

# Excerpts from USCIS Policy Manual

## 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.<sup>[1]</sup> 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.<sup>[2]</sup> 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:

- 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.<sup>[3]</sup> 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.

## **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.<sup>[8]</sup>

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;<sup>[9]</sup>
- Certain law students and law graduates not yet admitted to the bar;<sup>[10]</sup>
- 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;<sup>[11]</sup>
- Accredited representatives from organizations accredited by the Board of Immigration Appeals (BIA);<sup>[12]</sup>
- Accredited officials of the government to which a person owes allegiance;<sup>[13]</sup> or
- Attorneys outside the United States.<sup>[14]</sup>

No other person may represent an applicant.<sup>[15]</sup>

## **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
- 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,<sup>[16]</sup> correspondence from other agencies, and investigative reports and enforcement actions from DHS or other agencies.

### **2. Jurisdiction for Application<sup>[17]</sup>**

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.<sup>[18]</sup> 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.<sup>[19]</sup> In addition, an applicant for naturalization as a battered spouse of a U.S. citizen<sup>[20]</sup> or child may use a different address for safety which does not affect the jurisdiction requirements.

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 Checks<sup>[21]</sup>**

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.<sup>[22]</sup> 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.<sup>[23]</sup>

#### 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.<sup>[24]</sup> USCIS cannot make a decision on any naturalization application from an applicant who is in removal proceedings.<sup>[25]</sup>

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.<sup>[26]</sup>

## **C. Initial Naturalization Examination**

All naturalization applicants must appear for an in-person examination before a USCIS officer after filing an Application for Naturalization (Form N-400).<sup>[27]</sup> 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.<sup>[28]</sup> 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,<sup>[29]</sup> and
- An officer's questions relating to the applicant's eligibility for naturalization.<sup>[30]</sup>

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.<sup>[31]</sup> 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).<sup>[32]</sup>

The officer provides the applicant with a notice of results at the end of the examination regardless of the outcome.<sup>[33]</sup> The notice provides the outcome of the examination and should explain what the next steps are in cases that are continued.<sup>[34]</sup>

## **D. Subsequent Re-examination**

USCIS may schedule an applicant for a subsequent examination (re-examination) to determine the applicant's eligibility.<sup>[35]</sup> During the re-examination:

- 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.<sup>[36]</sup>

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.<sup>[37]</sup>

## **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).

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.