

PART B – NATURALIZATION EXAMINATION

Chapter 1: Purpose and Background

A. Purpose

USCIS conducts an investigation and examination of all naturalization applicants to determine whether an applicant meets all pertinent eligibility requirements to become a U.S. citizen. The investigation and examination process encompasses all factors relating to the applicant's eligibility:¹

- Completion of security and criminal background checks
- Review of the applicant's complete immigration record
- In-person interview(s) with oral and written testimony
- Testing for English and civics requirements
- Qualification for a disability exception

USCIS officers have authority to conduct the investigation and examination.² The authority includes the legal authority for certain officers to administer the Oath of Allegiance, obtain oral and written testimony during an in-person interview, subpoena witnesses, and request evidence.³

The applicant has the burden of establishing eligibility by a preponderance of the evidence throughout the examination.⁴ The officer must resolve any pending issues and obtain all of the necessary information and evidence to make a decision on the application. Uniformity in decision-making and application processing is vital to the integrity of the naturalization process. Consistency in the decision-making process enhances USCIS's goal to ensure that the relevant laws and regulations are applied accurately to each case.

B. Background

Beginning in 1906, a complete examination and questioning under oath was required of the "petitioner" (now "applicant") for naturalization and his or her witnesses at the final hearing for naturalization in court.⁵ Congress amended the statute in 1940 to include English language requirements and a provision for questioning applicants on their understanding of the principles of the Constitution.⁶

Today, USCIS conducts an investigation and examination of all applicants for naturalization to determine their eligibility for naturalization, including the applicant's lawful admission for permanent residence, ability to

¹ See [INA 335](#). See [8 CFR 335.1](#) and [8 CFR 335.2](#).

² See [INA 335\(b\)](#). See [8 CFR 332.1](#) and [8 CFR 335.2](#). The authority is delegated by the Secretary of the Department of Homeland Security.

³ See [INA 332](#), [INA 335](#), and [INA 337](#). See [8 CFR 332](#), [8 CFR 335](#), and [8 CFR 337](#).

⁴ See [8 CFR 316.2\(b\)](#).

⁵ In 1981 Congress enacted legislation which eliminated the character witness requirements of naturalization, though USCIS has the authority to subpoena witnesses if necessary.

⁶ See the Nationality Act of 1940, Pub. L. 76-853, 54 Stat. 1137.

establish good moral character, attachment to the Constitution, residence and physical presence in the United States, and the English and civics requirements for naturalization.

C. Legal Authorities

- [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](#) – Procedural and administrative provisions; executive functions
- [INA 335](#); [8 CFR 335](#) – Investigation and examination of applicant
- [INA 336](#); [8 CFR 336](#) – Hearings on denials of naturalization application

Chapter 2: Background and Security Checks

A. Background Investigation

USCIS conducts an investigation of the applicant upon his or her filing for naturalization. The investigation consists of certain criminal background and security checks.⁷ The background and security checks include collecting fingerprints and requesting a “name check” from the Federal Bureau of Investigations (FBI). In addition, USCIS conducts other inter-agency criminal background and security checks on all applicants for naturalization. The background and security checks apply to most applicants and must be conducted and completed before the applicant is scheduled for his or her naturalization interview.⁸

B. Fingerprints

1. Fingerprint Requirement

USCIS must collect fingerprint records as part of the background check process on most applicants for naturalization.⁹ Applicants 75 years of age and older are generally not required to submit fingerprints. USCIS notifies applicants in writing to appear for fingerprinting after submitting the naturalization application. Fingerprints are valid for 15 months from the date of processing by the FBI. An applicant abandons his or her naturalization application if the applicant fails to appear for the fingerprinting appointment without good cause and without notifying USCIS.¹⁰

Once an Application Support Center (ASC) collects an applicant’s biometrics, USCIS submits the records to the FBI for a full criminal background check.¹¹ The response from the FBI that a full criminal background check has been completed includes confirmation that:

⁷ See [INA 335](#). See [8 CFR 335.1](#). See forthcoming Volume 1, General Policies and Procedures for specific guidance on fingerprint requirements and waivers and other security check.

⁸ See [8 CFR 335.2\(b\)](#).

⁹ See [8 CFR 103.2\(b\)\(9\)](#), [8 CFR 335.1](#), and [8 CFR 335.2](#). See [Part I, Military Members and their Families, Chapter 6, Required Background Checks](#), for guidance on the background and security check procedures for members or veterans of the U.S. armed forces.

¹⁰ See [8 CFR 103.2\(b\)\(13\)\(ii\)](#). See [Chapter 4, Results of the Naturalization Examination](#).

¹¹ See [8 CFR 335.2\(b\)](#).

- The applicant does not have an administrative or a criminal record;
- The applicant has an administrative or a criminal record; or
- The applicant's submitted fingerprint records have been determined "unclassifiable" for the purpose of conducting a criminal background check and have been rejected.

2. Fingerprint Waivers

Applicants Age 75 or Older

An applicant who is 75 years old or older at the time of filing his or her naturalization application is not required to provide fingerprints.

Applicants with Certain Medical Conditions

An applicant may qualify for a waiver of the fingerprint requirement if the applicant is unable to provide fingerprints because of a medical condition, to include birth defects, physical deformities, skin conditions, and psychiatric conditions. Only certain USCIS officers are authorized to grant a fingerprint waiver.¹²

An officer responsible for overseeing applicant fingerprinting may grant the waiver in the following situations:

- The officer has met with the applicant in person;
- The officer or authorized technician has attempted to fingerprint the applicant; and
- The officer determines that the applicant is unable to be fingerprinted at all or is unable to provide a single legible fingerprint.

An applicant who is granted a fingerprint waiver must bring local police clearance letters covering the relevant period of good moral character to his or her naturalization interview. All clearance letters become part of the record. In cases where the applicant is granted a fingerprint waiver or has two unclassifiable fingerprint results, the officer must take a sworn statement from the applicant covering the period of good moral character.

An officer should not grant a waiver if the waiver is solely based on:

- The applicant has fewer than 10 fingers;
- The officer considers that the applicant's fingerprints are unclassifiable; or
- The applicant's condition preventing the fingerprint capturing is temporary.

An officer's decision to deny a fingerprint waiver is final and may not be appealed.

C. FBI Name Checks

¹² See forthcoming Volume 1, General Policies and Procedures, for specific guidance on fingerprint requirements and waivers and other security checks.

The FBI conducts “name checks” on all naturalization applicants, and disseminates the information contained in the FBI’s files to USCIS in response to the name check requests. The FBI’s National Name Check Program (NNCP) includes a search against the FBI’s Universal Index (UNI), which contains personnel, administrative, applicant, and criminal files compiled for law enforcement purposes. The FBI disseminates the information contained in the FBI’s files to USCIS in response to the name check requests.

The FBI name check must be completed and cleared before an applicant for naturalization is scheduled for his or her naturalization interview. A definitive FBI name check response of “NR” (No Record) or “PR” (Positive Response) is valid for the duration of the application for which they were conducted. Definitive responses used to support other applications are valid for 15 months from the FBI process date. A new name check is required in cases where the final adjudication and naturalization have not occurred within that timeframe or the name check was processed incorrectly.

Chapter 3: Naturalization Interview

A. Roles and Responsibilities

1. USCIS Officers

Authority to Conduct Examination

USCIS officers have authority to conduct the investigation and examination, to include the naturalization interview.¹³ The officer should introduce him or herself and explain the purpose of the naturalization examination and place the applicant under oath at the start of the interview.

USCIS’s authority includes the legal authority for officers to:

- Place an applicant under oath;
- Obtain oral and written testimony during an in-person interview;
- Subpoena witnesses;
- Request evidence; and
- Administer the Oath of Allegiance (when delegated by the Field Office Director).

Questions on Eligibility

An officer’s questioning of an applicant during the applicant’s naturalization interview must cover all of the requirements for naturalization.¹⁴ In general, the officer’s questions focus on the information in the naturalization application. The officer may ask any questions that are pertinent to the eligibility determination. The officer should provide the applicant with suitable opportunities to respond to questions in all instances.

In general, the officer’s questions may include, but are not limited to, the following questions:

¹³ See [INA 335\(b\)](#). See [8 CFR 335.2](#).

¹⁴ See [Part D, General Naturalization Requirements](#).

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- Biographical information, to include marital history and military service
- Admission and length of time as a lawful permanent resident (LPR)
- Absences from the United States after becoming an LPR
- Places of residence and employment history
- Knowledge of English and of U.S. history and government (civics)
- Moral character and any criminal history
- Attachment to the principles of the U.S. Constitution
- Affiliations or memberships in certain organizations
- Willingness to take an Oath of Allegiance to the United States
- Any other topic pertinent to the eligibility determination

In most cases, the officer conducting the naturalization interview administers the required tests relating to the applicant's ability to read and write English, and his or her knowledge of U.S. history and government (civics), unless the applicant is exempt.¹⁵ The officer who conducts the naturalization interview and who determines the applicant's ability to speak and understand English is not required to also administer the English reading and writing, and civics tests. Accordingly, a different officer may administer the tests.

Grounding Decisions on Applicable Laws

An officer must analyze the facts of each case to make a legally sound decision on the naturalization application. The officer must base his or her decision to approve or deny the application on the relevant laws, regulations, precedent decisions, and agency guidance:

- The Immigration and Nationality Act (INA) is the primary source of pertinent statutory law.¹⁶
- The corresponding regulations explain the statutes further and provide guidance on how the statutes are applied.¹⁷
- Precedent decisions have the force of law and are binding on cases within the jurisdiction of the court or appellate body making the decision.¹⁸
- USCIS guidance provides the agency's policies and procedures supporting the laws and regulations. The USCIS Policy Manual is the primary source for agency guidance.¹⁹

¹⁵ See [Part E, English and Civics Testing and Exceptions](#).

¹⁶ See the [Immigration and Nationality Act \(INA\)](#).

¹⁷ See [Title 8 of the Code of Federal Regulations \(8 CFR\)](#). Most of the corresponding regulations have been promulgated by legacy INS or USCIS.

¹⁸ Precedent decisions are judicial decisions that serve as an authority for deciding an immigration matter. Precedent decisions are decisions designated as such by the Board of Immigration Appeals (BIA), Administrative Appeals Office (AAO), and appellate court decisions. Decisions from district courts are not precedent decisions in other cases.

¹⁹ The [Adjudicator's Field Manual \(AFM\)](#) and policy memoranda also serve as key sources for guidance on topics that are not covered in the Policy Manual.

2. Authorized Representatives

An applicant may request the presence and counsel of a representative, to include attorneys or other representatives, at the applicant's in-person interview. The representative must submit to USCIS a properly completed notice of entry of appearance.²⁰

In cases where an applicant requests to proceed without the assistance of a representative, the applicant must sign a waiver of representation. If the applicant does not want to proceed with the interview without his or her representative, the officer must reschedule the interview. Officers should consult with a supervisor if the representative fails to appear for multiple scheduled interviews.

The representative's role is to ensure that the applicant's legal rights are protected. A representative may advise his or her client on points of law but should not respond to questions the officer has directed to the applicant.

An applicant may be represented by any of the following:

- Attorneys in the United States;²¹
- Certain law students and law graduates not yet admitted to the bar;²²
- Certain reputable individuals who are of good moral character, have a pre-existing relationship with the applicant and are not receiving any payment for the representation;²³
- Accredited representatives from organizations accredited by the Board of Immigration Appeals (BIA);²⁴
- Accredited officials of the government to which a person owes allegiance;²⁵ or
- Attorneys outside the United States.²⁶

No other person may represent an applicant.²⁷

3. Interpreters

An interpreter may be selected either by the applicant or by USCIS in cases where the applicant is permitted to use an interpreter. The interpreter must:

- Translate what the officer and the applicant say word for word to the best of his or her ability without providing the interpreter's own opinion, commentary, or answer; and

²⁰ See [8 CFR 335.2\(a\)](#). The representative must use the Notice of Entry of Appearance as Attorney or Representative ([Form G-28](#)).

²¹ See [8 CFR 292.1\(a\)\(1\)](#).

²² See [8 CFR 292.1\(a\)\(2\)](#).

²³ See [8 CFR 292.1\(a\)\(3\)](#).

²⁴ See [8 CFR 292.1\(a\)\(4\)](#) and [8 CFR 292.2](#).

²⁵ See [8 CFR 292.1\(a\)\(5\)](#).

²⁶ See [8 CFR 292.1\(a\)\(6\)](#). In naturalization cases, attorneys licensed only outside the United States may represent an applicant only when the naturalization proceeding can occur overseas and where DHS allows the representation as a matter of discretion. Attorneys licensed only outside the United States cannot represent an applicant whose naturalization application is processed solely within the United States unless the attorney also qualifies under another representation category.

²⁷ See [8 CFR 292.1\(e\)](#).

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- Complete an interpreter’s oath and privacy release statement and submit a copy of his or her government-issued identification at the naturalization interview.

A disinterested party should be used as an interpreter. If the USCIS officer is fluent in the applicant’s native language, the officer may conduct the examination in the applicant’s language of choice.

USCIS reserves the right to disqualify an interpreter provided by the applicant if an officer considers that the integrity of the examination is compromised by the interpreter’s participation.

B. Preliminary Review of Application

A USCIS officer who is designated to conduct the naturalization interview should review the applicant’s “A-file” and naturalization application before the interview. The A-file is the applicant’s record of his or her interaction with USCIS, legacy INS, and other governmental organizations with which the applicant has had proceedings pertinent to his or her immigration record. The officer addresses all pertinent issues during the naturalization interview.

1. General Contents of A-File

The applicant’s A-file may include the following information along with his or her naturalization application:

- Documents that show how the applicant became an LPR;
- Other applications or forms for immigration benefits submitted by the applicant;
- Correspondence between USCIS and the applicant;
- Memoranda and forms from officers that may be pertinent to the applicant’s eligibility;
- Materials such as any criminal records,²⁸ correspondence from other agencies, and investigative reports and enforcement actions from DHS or other agencies.

2. Jurisdiction for Application²⁹

In most cases, the USCIS office having jurisdiction over the applicant’s residence at the time of filing has the responsibility for processing and adjudicating the naturalization application.³⁰ An officer should review whether the jurisdiction of a case has changed because the applicant has moved after filing his or her naturalization application. The USCIS office may transfer the application to the appropriate office with jurisdiction when appropriate.³¹ In addition, an applicant for naturalization as a battered spouse of a U.S. citizen³² or child may use a different address for safety which does not affect the jurisdiction requirements.

²⁸ For example, a Record of Arrest and Prosecution (“RAP” sheet).

²⁹ See [Part D, General Naturalization Requirements, Chapter 6, Jurisdiction, Place of Residence, and Early Filing](#).

³⁰ An applicant who is a student or a member of the U.S. armed forces may have different places of residence that may affect the jurisdiction requirement. See [8 CFR 316.5\(b\)](#).

³¹ See [8 CFR 335.9](#).

³² See [INA 319\(a\)](#).

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In cases where an officer becomes aware of a change in jurisdiction during the naturalization interview, the officer may complete the interview and then forward the applicant's A-file with the pending application to the office having jurisdiction. The officer informs the applicant that the application's jurisdiction has changed. The applicant will receive a new appointment notice from the current office with jurisdiction.

3. Results of Background and Security Checks³³

An officer should ensure that all of the appropriate background and security checks have been conducted on the naturalization applicant. The results of the background and security checks should be included as part of the record.

4. Other Documents or Requests in the Record

Requests for Accommodations or Disability Exceptions

USCIS accommodates applicants with disabilities by making modifications to the naturalization examination process.³⁴ An officer reviews the application for any accommodations request, any oath waiver request or for a medical disability exception from the educational requirements for naturalization.³⁵

Previous Notice to Appear, Order to Show Cause, or Removal Order

An officer reviews an applicant's record and relevant databases to identify any current removal proceedings or previous proceedings resulting in a final order of removal from the United States. If an applicant is in removal proceedings, a Notice to Appear or the previously issued "Order to Show Cause" may appear in the applicant's record.³⁶ USCIS cannot make a decision on any naturalization application from an applicant who is in removal proceedings.³⁷

The officer should deny the naturalization application if the applicant has already received a final order of removal from an immigration judge, unless:

- The applicant was removed from the United States and later reentered with the proper documentation and authorization; or
- The applicant is filing for naturalization under the military naturalization provisions.³⁸

C. Initial Naturalization Examination

³³ See [Chapter 2, Background and Security Checks](#).

³⁴ See [Part C, Accommodations](#).

³⁵ See [Part E, English and Civics Testing and Exceptions, Chapter 3, Medical Disability Exception \(N-648\)](#). See [Part J, Oath of Allegiance, Chapter 3, Oath of Allegiance Modifications and Waivers](#).

³⁶ An "Order to Show Cause" was the notice used prior to enactment of IIRIRA on April 1, 1997.

³⁷ This does not apply in cases involving naturalizations based on military service where the applicant may not be required to be lawfully admitted for permanent residence. See [INA 318](#) and [INA 329](#).

³⁸ See [INA 328\(b\)\(2\)](#) and [INA 329\(b\)\(1\)](#).

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All naturalization applicants must appear for an in-person examination before a USCIS officer after filing an Application for Naturalization (Form N-400).³⁹ The applicant's examination includes both the interview and the administration of the English and civics tests. The applicant's interview is a central part of the naturalization examination. The officer conducts the interview with the applicant to review and examine all factors relating to the applicant's eligibility.

The officer places the applicant under oath and interviews the applicant on the questions and responses in the applicant's naturalization application.⁴⁰ The initial naturalization examination includes:

- An officer's review of information provided in the applicant's naturalization application,
- The administration of tests on the educational requirements for naturalization,⁴¹ and
- An officer's questions relating to the applicant's eligibility for naturalization.⁴²

The applicant's written responses to questions on his or her naturalization application are part of the documentary record signed under penalty of perjury. The written record includes any amendments to the responses in the application that the officer makes in the course of the naturalization interview as a result of the applicant's testimony. The amendments, sworn affidavits, and oral statements and answers document the applicant's testimony and representations during the naturalization interview(s).

At the officer's discretion, he or she may record the interview by a mechanical, electronic, or videotaped device, may have a transcript made, or may prepare an affidavit covering the testimony of the applicant.⁴³ The applicant or his or her authorized attorney or representative may request a copy of the record of proceedings through the Freedom of Information Act (FOIA).⁴⁴

The officer provides the applicant with a notice of results at the end of the examination regardless of the outcome.⁴⁵ The notice provides the outcome of the examination and should explain what the next steps are in cases that are continued.⁴⁶

D. Subsequent Re-examination

USCIS may schedule an applicant for a subsequent examination (re-examination) to determine the applicant's eligibility.⁴⁷ During the re-examination:

³⁹ See [8 CFR 335.2\(a\)](#).

⁴⁰ If an applicant is unable to undergo any part of the naturalization examination because of a physical or developmental disability or mental impairment, a legal guardian, surrogate or an eligible designated representative completes the naturalization process for the applicant. See [Part J, Oath of Allegiance, Chapter 3, Oath of Allegiance Modifications and Waivers](#).

⁴¹ See [Part E, English and Civics Testing and Exceptions](#). USCIS may administer the test separately from the interview.

⁴² See the relevant [Volume 12](#) part for the specific eligibility requirements for each naturalization provision.

⁴³ See [8 CFR 335.2\(c\)](#).

⁴⁴ The applicant or authorized attorney or representative may request a copy of the record of proceedings by filing a Freedom of Information/Privacy Act Request ([Form G-639](#)).

⁴⁵ The officer must use the Naturalization Interview Results (Form N-652).

⁴⁶ See [Chapter 4, Results of the Naturalization Examination](#).

⁴⁷ A USCIS field office may allow the applicant to provide documentation by mail in order to overcome any deficiencies without scheduling the applicant to come in person for another interview.

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- The officer reviews any evidence provided by the applicant in a response to a request for evidence issued during or after the initial interview.
- The officer considers new oral and written testimony and determines whether the applicant meets all of the naturalization eligibility requirements, to include re-testing the applicant on the educational requirements (if necessary).

In general, the re-examination provides the applicant with an opportunity to overcome deficiencies in his or her naturalization application. Where the re-examination is scheduled for failure to meet the educational requirements for naturalization during the initial examination, the subsequent re-examination is scheduled between 60 and 90 days from the initial examination.⁴⁸

If the applicant is unable to overcome the deficiencies in his or her naturalization application, the officer denies the naturalization application. An applicant or his or her authorized representative may request a USCIS hearing before an officer on the denial of the applicant's naturalization application.⁴⁹

E. Expediting Applications from Certain SSI Beneficiaries

USCIS will expedite naturalization applications filed by applicants:

- Who are within one year or less of having their Supplemental Security Income (SSI) benefits terminated by the Social Security Administration (SSA); and
- Whose naturalization application has been pending for four months or more from the date of receipt by USCIS.

Although USCIS will prioritize processing of these applications, each applicant is still required to meet all eligibility requirements for naturalization at the time of filing. Applicants, who have pending applications, must inform USCIS of the approaching termination of benefits by INFOPASS appointment or by United States postal mail or other courier service by providing:

- A cover letter or cover sheet to explain that SSI benefits will be terminated within one year or less and that their naturalization application has been pending for four months or more from the date of receipt by USCIS; and
- A copy of the applicant's most recent SSA letter indicating the termination of their SSI benefits. (The USCIS alien number must be written at the top right of the SSA letter).

⁴⁸ See [8 CFR 335.3\(b\)](#) (Re-examination no earlier than 60 days from initial examination). See [8 CFR 312.5\(a\)](#) (Re-examination for educational requirements scheduled no later than 90 days from initial examination). In cases where an applicant does not meet the educational requirements for naturalization during the re-examination, USCIS denies the application. See [Part E, English and Civics Testing and Exceptions, Chapter 2, English and Civics Testing](#).

⁴⁹ See [Chapter 6, USCIS Hearing and Judicial Review](#). See [Chapter 3, Naturalization Interview, Section A, Roles and Responsibilities](#), for a list of authorized representatives. See [8 CFR 292.1](#).

Applicants who have not filed their naturalization application may write “SSI” at the top of page one of the application. Applicants should include a cover letter or cover sheet along with their application to explain that their SSI benefits will be terminated within one year or less.

Chapter 4: Results of the Naturalization Examination

USCIS has 120 days from the date of the initial naturalization interview to issue a decision. If the decision is not issued within 120 days of the interview, an applicant may request judicial review of his or her application in district court. The officer must base his or her decision on the laws, regulations, precedent decisions, and governing policies.

The officer may:

- Approve the application;
- Continue the examination without making a decision (if more information is needed), if the applicant needs to be rescheduled, or for other relevant reasons; or
- Deny the application.

The officer must provide the applicant with a notice of results at the end of the interview regardless of the outcome. The notice should address the outcome of the interview and the next steps involved for continued cases.⁵⁰

A. Approval of Naturalization Application

If an officer approves a naturalization application, the application goes through the appropriate internal procedures before the USCIS office schedules the applicant to appear at a ceremony for the administration of the Oath of Allegiance.⁵¹ The internal procedures include a “re-verification” procedure where all approved applications are reviewed for quality. The officer who conducts the re-verification is not the same officer who conducts the interview. While the officer conducting the re-verification process does not adjudicate the application once again, the officer may raise any substantive eligibility issues.

USCIS does not schedule an applicant for the Oath of Allegiance in cases where USCIS receives or identifies potentially disqualifying information about the applicant after approval of his or her application.⁵² If USCIS cannot resolve the disqualifying information and the adjudicating officer finds the applicant ineligible for naturalization, USCIS then issues a Motion to Reopen and re-adjudicates the naturalization application.

B. Continuation of Examination

1. Continuation to Request Evidence

⁵⁰ The officer issues a Notice of Examination Results (Form N-652).

⁵¹ See [Part J, Oath of Allegiance](#).

⁵² See [8 CFR 335.5](#). See [Chapter 5, Motion to Reopen](#).

An officer issues the applicant a written request for evidence if additional information is needed to make an accurate determination on the naturalization application.⁵³ In general, USCIS permits a period of 30 days for the applicant to respond to a request for evidence.⁵⁴

The request for evidence should include:

- The specific documentation or information that the officer is requesting;
- The ways in which the applicant may respond; and
- The period of time that the applicant has to reply.

The applicant must respond to the request for evidence within the timeframe specified by the officer. If the applicant timely submits the evidence as requested, the officer makes a decision on the applicant's eligibility. If the applicant fails to submit the evidence as requested, the officer may adjudicate the application based on the available evidence.⁵⁵

2. Scheduling Subsequent Re-examination

If an applicant fails any portion of the naturalization test, an officer must provide the applicant a second opportunity to pass the test within 60 to 90 days after the initial examination unless the applicant is statutorily ineligible for naturalization based on other grounds.⁵⁶ An officer should also schedule a re-examination in order to resolve any issues on eligibility.

The outcome of the re-examination determines whether the officer conducting the second interview continues, approves, or denies the naturalization application.⁵⁷

If the applicant fails to appear for the re-examination and USCIS does not receive a timely or reasonable request to reschedule, the officer should deny the application based on the applicant's failure to meet the educational requirements for naturalization. The officer also should include any other areas of ineligibility within the denial notice.

C. Denial of Naturalization Application

If an officer denies a naturalization application based on ineligibility or lack of prosecution, the officer must issue the applicant and his or her attorney or representative a written denial notice no later than 120 days after the initial interview on the application.⁵⁸ The written denial notice should include:

- A clear and concise statement of the facts in support of the decision,

⁵³ The officer issues a request for evidence on Form N-14.

⁵⁴ See [8 CFR 335.7](#). The applicant has up to three more days after the 30-day period for responding to an RFE in cases where USCIS has mailed the request. See [8 CFR 103.8\(b\)](#).

⁵⁵ See [8 CFR 335.7](#).

⁵⁶ See [8 CFR 312.5\(a\)](#) and [8 CFR 335.3\(b\)](#).

⁵⁷ See [Part E, English and Civics Testing and Exceptions, Chapter 2, English and Civics Testing](#).

⁵⁸ See [INA 335\(d\)](#). See [8 CFR 336.1\(a\)](#).

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- Citation of the specific eligibility requirements the applicant failed to demonstrate, and
- Information on how the applicant may request a hearing on the denial.⁵⁹

The table below provides certain general grounds for denial of the naturalization application. An officer should review the pertinent parts of this volume that correspond to each ground for denial and its related eligibility requirement for further guidance.

General Grounds for Denial of Naturalization Application (Form N-400)	
Failure to establish...	Citation
Lawful Admission for Permanent Residence	INA 316(a)(1) and INA 318 8 CFR 316.2(a)(2)
Continuous Residence	INA 316(a)(2) and INA 316(b) 8 CFR 316.2(a)(3) and 316.5(c)
Physical Presence	INA 316(a) 8 CFR 316.2(a)(4)
3 Months of Residence in State or Service District	INA 316(a) 8 CFR 316.2(a)(5)
Good Moral Character	INA 316(a)(3) , INA 316(e) , and INA 101(f) ; 8 CFR 316.10
Attachment and Favorable Disposition to the Good Order and Happiness of the United States	INA 316(a)(3) 8 CFR 316.11
Understanding of English (Including Reading, Writing, and Speaking)	INA 312(a)(1) 8 CFR 312.1
Knowledge of U.S. History and Government	INA 312(a)(2) 8 CFR 312.2
Lack of Prosecution	INA 335(e) 8 CFR 335.7

D. Administrative Closure, Lack of Prosecution, Withdrawal, and Holding in Abeyance

1. Administrative Closure for Failing to Appear at Initial Interview

An applicant abandons his or her application if he or she fails to appear for his or her initial naturalization examination without good cause and without notifying USCIS of the reason for non-appearance within 30 days

⁵⁹ See [8 CFR 336.1\(b\)](#). See [Chapter 6, USCIS Hearing and Judicial Review](#).

of the scheduled appointment. In the absence of timely notification by the applicant, an officer may administratively close the application without making a decision on the merits.⁶⁰

An applicant may request to reopen an administratively closed application without fee by submitting a written request to USCIS within one year from the date the application was closed.⁶¹ The date of the applicant's request to reopen an application becomes the date of filing the naturalization application for purposes of determining eligibility for naturalization.⁶²

If the applicant does not request reopening of an administratively closed application within one year from the date the application was closed, USCIS:

- Considers the naturalization application abandoned; and
- Dismisses the application without further notice to the applicant.⁶³

2. Failing to Appear for Subsequent Re-examination or to Respond to Request for Evidence

If the applicant fails to appear at the subsequent re-examination or fails to respond to a Request for Evidence within 30 days, officer must adjudicate the application on the merits.⁶⁴ This includes cases where the applicant fails to appear at a re-examination or to provide evidence as requested.

An officer should consider any good cause exceptions provided by the applicant for failing to respond or appear for an examination in adjudicating a subsequent motion to reopen.

3. Withdrawal of Application

The applicant may request, in writing, to withdraw his or her application. The officer must inform the applicant that the withdrawal by the applicant constitutes a waiver of any future hearing on the application. If USCIS accepts the withdrawal, the applicant may submit another application without prejudice. USCIS does not send any further notice regarding the application.

If the District Director does not consent to the withdrawal, the officer makes a decision on the merits of the application.⁶⁵

4. Holding Application in Abeyance if Applicant is in Removal Proceedings

USCIS cannot adjudicate the naturalization application of an applicant who is in removal proceedings.⁶⁶ In general, USCIS holds the application in abeyance until the immigration judge has either issued a final order of

⁶⁰ See [8 CFR 103.2\(b\)\(13\)\(ii\)](#), [8 CFR 335.6\(a\)](#), and [8 CFR 335.6\(b\)](#). Generally, military applicants may file a motion to reopen at any time. See [Part I, Military Members and their Families](#).

⁶¹ See [8 CFR 335.6\(b\)](#). See [Chapter 5, Motion to Reopen](#).

⁶² See [8 CFR 335.6\(b\)](#).

⁶³ See [8 CFR 335.6\(c\)](#).

⁶⁴ See [INA 335\(e\)](#). See [8 CFR 335.7](#).

⁶⁵ See [INA 335\(e\)](#). See [8 CFR 335.10](#).

removal or terminates the removal proceedings. Field offices should follow the advice of local USCIS counsel on how to proceed with such cases.

Chapter 5: Motion to Reopen

A. USCIS Motion to Reopen

An officer must execute a motion to reopen a previously approved naturalization application if:

- USCIS receives or identifies disqualifying derogatory information about the applicant after approval of his or her application prior to the administration of the Oath of Allegiance;⁶⁷ or
- An applicant fails to appear for at least two ceremonies to take the Oath of Allegiance without good cause.⁶⁸

USCIS notifies the applicant in writing about the receipt of derogatory information or multiple failures to appear through the motion to reopen. The applicant has 15 days to respond to the motion to reopen and overcome the derogatory information or provide good cause for failing to appear at the Oath ceremony.⁶⁹

If the applicant overcomes the derogatory information and qualifies for naturalization, the officer denies the motion to reopen and schedules the applicant for the Oath of Allegiance. If the applicant is unable to overcome the derogatory information, the officer grants the motion to reopen and denies the application on its merits.⁷⁰

USCIS must not schedule an applicant for the administration of the Oath of Allegiance if USCIS receives or identifies disqualifying derogatory information. USCIS must not administer the Oath of Allegiance to the applicant until the matter is resolved favorably.

An applicant who fails to appear for at least two ceremonies to administer the Oath of Allegiance without good cause abandons his or her intent to be naturalized. USCIS considers multiple failures to appear to be equivalent to receipt of derogatory information after the approval of a naturalization application.⁷¹

B. Motion to Reopen Administratively Closed Application

An applicant may request to reopen an administratively closed naturalization application with USCIS by submitting a written request to USCIS within one year of the date his or her application was administratively closed.⁷² The applicant is not required to pay any additional fees. USCIS considers the date of the applicant's

⁶⁶ See [INA 318](#). This does not apply in cases involving naturalizations based on military service under [INA 329](#) where the applicant may not be required to be lawfully admitted for permanent residence.

⁶⁷ See [8 CFR 335.5](#).

⁶⁸ See [8 CFR 337.10](#).

⁶⁹ See [8 CFR 335.5](#).

⁷⁰ See [8 CFR 336.1](#).

⁷¹ See [8 CFR 337.10](#).

⁷² Generally, military applicants may file a motion to reopen at any time. See [Part I, Military Members and their Families, Chapter 6, Required Background Checks, Section C, Ways Service Members may Meet Fingerprint Requirement](#).

request to reopen an application as the filing date of the naturalization application for purposes of determining eligibility for naturalization.⁷³ USCIS sends the applicant a notice approving or denying the motion to reopen.

Chapter 6: USCIS Hearing and Judicial Review

A. Hearing Request

An applicant or his or her authorized representative⁷⁴ may request a USCIS hearing before an officer on the denial of the applicant's naturalization application. The applicant or authorized representative must file the request with USCIS within 30 days after the applicant receives the notice of denial.⁷⁵

B. Review of Timely Filed Hearing Request

1. Hearing Scheduled within 180 Days

Upon receipt of a timely hearing request, USCIS schedules the hearing within 180 days. The hearing should be conducted by an officer other than the officer who conducted the original examination or the officer who denied the application. The officer conducting the hearing must be classified at a grade level equal to or higher than the grade of the examining officer.⁷⁶

2. Review of Application

An officer may conduct a *de novo* review of the applicant's naturalization application or may utilize a less formal review procedure based on:

- The complexity of the issues to be reviewed or determined; and
- The necessity of conducting further examinations essential to the naturalization requirements.⁷⁷

A *de novo* review means that the officer makes a new and full review of the naturalization application.⁷⁸

An officer conducting the hearing has the authority and discretion to:

- Review all aspects of the naturalization application and examine the applicant anew;
- Review any record, file or report created as part of the examination;
- Receive new evidence and testimony relevant to the applicant's eligibility; and
- Affirm the previous officer's denial or re-determine the decision in whole or in part.

⁷³ See [8 CFR 335.6\(b\)](#).

⁷⁴ See [Chapter 3, Naturalization Interview, Section A, Roles and Responsibilities](#), for a list of authorized representatives. See [8 CFR 292.1](#).

⁷⁵ See [INA 336\(a\)](#). See [8 CFR 336.2](#). See the Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the INA ([Form N-336](#)).

⁷⁶ See [8 CFR 336.2\(b\)](#).

⁷⁷ See [8 CFR 336.2\(b\)](#).

⁷⁸ The term "de novo" is Latin for "anew." In this context, it means the starting over of the application's review.

The officer conducting the hearing:

- Affirms the findings in the denial and sustains the original decision to deny;
- Re-determines the original decision but denies the application on newly discovered grounds of ineligibility; or
- Re-determines the original decision and reverses the original decision to deny, and approves the naturalization application.

3. English and Civics Testing at Hearing

In hearings involving naturalization applications denied on the basis of failing to meet the educational requirements (English and civics),⁷⁹ officers must administer any portion of the English or civics tests that the applicant previously failed. Officers provide only one opportunity to pass the failed portion of the tests at the hearing.

C. Improperly Filed Hearing Request

1. Untimely Filed Request

If an applicant files a hearing request over 30 days after receiving the denial notice (33 days if notice was mailed by USCIS⁸⁰), USCIS considers the request improperly filed. If an applicant's untimely hearing request meets either the motion to reopen or motion to reconsider requirements, USCIS will treat the hearing request as a motion.⁸¹ USCIS renders a decision on the merits of the case in such instances. If the request does not meet the motion requirements, USCIS rejects the request without refund of filing fee.⁸²

Hearing Request Treated as a Motion to Reopen

USCIS treats an untimely request for a hearing as a motion to reopen if the applicant presents new facts and evidence, and the request is based on any of the following criteria:

- The requested evidence leading to the denial was not material to the issue of eligibility;
- The required initial evidence was submitted with the application, or the request for initial evidence or additional information or appearance was complied with during the allotted period; or

⁷⁹ See [INA 312](#). See [8 CFR 312](#). See [Part E, English and Civics Testing and Exceptions](#).

⁸⁰ See [8 CFR 103.8\(b\)](#).

⁸¹ See [8 CFR 336.2\(c\)\(2\)\(ii\)](#).

⁸² See [8 CFR 336.2\(c\)\(2\)\(i\)](#).

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- USCIS sent the relevant correspondence to the wrong address or the applicant filed a timely change of address before USCIS sent the correspondence.⁸³

Hearing Request Treated as a Motion to Reconsider

USCIS handles an untimely hearing request for a hearing as a motion to reconsider if:

- The applicant explains the reasons for reconsideration;
- Pertinent precedent decisions establish that the decision to deny was based on an incorrect application of law or USCIS policy; and
- The applicant establishes that the decision to deny was incorrect based on the evidence of record at the time of the decision.⁸⁴

2. Requests Improperly Filed by Unauthorized Persons or Entities

USCIS considers a hearing request improperly filed if an unauthorized person or entity files the request.⁸⁵ USCIS rejects these requests without refund of filing fee.⁸⁶

3. Requests Improperly Filed by Attorneys or Authorized Representatives

USCIS considers a hearing request improperly filed if an attorney or representative files the request without properly filing a notice of entry of appearance entitling that person to represent the applicant. The officer must ask the attorney or representative to submit a proper filed notice within 15 days.⁸⁷

If the attorney or representative replies with a properly executed notice within 15 days, the officer should handle the hearing request as properly filed. If the attorney or representative fails to do so, the officer may nevertheless make a new decision favorable to the applicant through the officer's own motion to reopen without notifying the attorney or representative.⁸⁸

D. Judicial Review

A naturalization applicant may request judicial review before a United States district court of his or her denied naturalization application after USCIS issues the decision following the hearing with a USCIS officer.⁸⁹ The applicant must file the request before the United States District Court having jurisdiction over the applicant's

⁸³ See [8 CFR 103.5\(a\)\(2\)](#).

⁸⁴ See [8 CFR 103.5\(a\)\(3\)](#).

⁸⁵ See [Chapter 3, Naturalization Interview, Section A, Roles and Responsibilities](#), for a list of authorized representatives. See [8 CFR 292.1](#).

⁸⁶ See [8 CFR 336.2\(c\)\(1\)\(i\)](#).

⁸⁷ See [8 CFR 336.2\(c\)\(1\)\(ii\)](#). See [Form G-28](#).

⁸⁸ See [8 CFR 336.2\(c\)\(1\)\(ii\)](#) and [8 CFR 103.5\(a\)\(5\)\(i\)](#).

⁸⁹ See [INA 310\(c\)](#). See [INA 336\(a\)](#).

place of residence. The district court reviews the case *de novo* and makes its own findings of fact and conclusions of law.