

# OVERVIEW OF THE NATURALIZATION PROCESS



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

## OVERVIEW OF THE NATURALIZATION PROCESS

Naturalization is the process whereby a legal permanent resident becomes a U.S. citizen.

### General Eligibility

#### IF YOU BECAME A LEGAL PERMANENT RESIDENT (LPR) THROUGH MARRIAGE TO A U.S. CITIZEN, YOU MUST DEMONSTRATE THE FOLLOWING:

- ⇒ You are currently married to and living with a U.S. citizen spouse.
- ⇒ You have been married to and living with that same U.S. citizen for the past 3 years.
- ⇒ Your spouse has been a U.S. citizen for the past 3 years.
- ⇒ You may apply for U.S. citizenship up to 90 days before your 3rd year anniversary of approval of your permanent resident status.

#### IF YOU BECAME AN LPR THROUGH ANY OTHER PROCESS, YOU MUST DEMONSTRATE THE FOLLOWING:

- ⇒ You must have been a permanent resident for 5 years.
- ⇒ You may apply for U.S. citizenship up to 90 days before your 5th year anniversary of approval of permanent resident status.

#### ALL APPLICANTS MUST DEMONSTRATE THE FOLLOWING:

- ⇒ **Are at Least 18 Years Old**
- ⇒ **Continuous Residence**
  - You must have resided continuously in the U.S. for five years before applying **OR**
  - You must have resided continuously in the U.S. for three years if you are married to U.S. citizen (U.S.C.) and applied for permanent residency through your U.S.C. spouse.
  - Continuous residence means that you have maintained primary residence in the U.S. for a required period of time. Continuous residence refers to the time you resided in the U.S. without any single absence long enough to break the continuous residence requirement.
    - A break is an absence from the U.S. of more than 6 months but less than 1 year.
    - If you are outside the U.S. for more than 6 months but less than 1 year, you must be able to rebut the presumption of a break in the continuity of residence.
    - If you are unable to rebut the presumption, you must establish a new period of continuous residence in order to become eligible for naturalization.
    - If you are outside the U.S. for one year or longer you automatically break the required continuity of residence.
      - You will be eligible to apply for naturalization in 2 years and 6 months if you became an LPR through marriage **OR**
      - 4 years and 6 months if you become an LPR any other way.

## General Eligibility (continued):

### ALL APPLICANTS MUST DEMONSTRATE THE FOLLOWING:

#### ⇒ Physical Presence

- You must have been physically present in the U.S. for thirty months within the five-year period before applying **OR**
- You must have been physically present in the U.S. for eighteen months within the three-year period preceding the application if you applied for permanent residence through your U.S.C. spouse.
- Physical presence also requires that you have not been outside the U.S. for more than 6 months per calendar year.

#### ⇒ Must Show Good Moral Character

USCIS makes a determination of what good moral character means. USCIS defines character as character that measure up to the standards of average citizens of the community in which the applicant resides.

An applicant who commits a crime involving moral turpitude is ineligible for naturalization. A crime of moral turpitude is not explicitly defined by the governing statute, but courts have found that it is a crime that “shocks the conscience.”

If the applicant commits certain crimes, it may cause the applicant to be ineligible for naturalization. Certain crimes that will automatically make an applicant ineligible for naturalization are:

- Convictions for murder.
- Aggravated felony if convicted on or after November 29, 1990.

There are also certain crimes that may jeopardize individuals for deportation from the U.S. However, even committing these crimes is not an automatic bar to acquiring citizenship. Conviction or arrest of these crimes should be discussed in depth with an attorney.

#### 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.

## General Eligibility (continued):

### ALL APPLICANTS MUST DEMONSTRATE THE FOLLOWING:

#### ⇒ English and Civics Test

You must demonstrate the ability to read, write, and speak basic English and have basic knowledge of the U.S. history and government. Information about the English and civics test can be found here: [uscis.gov/citizenship/find-study-materials-and-resources/study-for-the-test](https://uscis.gov/citizenship/find-study-materials-and-resources/study-for-the-test)

If you have children under 18 years of age (who are not yet U.S. citizens) when you become a U.S. citizen, your children qualify for automatic U.S. citizenship. We advise that you file for a U.S. passport for your children, or you may file an N-600 with USCIS.

## BENEFITS OF U.S. CITIZENSHIP



### ONCE YOU ARE A U.S. CITIZEN YOU MAY:

- Vote
- Serve on a jury
- Travel with a U.S. passport
- Bring family members to the U.S.
- Obtain citizenship for children under 18 years of age
- Apply for federal jobs
- Become an elected official
- Keep your residency — A U.S. citizen's right to remain in the U.S. cannot be taken away
- Become eligible for federal grants and scholarships
- Obtain government benefits

## N-400 APPLICATION PROCESS

### 1 Opening a Case

Once you are eligible for naturalization, Meltzer Hellrung will open a case on our online platform to process the case and invite you to complete a questionnaire.



You will need to complete the N-400 questionnaire on our online platform. You will also need to mail in pages requiring signature sent by Meltzer Hellrung. You will also have to mail in 2 passport-style photographs if you are currently outside the U.S.

### 2 Preparation of Relevant Forms

Meltzer Hellrung will prepare the relevant forms (Form G-28, N-400) for the naturalization filing.



### 3 Applicant Review of Relevant Forms

You will review all the forms which were prepared by Meltzer Hellrung. The naturalization form contains extensive biographical information regarding employment history, address history, and membership in various groups, which require your review.



### 4 N-400 filing with USCIS

Once you approve the forms, Meltzer Hellrung will file the application with USCIS. Approximately 2–3 weeks after USCIS has received the filing, USCIS will issue a receipt notice in relation to the filing.



### 5 USCIS Review and Biometrics

A biometrics appointment will be scheduled in about 6 weeks after the applications have been filed. You will have their photo and fingerprints taken at a local USCIS office.



### 6 N-400 Interview Scheduled

After the biometrics have been taken, an interview notice will be issued. USCIS requests interviews with all applicants before approving the application. The interview will go over the N-400 application and test the applicant's English language and knowledge of U.S. civics. Meltzer Hellrung will schedule a phone call with the applicant to prepare for the interview.



## 7 Receive Notice to Take Oath of Allegiance

On the date of the ceremony, you will check in with a USCIS officer. The officer will review Form N-445, Notice of Naturalization Oath Ceremony questionnaire which needs to be completed prior to your arrival to the ceremony. You must return your permanent resident card to USCIS when checking in for the naturalization ceremony. Then, you will take the Oath of Allegiance at the naturalization ceremony. You will receive the Certificate of Naturalization after taking the Oath of Allegation.

The Certificate of Naturalization is the official proof that you are a U.S. citizen.



## 8 Applying for a U.S. passport

Upon receiving the Certificate of Naturalization, you may apply for your U.S. passport. Information on how to apply for a U.S. passport can be found here: [travel.state.gov/content/travel/en/passports/how-apply.html](https://travel.state.gov/content/travel/en/passports/how-apply.html)



## DOCUMENT REQUIREMENTS



### N-400 CHECKLIST FOR APPLICATION:

- Copy of the front and back of permanent resident card
- Copy of marriage certificate, if filing through marriage to a U.S. citizen
- Certified copy of arrest report, court disposition, and sentencing, if applicable
- Two passport-style photographs (if the applicant resides outside the U.S.)

### DOCUMENTS TO BRING WITH YOU TO YOUR INTERVIEW:

- Your interview appointment notice
- Permanent resident card
- All valid and expired passports and travel documents issued to you that document your absences from the U.S. since becoming a permanent resident
- If you are a male, any evidence of selective service registration
- Passport
- If you applied for permanent residency through your spouse, you need to bring the following:
  - ⇒ Marriage certificate
  - ⇒ Divorce decree for each prior marriage of yourself or spouse, if any
  - ⇒ Proof of death for each prior marriage of yourself or spouse, if any
  - ⇒ Proof of spouse's citizenship such as birth certificate or naturalization certificate