

PART D – GENERAL NATURALIZATION REQUIREMENTS

Chapter 1: Purpose and Background

A. Purpose

Naturalization is the conferring of U.S. citizenship after birth by any means whatsoever.¹ There are various ways a foreign citizen or national may become a U.S. citizen through the process of naturalization. This chapter addresses the general naturalization requirements.²

The applicant has the burden of establishing by a preponderance of the evidence that he or she meets the requirements for naturalization.

B. General Eligibility Requirements

The following are the general naturalization requirements that an applicant must meet in order to become a U.S. citizen:³

General Eligibility Requirements for Naturalization
The applicant must be age 18 or older at the time of filing for naturalization
The applicant must be an LPR for at least five years before being eligible for naturalization
The applicant must have continuous residence in the United States as an LPR for at least five years immediately preceding the date of filing the application and up to the time of admission to citizenship
The applicant must be physically present in the United States for at least 30 months out of the five years immediately preceding the date of filing the application
The applicant must have lived within the State or USCIS district with jurisdiction over the applicant's place of residence for at least three months prior to the date of filing

¹ See [INA 101\(a\)\(23\)](#).

² See [INA 316](#). See relevant parts in [Volume 12](#) for other naturalization provisions and requirements.

³ See [INA 316](#).

General Eligibility Requirements for Naturalization

The applicant must demonstrate good moral character for five years prior to filing for naturalization, and during the period leading up to the administration of the Oath of Allegiance

The applicant must have an attachment to the principles of the U.S. Constitution and be well disposed to the good order and happiness of the United States during all relevant periods under the law

The applicant must be able to read, write, and speak and understand English and have knowledge and an understanding of U.S. history and government

C. Legal Authorities

- [INA 312](#); [8 CFR 312](#) – Educational Requirements for Naturalization
- [INA 316](#); [8 CFR 316](#) – General Requirements for Naturalization
- [INA 318](#) – Prerequisites to Naturalization

Chapter 2: LPR Admission for Naturalization

A. LPR at Time of Filing and Naturalization

In general, an applicant for naturalization must be at least 18 years old and must establish that he or she has been lawfully admitted to the United States for permanent residence at the time of filing the naturalization application.⁴ An applicant is not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA if his or her LPR status was obtained by mistake or fraud, or if the admission was otherwise not in compliance with the law.⁵

In determining an applicant's eligibility for naturalization, USCIS must determine whether the LPR status was lawfully obtained, not just whether the applicant is in possession of a Permanent Resident Card (PRC). If the status was not lawfully obtained for any reason, the applicant is not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA, and is ineligible for naturalization even though the applicant possesses a PRC.

⁴ See [INA 101\(a\)\(20\)](#) and [INA 334\(b\)](#). See [8 CFR 316.2\(a\)\(2\)](#).

⁵ See [INA 318](#). See *Matter of Koloamatangi*, 23 I & N Dec 548, 550 (2003). See *Estrada-Ramos v. Holder*, 611 F.3d 318, (7th Cir. 2010). See *Mejia-Orellana v. Gonzales*, 502 F.3d 13 (1st Cir 2007). See *De La Rosa v DHS*, 489 F.3d 551 (2nd Cir 2007). See *Savoury v. U.S. Att'y General*, 449 F.3d 1307 (11th Cir 2006). See *Arellano-Garcia v. Gonzales*, 429 F.3d 1183 (8th Cir 2005). See *Monet v. INS*, 791 F.2d 752 (9th Cir. 1986). See *Matter of Longstaff*, 716 F.2d 1439, 1441 (5th Cir. 1983).

An applicant must also reside continuously in the U.S. for at least five years as an LPR at the time of filing,⁶ though the applicant may file his or her application up to 90 days before reaching the five-year continuous residence period.⁷

B. Conditional Residence in the General Requirements (INA 316)

A conditional permanent resident (CPR) filing for naturalization under the general provision on the basis of his or her permanent resident status for five years⁸ must have met all of the applicable requirements of the conditional residence provisions.⁹ CPRs are not eligible for naturalization unless the conditions on their resident status have been removed because such CPRs have not been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA.¹⁰ Unless USCIS approves the applicant's Petition to Remove the Conditions of Residence (Form I-751), the applicant remains ineligible for naturalization.¹¹

C. Exceptions

1. Nationals of the United States

The law provides an exception to the LPR requirement for naturalization for non-citizen nationals of the United States. Currently, persons who are born in American Samoa or Swains Island, which are outlying possessions of the United States, are considered nationals of the United States.¹²

A non-citizen national of the United States may be naturalized without establishing lawful admission for permanent residence if he or she becomes a resident of any State¹³ and complies with all other applicable requirements of the naturalization laws. These nationals are not "aliens" as defined in the INA and do not possess a Permanent Resident Card (PRC).¹⁴

2. Certain Members of the U.S. Armed Forces

Certain members of the U.S. armed forces with service under specified conditions are also exempt from the LPR requirement.¹⁵

⁶ See [Chapter 3, Continuous Residence](#).

⁷ See [Chapter 6, Jurisdiction, Place of Residence, and Early Filing](#).

⁸ See [INA 316\(a\)](#).

⁹ See [INA 216](#). See forthcoming Volume 7, Adjustment of Status.

¹⁰ See [INA 216](#) and [INA 318](#). See forthcoming Volume 7, Adjustment of Status.

¹¹ See [Part G, Spouses of U.S. Citizens](#); [Part H, Children of U.S. Citizens](#); and [Part I, Military Members and their Families](#), for special circumstances under which where the applicant may not be required to have an approved petition to remove conditions prior naturalization.

¹² See [INA 101\(a\)\(29\)](#) and [INA 308](#).

¹³ See [INA 325](#). See [8 CFR 325.2](#). Non-citizen nationals may satisfy the residence and physical presence requirements through their residence and presence within any of the outlying possessions of the United States.

¹⁴ See [INA 101\(a\)\(20\)](#).

¹⁵ See [Part I, Military Members and their Families](#), [Chapter 3, Military Service during Hostilities \(INA 329\)](#).

D. Documentation and Evidence

USCIS issues a PRC to each person who has been lawfully admitted for permanent residence as evidence of his or her status. LPRs over 18 years of age are required to have their PRC in their possession as evidence of their status.¹⁶ The PRC contains the date and the classification under which the person was accorded LPR status. The PRC alone, however, is insufficient to establish that the applicant has been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA.¹⁷

Chapter 3: Continuous Residence

A. Continuous Residence Requirement

An applicant for naturalization under the general provision¹⁸ must have resided continuously in the United States after his or her LPR admission for at least five years prior to filing the naturalization application and up to the time of naturalization. An applicant must also establish that he or she has resided in the State or Service District having jurisdiction over the application for three months prior to filing.¹⁹

The concept of continuous residence involves the applicant maintaining a permanent dwelling place in the United States over the period of time required by the statute. The residence in question “is the same as that alien’s domicile, or principal actual dwelling place, without regard to the alien’s intent, and the duration of an alien’s residence in a particular location measured from the moment the alien first establishes residence in that location.”²⁰ Accordingly, the applicant’s residence is generally the applicant’s actual physical location regardless of his or her intentions to claim it as his or her residence.

Certain classes of applicants may be eligible for a reduced period of continuous residence, for constructive continuous residence while outside the United States, or for an exemption from the continuous residence requirement altogether.²¹ These classes of applicants include certain military members and certain spouses of U.S. citizens.²²

The requirements of “continuous residence” and “physical presence” are interrelated but are different requirements. Each requirement must be satisfied (unless otherwise specified) in order for the applicant to be eligible for naturalization.²³

B. Maintenance of Continuous Residence following LPR Status

USCIS will consider the entire period from the LPR admission until the present when determining an applicant’s compliance with the continuous residence requirement.

¹⁶ See [INA 264\(e\)](#).

¹⁷ See [Section A, LPR at Time of Filing and Naturalization](#).

¹⁸ See [INA 316\(a\)](#).

¹⁹ See [INA 316\(a\)](#). See [Chapter 6, Jurisdiction, Place of Residence, and Early Filing](#).

²⁰ See [8 CFR 316.5\(a\)](#).

²¹ See [Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence](#).

²² See [Part I, Military Members and their Families](#).

²³ See [Chapter 4, Physical Presence](#).

An order of removal terminates the applicant's status as an LPR and therefore disrupts the continuity of residence for purposes of naturalization. However, an applicant who has been readmitted as an LPR after a deferred inspection or by an immigration judge in removal proceedings can satisfy the residence and physical presence requirements in the same manner as any other applicant for naturalization.²⁴

Other examples that may raise a rebuttal presumption that an applicant has abandoned his or her LPR status include cases where there is evidence that the applicant voluntarily claimed nonresident alien status to qualify for special exemptions from income tax liability or fails to file either federal or state income tax returns because he or she considers himself or herself to be a non-resident alien.²⁵

C. Breaks in Continuous Residence

An applicant for naturalization has the burden of establishing that he or she has complied with the continuous residence requirement, if applicable. There are two types of absences from the United States that are automatically presumed to break the continuity of residence for purposes of naturalization.²⁶

- Absences of more than 6 months but less than one year; and
- Absences of one year or more.

In addition, absences of less than 6 months may also break the continuity of residence depending on the facts surrounding the absence.

1. Absence of More than Six Months (but Less than One Year)

An absence of more than six months (more than 181 days but less than one year (less than 365 days)) during the period for which continuous residence is required is presumed to break the continuity of such residence. This includes any absence that takes place prior to filing the naturalization application or between filing and the applicant's admission to citizenship.²⁷

An applicant's intent is not relevant in determining the location of his or her residence. The period of absence from the United States is the defining factor in determining whether the applicant is presumed to have disrupted his or her residence.

An applicant may overcome the presumption of loss of his or her continuity of residence by providing evidence to establish that the applicant did not disrupt his or her residence. The evidence may include, but is not limited to, documentation that during the absence.²⁸

²⁴ See [8 CFR 316.5\(c\)\(3\)](#) and [8 CFR 316.5\(c\)\(4\)](#).

²⁵ See [8 CFR 316.5\(c\)\(2\)](#).

²⁶ See [INA 316\(b\)](#).

²⁷ See [INA 336](#) (Hearings on Denials of Applications for Naturalization).

²⁸ See [8 CFR 316.5\(c\)\(1\)\(i\)](#).

USCIS Policy Manual - Volume 12 - Part D

- The applicant did not terminate his or her employment in the United States or obtain employment while abroad.
- The applicant's immediate family remained in the United States.
- The applicant retained full access to his or her United States abode.

2. Absence of One Year or More

An absence from the United States for a continuous period of one year or more (365 days or more) during the period for which continuous residence is required will break the continuity of residence. This applies whether the absence takes place prior to or after filing the naturalization application.²⁹

The naturalization application of a person who is subject to the continuous residence requirement must be denied for failure to meet the continuous residence requirements if the person has been continuously absent for a period of one year or more without qualifying for the exception benefits of [INA 316\(b\)](#). An applicant who is absent for one year or more to engage in qualifying employment abroad may be permitted to preserve his or her residence.³⁰

3. Eligibility after Break in Residence

An applicant who is required to establish continuous residence for at least five years³¹ and whose application for naturalization is denied for an absence of one year or longer, may apply for naturalization four years and one day after returning to the United States to resume permanent residence. An applicant who is subject to the three-year continuous residence requirement³² may apply two years and one day after returning to the United States to resume permanent residence.³³

D. Preserving Residence for Naturalization ([Form N-470](#))

Certain applicants³⁴ may seek to preserve their residence for an absence of one year or more to engage in qualifying employment abroad.³⁵ Such applicants must file an Application to Preserve Residence for Naturalization Purposes ([Form N-470](#)) in accordance with the form instructions.

In order to qualify, the following criteria must be met:

- The applicant must have been physically present in the United States as an LPR for an uninterrupted period of at least one year prior to working abroad.

²⁹ See [INA 316\(b\)](#).

³⁰ See [Section D, Preserving Residence for Naturalization \(Form N-470\)](#).

³¹ See [INA 316\(a\)](#).

³² See [INA 319\(a\)](#).

³³ See [8 CFR 316.5\(c\)\(1\)\(iii\)](#).

³⁴ See [Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence](#), for classes of applicants eligible to preserve residence.

³⁵ The applicant may also need to apply for a reentry permit to be permitted to enter the United States. See forthcoming Volume 11, Travel, Employment & Identity Documents.

USCIS Policy Manual - Volume 12 - Part D

- The application may be filed either before or after the applicant's employment begins, but before the applicant has been abroad for a continuous period of one year.³⁶

In addition, the applicant must have been:

- Employed with or under contract with the U.S. Government or an American institution of research³⁷ recognized as such by the Attorney General;
- Employed by an American firm or corporation engaged in the development of U.S. foreign trade and commerce, or a subsidiary thereof if more than 50 percent of its stock is owned by an American firm or corporation; or
- Employed by a public international organization of which the United States is a member by a treaty or statute and by which the applicant was not employed until after becoming an LPR.³⁸

The applicant's spouse and dependent unmarried sons and daughters are also entitled to such benefits during the period when they were residing abroad as dependent members of the principal applicant's household. The application's approval notice will include the applicant and any dependent family members who were also granted the benefit.

The approval of an application to preserve residence does not relieve an applicant (or any family members) from any applicable required period of physical presence, unless the applicant was employed by, or under contract with, the U.S. Government.³⁹

In addition, the approval of an application to preserve residence does not guarantee that the applicant (or any family members) will not be found, upon returning to the United States, to have lost LPR status through abandonment. USCIS may find that an applicant who claimed special tax exemptions as a nonresident alien to have lost LPR status through abandonment. The applicant may overcome that presumption with acceptable evidence establishing that he or she did not abandon his or her LPR status.⁴⁰

Approval of an application to preserve residence also does not relieve the LPR of the need to have an appropriate travel document when the LPR seeks to return to the United States.⁴¹ A PRC card, generally, is acceptable as a travel document only if the person has been absent for less than one year.⁴² If an LPR expects to

³⁶ See [8 CFR 316.5\(d\)](#).

³⁷ See [8 CFR 316.20](#). See www.uscis.gov/AIR for lists of recognized organizations.

³⁸ See [INA 316\(b\)](#). See [8 CFR 316.20](#).

³⁹ See [INA 316\(c\)](#). See [Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence](#).

⁴⁰ See *Matter of Huang*, 19 I&N Dec. 748. In removal proceedings, DHS bears the burden of proving abandonment by clear and convincing evidence. But if the probative evidence is sufficient to meet that standard of proof, approval of the application to preserve residence, by itself, would not preclude a finding of abandonment.

⁴¹ See [INA 212\(a\)\(7\)\(A\)](#).

⁴² See [8 CFR 211.1\(a\)\(2\)](#).

be absent for more than one year, the LPR should also apply for a reentry permit.⁴³ The LPR must actually be in the United States when he or she applies for a reentry permit.⁴⁴

E. Residence in the Commonwealth of the Northern Mariana Islands

As of November 28, 2009, the Commonwealth of the Northern Mariana Islands (CNMI) is defined as a State in the United States for naturalization purposes.⁴⁵ Previously, residence in the CNMI only counted as residence in the United States for naturalization purposes for an alien who was an immediate relative of a U.S. citizen residing in the CNMI.

All other noncitizens, including any non-immediate relative lawful permanent residents (LPR), were considered to be residing outside of the United States for immigration purposes. Therefore, some LPRs residing in the CNMI, before the Consolidated Natural Resources Act of 2008 (CNRA) was enacted, were considered to have abandoned their lawful permanent resident status if they continuously lived in the CNMI.

Under the current law, USCIS no longer considers lawful permanent residents to have abandoned their LPR status solely by residing in the CNMI. This provision is retroactive and provides for the restoration of permanent resident status. However, the provision did not provide that the residence would count towards the naturalization continuous and physical presence requirements. Therefore, USCIS will only count residence in the CNMI on or after November 28, 2009, as continuous residence within the United States for naturalization purposes.⁴⁶

F. Documentation and Evidence

Mere possession of a Permanent Resident Card (PRC) for the period of time required for continuous residence does not in itself establish the applicant's continuous residence for naturalization purposes. The applicant must demonstrate actual maintenance of his or her principal dwelling place, without regard to intent, in the United States through testimony and documentation.

For example, a "commuter alien" may have held and used a PRC⁴⁷ for seven years, but would not be eligible for naturalization until he or she had actually taken up permanent residence in the United States and maintained such residence for the required statutory period.

USCIS will review all of the relevant records to determine whether the applicant has met the required period of continuous residence. The applicant's testimony will also be considered to determine whether the applicant met the required period of continuous residence.

⁴³ See forthcoming Volume 11, Travel, Employment & Identity Documents.

⁴⁴ See [8 CFR 223.2\(b\)\(1\)](#).

⁴⁵ See [INA 101\(a\)\(36\)](#) and [INA 101\(a\)\(38\)](#). See [48 U.S.C. 1806\(a\)](#) and [48 U.S.C. 1806\(f\)](#). See section 705(b) of the Consolidated Natural Resources Act of 2008 (CNRA), Pub. L.110-229 ([48 U.S.C. 1806](#) note).

⁴⁶ See section 705(c) of the CNRA ([48 U.S.C. 1806](#) note). See *Eche v. Holder*, ___ F.3d ___, 2012 (9th Cir. Sept. 11, 2012).

⁴⁷ See [8 CFR 211.5](#).

Chapter 4: Physical Presence

A. Physical Presence Requirement

An applicant for naturalization is generally required to have been physically present in the United States for at least half the time for which his or her continuous residence is required. Applicants for naturalization under [INA 316\(a\)](#) are required to demonstrate physical presence in the United States for at least 30 months (at least 913 days) before filing the application.⁴⁸

Physical presence refers to the number of days the applicant must physically be present in the United States during the statutory period up to the date of filing for naturalization. The continuous residence⁴⁹ and physical presence requirements are interrelated but each must be satisfied for naturalization.

USCIS will count the day that an applicant departs from the United States and the day he or she returns as days of physical presence within the United States for naturalization purposes.⁵⁰

B. Documentation and Evidence

Mere possession of a PRC for the period of time required for physical presence does not in itself establish the applicant's physical presence for naturalization purposes. The applicant must demonstrate actual physical presence in the United States through documentation. USCIS will review all of the relevant records to assist with the determination of whether the applicant has met the required period of physical presence. The applicant's testimony will also be considered in determining whether the applicant met the required period of physical presence.

Chapter 5: Modifications and Exceptions to Continuous Residence and Physical Presence

Certain classes of applicants may be eligible for a reduced period of continuous residence and physical presence. Certain applicants may also be eligible to count time residing abroad as residence and physical presence in the United States for naturalization purposes.

Other applicants may be exempt from the residence or physical presence requirement, or both. Although not required in all cases, applicants are generally required to have been "physically present and residing within the United States for an uninterrupted period of at least one year" at some time after becoming an LPR and before filing to qualify for an exemption.

A. Qualifying Employment Abroad

⁴⁸ See [INA 316\(a\)](#). See [8 CFR 316.2](#).

⁴⁹ See [Chapter 3, Continuous Residence](#).

⁵⁰ USCIS will only count residence in the CNMI on or after November 28, 2009, as time counted for physical presence within the United States for naturalization purposes.

The table below serves as a quick reference guide on certain continuous residence and physical presence provisions for persons residing abroad under qualifying employment. The paragraphs that follow the table provide further guidance on each class of applicant.

Continuous Residence and Physical Presence for Qualifying Employment Abroad			
Employer or Vocation	Provision	Continuous Residence	Physical Presence
United States Government or Contractor	INA 316(b) INA 316(c)	Preserves residence through N-470 process	Exempt (through N-470 process)
American Institution of Research	INA 316(b) INA 316(c)	Preserves residence through N-470 process	Must meet regular statutory requirement
American Firm	INA 316(b) INA 316(c)	Preserves residence through N-470 process	Must meet regular statutory requirement
Media Organizations	INA 319(c)	Exempt	
Interpreter or Translator in Iraq or Afghanistan	§ 1059(e) of PL 110-036	Exempt	Must meet regular statutory requirement unless otherwise exempt through N-470 process
Religious Vocation	INA 317	Time residing abroad in religious vocation may count as residence and physical presence in the United States	

1. Employee of U.S. Government or Specified Entities

LPRs who have been continuously physically present in the United States for at least one year before filing an application to preserve residence and who obtain approval of the application from USCIS for employment by or contract with the U.S. Government abroad will not break the continuity of their residence during such time abroad. Such persons are exempt from the physical presence requirement.⁵¹ Persons employed by or under contract with the Central Intelligence Agency can accrue the required year of continuous physical presence at any time prior to applying for naturalization and not just before filing the application to preserve residence.⁵²

LPRs who have been continuously physically present in the United States for at least one year before filing an application to preserve residence and who obtain approval of the application from USCIS for employment abroad by an American institution of research recognized as such by the Attorney General (now DHS Secretary)

⁵¹ See [INA 316\(b\)](#) and [INA 316\(c\)](#).

⁵² See [INA 316\(c\)](#).

or by an American firm⁵³ engaged in development of U.S. foreign trade and commerce or its subsidiary, or a public international organization, will not break the continuity of their residence during such time abroad. Such applicants are subject to the physical presence requirement.⁵⁴

Only applicants who are employed by or under contract with the U.S. Government may be exempt from the physical presence requirements. All other applicants who are eligible to preserve their residence remain subject to the physical presence requirement.

The applicant's spouse and dependent unmarried sons and daughters, included in the application, are entitled to the same benefits for the period during which they were residing abroad with the applicant.⁵⁵

2. Employee of Certain Media Organizations Abroad

An applicant for naturalization employed by a U.S. incorporated nonprofit communications media organization that disseminates information significantly promoting United States interests abroad, that is so recognized by the Secretary of Homeland Security, is exempt from the continuous residence and physical presence requirements if:

- The applicant files the application for naturalization while still employed, or within six months of termination of employment;
- The applicant has been continuously employed with the organization for at least five years after becoming an LPR;
- The applicant is within the United States at the time of naturalization; and
- The applicant declares a good faith intention to take up residence within the United States immediately upon termination of employment.⁵⁶

3. Employed as an Interpreter or Translator in Iraq or Afghanistan

An applicant employed abroad by, or under contract with, the U.S. Chief of Mission (Department of State) or by the U.S. Armed Forces as an interpreter or translator in Iraq or Afghanistan does not break the continuity of his or her residence in the United States during such time abroad.

⁵³ USCIS has adopted the AAO decision in *Matter of Chawathe*. The decision states that under [INA 316\(b\)](#), a publicly held corporation may be deemed an "American firm or corporation" if the applicant establishes that the corporation is both incorporated and trades its stock exclusively on U.S. Stock Exchange markets. If the applicant is unable to meet this qualification, then he or she must meet the requirements under *Matter of Warrach*, 17 I & N Dec 285, 286-287 (Reg. Comm. 1979). USCIS then determines the nationality of the corporation by reviewing whether more than 50 percent is owned by U.S. citizens. The applicant must establish this by a preponderance of the evidence.

⁵⁴ See [INA 316\(b\)](#) and [INA 316\(c\)](#). See [8 CFR 316.20](#). See www.uscis.gov/AIR for a list of recognized organizations.

⁵⁵ See [INA 316\(b\)\(2\)](#). See [8 CFR 316.5\(d\)\(1\)\(ii\)](#).

⁵⁶ See [INA 319\(c\)](#). See [8 CFR 319.4](#).

This benefit is available for the entire period of absence from the United States even if only a portion of the employment as an interpreter or translator was spent in Iraq or Afghanistan, so long as the applicant was employed by the U.S. Chief of Mission or by the U.S. Armed Forces as an interpreter or translator during the entire absence.

For example, if the applicant was employed by the Chief of Mission as an interpreter or translator and only spent one day in Iraq or Afghanistan, that applicant receives credit for the entire time abroad. However, if the applicant spent part of that time abroad in a position other than translator or interpreter, then the applicant does not receive credit for that part of the time.

Other employment in Iraq or Afghanistan, or employment as an interpreter or translator by an entity other than the U.S. Chief of Mission or the U.S. Armed Forces does not provide a benefit to the applicant. Such an applicant would still be required to meet the continuous residence requirement unless the applicant qualified for preservation of residence as the spouse of a U.S. citizen employed abroad.⁵⁷

This benefit only applies to the continuous residence requirement. Applicants must still meet the physical presence requirement.⁵⁸

The applicant has the responsibility of providing all documentation to establish eligibility.⁵⁹

- The applicant must be employed by the Chief of Mission or U.S. armed forces, or employed by a firm or corporation under contract with the Chief of Mission of U.S. armed forces;
- The applicant must be employed as an interpreter or translator; and
- The applicant must be employed as such in Iraq or Afghanistan.

4. Employed Abroad in Religious Vocation

LPRs who go abroad temporarily for the purpose of performing the ministerial or priestly functions of such religious denomination, or of serving as a missionary, brother, nun, or sister for a religious denomination organized in the United States may treat such time abroad as continuous residence and physical presence in the United States for naturalization purposes.

LPRs must have been physically present and residing within the United States for an uninterrupted period of at least one year in order to qualify.⁶⁰

⁵⁷ See [INA 319\(b\)](#). See [Section A, Qualifying Employment Abroad](#).

⁵⁸ See [INA 316\(c\)](#) (exempting applicants employed by or under contract with the U.S. Government from the physical presence requirements under certain conditions). While applicants who qualify for this benefit are not required to file an application to preserve their residence, applicants who do file the application to preserve residence and whose application is approved, will be exempt from the physical presence requirements.

⁵⁹ Public Law 110-036 added section 1059(e) to the National Defense Authorization Act for Fiscal Year 2006, which added the interpreter and translator provisions.

⁶⁰ See [INA 317](#).

B. Qualifying Military Service

Applicants with certain types of military service may be eligible for a modification or exception to the continuous residence and physical presence requirements for naturalization.

See Part I, Military Members and their Families, for modifications and exceptions for applicants with certain types of military service, to include:

- One Year of Military Service – [INA 328](#)
- Service during Hostilities – [INA 329](#)
- Service in WWII Certain Natives of Philippines – § 405 of IMMACT90
- Members who Enlisted under Lodge Act – Act of June 30, 1950, 64 Stat. 316

C. Spouse, Child, or Parent of Certain U.S. Citizens

The spouse, child, or parent of certain U.S. citizens may be eligible for a modification or exception to the continuous residence and physical presence requirements for naturalization.

See Part G, Spouses of U.S. Citizens, for modifications and exceptions for spouses of certain U.S. citizens, to include:

- Spouse of U.S. Citizen for 3 Yrs – [INA 319\(a\)](#)
- Spouse of Military Member Serving Abroad – [INA 319\(e\)](#)
- Surviving Spouse of U.S. Citizen – [INA 319\(d\)](#)
- Surviving Spouse Person Conducting U.S. Intelligence⁶¹

See Part H, Children of U.S. Citizens, for modifications and exceptions to the continuous residence and physical presence requirements for children of certain U.S. citizens.

- Child of U.S. Government Employee (Abroad) – [INA 320](#)
- Surviving Child of U.S. Citizen – [INA 319\(d\)](#)
- Surviving Child of Person Conducting U.S. Intelligence⁶²

These parts will also include information on modifications and exceptions to the continuous residence and physical presence requirements for surviving parents of certain U.S. citizens.

D. Other Special Classes of Applicants

⁶¹ See Section 305 of the Intelligence Authorization Act of 1997, Pub. L. 204-293 (October 11, 1996).

⁶² See Section 305 of the Intelligence Authorization Act of 1997, Pub. L. 204-293 (October 11, 1996).

The table below serves as a quick reference guide to certain continuous residence and physical presence provisions for special classes of applicants. The paragraphs that follow the table provide further guidance on each class of applicant.

Continuous Residence and Physical Presence for Special Classes of Applicants			
Applicant	Provision	Continuous Residence	Physical Presence
Citizens who lost Citizenship through Foreign Military Service	INA 327	Exempt	
Noncitizen Nationals	INA 325	Time residing in outlying possession may count as residence and physical presence in the United States	
Service on Certain U.S. Vessels	INA 330	Time in service on certain U.S. vessels may count as residence and physical presence in the United States	
Service Contributing to Nat'l Security	INA 316(f)	Exempt	

1. Citizens who Lost U.S. Citizenship through Foreign Military Service⁶³

Former citizens who lost citizenship through service during the Second World War in foreign armed forces not then at war with the United States can regain citizenship. The applicant must be admitted as an LPR. However, the applicant is exempt from the continuous residence and physical requirements for naturalization.⁶⁴

2. Noncitizen Nationals of the United States

The time a noncitizen national of the United States spends within any of the outlying possessions of the United States counts as continuous residence and physical presence in the United States.⁶⁵

⁶³ See [INA 327](#).

⁶⁴ See [8 CFR 327.1\(f\)](#).

⁶⁵ See [INA 325](#). See [8 CFR 325.2](#). Unless otherwise provided under [INA 301](#), the following persons are nationals, but not citizens of the United States at birth: (1) a person born in an outlying possession of the United States on or after the date of formal acquisition of such possession; (2) a person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person; (3) a person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty- one years, not to have been born in such outlying possession; and (4) a person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years: during which the national

3. Service on Certain U.S. Vessels

Any time an LPR has spent in qualifying honorable service on board a vessel operated by the United States or on board a vessel whose home port is in the United States will be considered residence and physical presence within the United States.⁶⁶ The qualifying service must take place within five years immediately preceding the date the applicant files for naturalization.

4. Service Contributing to National Security

The Director of Central Intelligence, the Attorney General, and the Director of USCIS may designate annually up to five persons who have “made an extraordinary contribution to the national security of the United States or to the conduct of United States intelligence activities.” Such persons are exempted from the continuous residence and physical presence requirements.⁶⁷

Chapter 6: Jurisdiction, Place of Residence, and Early Filing

A. Three-Month Residency Requirement (in State or Service District)

In general, an applicant for naturalization must file his or her application for naturalization with the State or Service District that has jurisdiction over his or her place of residence. The applicant must have resided in that location for at least three months prior to filing.

The term “State” includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.⁶⁸ The term “Service District” is defined as the geographical area over which a USCIS office has jurisdiction.⁶⁹

The Service District that has jurisdiction over an applicant’s application may or may not be located within the State where the applicant resides. In addition, some Service Districts may have jurisdiction over more than one State and most States contain more than one USCIS office.⁷⁰

In cases where an applicant changes or plans to change his or her residence after filing the naturalization application, the applicant is required to report the change of address to USCIS so that the applicant’s A-file (with application) can be transferred to the appropriate office having jurisdiction over the applicant’s new place of residence.

parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and at least five years of which were after attaining the age of fourteen years. See [INA 101\(a\)\(22\)](#) and [INA 308](#).

⁶⁶ See [INA 330](#). See [8 CFR 330.1](#).

⁶⁷ See [INA 316\(f\)](#).

⁶⁸ See [INA 101\(a\)\(36\)](#). As of November 28, 2009, Commonwealth of the Northern Mariana Islands (CNMI) is part of the definition of United States. See Consolidated Natural Resources Act of 2008, Public Law 110-229. See [Chapter 3, Continuous Residence, Section E, Residence in the Commonwealth of the Northern Mariana Islands](#).

⁶⁹ See [8 CFR 316.1](#).

⁷⁰ See [8 CFR 100.4](#).

B. Place of Residence

The applicant's "residence" refers to the applicant's principal, actual dwelling place in fact, without regard to intent.⁷¹ The duration of an applicant's residence in a particular location is measured from the moment the applicant first establishes residence in that location.⁷²

C. Place of Residence in Certain Cases

There are special considerations regarding the place of residence for the following applicants:⁷³

1. Military Member

Special provisions exist for applicants who are serving or have served in the U.S. armed forces but who do not qualify for naturalization on the basis of the military service for one year.⁷⁴

- The service member's place of residence may be the State or Service District where he or she is physically present for at least three months immediately prior to filing (or the examination if filed early);
- The service member's place of residence may be the location of the residence of his or her spouse or minor child, or both; or
- The service member's place of residence may be his or her home of record as declared to the U.S. armed forces at the time of enlistment and as currently reflected in the service member's military personnel file.

2. Spouse of Military Member (Residing Abroad)

The spouse of a U.S. armed forces member may be eligible to count the time he or she is residing (or has resided) abroad with the service member as continuous residence and physical presence in any State or district of the United States.⁷⁵ Such a spouse may consider his or her place of residence abroad as a place of residence in any State or district in the United States.

3. Students

An applicant who is attending an educational institution in a State or Service District other than the applicant's home residence may apply for naturalization where that institution is located, or in the State of the applicant's

⁷¹ See [INA 101\(a\)\(33\)](#). This is the same as the applicant's actual domicile.

⁷² See [8 CFR 316.5\(a\)](#).

⁷³ See [8 CFR 316.5\(b\)](#).

⁷⁴ See [INA 328](#). See [Part I, Military Members and their Families, Chapter 2, One Year of Military Service during Peacetime \(INA 328\)](#).

⁷⁵ See [INA 319\(e\)](#). See [Part I, Military Members and their Families, Chapter 9, Spouses, Children, and Surviving Family Benefits, Section B, Spouses of Military Members](#). See [Part G, Spouses of U.S. Citizens, Chapter 3, Spouses of U.S. Citizens Residing in the United States](#).

USCIS Policy Manual - Volume 12 - Part D

home residence if the applicant is financially dependent upon his or her parents at the time of filing and during the naturalization process.⁷⁶

4. Commuter

A commuter must have taken up permanent residence (principal dwelling place) in the United States for the required statutory period and must meet the residency requirements to be eligible for naturalization.⁷⁷

5. Residence in Multiple States

<http://www.uscis.gov/policymanual/-0-0-0-19579>

If an applicant claims residence in more than one State, the residence for purposes of naturalization will be determined by the location from which the applicant's annual federal income tax returns have been and are being filed.⁷⁸

6. Residence During Absences of Less than One Year

<http://www.uscis.gov/policymanual/-0-0-0-19579> An applicant's residence during any absence abroad of less than one year will continue to be the State or Service District where the applicant resided before departure. If the applicant returns to the same residence, he or she will have complied with the three-month jurisdictional residence requirement when at least three months have elapsed, including any part of the absence, from when the applicant first established that residence.⁷⁹

If the applicant establishes residence in a different State or Service District from where he or she last resided, the applicant must reside three months at that new residence before applying in order to meet the three-month jurisdictional residence requirement.⁸⁰

7. Noncitizen Nationals of the United States

<http://www.uscis.gov/policymanual/-0-0-0-8991>

A noncitizen national may naturalize if he or she becomes a resident of any State and is otherwise qualified.⁸¹ Noncitizen nationals will satisfy the continuous residence and physical presence requirements while residing in an outlying possession. Such applicants must reside for three months prior to filing in a State or Service District to be eligible for naturalization.

D. 90-Day Early Filing Provision ([INA 334](#))

An applicant filing under the general naturalization provision may file his or her application up to 90 days before he or she would first meet the required 5-year period of continuous residence as an LPR.⁸² Although an

⁷⁶ See [8 CFR 316.5\(b\)\(2\)](#).

⁷⁷ See [8 CFR 211.5](#). See [8 CFR 316.5\(b\)\(3\)](#).

⁷⁸ See [8 CFR 316.5\(b\)\(4\)](#).

⁷⁹ See [8 CFR 316.5\(b\)\(5\)](#).

⁸⁰ See [8 CFR 316.2\(a\)\(5\)](#).

⁸¹ See [INA 325](#). See [Chapter 5, Modifications and Exceptions to Continuous Residence and Physical Presence](#).

⁸² See [INA 334\(a\)](#). See [8 CFR 334.2\(b\)](#).

USCIS Policy Manual - Volume 12 - Part D

applicant may file early according to the 90 day early filing provision, the applicant is not eligible for naturalization until he or she has reached the required five-year period of continuous residence as an LPR.

USCIS calculates the early filing period by counting back 90 days from the day before the applicant would have first satisfied the continuous residence requirement for naturalization. For example, if the applicant would satisfy the five-year continuous residence requirement for the first time on June 10, 2010 USCIS will begin to calculate the 90-day early filing period from June 9, 2010. In such a case, the earliest that the applicant is allowed to file would be March 12, 2010 (90 calendar days earlier).

In cases where an applicant has filed early and the required three month period of residence in a State or Service District falls within the required five-year period of continuous residence, jurisdiction for filing will be based on the three-month period immediately preceding the examination on the application.⁸³

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 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).

Chapter 7: Attachment to the Constitution

A. Attachment to the Constitution

An applicant for naturalization must show that he or she has been and continues to be a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the

⁸³ See [8 CFR 316.2\(a\)\(5\)](#).

United States during the statutorily prescribed period.⁸⁴ “Attachment” is a stronger term than “well disposed” and implies a depth of conviction, which would lead to active support of the Constitution.⁸⁵

Attachment includes both an understanding and a mental attitude including willingness to be attached to the principles of the Constitution. An applicant who is hostile to the basic form of government of the United States, or who does not believe in the principles of the Constitution, is not eligible for naturalization.⁸⁶

In order to be admitted to citizenship, naturalization applicants must take the Oath of Allegiance in a public ceremony. At that time, an applicant declares his or her attachment to the United States and its Constitution.⁸⁷

In order to be admitted to citizenship:

- The applicant must understand that he or she is taking the Oath freely without any mental reservation or purpose of evasion;
- The applicant must understand that he or she is sincerely and absolutely renouncing all foreign allegiance;
- The applicant must understand that he or she is giving true faith and allegiance to the United States, its Constitution and laws;
- The applicant must understand that he or she is intending to make the United States his or her permanent home where he or she will fully assume residency; and
- The applicant must understand that he or she is discharging all duties and obligations of citizenship including military and civil service when required by the law.

The applicant’s true faith and allegiance to the United States includes supporting and defending the principles of the Constitution by demonstrating an acceptance of the democratic, representational process established by the U.S. Constitution, and the willingness to obey the laws which result from that process.⁸⁸

B. Selective Service Registration

1. Males Required to Register

⁸⁴ See [INA 316\(a\)](#). See [8 CFR 316.11](#).

⁸⁵ See *In re Shanin*, 278 F. 739 (1922).

⁸⁶ See *Allan v. U.S.*, 115 F.2d 804 (1940).

⁸⁷ See [INA 337](#). See [8 CFR 337.1](#). See [Part J, Oath of Allegiance](#).

⁸⁸ The attachment to the Constitution and oath requirements may be modified for religious objections or waived for applicants with an inability to comprehend the oath. Prior to November 6, 2000, certain disabled applicants were precluded from naturalization because they could not personally express intent or voluntary assent to the oath requirement. However, subsequent legislation authorized USCIS to waive the attachment and the oath requirements for any individual who has a medical condition physical or developmental disability or mental impairment that makes him or her unable to understand or communicate an understanding of the meaning of the oath. See Pub. L. 106-448 (November 6, 2000). See [Part J, Oath of Allegiance](#), [Chapter 3, Oath of Allegiance Modifications and Waivers](#).

USCIS Policy Manual - Volume 12 - Part D

In general, males must register with Selective Service within 30 days of their 18th birthday but not after reaching 26 years of age. The U.S. Government suspended the registration in April of 1975 and resumed it in 1980. An applicant who refused to or knowingly and willfully failed to register for Selective Service negates his disposition to the good order and happiness of the United States, attachment to the principles of the Constitution, good moral character, and willingness to bear arms on behalf of the United States.⁸⁹

Applicants may register for Selective Service at their local post office, return a Selective Service registration card received by mail, or online at the Selective Service System website.⁹⁰ Confirmation of registration may be obtained by calling (847) 688-6888 or online at www.sss.gov. The officer may also accept other persuasive evidence presented by an applicant as proof of registration.

USCIS assists with the registration process by transmitting the appropriate data to the Selective Service System (SSS) for male applicants between the ages of 18 and 26 who apply for adjustment of status.⁹¹ After registering the eligible male, Selective Service will send an acknowledgement to the applicant that can be used as his official proof of Selective Service registration.

2. Failure to Register for Selective Service

USCIS will deny a naturalization application when the applicant refuses to register with Selective Service or has knowingly and willfully failed to register during the statutory period.⁹² The officer may request for the applicant to submit a status information letter and registration acknowledgement card before concluding that he failed to register.

The status information letter will indicate whether a requirement to register existed. The applicant must show by a preponderance of the evidence that his failure to register was not a knowing or willful act.⁹³ Failure on the part of USCIS or SSS to complete the process on behalf of the applicant, however, will not constitute a willful failure to register on the part of the applicant.

The denial notice in cases where willful failure to register is established may also show that in addition to failing to register, the applicant is not well disposed to the good order and happiness of the United States. This determination depends on the applicant's age at the time of filing the application and up until the time of the oath:

Applicants Under 26 Years of Age

The applicant is generally ineligible.

Applicants Between 26 and 31 Years of Age

⁸⁹ See [INA 316\(a\)](#) and [INA 337\(a\)\(5\)\(A\)](#). See the Military Selective Service Act of 1940.

⁹⁰ See www.sss.gov.

⁹¹ See forthcoming Volume 7, Adjustment of Status.

⁹² Failure to register is not a permanent bar to naturalization.

⁹³ See [50 U.S.C. App. 462](#).

USCIS Policy Manual - Volume 12 - Part D

The applicant may be ineligible for naturalization. USCIS will allow the applicant an opportunity to show that he did not knowingly or willfully fail to register, or that he was not required to do so.

Applicants Over 31 Years of Age

The applicant is eligible. This is the case even if the applicant knowingly and willfully failed to register because the applicant's failure to register would be outside of the statutory period.

3. Males Not Required to Register

The following classes of males are not required to register for Selective Service:

- Males over the age of 26
- Males who did not live in the United States between the ages of 18 and 26 years
- Males who lived in the United States between the ages of 18 and 26 years but who maintained lawful nonimmigrant status for the entire period
- Males born after March 29, 1957 and before December 31, 1959⁹⁴

C. Draft Evaders

In general, the law prohibits draft evaders and deserters from the U.S. armed forces during wartime from naturalizing for lack of attachment to the Constitution and favorable disposition to the good order of the United States.⁹⁵

A conviction by a court martial or a court of competent jurisdiction for a military desertion or a departure from the United States to avoid a military draft will preclude naturalization.⁹⁶ USCIS may obtain such information from the applicant's testimony during the naturalization examination (interview), security checks, and from the Request for Certification of Military or Naval Service ([Form N-426](#)).⁹⁷

An applicant who admits to desertion during wartime, but who has not been convicted of desertion by court martial or court of competent jurisdiction may still be eligible for naturalization.⁹⁸ An applicant's military record may list him or her as a deserter but without a final conviction.

D. Membership in Certain Organizations

The officer will review an applicant's record and testimony during the interview on the naturalization application to determine whether he or she was ever a member of or in any way associated (either directly or indirectly) with:

⁹⁴ See Proc. No. 4771 of July 2, 1980 1-101, 94 Stat. 3775 (1980). See [50 U.S.C. App. 456\(a\)](#). See Sec. 3(a) of the Military Selective Service Act [[50 U.S.C. App. 453\(a\)](#)].

⁹⁵ See [INA 316\(a\)\(3\)](#).

⁹⁶ See [INA 314](#).

⁹⁷ See [Part I, Military Members and their Families](#).

⁹⁸ See *State v. Symonds*, 57 Me. 148 (1869). See *Holt v. Holt*, 59 Me. 464 (1871). See *McCafferty v. Guyer*, 59 Pa. 109 (1868).

- The Communist Party;
- Any other totalitarian party; or
- A terrorist organization.

Current and previous membership in these organizations may indicate a lack of attachment to the Constitution and an indication that the applicant is not well disposed to the good order and happiness of the United States.⁹⁹ Membership in these organizations may also raise issues of lawful admission, good moral character,¹⁰⁰ or may even render the applicant removable.¹⁰¹

The burden rests on the applicant to prove that he or she has an attachment to the Constitution and that he or she is well disposed to the good order and happiness of the United States, among the other naturalization requirements. An applicant who refuses to testify or provide documentation relating to membership in such organizations has not met the burden of proof. USCIS may still deny the naturalization application under such grounds in cases where such an applicant was not removed at the end of removal proceedings.¹⁰²

1. Communist Party Affiliation

An applicant cannot naturalize if any of the following are true within ten years immediately preceding his or her filing for naturalization and up until the time of the Oath of Allegiance:

- The applicant is or has been a member of or affiliated with the Communist Party or any other totalitarian party;
- The applicant is or has advocated communism or the establishment in the United States of a totalitarian dictatorship;
- The applicant is or has been a member of or affiliated with an organization that advocates communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterance or through any written or printed matter published by such organization;
- The applicant is or has been a subversive, or a member of, or affiliated with, a subversive organization;
- The applicant is knowingly publishing or has published any subversive written or printed matter, or written or printed matter advocating communism;
- The applicant is knowingly circulating or has circulated, or knowingly possesses or has possessed for the purpose of circulating, subversive written or printed matter, or written or printed matter advocating communism; or

⁹⁹ See [INA 313](#) and [INA 316](#). See [8 CFR 316](#).

¹⁰⁰ See [Part F, Good Moral Character](#).

¹⁰¹ See [INA 237\(a\)\(4\)](#).

¹⁰² See [INA 313](#). See the Legal Decisions and Opinions of the Office of Immigration Litigation Case Summaries - No. 93-380, *Price v. U.S. Immigration and Naturalization USCIS*, seeking review of *Price v. US INS*, 962 F.2d. 836 (9th Cir. 1992).

- The applicant is or has been a member of, or affiliated with, any organization that publishes or circulates, or that possesses for the purpose of publishing or circulating, any subversive written or printed matter, or any written or printed matter advocating communism.

2. Exemptions to Communist Party Affiliation

The burden is on the applicant to establish eligibility for an exemption. An applicant may be eligible for naturalization if he or she establishes that:

- The applicant's membership or affiliation was involuntary;
- The applicant's membership or affiliation was without awareness of the nature or the aims of the organization, and was discontinued when the applicant became aware of the nature or aims of the organization;
- The applicant's membership or affiliation was terminated prior to his or her attaining the age of 16;
- The applicant's membership or affiliation was terminated more than 10 years prior to the filing for naturalization;
- The applicant's membership or affiliation was by operation of law; or
- The applicant's membership or affiliation was necessary for purposes of obtaining employment, food rations, or other essentials of living.¹⁰³

Even if participating without awareness of the nature or the aims of the organization, the applicant's participation must have been minimal in nature. The applicant must also demonstrate that membership in the covered organization was necessary to obtain the essentials of living like food, shelter, clothing, employment, and an education, which were routinely available to the rest of the population.

For purposes of this exemption, higher education qualifies as an essential of living only if the applicant can establish the existence of special circumstances which convert the need for higher education into a need as basic as the need for food or employment, and that he or she participated only to the minimal extent necessary to receive the essentials of living.

However, unless the applicant can show special circumstances that establish a need for higher education as basic as the need for food or employment, membership to obtain a college education is not excusable for obtaining an essential of living.¹⁰⁴

¹⁰³ See [INA 313\(d\)](#).

¹⁰⁴ See *Langhammer v. Hamilton*, 194 F. Supp. 854, 857 (1961).

3. Nazi Party Affiliation

Applicants who were affiliated with the Nazi Government of Germany or any government occupied by or allied with the Nazi government of Germany, either directly or indirectly, are ineligible for admission into the United States and permanently barred from naturalization.¹⁰⁵ The applicant is responsible for providing any evidence or documentation to support a claim that he or she is not ineligible for naturalization based on involvement in the Nazi Party.

4. Persecution and Genocide

An applicant who has engaged in persecution or genocide is permanently barred from naturalization because he or she is precluded from establishing good moral character.¹⁰⁶ Additionally, an applicant who engaged in persecution or genocide prior to admission as an LPR would have been inadmissible. Such an applicant would not have lawfully acquired LPR status in accordance with all applicable provisions and would be ineligible for naturalization.¹⁰⁷ Such persons may also be deportable.¹⁰⁸

5. Membership or Affiliation with Terrorist Organizations

Information concerning an applicant's membership in a terrorist organization implicates national security issues. Such information is important in determining the applicant's eligibility in terms of the good moral character (GMC) and attachment requirements.

Chapter 8: Educational Requirements¹⁰⁹

In general, applicants for naturalization must demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage. Applicants must also demonstrate a knowledge and understanding of the fundamentals of the history and principles and form of government of the United States (civics). These are the English and civics requirements for naturalization.

An applicant may be eligible for an exception to the English requirements if he or she is a certain age and has been an LPR for a certain period of time. In addition, an applicant who has a physical or developmental disability or mental impairment may be eligible for a medical exception of both the English and civics requirements.¹¹⁰

Chapter 9: Good Moral Character¹¹¹

One of the requirements for naturalization is good moral character (GMC). An applicant for naturalization must show that he or she has been, and continues to be, a person of good moral character. In general, the applicant

¹⁰⁵ See [INA 212\(a\)\(3\)\(E\)](#).

¹⁰⁶ See [INA 101\(a\)\(42\)](#), [INA 101\(f\)](#), and [INA 208\(b\)\(2\)\(A\)\(i\)](#). See [Part F, Good Moral Character](#), [Chapter 4, Permanent Bars to GMC](#), [Section C, Persecution, Genocide, Torture, or Severe Violations of Religious Freedom](#).

¹⁰⁷ See [INA 318](#). See [Chapter 2, LPR Admission for Naturalization](#).

¹⁰⁸ See [INA 212\(a\)\(3\)\(E\)](#).

¹⁰⁹ See [Part E, English and Civics Testing and Exceptions](#) and [Part B, Naturalization Examination](#).

¹¹⁰ See [INA 312](#) and [8 CFR 312](#). See [Part E, English and Civics Testing and Exceptions](#).

¹¹¹ See [Part F, Good Moral Character](#), for guidance on the GMC requirement for naturalization.

USCIS Policy Manual - Volume 12 - Part D

must show GMC during the five-year period immediately preceding his or her application for naturalization and up to the time of the Oath of Allegiance. Conduct prior to the five-year period may also impact whether the applicant meets the requirement.¹¹²

¹¹² See [Part F, Good Moral Character](#).