.

## SERVING YOUR WAY TO CITIZENSHIP

If you served honorably in the U.S. armed forces for at least one year at any time, you may be eligible to apply for naturalization. Currently, you must be a permanent resident at the time of your interview. In times of war or other declared hostilities, members of the U.S. armed forces may naturalize without even being lawful permanent residents. Such periods are designated by law or by Executive Order of the president and have included World War I, World War II, the Korean War, the Vietnam police action, and the Gulf War. Most recently, the War on Terror was added, allowing all active-duty military personnel honorably serving on or after September 11, 2001, until a date to be determined, to be naturalized without regard to prior permanent resident status. For further information about eligibility based on military service, see [www.uscis.gov/military/naturalization-through-military-service](http://www.uscis.gov/military/naturalization-through-military-service).

Don't worry if this sounds like a lot. The purpose of this book is to help get you ready to successfully complete your immigration goals all the way to becoming a U.S. citizen. We go into greater detail on all these requirements later in the book.

## Making Sense of the Immigration Process

If you bought this book, you're obviously interested in being more than just a temporary visitor to the United States. You want to be a U.S. citizen. But first you must become a lawful permanent resident (with one exception — see the “Serving your way to citizenship” sidebar, earlier in this chapter).

### Doing the paperwork

The type of application you file will depend on your path to immigration — in most cases, through family or through employment. (You can find more details on specific forms and paperwork in Chapter 4.)

After the USCIS approves your sponsor's immigrant visa petition, the Department of State must determine if an immigrant visa number is immediately available to you or if you will be on a waiting list. When an immigrant visa becomes available to you, you can process your immigrant visa through a U.S. consulate.



TIP

If you're already in the United States, you may only apply to change your status to that of a lawful permanent resident *after* a visa number becomes available for you.

### Proving your identity

In order to gain your Permanent Resident Card, if you're adjusting your status while in the United States, or to become a naturalized citizen, you're going to have to prove your identity. Be prepared to be fingerprinted and provide the USCIS with at least two photographs, in addition to documents and paperwork that must be included with your application (you can find more information on this in Chapter 4).

## IT'S NOT EASY BEING GREEN

A Permanent Resident Card is evidence of your status as a lawful permanent resident. Although in popular lingo it's called a "green card," the Permanent Resident Card is officially known as USCIS Form I-551. At one time in its history, the Permanent Resident Card was known as the Alien Registration Receipt Card. The cards used to actually be green, too. Even though today's cards are no longer green, the name has worked its way into the *slang*, or popular language, and people still refer to Alien Registration Receipt Cards or Permanent Resident Cards as green cards.

Even if you have a Permanent Resident Card, you'll have to be fingerprinted and photographed when applying to become a naturalized citizen. After you've filed an application with the USCIS, you will receive a fingerprinting appointment letter, usually advising you to go to a local application support center or police station. The USCIS will do a criminal background check, cross-referencing your fingerprints with the Federal Bureau of Investigation (FBI). In some cases, the quality of the fingerprints is not sufficient for the FBI to read. If this happens, the USCIS will notify you of another fingerprinting appointment. Don't worry — you'll only have to pay a fingerprinting fee (\$85 as of this writing) once.



WARNING

If the FBI rejects your fingerprints twice, you'll most likely be asked to provide police clearances for every place you've lived since you were 16 years old. Contact the local police departments in those cities or towns to obtain the clearances. If you're processing through an overseas consulate, as opposed to adjusting your status while in the United States, you'll need to provide police clearances for every place you have lived (for your country of nationality if you lived there six months or more; for all other countries, if you lived there for at least one year).



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In some cases, especially if you live far away from the nearest fingerprinting station, a mobile fingerprinting van will travel to perform the process.

## Being Interviewed by the USCIS

Presuming you plan on following the immigration path all the way to the final step of naturalization, you can plan on interviewing with the USCIS at least twice: once to qualify for your permanent resident status or green card, and again when you become a naturalized U.S. citizen (unless your visa processing took place at an overseas consulate, in which case you'll only interview with USCIS once — for naturalization).

The interviews fill many potential immigrants and citizens with terror. “How will I ever remember everything?” they worry. Relax. Passing the USCIS interview is easier (you are The Expert of your own life) *and* more difficult (uncommon vocabulary related to violent activities and war crimes) than you think. For some people, the biggest challenge is learning how to speak a new, crazy language, English. Don’t worry; study! In fact, you probably already have most, if not all, of the skills and information you need. And if you don’t, this book has you covered.

## Interviewing for a green card

You need to live in the United States as a lawful permanent resident for at least three to five years before you can qualify for naturalization. Look at obtaining your green card as taking the first step toward citizenship.



TECHNICAL  
STUFF

Wives or husbands of U.S. citizens who die while honorably serving in the U.S. military (not necessarily during a time of hostilities) do not need to meet the residence or physical presence requirements; they just need to be a legal permanent resident at the time they file for naturalization.

For example, assume you’re a qualified applicant for permanent residence and you have a qualified sponsor — usually your employer or a spouse or other family member. You can prove these facts and have sent the USCIS all the necessary applications and documents covered in Chapter 4. You’ve prepared your case and have kept careful records of all the paperwork you’ve ever sent to the USCIS. Because immigration laws can be complicated, you’ve probably consulted an attorney or received other professional help in preparing your case up to this point. It’s been a long road, but you’ve done the work and now you’re ready to take the final step toward lawful permanent residence — interviewing with the USCIS (if you’re adjusting your status while in the United States) or interviewing with a consular officer (if you’re applying at an overseas consulate).



TIP

In many employment-based cases, the USCIS does not require an interview. If you receive an interview notice, however, don’t be nervous about your interview. Be prepared! Here’s what to expect: At the beginning of the interview, the USCIS officer will place you under oath. This means that you swear to tell the truth at all times during the interview. The officer will then review your file and ask you questions about the answers you gave on your application. Be prepared to answer questions about whether you have a criminal record or have ever been involved in deportation proceedings or any of the other permanent or temporary bars to immigration outlined in Chapter 8.

The USCIS officer will also review your medical examinations. The officer will ask if there is anything you want to correct about the background and biographical

information you provided the USCIS. If anything has changed or you feel your documents contain inaccurate information, now is the time to speak up.

If your case is based on employment, the officer may also review your Department of Labor paperwork. They may ask questions about your job to determine whether you really worked in the occupation you claim when you lived in your native country. The officer may also want to know whether you have the necessary skills to perform the job in the United States.

Be prepared to answer questions designed to determine whether you've been working illegally while waiting for your green-card application to be approved.



REMEMBER

Some applicants aren't allowed to work in the United States while waiting to get their green cards — and working illegally provides grounds for the USCIS to deny your application. As long as you're truthful and have followed the rules, you should have nothing to worry about.

If your case is based upon your marriage to a U.S. citizen, the interviewing officer will ask questions about your marriage and life together. The USCIS wants to feel confident that yours is a true marriage and not a union of convenience designed to get you into the country. The USCIS will require your spouse to come to the interview, and they can choose to interview you separately or as a couple.

In some cases, the officer will need additional information and paperwork in order to make a decision. If this happens in your case, the USCIS officer will reschedule you to return with the requested items another day.

If all goes well and the officer doesn't need any more documentation, they will issue you an approval and you'll be asked to return to the USCIS to get your passport stamped — as a lawful permanent resident. If you've been married to your U.S.-citizen spouse for less than two years, your passport will be stamped as a *conditional permanent resident* — conditioned on your still being married after two years. At that time, you may have the condition removed to become a full lawful permanent resident, which may require another interview with the USCIS. In either case, you won't actually receive the green card itself for several months, although your new immigration status takes effect with the stamping of your passport.



TIP

All applicants for adjustment of status are entitled to work authorization. If you're in the United States waiting to go to an overseas consulate to process, you have to maintain a status that permits employment (see Chapter 3 for more information) and only work pursuant to your status.

# Obtaining U.S. citizenship

Assume you've been a lawful permanent resident of the United States for at least five years or, if your permanent resident status is based on marriage, you've been married to and living with your U.S.-citizen spouse for at least three years. If you're a man between the ages of 18 and 26, you've registered for the draft with Selective Service. You've properly completed and filed your Application for Naturalization Form (Form N-400) and supplied the USCIS with all the necessary documents and paperwork (you can find more on this in Chapter 4). Now comes the final step in the process of becoming a citizen: the USCIS interview.

Although it only takes about 10 to 15 minutes, the interview fills many prospective citizens with fear and dread. After all, you not only have to be prepared to answer questions about yourself, you also have to prove that you know how to read and write one dictated sentence in English plus answer six out of ten questions correctly from a list of one hundred U.S. history, government, and civics questions.

We know it sounds intimidating, but if you do your homework, you'll have nothing to worry about. USCIS examiners don't expect you to know *everything* about the United States. Nor do you have to be an English professor to pass the language test. If you can read and understand this book, you can pass the English text. If you're having trouble, don't worry. We give you some fun and easy ways to improve your skills.



REMEMBER

USCIS officers are required to give “due consideration” to your education, background, age, length of residence in the United States, opportunities available, and efforts made to acquire the requisite knowledge, along with any other elements or factors relevant to appraising your knowledge and understanding. As far as U.S. history and civics are concerned, the USCIS wants to know you understand the principles that the United States stands for. Finding out about history helps you understand how the United States became the great nation it is today. Parts 3, 4, and 5 of this book help you prepare for the history and civics test, but we predict that you already know more than you think you do.

After your interview, you'll get a USCIS Form N-652, which simply tells you whether your application was granted, denied, or continued. Here's an explanation of what each of these three possibilities means:

- » **Granted:** Congratulations! If your application was granted, you'll soon receive a notice of when and where to go for your swearing-in ceremony, where you'll take the Oath of Allegiance. You don't become a U.S. citizen until you attend this ceremony and take the Oath of Allegiance.



WARNING

» **Denied:** If the USCIS denies your application for naturalization, you'll receive a written notice telling you why. If you feel you were wrongly denied, you can ask for a hearing with another USCIS officer to appeal your case. On the back of your denial letter, you'll find USCIS Form N-336 "Request for Hearing on a Decision in Naturalization Proceedings." You'll also conveniently find full instructions on how to file and what fees you'll need to pay. If your application is again denied at your second hearing, don't give up — you still have one more chance: You can file to have your application reviewed in U.S. district court.

Keep in mind that you only have 30 days after receiving your denial letter to file for an appeal hearing. After 30 days, the case is considered closed, and you'll have to start the entire process over again if you want to reapply.

» **Continued:** Cases are most often *continued*, or put on hold, because the applicant didn't provide all the documents the USCIS needed or because the applicant failed the English or civics test. If the USCIS requires more information, they will give you a Form N-14, which explains exactly what information or documents they're looking for. The form will also tell when and how you should provide these papers.



WARNING

You're close to gaining citizenship, and details count. Follow the instructions on Form N-14 carefully. Not paying attention to details can result in your application being denied. If you don't understand the instructions, ask for help and make sure that you deliver what's asked for on time. (See Chapter 7 for information about finding competent and ethical help.)

If you failed the English test and/or the civics test, the USCIS will give you a time to come back and try again in another interview. Study hard, because if you fail the tests a second time, your application will be denied. Don't worry — you'll have plenty of time to prepare for your second test (usually between 60 and 90 days).

## Recognizing Permanent and Temporary Bars to Naturalization

Are there any situations in which you can be automatically disqualified from ever becoming a U.S. citizen? You bet. Having committed certain crimes may cause you to lose your chance at citizenship — these are known as *permanent bars to naturalization*. A murder conviction on your record is a permanent bar to naturalization. If you were convicted of an aggravated felony that was committed on or after November 29, 1990, you've also lost your chance of becoming a U.S. citizen.

Other crimes are *temporary bars to naturalization*, meaning you must wait a designated time after committing the crime before you can become eligible to apply for citizenship. In Chapter 8, you can find out more about other ways you can be disqualified for citizenship.



TECHNICAL  
STUFF

## DISABILITY AND AGE EXCEPTIONS TO THE ENGLISH AND CIVICS REQUIREMENTS

In order to accommodate those with disabilities, certain applicants — those with a physical or developmental disability or mental impairment — may not be required to take the English and/or civics test. If you think you, or an immigrant you are assisting, may qualify for these exceptions, be prepared to file USCIS Form N-648 “Medical Certification for Disability Exceptions” along with the naturalization application. Don’t send in the application until a licensed medical or osteopathic doctor or licensed clinical psychologist with knowledge of the case has completed and signed Form N-648. If you qualify for the English language proficiency portion of the test, be prepared to bring a qualified interpreter with you to your interview.

When it comes to gaining U.S. citizenship, age has its privileges in the form of easier English and/or civics test requirements:

- **If you are over 50 years old** and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, you won’t have to take the English test. You will, however, be required to take the civics test in the language of your choice.
- **If you are over 55 years old** and have lived in the United States as a lawful permanent resident for periods totaling at least 15 years, you won’t have to take the English test. You will be required to take the civics test in the language of your choice.
- **If you are over 65 years old** and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, you won’t have to take the English test. You’ll also be given a simpler version of the civics test in the language of your choice.

You must meet the age and permanent residency requirements at the time you file your Application for Naturalization in order to qualify for an age exception. Your time as a permanent resident need not be continuous, but it must total a period of at least 15 or 20 years. (We cover this topic in more detail in Chapter 4.)



WARNING

Failure to pay child support or support other legal dependents can present a bar to naturalization. Make sure that your legal financial obligations to any dependents are current and up-to-date before applying for citizenship.

## Attending Your Swearing-In Ceremony

Assuming you pass your interview, you'll receive a notice of when to attend your swearing-in ceremony, where you'll take the Oath of Allegiance. (In some cases, the interviewing officer will give you the oath on the spot, and you'll become a naturalized citizen then and there, but most often you'll return another day for a ceremony.)

The Oath of Allegiance plays an important part in becoming a U.S. citizen, and it carries serious implications. The oath serves as your solemn promise to the government of the United States that you

### » Give up loyalty to other countries

You may still have feelings of respect and admiration for your former homeland. You may even have family and friends still living there. However, in order to take the oath, your government loyalty must be to the United States and only to the United States.

### » Defend the Constitution and laws of the United States

You promise to protect the Constitution and all laws from all enemies, from other countries, or from inside the United States.

### » Obey the laws of the United States

You promise to obey the Constitution, follow the rule of law, and support human rights.

#### **Be loyal to the United States**

You promise that your allegiance is to the United States only.

### » Serve in the U.S. military (if needed)

You promise to use a weapon as a member of the U.S. military to protect the country's safety and security (if the U.S. government asks you to do so).

### » Serve (do important work for) the nation (if needed)

You promise to do other non-military work that is important to the country's safety and security (if the U.S. government asks you to do so).

### » Promise to keep the Oath of Allegiance

You solemnly and freely promise to exercise rights and responsibilities of U.S. citizenship.

Taking the Oath of Allegiance is also known as *Attachment to the Constitution*. In this case, the word *attachment* means loyalty or allegiance.

## Receiving your Certificate of Naturalization

After you've taken the Oath of Allegiance, you'll be presented with your Certificate of Naturalization. Congratulations! You are now officially a citizen of the United States of America, and you can use your certificate to prove it. This legal document is quite ornate in appearance, resembling a diploma — one personalized with your photograph.



TIP

Applying for a passport as soon as you receive your Certificate of Naturalization is a good idea. A passport can also serve as proof of your citizenship, and it's much easier to carry than the certificate itself. If you ever lose your certificate, getting a replacement can sometimes take up to a year. If the certificate serves as your only proof of citizenship, a year can feel like a mighty long time — especially if you want to travel. You can usually pick up a passport application at your swearing-in ceremony. If not, your local post office has passport applications, or you can download a DS-11 Passport Application from <https://eforms.state.gov/Forms/ds11.PDF>.

If it is not already in your seat at the ceremony, people from your county Registrar of Voters will hand you a voter's registration card on your way out. Don't wait another minute — register to vote and exercise your right to participate in democracy!

You should also update your record with the Social Security Administration by applying for a new Social Security Card: [www.ssa.gov/forms/ss-5.pdf](http://www.ssa.gov/forms/ss-5.pdf). Proudly check the "U.S. Citizen" box on Line 5 Citizenship.

If you have a U.S. driver's license or state-issued identification card (ID), take this opportunity to update your record with the agency that issues driver's licenses in your state. You may update your ID information and photo or apply for a REAL ID.

Now that you are a citizen, share this gift with others. Volunteer at your local adult school or community center and help people prepare for their citizenship interview. Find volunteer opportunities at [www.volunteer.gov/s/](http://www.volunteer.gov/s/).



TECHNICAL  
STUFF

## MODIFYING THE OATH

We take freedom of religion seriously in the United States, which is why the USCIS allows the oath to be *modified*, or changed, in some cases, by leaving out these phrases:

- **“ . . . that I will bear arms on behalf of the United States when required by law”**: In order for these words to be left out of the oath, you must provide evidence that your objection to fighting for the United States is based on your religious beliefs and training.
- **“ . . . that I will perform noncombatant service in the armed forces of the United States when required by law”**: If you can provide enough evidence that your religious training and beliefs completely prohibit you from serving in the armed forces in any capacity, the USCIS will also leave out this portion of the oath.
- **“ . . . so help me God”**: If your religious beliefs keep you from using the phrase *so help me God*, the USCIS will omit the words.
- **“ . . . on oath”**: If you are unable to truthfully swear using the words *on oath*, the USCIS will substitute the phrase with *solemnly affirm*.

If you think you qualify to take a modified oath, you'll need to write the USCIS a letter explaining why and send it along with your Application for Naturalization. Be aware that the USCIS will probably ask you to provide a letter from your religious institution explaining its beliefs and declaring that you are a member in good standing.

If you have a physical or mental disability that prevents you from communicating your understanding of the oath's meaning, the USCIS will probably excuse you from this requirement.

