

## Libraries Helping Immigrants Partnering to Support Citizenship: An Overview of Naturalization and Library Partnerships

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Immigrant Legal Resource Center



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## Immigrant Legal Resource Center




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## Benefits of Citizenship



Average boost in individual earnings\*

\*Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy  
Manuel Pastor and Justin Soong  
December 2012  
USC Center for the Study of Immigrant Integration

**TOP 6 BENEFITS OF CITIZENSHIP**

- 1** PROTECTION FROM DEPORTATION

**2** CITIZENSHIP FOR YOUR CHILDREN UNDER 18
- 3** FAMILY REUNIFICATION

**4** ELIGIBILITY FOR GOVERNMENT JOBS
- 5** FREEDOM TO TRAVEL

**6** THE RIGHT TO VOTE

LEARN MORE AT [NEWAMERICANS.CAMPAIGN.ORG](http://NEWAMERICANS.CAMPAIGN.ORG)

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### National Partners

- 10 national partners
  - Immigrant Legal Resource Center - lead agency
- National and local funders



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### Basics of Naturalization Law



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### Five Ways to Become a U.S. Citizen

1. Birth in the U.S.
2. Naturalization
3. Acquisition of Citizenship at Birth
4. Derivation of Citizenship (by age of 18)
5. Section 322  
For certain children living outside U.S.

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### Basic Requirements for Naturalization

- At least 18 years old
- Lawful permanent resident
- Five years of continuous residence
- Physical presence for half of the five years
- Good moral character
- Be able to pass exams on English and U.S. government and history
- Take a loyalty oath and be attached to the U.S. Constitution

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### Red Flags Beware of the Consequences!

Applicant can be  
Denied Naturalization  
and Deported!

Watch out for RED FLAGS-  
Encourage legal assistance.

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### First Naturalization Requirement

Must be at least 18 years old.

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## Second Naturalization Requirement

### Lawful Permanent Residence

Obtained status lawfully and maintains status as LPR




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### Lawful Permanent Residence

- Is the applicant actually an LPR?
- Legal practitioners will ask how the applicant obtained green card
  - Was it through a fraudulent marriage?
  - Did the individual lie about eligibility?
  - Was the individual eligible for the green card?

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### Example

Lara is a library patron who is asking about citizenship. Her LPR dad petitioned for her when she was 24 and unmarried. While she was waiting for her petition from her dad to become “current,” she got married. After getting married, she was informed that her petition was current, and used it to become a permanent resident.

Will she have a problem if she applies for naturalization? **Yes!**

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### Absences Can Affect Naturalization

- LPR requirement** • Can be found to have abandoned LPR
- Continuous Residence** • Can be found not to have continuous residence
- Physical Presence** • Can break physical presence
- 3 Month District/State Residence** • Can be found not to have 3 month residence
- Deportable for Being Inadmissible at Time of Admission** • Absence can trigger new admission

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### Abandonment

- LPR status is the right to live and work in the U.S.
- Department of Homeland Security (**DHS**) can place applicant in **immigration court** if an officer believes the person did not maintain a residence in the U.S.

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### Abandonment- Red Flags

-  Moved to another country
-  Gone more than a year
-  Worked in another country
-  Re-entered for only a couple days every six months

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### How would USCIS know about a long absence?

The Officer will:

- Look at list of absences since becoming a LPR on the N-400
- Look at passport
- Ask the Applicant at interview

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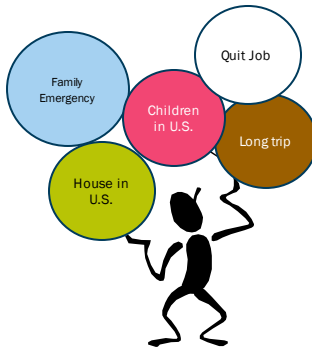
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### Abandonment

DHS has burden & must consider the totality of circumstances



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### Example

Sophia was a lawful permanent resident of the U.S. when she returned to her childhood home in Korea to attend her father's funeral. While there, she had to sell her family's house and business. It took her 17 months to sell everything and then she returned to the U.S.

Is this a problem? **Maybe!**

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**Example**

- She reasonably expected the funeral and sale of the house and business to occur in a relatively short period of time. She thought the funeral would be quick and it would not be hard to sell the house and business.
- She always intended to come back as soon as she finished his responsibilities.
- For the entire period she was gone she maintained her intent to reside in the U.S.
- She should also list her ties to the U.S. Maybe she has a house/ family members who remained.

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**Third Naturalization Requirement**

**Continuous Residence**

Must have five years of continuous residence in U.S. before qualifying for naturalization (can apply three months early)

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**Continuous Residence**

⇒ **Special Rule:**  
Three years of continuous residence in U.S. required, if:

- LPR for three years
- Married to and living with U.S. citizen for three years
- Spouse must have been U.S. citizen for at least three years
- 3+3+3=3

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### Residence = primary living place

 Long absences are a red flag.

#### Absences from U.S.:

- **6 months or less:** should NOT break residence for naturalization purposes.
- **6-12 months:** more than six months but less than one year MAY break residence.
- **1 year or more:** Absence for one year or more WILL break residence.

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### Example

Sophia was a lawful permanent resident of the U.S. when she returned to her childhood home in Korea to attend her father's funeral. While there, she had to sell her family's house and business. It took her 17 months to sell everything and then she returned to the U.S.

**Answer:** Sophia broke continuous residence, even if she is able to show she did not abandon her residence.

*She must wait 4 years and one day from her return before applying.*

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### Fourth Naturalization Requirement

#### Physical Presence

- Must have been physically present in U.S. for half of five year period.
- If married to a U.S. citizen, then must be physically present for half of the three year period before filing

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### Residence in USCIS District or State

#### Separate Requirement

➔ **3 Months Residence** in the USCIS District or state where applying for naturalization

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### Fifth Naturalization Requirement

#### Good Moral Character

1. Careful: Good Moral Character issues can cause applicant to be denied and deported.
2. Watch for **Red Flag** Issues – Encourage immigrants to seek expert advice if an issue is raised.
3. Whenever a crime, applicants should get records and talk to a legal representative.

*Not looking for moral excellence, average person standard*

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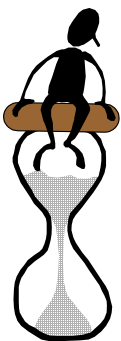
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### Statutory Period for GMC



Negative event or issue must have occurred within the timeframe for which GMC must be established.

Cannot be a bar after time has lapsed.

- 5 year GMC period OR
- 3 year GMC period for some spouses of U.S. citizens

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### Red Flag Issues

Watch out for these common issues:

- False claim to US citizenship
- Criminal record
- On Probation or Parole
- Alien Smuggling
- Failure to pay taxes
- Failure to support dependents
- Unlawful Voting
- Providing false information to government

May still be eligible but require analysis before applying!

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### Sixth Naturalization Requirement:

#### English and US History Exams

- Speaking Test
- Reading Test
- Writing Test
- Civics Test

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### English Requirement

#### 1) English Test- 3 components

- Speaking**
  - Applicant is tested by asking question about N-400, U.S. History and Civics, and exchanging pleasantries
- Reading**
  - Applicant must read one out of three sentences correctly to demonstrate an ability to read in English.
- Writing**
  - Applicant must write one out of three sentences correctly to demonstrate an ability to write in English.

English (most common reason for denial)

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### English Requirement

Exempt from English requirement if:

55/15 Rule

50/20 Rule:



Applicant will still need to pass the civics portion of the exam, but in their own language.

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### Example

Lin turns 55 in two months. She cannot speak much English and says she cannot write in English at all. She's had her green card for 16 years. What would you recommend to Sin?

**Answer:** Lin can wait two months and can take the civics test in her own language! If she applies now, she will need to speak and write English.

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### Civics Requirement

Tested by asking 10 of 100 predetermined questions

- Must answer correctly at least 6 of the 10 questions to pass.

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### Civics Requirement

Exceptions:

- 65 years old and 20 years as an LPR gets easier test
  - Tested by asking 10 of the easiest 20 questions
- If language exempt, can take U.S. history and government exam in native language
- **Disability waiver exception can waive this requirement.**

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### English and US History Exams

Applicant gets **two** chances to pass exam!



- Re-test is **60 to 90 days** from the date of the initial interview. See [8 CFR 312.5\(a\)](#) and [335.3\(b\)](#). Only re-tested on the test s/he didn't pass.
- ESL/ partnerships can help in between

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### N-648 Disability Waiver

- Waiver allowed for disability or medical reason
- Form must be completed by a medical doctor, osteopath, or clinical psychologist "experienced in diagnosing" these disabilities
- The focus of the information provided should be on the nexus between the disability and the applicant's ability to learn or demonstrate knowledge of English, U.S. history and government

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### N-648 Disability Waiver

Unlike the age exceptions, the disability waiver may waive both the English and civics requirement.

Since two different requirements and different tests, waiver needs to express reasons explaining why each requirement must be waived.

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### Disability Accommodations

Under Section 504 of the Rehabilitation Act of 1973, USCIS must provide accommodations or modifications for applicants with physical or mental impairments that make it difficult for them to complete the naturalization process.

⇒ Applicants should list their needs in the space provided on the Form N-400.

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### Examples of Accommodations

- Wheelchair-accessible test sites
- Sign language interpreters
- Loud translators or written tests for people who have difficulty hearing
- A family member, guardian, or maybe even a social worker to be present during the interview to act as an interpreter or help the applicant feel more calm and secure during the interview
- A family member, guardian, social worker, or legal representative to repeat and/or reword the CIS adjudicator's questions if the applicant is unresponsive to the adjudicator
- An extension of time for the civics test for an applicant with a learning disability who does not request an exception to the testing requirements
- Questions which call for a "Yes" or "No" answer
- A request that applicants with behavioral issues, or those who tire easily, or have problems sitting for long periods of time, be seen in a timely fashion (i.e., at the time indicated on the appointment notice) to maximize their interview performance level
- Requests for home interviews for applicants with certified health needs or medical conditions that make traveling painful or impractical
- Non-verbal communications such as tapping, blinking, or head nodding
- Questions in more simple language

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**Seventh Naturalization Requirement:**

**Loyalty Oath**



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**Seventh Naturalization Requirement:**

**Loyalty Oath**

**Waivers**

**Modifications**

- Children
- Disability

- Religious or moral conviction

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**Application Fees**

**N-400 Application Fee:**

- \$725 fee (check or money order made payable to U.S. Dept. of Homeland Security)
- Reduced Fee (Form I-942)
- Fee Waiver (Form I-912)

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### Full Fee Waiver: Form I-912

#### Federal or State "Means Tested Benefit Program" – Food Stamps, TANF, SSI

- Need proof from benefits program
- Automatic if qualify

#### 150% or Less of the Federal Poverty Guidelines

- Household income
- Must show proof (tax returns could work)
- Automatic if qualify

#### Financial Hardship/Special Circumstances

- Show resources and liabilities/debts
- Not automatic



**Warning! Changes Expected Soon!**

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### Public Benefits

**Legally received public benefits do  
not impact ability to naturalize...**

- except it might help the applicant qualify for a fee waiver!
- There is no "public charge test" to naturalization



**But careful if received through fraud or  
while applicant outside U.S.**

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### Partial Fee Waiver: Form I-942

- If income is between 150-200% of federal poverty guidelines, eligible to pay a reduced application fee.
- Complete Form I-942
- Provide proof of income
- Pay fee of \$405 (check or money order made to Dept. of Homeland Security)

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### Five Pillars of the New American Campaign

Impact  
Collaboration  
Innovation  
Diversity  
Quality

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### Library Partnerships for Citizenship

- Why Partner
- ESL and Civic Classes
- Education and Technology
- Virtual Legal Assistance
- Naturalization Workshops
- DOJ Accreditation

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### Library Partnerships for Citizenship

**“Celebration & Integration” – Library Journal, June 1, 2016**  
<http://5.libraryjournal.com/2016/06/library-services/celebration-integration-public-services/#>

#### Why Partner

- Trusted public institutions
- Meeting space and computers
- Unique role in places with few resources
- [USCIS-ILRS Memorandum of Understanding](#) renewed in 2016

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## Library Partnerships: ESL and Civics USCIS Community Relations Officers



<https://usalearns.org/>

Contact your Community Relations Officer at USCIS:  
<https://www.uscis.gov/outreach/contact-us>

USCIS List of Community Relations Contacts for Libraries:  
<https://bit.ly/2Fp84HX>

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## Library Partnerships: Legal Services Referrals & Resources



Libraries can refer to [New Americans Campaign partner](#) organizations and other trusted CBOs such as CDSS OneCalifornia grantees for help completing naturalization application.

CDSS grantees can be found at <https://www.cdss.ca.gov/Benefits-Services/More-Services/Immigration-Services/Immigration-Services-Contractors>.

The Immigration Advocates Network Legal Directory for California can be found at <https://www.immigrationadvocates.org/non-profit/legaldirectory/search?state=CA>.

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## Library Partnerships: Education and Technology

### Citizenship Corners and Outreach Partnerships

- [Citizenship Outreach Partnership](#) with informational sessions about US citizenship and the naturalization process.
- [Citizenship Corner](#) in each branch library, like in [San Jose, CA](#) (watch the video).
- Library tours of citizenship-related materials for immigrants

### Computer Labs and Laptops

Watch this video of the [Brooklyn Public Library](#) using Citizenshipworks.

What is Citizenshipworks?  
Watch this video:  
<http://bit.ly/236iZWw>

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### Library Partnerships: Virtual Legal Assistance



<https://www.citizenshipworks.org/> (free platform)  
<https://www.boundless.com/> (fee based)

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### Library Partnerships: Naturalization Workshops

#### Host Workshops

- Host library-based information session or naturalization workshops.
- Watch this video of a workshop at the [Eagle Rock Library](#).
- Read about a workshop partnership with the [Dallas Public Library](#).

#### Provide Volunteers, Resources & Promotion

- Library volunteers or staff can help with citizenship events at libraries.
- Offer the use of library equipment (printers, copiers, computers, pens, etc.).
- Promotion to library patrons through emails, calls, mailers, texts or flyers.

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### Library Partnerships: DOJ Accreditation



Department of Justice Recognition and Accreditation Program:  
<https://www.justice.gov/eoir/recognition-and-accreditation-program>

Roster of Organizations Recognized and Accredited by the Department of Justice:  
<https://www.justice.gov/eoir/recognized-organizations-and-accredited-representatives-roster-state-and-city>

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### What Comes Next?



1. What was something you learned and are interested in implementing or exploring in your library?
2. What additional information or resources do you still need?

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### Stay in Touch

- Sign up for New Americans Campaign stories and updates at <http://newamericanscampaign.org/get-updates/>
- Follow us on Twitter  @newamericans

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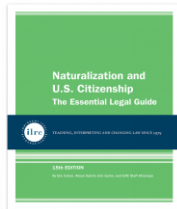
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### Naturalization and U.S. Citizenship

- This indispensable guide thoroughly addresses the entire process of representing a naturalization applicant from the initial client meeting through the oath of allegiance.
- You will find sample forms, Immigration Service memos, practice guides, and many other critical tools for both private attorneys and practitioners working with community-based organizations.
- This edition includes a detailed explanation of the nuances involved in determining whether a naturalization applicant has sufficient good moral character to qualify for naturalization, a clear and complete description of the myriad of ways in which an absence could affect one's naturalization application, and an explanation of the recently released N-400 form and how to best complete it.



15<sup>th</sup> Edition

Visit [www.ilrc.org](http://www.ilrc.org)

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