



# Naturalization Process E-learning Course Week 4

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## Naturalization Process and Fee Waivers



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## TOPICS WE WILL COVER

- Naturalization Process
  - Filling out N-400
  - Documentation for N-400
  - Fee Waivers
- Naturalization Oath
  - Requirements
  - Waivers
  - Modified Oath



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## The Naturalization Process

- Completing and filing N-400
- Biometrics
- Natz interview
- Swearing in - Naturalization ceremony and oath of allegiance

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## Completing Form N-400

- Part 1: Basis for eligibility
  - LPR for at least 5 years
  - Married to USC for 3 years
  - Spouse of USC and USC spouse engaged in employment abroad
  - Military Service
- Part 2: Information About Applicant
  - Need for N-648 waiver
  - Need for accommodations
  - Now includes questions on English language exemptions

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## N-400

- Part 3: Contact Information
- Part 4: Information to establish current residence, continuous residency for last 5 years
- Part 5: Information About Your Parents
  - Possible derivation or acquired citizenship
- Part 6: Information for FBI criminal record search to establish GMC; Possible deportability

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## N-400

- Part 7: Information About Employment and Schools - establishing continuous residence
- Part 8: Time Outside the US during last 5 years
- Part 9: Marital history
  - Possible marriage fraud
  - Eligibility based on marriage
- Part 10: Information about children

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## Does Thomas Smith Have A Problem?

In Part 8, Thomas Smith indicates that he was outside U.S. for 211 days in 2009 - 2010. What issues does this raise? Mr. Smith also states, in Part 7, that he has been working at The Ivy from March 3, 2010 to 3/13/2014. Since he was out of U.S. from December 2009 until June 8, 2010, is Part 7 inconsistent with Part 8? What should you do?

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## Thomas Smith's Marriages

In Part 9, Thomas Smith indicates that he is currently married to Louisa McGregor. Mr. Smith's previous marriage terminated by annulment on June 25, 2010. Do you see any problems with Mr. Smith's marriages?

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## N-400

- Part 11: Additional questions about eligibility/good moral character
  - False claim to citizenship
  - Registered to vote/ voted
  - Failed to file income tax
  - Membership in organizations – must list name, purpose and dates of membership
  - Membership in communist, terrorist, or totalitarian organizations

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## Thomas Smith's Failure to File Tax Returns

Will Mr. Smith's failure to file tax returns in 2006 and 2008 be a problem? Will he still be able to show good moral character?

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## N-400

- Page 14, Question #14
- Were you ever involved in any way:
  - Genocide
  - Torture
  - Killing or attempted killing
  - Badly hurting or trying to hurt
  - Forcing or trying to force sexual relations
  - Not letting someone practice religion

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## N-400

- Membership or participation in armed unit (#15)
- Worked or served in prison, jail, prison camp, detention facility, labor camp, forced stay (#16)
- Membership or participation in unit that used weapons or threatened use (#17)

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## N-400

- Sell, give or provide weapons (# 18)
- Receive military training or paramilitary training (#19)
- Recruit person under age 15 to serve in armed force (#20)
- Use person under age 15 to help those in combat (#21)

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## N-400, Criminal History – Part 11

- Have you ever committed, assisted in committing, attempted to commit crime or offense for which not arrested (#22)
- Have you ever been charged with committing, attempting to commit, or assisting in committing a crime or offense (#24)

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## N- 400 Criminal Sentencing – Part 11

- If received probation or parole, have you completed it (#27)
- If you were in jail or prison, how many years, months, days were you in jail or prison (#28)



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## Thomas Smith's Arrest Record – Problem?

- Assault and battery, 3/24/2006 – probation
- DUI, 08/07/2007 – dismissed
- DUI, 09/09/2011 – probation, fine

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## N-400

Questions #30

- Habitual Drunkard
- Been Prostitute or Procured for Prostitution
- Controlled Substance Trafficker
- Married to more than one person at same time
- Helped anyone enter illegally
- Gambling
- Failed to Support Dependents
- Made any misrepresentation to obtain public benefits

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## Selective Service Information

- Selective service registration (Part 11, #46)
  - Registration Date
  - Registration Number
- Residence in U.S. between ages 18-26
  - Refuse to or knowing and willful failure to register.
- Statement explaining failure to register **and** a status information letter from the Selective Service.



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## Documentation Needed for N-400

- Photocopy of both sides of “green card”
- Two Photos of Applicant
- Filing Fee: \$595
- Biometrics Fee: \$85 (age 75+ no biometrics fee)

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## Additional Docs

- If criminal record: court records
- May need to provide proof of child support payments for child under 18 not living with applicant, or support for dependent spouse
- May need to submit marriage, divorce, and death certificates if married more than once

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## More Docs

- If applying as spouse of USC, proof of spouse's citizenship, current marriage certificate, proof of termination of prior marriages, tax returns
- May need to provide income tax returns
- May need to provide Selective Service information
- Include fee waiver application, if needed

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## NEXT STEPS

- File with the appropriate lock box
- Processing Times
- The Naturalization Interview



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## Fee Waivers

- Allowed under 8 CFR § 103.7(c)
- Based on inability to pay fee
  - Household income
  - Means-tested benefit
  - Poverty guidelines
- Form I-912 – recommended not required
- Standardized form implemented November 2010

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## Eligibility

- USCIS will look at three criteria to determine if applicant is unable to pay the fee:
- 1) **Public Benefits.** Whether applicant is currently receiving a federal or state “means-tested benefit”
  - 2) **Low Income.** Whether annual household income is at or below 150% of the federal poverty level, at <http://aspe.hhs.gov/poverty>

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## Eligibility, cont'd

- 3) **Financial Hardship.** Whether applicant is facing recent unemployment, high medical expenses, etc.

“Each case is unique and will be considered on its own merits.”

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## Application Process

- File I-912 with supporting documentation
- USCIS’ stated goal is to adjudicate requests within 5 days of receipt
- If approved, will receive receipt for underlying application
- If denied, entire application will be returned with denial letter stating reasons
- No appeal, but can reapply with additional information if denied
- Approval rate for N-400 fee waivers: 84%

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## Supporting Documentation

- Many examples in I-912 instructions:
  - Official letter/notice from benefit-granting agency showing name of agency, recipient, and current receipt of benefit
  - Federal tax returns, W-2s, pay check stubs, employment contract, letter from employer, IRS transcripts, alimony received, scholarships, Social Security, etc.
  - Documentation of all assets, i.e. property, checking and savings accounts, cash, stocks

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## OATH REQUIREMENTS: INA § 337

- Naturalization candidate must take oath:
  - To support U.S. Constitution
  - To renounce allegiance to other states
  - To defend Constitution from enemies;
  - To bear true faith and allegiance to the same;AND

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## OATH REQUIREMENTS

- To *bear arms* on behalf of U.S. when required by law, OR
- To perform *noncombatant service* in U.S. Armed Forces when required by law; OR
- Perform *work of national importance* under civilian direction when required by law.

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## OATH WAIVER: INA § 337(a)

- Can waive if disabled and can neither understand nor communicate understanding of oath *due to physical or developmental disability or mental impairment*
- Can also request oath be administered at different site, as an accommodation



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## Modified Oath

- If applicant can demonstrate “*religious training & belief*” objection to bearing arms in U.S. Armed Forces or to any service in Armed Forces, then can delete either or both clauses from oath
- But still must include clause regarding “*work of national importance*”



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## Affirmation in Lieu of Oath

- Applicant who cannot take oath with words
  - “on oath”
  - “so help me God”
- Based on religious training or belief
  - “and solemnly affirm” substituted



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## Next Steps for You

- Course Evaluations –link on course site
- Course Certificates
  - Remember requirements: quizzes and webinars
  - Course site open until June 17th
- Put What You Learned Into Practice
- Come See Us Again!

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## CONGRATULATIONS TO OUR E-LEARNING GRADUATES!

HOPE TO SEE YOU AGAIN AT  
ANOTHER COURSE



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