APPEALING NATURALIZATION DENIALS FOR LACK OF GOOD MORAL CHARACTER

By Peggy Gleason

I. Introduction

The second Trump administration's war on immigrants has taken a heavy toll on naturalization applicants. The government's statistics illustrate the punitive approach that USCIS has taken to naturalization. The national naturalization denial rate began rising in October 2025 and reached 18.2% in September 2026, which is the highest it has been in all of the 48 quarters on record.[1] Advocates are reporting ad hoc and egregious denials based on supposed lack of good moral character, among other reasons. These decisions often conflict with legal authority, whether from the statute, regulations, case law, or sometimes even the USCIS's own Policy Manual. Advocates need to be aware of these legal authorities to challenge denials.

Denials can be challenged by administrative appeal, and thereafter by federal litigation. This advisory reviews some of the problematic denials, gives examples of erroneous good moral character decisions, and reviews the process for challenging them.[2]

II. Background

USCIS created a series of obstacles to naturalization in 2025-2026, which illustrates the agency's intent to stymy public access to citizenship. USCIS has made the application process increasingly difficult by changing adjudication guidance, reducing USCIS staff, increasing fraud investigations, increasing backlogs, creating more difficult citizenship tests, and increasing fees and denial rates. In addition, the government is pursuing already naturalized citizens searching for reasons to denaturalize them. As a result, fewer people are applying, fewer applications are being adjudicated, and fewer applicants are being approved.[3]

---

[1] USCIS quarterly processing data, FFY2014 Q4–FFY2026 Q3.

[2] For more information on this topic, see ILRC, *Naturalization and Citizenship*, Chapter 13, Denials, Appeals and USCIS Inaction (2025) and ILRC, *How to Successfully Appeal Your Naturalization Denial* (Oct. 2019) https://www.ilrc.org/resources/how-successfully-administratively-appeal-your-naturalization-denial.

[3] American Immigration Lawyers Association, *Threats to Citizenship and Naturalization* (June 30, 2026), https://www.aila.org/library/featured-issue-threats-to-citizenship-and-naturalization; *Denaturalization and the Administration's Targeting of U.S. Citizens* (July 21, 2025), https://www.aila.org/library/featured-issue-denaturalization. Joseph Edlow, USCIS Director, has testified that, "Naturalization is a privilege, not a right, and USCIS has taken extensive steps to reinforce the integrity of the naturalization process," including implementing a more difficult civics test for naturalization, increased fraud investigations and re-instituting a long-abandoned policy of neighborhood investigations for naturalization applicants. Testimony of Joseph

All these changes have caused a radical slowdown to adjudications. USCIS's reported processing time has nearly doubled, from 6.4 months in August 2025 to 12.7 months in August 2026.[4]

In this environment, it is more important than ever that naturalization applicants and their advocates screen very carefully prior to filing, using the red flag checklist.[5] The red flags help identify problem areas that may need more research, or grounds of deportability that could result in an applicant being placed in removal proceedings.[6] The stakes are incredibly high—a deportable naturalization applicant must expect a referral to immigration court.[7] Applicants also need to be prepared to appeal if they receive a conclusory denial that lacks legal support.

III. Naturalization Adjudications

The statute and regulations govern the process for naturalization adjudications. INA § 335 and the regulations at 8 CFR § 335 govern the examination process. The process for hearings on denials is found in INA §336 of the statute, with corresponding regulations at 8 CFR § 336.

A. Continuance

The regulations can help the advocate argue that a continuance should be granted after the initial interview, thus providing an opportunity to present legal arguments to overcome an identified problem in eligibility.[8] While the continuance is in the discretion of the USCIS officer, the regulations allow this mechanism to address a deficiency identified at interview. Under 8 CFR § 335.3(b), the USCIS adjudicator has the option of granting one continuance of the initial interview in order to give the applicant "an opportunity to overcome deficiencies on the application that may arise during the examination." Advocates should ask an officer to exercise this option if problems arise at interview that can be addressed by further documentation.

Edlow before the U.S. House of Representatives, Committee on Homeland Security (Feb. 10, 2026), https://docs.house.gov/meetings/HM/HM00/20260210/118916/HHRG-119-HM00-Wstate-EdlowJ-20260210.pdf.

[4] Application completions have dropped sharply. Monthly approvals and denials combined fell from approximately 80,000 to 20,000 over the past year. In addition, half as many people are applying for naturalization: Following the implementation of the new naturalization test, monthly filings fell by approximately 50% compared with the same months a year earlier. USCIS quarterly processing data, FFY2014 Q4–FFY2026 Q3.

[5] ILRC, Red Flag Checklist, https://www.ilrc.org/sites/default/files/2024-05/Naturalization%20Red%20Flag%20Checklist%20-%20English_1.pdf.

[6] The current USCIS Notice to Appear memo states that deportable naturalization applicants will be denied and placed in removal proceedings, *USCIS, Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens* (Feb. 28, 2025), https://www.uscis.gov/sites/default/files/document/policy-alerts/NTA_Policy_FINAL_2.28.25_FINAL.pdf. Applicants who risk removal proceedings because they are deportable, including those who were not originally eligible for their green card, need to carefully assess whether a strong application for relief from removal would apply to them in immigration court and whether it is in their best interests to go forward.

[7] *Id*.

[8] For more information see ILRC, *Naturalization and Citizenship*, Chapter 13, Denials, Appeals and USCIS Inaction (2025).

This will give the client and representative the opportunity to address the problem in order to avoid an actual USCIS denial. Averting a denial saves the representative and the client from the anxiety, cost, processing time, and problems of having to either re-apply or appeal a denial.

The USCIS officer must inform the applicant in writing of the grounds that have to be overcome or the evidence that needs to be submitted. The applicant will then have at least 60 days from the date of the first interview before they have to reappear at the second interview, but a final decision must be made within 120 days from the date of the first interview.[9] If the applicant cannot overcome the deficiency, USCIS will deny the application.[10]

B. Denial process

If USCIS is going to deny a naturalization application, they must do so within 120 days of the initial interview. The applicant must be notified in writing of the reason for the denial.[11] The denial must be delivered to applicant by personal service,[12] or by service on the legal representative. The notice must recite the facts on which the decision was based, the specific legal authorities on which the finding of ineligibility was based, and the conclusions of law reached by the officer. The notice must also advise the applicant that they can accept the decision or request a hearing before an officer on appeal.[13] After receiving the denial, the applicant (or the representative) has 30 days to file a request for a review hearing. The hearing must be scheduled, "within a reasonable period of time not to exceed 180 days from the date upon which the appeal is filed."[14]

Note that there is a separate regulation that requires that applicants who are denied for failure to pass the English/civics tests have a second opportunity to take the test at a rescheduled interview that takes place within 90 days of the first interview.[15]

---

[9] 8 CFR § 335.3(a).
[10] 8 CFR § 335.3(b).
[11] 8 CFR § 336.1(a).
[12] 8 CFR § 103.8 (2) defines personal service: "Personal service, which shall be performed by a Government employee, consists of any of the following, without priority or preference:
(i) Delivery of a copy personally;
(ii) Delivery of a copy at a person's dwelling house or usual place of abode by leaving it with some person of suitable age and discretion;
(iii) Delivery of a copy at the office of an attorney or other person, including a corporation, by leaving it with a person in charge;
(iv) Mailing a copy by certified or registered mail, return receipt requested, addressed to a person at his last known address; or
(v) If so requested by a party, advising the party by electronic mail and posting the decision to the party's USCIS account."
[13] 8 CFR § 336.1(b)
[14] 8 CFR §§ 336.2(a), (b)
[15] 8 CFR § 312.5(a).

C. Filing the N-336 appeal form

USCIS Form N-336 *Request for a Hearing on a Decision in Naturalization Proceedings under Section 336* can currently be filed on paper for $830, or online for $780. A fee waiver is possible under current regulations as well.[16] The form must be filed within thirty days after the applicant receives the notice of denial.[17] An untimely filing of Form N-336 will be treated as a motion to reopen.[18]

The reviewing officer can review the application and examine the applicant, as well as reviewing any administrative records that are part of USCIS files. The officer can also receive new evidence and take new testimony; thus, the review standard is *de novo* and may include new evidence. The officer is not limited to what was previously provided at the naturalization interview.[19] The officer who hears the case on appeal must be classified at a grade level equal to or higher than the grade of the officer who made the first determination.[20]

Form N-336 is a relatively simple form that requires applicant's biographic information in Parts 1 and 3. In Part 2, the applicant is asked to fill out the N-400 receipt number, the date of the denial notice, and the name of the USCIS office that issued the denial.

Part 4 is the heart of the appeal, where a page is provided to state the reasons for requesting a hearing. Additional pages can be filed if needed.

For denials based on a lack of good moral character, advocates should look carefully at the applicable statute, regulations, and case law to determine a basis for appeal. Particularly in cases where USCIS claims that the discretionary portion of the good moral character determination is the sole basis for denial, advocates should investigate whether the agency failed to weigh positive and negative factors in a totality of the circumstances balancing test. The remainder of this advisory will examine some of the arguments that advocates can make in that context.

IV. Good Moral Character Requirement

The naturalization applicant has the burden to establish good moral character for the statutory period, which is five years immediately prior to filing for most naturalization applicants, but three years for certain spouses of U.S. citizens.[21] Some of the conclusory denials that

---

[16] USCIS, *Fee schedule*, G-1055, https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf. Note that USCIS published a proposed rule on fees that would increase these amounts if finalized and would eliminate the fee waiver possibility. USCIS, *Naturalization Application Fee Adjustments*, Notice of Proposed Rulemaking (June 3, 2026) https://www.federalregister.gov/documents/2026/06/23/2026-12542/naturalization-application-fee-adjustments.
[17] 8 CFR § 336.2(a). Note that if the deadline falls on a Saturday, Sunday, or federal holiday, USCIS considers the filing timely if it is received by the end of the next business day. 8 CFR § 1.2, 1 USCIS-PM B.6.
[18] 8 CFR §§ 336.2(c)(2)(ii).
[19] 8 CFR § 336.2(b).
[20] *Id.*
[21] 8 CFR § 316.2(a)(7); INA § 319(a).

advocates are reporting are based on erroneous interpretations of the good moral character requirement which abuse the discretionary element of that eligibility ground.[22]

Good moral character must be judged according to the statute,[23] regulations,[24] and case law, and only secondarily is discretion considered for good moral character. In INA § 101(f), the statute outlines specific circumstances which are bars to good moral character, some no matter when they occurred,[25] and others are bars only if they occur in the period for which good moral character is required.[26]

The regulations repeat the bars already found in the statute. In addition, the regulations state that, unless the applicant establishes extenuating circumstances, certain additional acts during the statutory lookback period can bar good moral character: willful failure to support dependents, having an extramarital affair which tends to destroy a marriage, or committing unlawful acts which negatively reflect on moral character.[27] USCIS refers to these as "conditional bars" to good moral character.[28]

A. A balancing test of positive and negative equities is required for a discretionary good moral character determination

If an applicant is not permanently or statutorily barred from establishing good moral character, they can nevertheless be denied good moral character as a matter of discretion. At the end of INA §101(f), the statute states: "The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character." This phrase is sometimes called the "catch all" part of INA § 101(f) and it is the source of the discretionary element of good moral character.

Although this section of the good moral character determination can be discretionary, naturalization itself is not a discretionary application.[29] There is no language in the statute that says naturalization may be decided "in the discretion" of the Attorney General, such as is the case with the discretionary benefits applications of waivers or of adjustment.[30] This means that if the eligibility requirements are met, an applicant should qualify for naturalization.

---

[22] For more background on the good moral character requirement, see ILRC, *Naturalization and U.S. Citizenship*, Chapters 6-7
[23] INA § 101(f).
[24] 8 CFR § 316.10.
[25] Permanent bars to establishing good moral character are: a conviction for murder, a conviction for aggravated felony on or after 11/29/90, and conduct relating to assisting in Nazi persecution, genocide, torture, severe violations of religious freedom. INA § 101(f).
[26] Statutory bars to establishing good moral character are: being a habitual drunkard; having income principally from illegal gambling; convictions for two or more gambling offenses; being confined to penal institution for 180 days or more; giving false testimony under oath; admission or conviction of a crime involving moral turpitude; any controlled substances offense; multiple offenses where aggregate sentence is 5 years or more; reason to believe drug trafficker; prostitution; alien smuggling; and polygamy. INA § 101(f).
[27] 8 CFR § 316.10.
[28] 12 USCIS PM F.5.
[29] I USCIS-PM E.8 lists which applications are discretionary and which are not, https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-8.
[30] *Id.*

Increasingly, USCIS seems to be attempting to portray naturalization as a discretionary benefit. This position should be challenged.

In assessing the narrow discretionary part of the good moral character determination, USCIS should balance any negative acts the person may have committed against any positive acts or equities.[31] Note that although there is longstanding caselaw supporting the use of a balance test,[32] the current USCIS Policy Manual language says that a balance test is only required in the Ninth Circuit.[33] Advocates should use case law to argue the balancing test is required everywhere because the BIA and case law outside the Ninth Circuit also apply a balancing test. This balancing test is a critical opportunity for advocacy.[34]

B. The standard is the average person in the community

The regulations on good moral character clearly state that the standard to be applied is the average person in the community. If USCIS requires moral excellence of a naturalization applicant, they are not applying the correct legal standard.[35]

Unlawful acts that adversely reflect on moral character are not mere technical or regulatory violations.[36] Since the standard is not moral excellence, but rather the average person in the

[31] USCIS has altered sections of the Policy Manual in 2026 regarding neighborhood visits and evaluations of good moral character that show the agency's intent to broaden the factors being considered in the discretionary portion of good moral character. See ILRC, *Changes in the USCIS Policy Manual Affecting Naturalization* (Oct. 2026) https://www.ilrc.org/resources/changes-uscis-policy-manual. Policy Manual guidance does not negate the authority of existing case law and decisions of the BIA that support the balance test. On November 4, 2026, USCIS published a memo expressing the intent to include receipt of public benefits and sponsorship on affidavits of support in evaluating the discretionary element of good moral character. The memo unlawfully conflates separate areas of law and mainly serves to provide further chilling impact on naturalization applicants. It will not be in effect as official guidance until USCIS further publishes Policy Manual material on this subject. *See* USCIS, *Good Moral Character Determination: Failure to Support Dependents, Public Benefits and Sponsorship through Affidavits of Support*, https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-201-GMCPublicBenefits-20261104.pdf

[32] *Matter of Sanchez-Linn*, 20 I&N Dec. 362, 365 (BIA 1991) (evaluating good moral character involves evaluating "both favorable and adverse" evidence "regarding an applicant's conduct throughout the course of his lifetime"); *Torres-Guzman v. INS*, 804 F.2d 531, 534 (9th Cir. 1986) ("Where … [the] petitioners have not committed acts bringing them within [INA § 101(f)]'s enumerated categories, the [adjudicator] must consider all of petitioners' evidence on factors relevant to the determination of good moral character.

[33] 12 USCIS-PM F.5(L)(2).

[34] *Supra* 34.

[35] *Matter of B-*, 1 I&N Dec. 611, 612 (BIA 1943) ("We do not think [good moral character] should be construed to mean moral excellence, or that it is destroyed by a single lapse."); *Matter of T-*, 1 I&N Dec. 158, 159 (BIA 1941) ("Good moral character does not mean moral excellence."); *Klig v. U.S.*, 296 F.2d 343, 346 (2d Cir. 1961) ("We do not require perfection in our new citizens.").

[36] 12 USCIS-PM F.5. The USCIS Policy Manual elaborates on the unlawful acts with a non-exclusive list and directs: "[A]n officer should also consider whether the act is against the standards of an average member of the community. For example, mere technical or regulatory violations may not be against the standards of an average member of the community."

community, it defies reason and case law to state that a traffic ticket or driving violation short of a DUI should generally prevent someone from establishing good moral character.[37]

C. Acts outside the good moral character statutory period

The regulations state that USCIS can look at any time prior to the good moral character statutory period (generally five years, or three if applying as the spouse of a U.S. citizen), "if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character."[38] Thus reformation of character must be considered.

The USCIS Policy Manual contains further administrative interpretation of the good moral character requirement. For incidents outside the statutory period, USCIS instructs officers to assess current character and reformation in the totality of the circumstances, and to look to family ties and background; absence or presence of criminal history; education; employment history; law-abiding behavior (paying taxes, meeting financial obligations); community involvement; credibility; compliance with probation; and length of time in the U.S.[39]

Although USCIS may look beyond the five- or three-year period to evaluate good moral character, some courts have held that the applicant's behavior before the five- or three-year period cannot be the *only* reason for a discretionary denial of good moral character. If the applicant has shown "exemplary" conduct within the required statutory period, the applicant must be found to have good moral character.[40] In particular, if there are negative factors *outside* the statutory period, but the applicant shows rehabilitation *during* the good moral character period, they nevertheless should be found to have GMC.[41]

---

[37] *Yin-Shing Woo v. United States*, 288 F.2d 434, 435 (2d Cir. 1961) (failure to pay parking tickets did not undermine good moral character or other "minor" crimes that would pose no impediment to naturalization); *Keaik v. Dedvukay*, 557 F. Supp. 2d 820, 828 (E.D. Mich. 2008) (convictions for driving on a suspended license were "insufficient to establish bad moral character by themselves"); *see also Matter of Castillo-Perez*, 27 I&N Dec. 664 (A.G. 2019) (finding that two or more DUI convictions—but not lesser offenses, such as negligent driving which does not require impairment—during the period for which good moral character is required create a rebuttable presumption that the person lacks good moral character). 12 USCIS F.5, https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5.

[38] 8 CFR § 316.10(a)(2).

[39] 12 USCIS PM F.2, https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-2.

[40] *Santamaria-Ames v. INS*, 104 F.3d 1127, 1132 (9th Cir. 1996) ("If the petitioner demonstrates 'exemplary conduct with every evidence of reformation and subsequent good moral character' from the beginning of the [statutory] period to the present, then his application cannot be denied based solely on his prior criminal record.…").

[41] *See Nyari*, 562 F.3d at 920 ("An applicant's conduct prior to the statutory period is relevant only to the extent that it reflects on his or her moral character within the statutory period."); *U.S. v. Hovsepian*, 422 F.3d 883, 886–87 (9th Cir. 2005) (finding applicants to have good moral character despite convictions for conspiracy to transport explosive materials in interstate commerce because convictions occurred twenty years prior and applicants had shown significant rehabilitation through positive contributions to the Armenian community, employment, rejection of the use of violence to express a political view, and remorse for their actions; *Santamaria-Ames*, 104 F.3d at 1131–32 (reversing the district court's adverse GMC determination based exclusively on lengthy criminal history outside the statutory period and remanding to give the

Research the case law in this area. Even if your circuit has not addressed the issue, many district courts have strong language about not denying naturalization based only on discretionary conduct prior to the statutory period for good moral character.[42] These can provide arguments on appeal.

The applicant must also demonstrate and maintain good moral character from the time the citizenship application is filed until the applicant actually takes the oath of allegiance to become a U.S. citizen.[43]

D. Examples of recent denials and arguments for appeal

Example: Applicant had been late paying taxes for three years because he had not anticipated the full amount owed. He arranged a payment plan with IRS that was in place by the time he

applicant the opportunity to show he was of good moral character); *Pignatello v. Att'y Gen. of U. S.*, 350 F.2d 719, 725 (2d Cir. 1965) (noting that the adjudicator does not need to consider conduct before the GMC statutory period, and that if the adjudicator does, they can only do so to the extent that the pre-period conduct relates to whether the petitioner has shown GMC in the statutory period); *Marcantonio v. U.S.*, 185 F.2d 934, 936–37 (4th Cir. 1950) (reversing the judge's finding that applicant was not of good moral character based on three convictions relating to unlawful liquor business and a conviction for assault with intent to murder with a three-year prison sentence where the crimes were committed outside the statutory period and the applicant demonstrated he was rehabilitated through lawful employment, attending church, and taking care of his family); *Petition of Zele*, 140 F.2d 773, 776 (2d Cir. 1944) ("Under the law the burden is on the petitioner to establish good moral character only during the five-year period, not earlier.… And it has consistently been construed liberally so as to sanction forgiveness after the expiration of five years from the date of a disbarring misdeed."); *Matter of Carbajal*, 17 I&N Dec. 272 (Comm. 1978) (holding that a noncitizen's prior immigration violations standing alone are insufficient to find that he is not of good moral character).

[42] *See, e.g., Davis v. Sessions*, 293 F. Supp. 3d 678, 686–87 (S.D. Tex. 2018) (holding that acts outside the statutory period must be tied to current conduct); *Gatcliffe v. Reno*, 23 F. Supp. 2d 581, 585 (D.V.I. 1998) (reversing INS decision that the applicant could not establish GMC based solely on convictions for arson and conspiracy to damage and destroy a building and driving while intoxicated with sentences of imprisonment over two years, both of which occurred outside the five-year statutory period where applicant had convincing testimony of rehabilitation); *Tan v. INS*, 931 F. Supp. 725, 731–32 (D. Haw. 1996) (reversing immigration judge's denial of naturalization due to a fraudulent marriage scheme that occurred outside of the statutory period where applicant showed exemplary conduct by serving honorably in the military for over twelve years and receiving numerous letters of appreciation, letters of commendation, and medals); *see also Adegoke v. Fitzgerald*, 784 F. Supp. 2d 538, 540 n.2 (E.D. Pa. 2011); *Fuks v. Devine*, No. 05 C 5666, 2006 WL 2051321, at *5 (N.D. Ill. July 20, 2006); *Meraz v. Comfort*, No 05 C 1094, 2006 WL 861859, at *3 n.5 (N.D. Ill. Mar. 9, 2006); *In re Pruna*, 286 F. Supp. 861, 862 (D.P.R. 1968) ("[I]t is not permissible to base denials of naturalization on acts committed prior to the five year period. To do so would be to add a condition to the statute not contained therein."); *Gordon v. Chertoff*, No. Civ.A. 2:04CV673, 2005 WL 2989706 (E.D. Va. Nov. 4, 2005); *Asamoah v. INS*, No. 01 Civ. 10847, 2004 WL 736911 (S.D.N.Y. Apr. 5, 2004); *Gizzo v. INS*, No. 02 Civ. 4879, 2003 WL 22110278 (S.D.N.Y. Sept. 10, 2003); *Petition of Orphanidis*, 178 F. Supp. 872 (N.D.W. Va. 1959).

[43] 8 CFR § 316.10(a)(1); *see also U.S. v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005); *U.S. v. Dang*, No. Civ. S-01-1514, 2004 WL 2731911 (E.D. Cal. Nov. 15, 2004) (noting that if criminal offenses are *committed* prior to the oath, the person can still be subject to denaturalization even if the *conviction* occurs after the oath of citizenship).

filed his N-400. Applicant presented his tax transcripts for the years in question showing that he had paid all amounts owed by the time the interview took place.

Applicant received a conclusory denial based solely on his failure to timely pay his income taxes (despite being on a payment plan and having paid it off) as an unlawful act that adversely reflected on good moral character. USCIS claimed that there were no extenuating circumstances and that applicant had stated at interview that nothing prevented him from paying the taxes on time.[44]

> **Argument on appeal:** USCIS's denial is in error because it applied the wrong standard of law and it misstated the pertinent facts. In particular, USCIS failed to apply a balancing test that is required for a discretionary determination of good moral character, and USCIS erroneously required moral excellence when the standard should be that of the average person in the community. In addition, USCIS failed to follow the guidance in its own Policy Manual, which specifically forgives payment plans and payment of back taxes. [45]
>
> An "unlawful act" is only a possible consideration as a conditional bar to good moral character, and a totality of the circumstances approach should be used in weighing it.[46] There was no balancing of equities here. (Recite here specific equities such as, "Applicant has been a LPR for 20 years, is a valued member of his church and civic organizations, has all of his immediate family in the United States including his U.S. citizen wife, has been employed steadily throughout his years here, and has participated in educational programs to prepare for his naturalization.") None of these equities were weighed against the tax issue, which applicant had ameliorated by the time of his interview. The adjudicator abused discretion by failing to balance equities in this case.

Example: Applicant was denied for lacking good moral character based on one traffic ticket for driving over the speed limit that happened during the five-year lookback period for good moral character. With no weighing of positive equities presented by the applicant, the adjudicator summarily determined that such a traffic ticket was an unlawful act that adversely reflected on moral character and therefore the applicant was ineligible for naturalization.[47]

> **Argument on appeal:** USCIS's denial is erroneous because it fails to apply the proper standard for good moral character outlined in the statute, regulations, and case law. USCIS erred as a matter of law by failing to apply the balancing test in a discretionary

---

[44] This example is based on a case denial in 2026 in San Francisco on similar facts where a USCIS officer denied a naturalization applicant for lacking good moral character, citing the "unlawful act" of paying income taxes late.

[45] 12 USCIS PM F.5, https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5. The USCIS Policy Manual provides that a person who has made a payment plan on taxes or paid back taxes can overcome this conditional bar to good moral character as an unlawful act. USCIS guidance specifically states that the applicant can overcome a tax payment issue by a showing that the applicant has "filed the appropriate forms and returns; and the [noncitizen] has paid the required taxes, or has made arrangements for payment and is doing so in accordance with the pertinent tax authority."

[46] *Id.*

[47] This example is based on a case denial in 2026 in Atlanta on similar facts.

determination of good moral character. USCIS also erred in requiring moral excellence when the legal standard for good moral character is that of the average person of the community.

Unlawful acts that adversely reflect on moral character are not mere technical or regulatory violations.[48] A single speeding ticket in the statutory period does not violate the standards of the average person of the community, as his traffic offense involved no harm to anyone and stands alone in applicant's history of positive equities. Furthermore, there is no discussion in the denial of what the particular ticket entailed and what law was involved: (recite positive equities here, such as: In fact, applicant was fined $365 for going 20 miles over the speed limit in a town center where a 55 mph zone changes immediately to 25 mph. Applicant paid the fine of $365 and presented that documentation to the officer. Other equities in applicant's favor include his 15 years as an LPR, his lack of any other traffic records and no criminal record, his strong family ties here, his financial responsibility and his participation in educational and training programs, etc.). None of these favorable circumstances were properly weighed by USCIS against the sole infraction of a traffic ticket.

V. Conclusion

When looking at challenging a good moral character denial, examine what specific incident USCIS cites as a reason for denial and determine if the incident was inside or outside the period for which good moral character was required. Then examine whether there is a statutory or regulatory bar or if it is a discretionary factor which can be outweighed by evidence of positive equities and rehabilitation. Discretionary denials of good moral character should include an assessment of whether the act is sufficient to reflect on character and should apply a balancing of the positive and negative equities or an analysis of the totality of the circumstances. Also, the moral standard to be applied is that of the average person in the community, not moral excellence.

Despite the increase in naturalization denials, many applicants are still approved for naturalization. Careful preparation and screening are more important than ever, as is readiness to challenge adjudicators and ask for a continuance or filing for appeal if denied.

[48] 12 USCIS PM F.5; *Yin-Shing Woo v. United States*, 288 F.2d 434, 435 (2d Cir. 1961) (failure to pay parking tickets did not undermine good moral character, or other "minor" crimes that would pose no impediment to naturalization); *see Keaik v. Dedvukay*, 557 F. Supp. 2d 820, 828 (E.D. Mich. 2008) (convictions for driving on a suspended license were "insufficient to establish bad moral character by themselves").

San Francisco
t: 415.255.9499
f: 415.255.9792

Washington D.C.
t: 202.777.8999
f: 202.293.2849

Houston

San Antonio

www.ilrc.org

About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.

Copyright © 2026 Immigrant Legal Resource Center