



# THE N-400, APPLICATION FOR NATURALIZATION

*A step-by-step guide to completing the new naturalization application*

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## The New Naturalization Application

In 2014 the United States Citizenship and Immigration Service (“USCIS”) introduced a new N-400 (Rev. 9/13/13), Application for Naturalization form. This new form was substantially longer than the previous version, and as a result, to help attorneys, Department of Justice (DOJ) accredited representatives, and others learn how to complete this new form, we have developed this step-by-step guide. The N-400 was revised in April of 2016 and then again on December 23, 2016, to reflect the new USCIS fees that went into effect that same day. Previous versions of the N-400 are no longer accepted.<sup>1</sup>

The first step in applying for naturalization is to complete the application with the individual who wants to naturalize. The application form is called an “Application for Naturalization” or Form N-400. The form must be completed by hand in black ink or electronically, using a computer.<sup>2</sup> It may be helpful to translate the application into the applicant’s native language and have her complete her own draft of the application.<sup>3</sup> An applicant who has difficulty reading or writing may have a relative or friend assist her. Afterwards, you and the applicant can review the draft together and fill out the form that goes to USCIS. There will be at least a few blanks that the applicant will not fill out because she does not have any relevant information. In those blanks that do not apply to her, she should write “N/A” (not applicable). But where the answer to a question is “none,” she should write “none” in the blank; for example, if she does not belong to any organizations, she should write “none” in Part 12, Item 9.

**PRACTICE TIP:** The Form N-400 is available online at [www.uscis.gov/n-400](http://www.uscis.gov/n-400), and copies of the form are accepted.<sup>4</sup> Please note that any agency that makes blank N-400 forms available to the public must

<sup>1</sup> Applicants who had submitted certain prior versions of the form were granted a 60-day window after the publication of the most recent version.

<sup>2</sup> Applicants and advocates can also use the multilingual online tool Citizenshipworks.org to complete the N-400.

<sup>3</sup> Translations of the N-400 in a number of languages are available on the ILRC website at <https://www.ilrc.org/n-400-translations-spanish-other-languages>.

<sup>4</sup> 8 C.F.R. § 299.4. The forms must use black ink that will not fade or “feather” within 20 years and conform to the officially printed forms currently in use with respect to size, wording and language, arrangement, style and size of type and paper specifications. Every

ensure that potential applicants learn about the naturalization requirements and risks of applying. Organizations should make sure that the individuals to whom they make the form available know about “red flag” issues. One way to do this is by providing the forms in a class or workshop that discusses these issues. Alternatively, a form that describes the requirements and red flags (See the ILRC’s manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide*) can be attached to the N-400. Potential applicants should be instructed to read the entire red flags form (which may be double sided), and mark with an “X” any of the red flag issues that apply to them, and discuss those red flag issues with someone from your agency or another immigration expert.

Although the N-400 form is among the most straightforward immigration applications, several points can cause confusion for applicants. Advocates and applicants should read the accompanying instructions before completing the form. It is also important for applicants and representatives to understand that while USCIS has made multiple changes to the N-400 form over the last several years, the requirements for naturalization have not changed substantially. USCIS has published a great deal of information on the naturalization requirements including *A Guide to Naturalization* that provides additional information about the naturalization form and questions.<sup>5</sup> You can access this information on the USCIS website at <http://www.uscis.gov/us-citizenship> (last visited Nov. 2017).

If an applicant cannot answer a question because she does not have the information or does not know the answer, USCIS has clarified that the applicant should leave that section blank (if completing the form electronically) and include a written explanation on a separate sheet of paper. If completing the form by hand, the applicant can include a short handwritten statement on the form, and a more detailed explanation (if necessary) on a separate sheet. If providing handwritten answers, the ILRC suggests the applicant write “See Attached” next to the question whenever there is an attachment involved.

**NOTE:** USCIS has created the *USCIS Policy Manual*, which is the agency’s centralized online repository for USCIS’ immigration policies. According to USCIS, this policy manual replaces the Adjudicator’s Field Manual (AFM),<sup>6</sup> the USCIS Immigration Policy Memoranda site, and other policy repositories. The multi-volume manual covers different areas of immigration benefits administered by the agency, including citizenship and naturalization (Volume 12). Advocates and applicants are encouraged to review the manual<sup>7</sup> for detailed information on USCIS’ policy regarding naturalization.

part of the official form must be copied onto the photocopy or laser printed form. Computer generated forms are accepted so long as they comply with the requirements specified in 8 CFR § 299.4.

<sup>5</sup> USCIS *A Guide to Naturalization* (Rev. 11/16), available at <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization/guide-naturalization> (last visited Nov. 2017).

<sup>6</sup> Per a memorandum issued by USCIS on January 7, 2013, the “guidance, contained in Volume 12 of the Policy Manual, replaces the naturalization and citizenship guidance found in Chapters 71, 72, 73, 74, 75 and 76 of the Adjudicator’s Field Manual (AFM), the AFM related appendices, and policy memoranda. Where conflicts exist, this guidance is controlling.” See USCIS Policy Alert “Comprehensive Citizenship and Naturalization Policy Guidance” (January 7, 2013), available at <http://www.uscis.gov/policymanual/Updates/20130107-CitizenshipAndNaturalization.pdf#> (last visited Nov. 2017).

<sup>7</sup> USCIS Policy Manual, Volume 12: Citizenship & Naturalization is available at <https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12.html> (last visited Nov. 2017).

The new Form N-400 is divided into 17 parts. Below is a review of each of the sections of the N-400 application, including possible problem areas for some applicants. A sample Form N-400 with annotations, or pointers, to help answer the questions on the form is available on the ILRC website at <http://www.ilrc.org/resources/annotated-n-400>.

At the top of each page of the application, the applicant needs to write his or her Alien Registration Number, or A-Number.<sup>8</sup> This helps USCIS in case the application pages are separated. The updated form no longer includes a barcode at the bottom of each page.

The N-400 may be submitted by mail or online. In 2016, USCIS had begun accepting online filing of the N-400, suspended the rollout of the electronic filing process for the N-400, and resumed accepting online applications as of December 2017.<sup>9</sup> Even while USCIS is accepting electronic filing, applicants submitting a fee waiver or reduced fee application with their N-400 are required to apply by mail.

**NOTE:** Individuals may complete the application on a computer (e.g., using a PDF or Citizenshipworks) or by hand. USCIS accepts “hybrid forms”—forms that have both electronically inputted and handwritten information. However, USCIS recommends applicants use one method or the other. Where the field or dropdown menu does not allow applicants to write-in or indicate the most appropriate answer, the applicant may leave that section blank on the computer, and handwrite her answer on the form after printing it. If an applicant has filled out the form electronically, USCIS suggests the applicant not make changes or try to correct any errors by crossing out information entered electronically and entering new information by hand.<sup>10</sup> Instead, the applicant should make the correction on the computer and re-print that page of the form.<sup>11</sup>

The revised N-400 form instructions require that applicants submitting additional information, such as information that does not fit within the space given on the form or an explanation to a question, do so on additional sheet(s) of paper. On all additional pages, the applicant must provide on the top of each page his or her A-Number (if applicable), the page number, the part number, and item number to which the information refers.<sup>12</sup> The previous version of the N-400 required the date and the applicant’s signature on all additional pages; however, the 12/23/16 version no longer requires them.

<sup>8</sup> If the applicant does not have an A-Number, for example, because she or he is a U.S. National, such as individuals from American Samoa and Swains Island, the applicant may leave the A-Number sections blank.

<sup>9</sup> Information on where to mail the N-400 application is located at <https://www.uscis.gov/n-400> (last visited Nov. 2017). As of the date of this practice advisory, USCIS is accepting online applications. The link to online filing for Form N-400, Application for Naturalization, can be found on the following myUSCIS page:

[https://my.uscis.gov/exploremyoptions/us\\_citizen\\_through\\_naturalization](https://my.uscis.gov/exploremyoptions/us_citizen_through_naturalization) (last visited Dec. 2017).

<sup>10</sup> USCIS uses Optical Character Recognition (OCR) to process applications when possible. Hand corrected errors are not compatible with OCR and may cause delays in processing an application.

<sup>11</sup> This suggestion came from a stakeholder meeting on April 24, 2014 with USCIS.

<sup>12</sup> Instructions for N-400, page 3, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

## Part 1: Information About Your Eligibility

This part of the application asks the applicant to check the basis upon which he is applying for naturalization. It is very important that he checks the correct category and only one category. During the interview, the USCIS adjudicator will ask him questions to make sure that he qualifies on the basis he checked.<sup>13</sup>

## Part 2: Information About You

The N-400 requires very specific information about the applicant's names. **Item 1** asks for the applicant's current legal name. This means the name that is on the applicant's birth certificate or the name the applicant has legally adopted through a legal name change or through marriage. If the applicant has married or changed names since becoming a permanent resident, her legal name might be different than her name as it appears on her green card or birth certificate.

**Item 2** asks for the name *exactly* as it appears on the applicant's alien registration card or "green card," even if it is misspelled or it has changed. Often, a middle name does not appear on the green card, but it is a part of the applicant's legal name.

**Item 3** asks for other names that the applicant has used; for example, an applicant should write her maiden name here if she uses her married name now. The applicant should also include any nicknames or aliases. Also, include any variations in spelling or misspellings that the applicant has used.<sup>14</sup>

**Item 4** provides a space for the applicant to write the name that he or she would like to use in the future if it is different from his or her present legal name. When an applicant naturalizes she has the opportunity to legally change her name as part of the naturalization process through the federal court if, and only if, the federal district court conducts the oath ceremonies in the USCIS district in which the applicant is applying for naturalization. Oath ceremonies conducted by courts are called judicial ceremonies. In many places, USCIS conducts administrative ceremonies instead of judicial ceremonies. You must check to see if the federal district court in your USCIS district conducts the oath ceremonies. If not, the applicant cannot change her name as part of the naturalization process. Also, USCIS cannot process name change requests for members of the military or spouses who are naturalizing overseas. For information on how to change an applicant's name in situations where he or she cannot change it through the naturalization process, please refer to the name change rules in the state in which the applicant resides.

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<sup>13</sup> If the applicant checks Items B, C, D, or E she will have to provide USCIS with additional documentation to prove she is eligible:  
 Item 2: An application based upon marriage to a U.S. citizen for 3 years (INA § 319 – allows the applicant to file after just three years of lawful permanent resident status) requires proof that the marriage and the U.S. citizen spouse's citizenship are valid. An applicant must provide the naturalization or U.S. birth certificate of the U.S. citizen spouse and a marriage certificate. If either spouse was previously married, the applicant must produce documents showing proper termination of the earlier marriage(s).  
 Item 3: INA § 319(b) allows certain lawful permanent residents to naturalize if they are the spouse of a U.S. citizen who is employed by certain organizations overseas. Although not a new basis for naturalization, the new N-400 form now allows applicants to indicate their basis for naturalizing, pursuant to INA § 319(b), directly on the form.  
 Item 5: This part includes several categories including non-citizen nationals.

<sup>14</sup> However, if ICE, law enforcement, or another government agency misspelled the applicant's name but the applicant never used that name or spelling, do not list it. If a different name or a misspelling appears on the applicant's rap sheet, then the applicant may want to list that name but indicate on the application that it is not a name used but it shows up on the applicant's records.

**Item 5** provides a space to write the applicant’s social security number. It is important that applicants only enter the valid social security number that was issued to the applicant. Applicants should *not* enter any fake social security numbers they may have used over the years.

**Item 6** asks for the applicant’s USCIS online account number. Unless the applicant has ever electronically submitted a benefits request to USCIS, such as Form I-90, Application to Replace Permanent Resident Card, she will not have a USCIS online account number. An applicant can find her USCIS online account number by logging into her online account and going to her profile page. An applicant may have also received a USCIS Online Account Access Notice issuing an online account number if she submitted a paper form via a USCIS Lockbox. The online account number can be located at the top of the notice. If an applicant has an online account number, she should write it in the space provided. Otherwise, leave this item blank.

**Item 7** asks the applicant to select their gender. USCIS only uses the female or male gender identifiers, so the applicant must indicate either female or male for their gender. An applicant can select the gender that matches their gender identity even if different from their sex assigned at birth so long as they have one of the documents listed below in accordance with the Adjudicator’s Field Manual, Chapter 10.22.<sup>15</sup> In addition, a person is able to request a change in gender on their certificate of naturalization at a later date if they have one of the documents listed in the Adjudicator’s Field Manual, Chapter 10.22.<sup>16</sup> Those documents are briefly described below:

- A court order granting a change of sex or gender;
- A government-issued document reflecting the requested gender designation; or
- A letter from a licensed health care professional certifying the requested gender designation is consistent with the applicant’s gender identity. This letter must include the following information:
  - The health care professional's full name, address, and telephone number;
  - The health care professional’s license number and the issuing state, country, or other jurisdiction of the professional license;
  - Language stating that the health care professional has treated or evaluated the individual in relation to the individual’s gender identity<sup>17</sup>; and
  - The health care professional’s assessment of the individual’s gender identity.<sup>17</sup>

**Item 8** asks for the applicant’s date of birth in the format mm/dd/yyyy.

**Item 9** asks for the date the applicant became a permanent resident. The date the applicant became a lawful permanent resident is not always very clear. Many of the I-551 cards (“green card”) list it on the back in the middle of the first line of what looks like code. You will see something like “P26 LAS 890714 245 9099001001.” The date that person was admitted to lawful permanent resident status is July 14, 1989—found after the three letters indicating the port where admitted (or the second group in the sequence)—and written as YYMMDD. Some applicants who became lawful permanent residents through the amnesty program have cards that list at the top the date they were admitted to *temporary* residence. The temporary

<sup>15</sup> Adjudicator’s Field Manual (AFM), Chapter 10.22, available at <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-1067/Chapter10-22.html> (last visited Dec. 2017).

<sup>16</sup> *Id.*

<sup>17</sup> Adjudicator’s Field Manual (AFM), Chapter 10.22, available at <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-1067/Chapter10-22.html> (last visited Dec. 2017).

residence date is *not* the correct date to list on the N-400, or to use in making a determination of whether the applicant has met the five-year residency period. Instead, look to the date listed in the sequence of numbers described above. Some green cards have the date of admission listed on the front instead of the back, including new green cards. Page 7 of USCIS' "A Guide to Naturalization" has pictures of different versions of the Alien Registration Card or "green card" that show how to find the date the cardholder became a permanent resident.

**Items 10 and 11** ask for different information. While Item 10 asks for the applicant's country of birth, Item 11 asks for the name of the country where the applicant is presently a national (i.e., citizen). For Item 10, you must write the name of the country where the applicant was born, even if the country no longer exists (e.g., Yugoslavia). If the country where he or she was born no longer exists, you can add the current name of the country as well.

**Item 12** asks whether the applicant is applying for a waiver of the English and/or civics test based on the applicant's disability. Applicants applying for such waivers should submit Form N-648, Medical Certification for Disability Exceptions, as an attachment to their naturalization application.<sup>18</sup> Also, applicants should state their requests for such waivers in a cover letter attached to the N-400 application as well. For more information on disability exceptions, please see the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide*.

**Item 13** asks whether the applicant seeks an exemption from the English language test based on the applicant's age and how long she has been a lawful permanent resident. This exemption is often referred to as the "55/15 or 50/20" rule because it applies to applicants over the age of 55 who have lived in the U.S. as a lawful permanent resident for at least 15 years or to applicants over the age of 50 who have lived in the U.S. as a lawful permanent resident for at least 20 years. Likewise, the applicant may indicate that she qualifies for the easier history and civics exam offered to applicants over 65 who have been living in the U.S. for at least 20 years as lawful permanent residents. If the applicant qualifies for either exemption, she or he should mark "yes" in the appropriate box.

### Part 3: Accommodations for Individuals With Disabilities and/or Impairments

Part 3 asks the applicant if he is requesting an accommodation to the naturalization process because the applicant has a disability. Under federal law, USCIS must make reasonable accommodations (i.e., changes) to the naturalization process for applicants who have disabilities. Prior to completing this section, be sure to carefully read the N-400 instructions on Part 3 available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

If the applicant selects "Yes" to Item 1, he should select the box for all applicable disabilities for which he is seeking an accommodation (Boxes A, B, and/or C). The applicant can select as many boxes as are relevant, but must select at least one box if the applicant marked "Yes" for Item 1. It is important to note the accommodation the applicant needs for each disability.

It is often best to submit a letter from a doctor verifying the applicant's disability and the need for the accommodation. An applicant who needs a waiver of the oath requirement due to a disability should check

<sup>18</sup> Form N-648 (Medical Certification for Disability Exceptions) and its instructions are available at <http://www.uscis.gov/n-648> (last visited Nov. 2017).

Box C and write something like, “I am unable to take an oath of allegiance because of \_\_\_\_\_ (describe disability) and I therefore request a waiver of the oath requirement.” A medical evaluation must accompany the oath waiver request. For more information on accommodations, please see the ILRC’s manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide*.

#### Part 4: Information to Contact You

Items 1 through 5 ask for the applicant’s contact information, including her mobile number, work numbers, and email address. Applicants should provide their current telephone numbers and email address. If the applicant does not have a telephone number or email, she should write “none.” Applicants who are hearing impaired and use a TTD telephone connection should write “TTD” after the telephone number.

#### Part 5: Information About Your Residence

The purpose of the residence section is to help the USCIS examining officer determine whether the applicant has actually lived in the United States for the required length of time to meet the continuous residence period (five years for most applicants, three years for those applying as the spouse of a U.S. citizen, and as little as one year for those applying under the military service provisions). The adjudicator will ask the applicant at his interview about any gaps in the information he provides here. Note that some of those gaps can be explained by absences he will have listed in Part 9, but it is important not to give the impression that he abandoned his residence during those absences. Any gaps should be discussed with an advocate.

**PRACTICE TIP:** Many parts of the form require applicants to list dates, such as dates of employment or schooling and dates of travel outside of the United States. Often, applicants do not recall exact dates, but may recall only the year or the month and year. There are a few options for those completing the form electronically: leave the date field blank and handwrite on the form the known information (e.g., May 2015 or 05/2015); or enter the date electronically as the first of the month (e.g., “10/01/16” to indicate October 2016, and attach a short explanation on a separate sheet of paper explaining the date is an approximation. Those completing the form by hand may also handwrite partial information on the form (Month/Year) and include a note next to the date identifying it as an approximation (e.g., “Approximate” or “Approx.”). Note, however, that the N-400 instructions state that applicants should avoid writing outside the blank space provided for answers.<sup>19</sup>

In **Items 1 through 4** list the addresses where the applicant has lived for the last five years. Start with the current address and then the one before it, and so on (i.e., reverse chronological order). Item 1.A. asks for the applicant’s home address.<sup>20</sup> This question asks for the actual physical address where the applicant is living (do not provide a P.O. Box number unless that is the applicant’s *only* address—e.g., if the applicant is homeless). It is okay to list an address here that is not the official address on file with USCIS. The purpose is to indicate actual residence, regardless of the more official mailing address. Also, the applicant should

<sup>19</sup> See N-400 form instructions, page 4, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>20</sup> The form requires applicants to include a zip code + 4 digits for all addresses requested on the form. If the applicant does not have a zip code, she should enter “00000”. See N-400 form instructions, page 6, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017). If the applicant does not know the additional 4 digits, she can leave that space blank or use the U.S. Postal Service’s zip code look up service available at [https://tools.usps.com/go/ZipLookupAction\\_input](https://tools.usps.com/go/ZipLookupAction_input) (last visited Nov. 2017).

maintain a residence in the United States even if the applicant is working or visiting abroad. Thus, if the applicant lists a residence that is not within the United States, you should consider this a red flag and consult the ILRC's naturalization manual or an expert on the subject.

**Item 2** asks for the mailing address of the applicant. If the mailing address and the home address are the same, please write "same." If not, then make sure to write the best mailing address for the applicant. Sometimes, farmworkers or others prefer that their mail go to a more secure address than where they live, such as the address of a relative who does not change his or her address often, or a P.O. Box.

**TIP:** If the applicant is living at a domestic violence shelter and/or received benefits under the Violence Against Women Act (VAWA), the applicant does not have to provide the shelter address or actual home address if it is confidential or if the applicant does not feel safe providing it. Instead, she can say the address is confidential and provide only the city and state. If the applicant lived at a shelter during the reporting period, she does not need to provide the address and can instead list just city and state of the shelter.<sup>21</sup> Yet, in the box that asks for mailing address, the applicant must provide an address where she can receive correspondence from USCIS.

## Part 6: Information About Your Parents

Part 6 asks about the citizenship status of the applicant's parents. If neither parent is a U.S. citizen, the applicant can skip this section and move on to Part 7.

If one or both of the applicant's parents is or are U.S. citizens, it is possible that the applicant is already a U.S. citizen too. This part includes specific questions that can help applicants and advocates identify whether there is a possibility that the applicant may already be a U.S. citizen without knowing it. For example, the new questions ask whether the applicant's biological or legally adoptive mother or father is a citizen by birth or naturalized before the applicant's 18th birthday, and whether the applicant's parents were married before the applicant's 18th birthday. Advocates should always screen for derivation and acquisition of citizenship if there is any indication that the applicant may already be a U.S. citizen. The ILRC has quick reference charts to help advocates determine if an applicant has derived or acquired citizenship.<sup>22</sup> More information is also available on the USCIS website under the "Citizenship through Parents" section.<sup>23</sup>

## Part 7: Biographic Information

Information in this part will help the FBI do its criminal record search on the applicant, which is part of the good moral character determination.

For Items 1 and 2, the N-400 instructions provide definitions for each category.<sup>24</sup>

<sup>21</sup> See N-400 form instructions, page 6, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>22</sup> These resources are available on the ILRC website at <https://www.ilrc.org/acquisition-derivation-quick-reference-charts>.

<sup>23</sup> See USCIS Citizenship Through Parents, available at <http://www.uscis.gov/us-citizenship/citizenship-through-parents> (last visited Nov. 2017).

<sup>24</sup> See N-400 form instructions, page 7, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).



For Items 3 – 6, the applicant may use the information found on her Driver’s License or Identification Card. For Item 3, the applicant must list his height in feet and inches, not in meters or centimeters. For Item 4, the applicant’s weight should be entered in pounds, not in kilograms. If the applicant does not know his weight, weighs under 30 pounds, or weighs over 699 pounds, then he should enter “000.”

### Part 8: Information About Your Employment and Schools You Attended

Part 8 asks about the employment and schools the applicant attended during the last five years. The applicant should list her employers and schools (including military service) for the previous five years, with her present employer or school in Item 1 and least recent in Item 3 (or on additional page(s), if needed). If the applicant is a homemaker, she should write “homemaker” as a job. If the applicant works for herself, she should write “self-employed.” If unemployed, the applicant should write “unemployed” in the field labeled “Employer or School Name” and write the dates of unemployment where requested.<sup>25</sup> Enter “N/A” in all other fields. If the applicant is retired or on disability, she should indicate this fact and specify her last employment (if she had one) before retiring or acquiring the disability. This will show some connection to the workforce and thus some positive equities for the applicant. USCIS often will inquire about how an applicant who is not working is supporting herself.

**NOTE:** If the applicant has been receiving public benefits, she is still eligible to naturalize. Receipt of public benefits is not a bar to eligibility unless the applicant committed fraud to receive the benefits.<sup>26</sup> If the applicant received public benefits by fraud or by lying, USCIS might deny the applicant for failing to show good moral character.<sup>27</sup> In some USCIS jurisdictions, USCIS’ policy is to confirm that the applicant received such benefits appropriately. Thus, in these USCIS jurisdictions if USCIS believes there may have been a fraud issue involved in the receipt of public benefits, the officer may request that the applicant who has received public benefits obtain a letter from the county or federal agency administering the benefit indicating that the agency knew about the situation USCIS has questions about.

For example, some public benefit programs, such as Supplemental Security Income (SSI), forbid someone from receiving benefits while she is out of the U.S. for more than 30 consecutive days. And so USCIS may require the applicant bring a letter from the Social Security Administration stating the agency was aware of the absence in question.

**TIP:** Be sure to cross-check any absence from the U.S. with receipt of public benefits, such as SSI.

<sup>25</sup> See N-400 form instructions, page 8, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>26</sup> There is no public charge test for naturalization. But advocates should consider whether an applicant with an extended absence (greater than 180 days) who received cash aid from the government prior to travel and was admitted to the U.S. after the extended absence may face inadmissibility issues.

<sup>27</sup> See Page 15, part 12, Item number 30.I. of the N-400 application, which asks the applicant whether she has ever made any misrepresentation to obtain any public benefit in the United States. In a stakeholder meeting on April 24, 2014, USCIS clarified that this question is not limited to misrepresentation that is willful or knowing.

## Part 9: Time Outside the United States

Part 9 of the form asks about trips taken by the applicant outside the United States *during the last five years only*. Item 3 requests that the applicant list all trips (over 24 hours) taken outside the United States during the previous five years. In these questions, USCIS is concerned with the continuous residence requirement of either five or three years; the physical presence requirement of two-and-a-half or one-and-a-half years; and whether the applicant abandoned his lawful permanent resident status.

**NOTE:** While USCIS simplified the form to require less information (previous versions asked for all trips since obtaining permanent resident status, not just trips taken in the last five years), USCIS could still continue to investigate abandonment from the time the applicant became a lawful permanent resident. Advocates should discuss with applicants all trips taken since becoming a lawful permanent resident to ensure that these did not cause the applicant to have abandoned his lawful permanent resident status. It is important to remember that USCIS has access to information obtained by other agencies, including Customs and Border Protection, which may reveal information related to the issue of abandonment (e.g., a list of dates of the applicant's departures from and returns to the United States). Additionally, USCIS might ask the applicant during the interview about absences before the five-year period and could look at the applicant's passport to determine if the applicant abandoned his residence more than five years ago.

It is also important to remind applicants that trips to Mexico and Canada are trips outside the U.S. Applicants do not have to list any absence from the U.S. that lasted less than 24 hours. If the applicant left the U.S. for more than six months or moved to another country after obtaining residency in the U.S., these are red flags and the applicant should talk with an experienced immigration expert to decide whether or not it is advisable to apply for naturalization or to see if there are other issues that could arise. See the ILRC's manual *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on these topics.

If you are working with an applicant who has more than six absences from the U.S., he should list them on a separate sheet of paper and attach it to the application. Be sure to include the applicant's identifying information (including A-Number) on all additional pages, as specified in the N-400 application instructions<sup>28</sup> and as explained on page 3 of this step-by-step guide, above.

**PRACTICE TIP:** Of course, it can be difficult to remember the dates of vacations taken several years ago. It may be best to suggest that the applicant try to remember what time of year it was—was it around a holiday or anyone's birthday? Was it a special occasion? What kinds of things did she do—summer or winter activities? He can try to remember how long the vacation was by thinking about whether she had to have someone watch her house or apartment during that time, or whether he took a vacation or a leave of

<sup>28</sup> Instructions for N-400, page 3, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

absence from work, or whether he was between jobs. He should also look at the dates in his passport and reentry permits, if he had any.<sup>29</sup> Although exact dates are best, USCIS will accept estimate dates in this section.

If the applicant travels outside of the United States frequently or during specific times of the year, the ILRC suggests that the applicant attach a written statement explaining where he travels, how often, and the number of days he spent outside of the United State.<sup>30</sup> For example, if the applicant left the U.S. every year for short vacations, his explanation might say something like, “One two-week vacation to Guadalajara, Mexico approximately every year from 2009-2012.” For handwritten entries, the ILRC suggests applicants write “Approximately or Approx.” next to the date, within the blank space provided for the answer, if the exact date is unknown.

There are a few options for completing the form when the applicant does not have exact dates. See Practice Tip for Part 5 for suggestions.

**WARNING:** Applicants and their advocates must look very carefully at their responses to the questions regarding residences, work history, and absences from the U.S. If there are gaps or contradictions in these answers, USCIS probably will discover them and this could cause delays, denials, or, depending on the reason, even lead to deportation.

## Part 10: Information About Your Marital History

If an applicant is single and has never been married, she only needs to complete Item 1 and then she can move on to Part 11.

USCIS uses this information to determine whether a marriage that formed the basis of lawful permanent resident status (status obtained by marriage to a U.S. citizen or lawful permanent resident) was valid, and to determine whether an applicant really qualifies for the “three-year residence rule” (a spouse of a U.S. citizen may qualify for naturalization after only three years of lawful permanent resident status). If the applicant is applying as the spouse of a U.S. citizen (Part 1, Item 1.B. and Item 1.C.), she must check that her marital status is “married.” An applicant who is married needs to complete Part 10 even if she did not get her lawful permanent resident status via marriage and even if she is not applying under the three-year rule.

**NOTE:** The N-400 form includes “separated” as an option for applicants to indicate their current marital status. In this context “separated” means *legally* separated. This is important because if a marriage ended in divorce, *legal separation*, or death before or after the naturalization application is submitted, the applicant will not be able to receive naturalization benefits from the marriage, such as being able to

<sup>29</sup> Immigrants are required to turn in their old reentry permits to USCIS when they get them renewed. (Reentry permits are generally obtained when someone is taking long trips outside the U.S.) However, many people never had reentry permits and might not have stamps in their passports. Therefore, the applicant may not be able to determine all of her trips out of the U.S. from her current permit or passport. You and she can request a copy of her file with a Freedom of Information Act (FOIA) request, which will include copies of her reentry permits, if any. In addition to helping her remember the dates of her absences, it will help her make sure the absences she lists are consistent with what USCIS has in its records.

<sup>30</sup> Instructions for N-400, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

naturalize after three years. The three-year rule requires the marriage to be valid, with the parties living in “marital union”<sup>31</sup> during the three-year period. A *legal* separation breaks the marital unity.<sup>32</sup> See the ILRC’s manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on this topic.

Applicants should be warned that if they committed marriage fraud (i.e., if they got married *only* to get their green card), USCIS could deny their naturalization applications *and* the applicant could be imprisoned or fined.<sup>33</sup> USCIS could become suspicious if the application indicates that an applicant who was married for a short period of time became a permanent resident through her spouse, then divorced or legally separated. In addition, if the applicant is still married, and the applicant’s spouse’s address listed in this section is different from the applicant’s address listed in Part 5, Item 1.A. of the application, USCIS will get suspicious. Because of the risks involved, people who committed marriage fraud should be discouraged from applying for naturalization unless they check with an attorney who is an expert in immigration law first.

Item 4.E. calls for the date of the marriage of the applicant and her spouse. This is a crucial date for two reasons. First, if the marriage occurred before the applicant benefiting from the marriage immigrated to the U.S., and the applicant then immigrated to the U.S. as the *unmarried* child, son, or daughter of a permanent resident (second preference petition) or the *unmarried* child, son, or daughter of a U.S. citizen (immediate relative petition or first preference petition), the applicant could be denied naturalization and placed in removal proceedings for having committed visa fraud. People in such a situation should not apply for naturalization before checking with an expert. See the ILRC’s manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on this topic. Second, if the applicant was previously married, and the date of divorce is after the date of the new marriage, the current marriage is not valid.

Item 5 asks if the applicant’s spouse is a U.S. citizen. If not, Item 7.C. asks about the immigration status of the applicant’s spouse. The applicant should check either the “Lawful Permanent Residence” box or the “Other” box. If she checks the “Other” box, she should write the spouse’s immigration status, or if the spouse is undocumented, the applicant should write “Alien” in this box instead of “Undocumented.”

Items 8 and 9 ask several questions about the prior marriages of both the applicant and the applicant’s current spouse, including questions about the prior spouse’s date of birth and country of birth (Items 8.C. & D. and 9.C. & D.). The form also includes questions about when and how the prior marriage(s) ended (Items 8.G. & H. and 9.G. & H.). These could be vital questions if the applicant immigrated as a spouse under either an immediate relative petition or second preference petition, and either the applicant’s previous marriage or the applicant’s spouse’s previous marriage actually ended after the applicant and her current spouse got married. If this is the case, depending on the laws of the state or country where the applicant got married, the applicant may not have been legally married to the person who petitioned for her permanent resident

<sup>31</sup> INA § 316(a)(1); 8 CFR § 319.1(b)(2).

<sup>32</sup> Be aware that sometimes married couples live apart for non-voluntary reasons or because of circumstances outside of their control; for example, if the spouse is a member of the U.S. Armed Services and is stationed abroad, or because the spouse is engaged in essential business abroad. In these cases, prolonged separations will not necessarily preclude the applicant from receiving naturalization benefits from the marriage.

<sup>33</sup> INA § 275(c); 8 USC § 1325(c).

status. Thus, the applicant could be denied naturalization and placed in removal proceedings for not having been eligible for her green card when she received it. People in such situations should not apply for naturalization before checking with an attorney who is an expert in immigration law.

In addition, applicants should be careful of alien smuggling issues. If it appears that the applicant's spouse is in the U.S. without legal immigration documents (for example, has no Social Security number or A-Number listed on the application), the USCIS could ask at the naturalization interview about whether or not the applicant helped his or her spouse enter the U.S. illegally. An applicant could be denied naturalization and even removed from the U.S. if she helped smuggle someone across the border illegally, even if she merely helped her spouse (or children) cross the border illegally by sending money to pay a professional smuggler. If the applicant is placed in removal proceedings, an immigration lawyer may be able to help an applicant apply for a waiver of this ground of deportation. If the applicant is in this situation and is not already being represented by an attorney who is an expert in immigration law, the applicant must be referred to such an expert before applying for naturalization. See the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on smuggling.

**PRACTICE TIP:** All advocates must learn the different rules relating to alien smuggling in order to answer the question about alien smuggling on the N-400. If you do not know what is considered alien smuggling, how to screen for it, or the impact a finding of alien smuggling may have on a naturalization application, please see the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on these topics. If you still feel uncomfortable with your knowledge of the issue, please refer the case to an attorney who is an expert in immigration law and knows the issue well.

## Part 11: Information about Your Children

Some children may automatically become citizens when the applicant naturalizes through a process called "derivation of citizenship."<sup>34</sup> See the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on derivation of citizenship. The information the applicant provides in this section will enable USCIS to determine whether the applicant's children will automatically derive citizenship. Even where children are not entitled to derive citizenship automatically, it is important to list all the children because the applicant might plan to submit a visa petition for his children as "immediate relatives" after he naturalizes. Therefore, he should list *all* of his children (even those who are not lawful permanent residents or who live abroad), including undocumented, legally adopted, illegitimate, and current stepchildren, whether married or unmarried, to facilitate his petitioning for them in the future.<sup>35</sup> The instructions to the application

<sup>34</sup> INA § 320.

<sup>35</sup> If the applicant failed to report all children at the time of an immigrant visa or adjustment interview, but includes them on his N-400 so that he can petition for them later, USCIS may be concerned about why the applicant is reporting the children one way on the N-400 and another on his visa application several years prior to applying for naturalization. Additionally, when making a determination of whether the applicant has good moral character, the examiner may be concerned about whether the applicant has lied about his children. In this instance, it is usually best to clear up the confusion with USCIS rather than continue to lie or hide the truth. This might mean preparing a short statement about why a child was not included in an earlier petition. For instance, "At the time I applied for permanent residence, my representative did not explain that I should include all children I ever had. I did not list my daughter Sandra because I was never married to her mother and do not know where she is. Sandra is an adult now." Representatives should always ask if all the children were listed in prior applications and make sure no child is left off at the time of naturalization.

state that applicants should list even children who are deceased or missing, as well as children born out of wedlock, children born to a previous spouse, and children born in another country.

Applicants should be warned about alien smuggling issues here, as well. If it appears that the applicant's child is in the U.S. without legal immigration status (for example, if a child lives in the United States, is not a U.S. citizen, and has no Alien Registration Number (A-Number) listed in this part of the naturalization application), the naturalization adjudicator could ask about whether the applicant helped his child enter the U.S. illegally. As mentioned in the discussion of Part 10 of the application, alien smuggling can cause an applicant to be denied naturalization and even to be imprisoned. See discussion in Part 10 above.

In completing this section, applicants also should be concerned with the good moral character issue of failing to provide child support. If a minor child is listed on the application and the address where the child lives is different from the applicant's address, USCIS may ask about whether the applicant supports the child. Willfully failing to support one's dependents can be grounds to deny someone naturalization. Please see the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on these topics.

## Part 12: Additional Information About You

Part 12 is the longest section in the N-400 form, and asks for additional information that the USCIS adjudicator will use to determine whether an applicant is eligible to naturalize. Generally, these questions go to the reasons listed in the Immigration and Nationality Act for which USCIS can deny naturalization but they are also an opportunity to highlight positive considerations in an applicant's case. If an applicant obtains naturalization fraudulently, and this is discovered, USCIS could begin proceedings to denaturalize her, which means stripping her of her citizenship.<sup>36</sup> If this happens, they can also place the person in removal proceedings. So, it is important that applicants answer the questions in this part, and all other parts of the application, truthfully. The advocate can then help the potential applicant decide whether to proceed with applying for naturalization and help her weigh her options.

The questions in Part 12 focus on good moral character issues; political affiliations that may cause the applicant to be ineligible for naturalization; military issues; selective service registration issues; previous deportation, removal, and exclusion issues; and the oath of allegiance requirements. Naturalization may be denied to persons who are not of "good moral character." To help make this determination, Part 12 includes over a dozen questions involving the applicant's eligibility as it relates to national security, involvement in genocide, torture, and the enlistment of child soldiers. These questions stem from the Intelligence Reform Terrorism Prevention Act (IRTPA) of 2004 and the Child Soldier Accountability Act of 2008.

If you are working with an applicant who answers "yes" to any of the items in Part 12, you must work with her to provide a detailed explanation of why she answered yes. You should evaluate the issue carefully to determine whether or not the applicant should apply for naturalization. Before an applicant with any criminal convictions or arrests applies for naturalization, you should obtain the criminal records of that individual by submitting her fingerprints to the FBI and/or your state's criminal justice background check program. This way, you and the applicant will be aware of, and can analyze, all the relevant good and bad facts in her case.

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<sup>36</sup> INA § 340(a).

See the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on these topics.

Issues in Part 12 that are commonly raised or are particularly problematic are discussed below.

**NOTE:** In a policy memorandum dated November 7, 2011, titled, "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens," USCIS describes circumstances, including guidance specific to naturalization applications, in which it will issue a NTA or will refer the case to ICE for NTA issuance.<sup>37</sup> The memorandum also discusses NTA issuance required by statute or regulation, fraud cases with a statement of findings substantiating fraud, and cases involving criminal issues such as Egregious Public Safety (EPS) cases. Advocates must thoroughly examine any issues that could lead not only to the applicant being denied naturalization, but also to being found removable. At the time of writing, the 2011 memorandum still reflects the current policy, however it could be updated at any time. It is good practice to regularly check the USCIS website for updates.

### **Items 1-3: False claim to U.S. citizenship and voting**

Most of these questions relate directly to the applicant's good moral character. If the applicant answers "yes" to any of these questions, USCIS could deny her application. In addition, a "yes" answer to **Items 1 through 3** could even result in USCIS placing the applicant in removal proceedings. Thus, it is vital that anyone answering yes to any of the questions in this Part work with an expert immigration attorney or DOJ accredited representative before applying for naturalization. Please see the ILRC's manual titled, *Naturalization and Citizenship, The U.S. Essential Legal Guide* for more information on these topics.

### **Item 4: Foreign hereditary title or order of nobility**

This question relates to the issue of allegiance to the U.S.

### **Item 5: Legal Competence**

Applicants who are unable to understand the oath of allegiance should apply for a waiver of the oath requirement. USCIS can deny naturalization to applicants who are not legally competent at the time of the naturalization interview or oath, unless the applicant has obtained a waiver of the oath requirement and has a designated representative who can complete the naturalization process for her. See the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on this topic. If an applicant was declared legally incompetent before the interview and/or oath, and she can demonstrate to USCIS that she is now legally competent at the time of the interview and oath, USCIS should not use the past declaration of incompetence as the reason for denying her application.<sup>38</sup> There is a rebuttable presumption

<sup>37</sup> The memorandum is also available on the USCIS website at [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/NTA%20PM%20%28Approved%20as%20final%2011-7-11%29.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/NTA%20PM%20%28Approved%20as%20final%2011-7-11%29.pdf) (last visited Nov. 2017).

<sup>38</sup> 8 CFR § 316.12.

that good moral character prior to the period of legal incompetence will continue, however, USCIS can consider evidence of the applicant's actions to rebut this presumption.<sup>39</sup>

### Items 6-8: Payment and Filing of Taxes

Older versions of the N-400 form asked if the applicant had ever failed to file a *required* federal, state, or local tax return, since becoming a lawful permanent resident. The current N-400 form no longer asks only about required tax returns. Instead, the form asks whether the applicant has ever not filed a federal, state, or local tax return since becoming a permanent resident. USCIS has confirmed that if the applicant ever did not file a federal, state, or local tax return since becoming a lawful permanent resident, *even if* the applicant was not required to file based on his or her income,<sup>40</sup> the applicant should check “yes” and provide a written explanation on a separate sheet of paper.<sup>41</sup> For applicants who filed all required taxes, a written explanation may state something like, “I have filed all required taxes. However, some years (list years if recall those), I did not file because my income was below the minimum income threshold, and therefore I was not required to file.”

**NOTE:** At the naturalization interview, adjudicators frequently phrase this question differently, e.g., “Have you always paid your taxes?” Applicants can say, “I have not had to, because my income was too low.” Or, “I paid all taxes I was required to pay, but some years I did not have to file because my income was low.” While tax returns are not required for every case, some USCIS offices require that applicants bring copies to their interview. Additionally, USCIS strongly encourages you to bring copies of your tax returns for the previous five years (or three years if filing for naturalization on the basis of marriage to a U.S. citizen). This is especially recommended for anyone who has traveled outside of the U.S. for longer than a six month period or if you are filing based on a marriage to a U.S. citizen.<sup>42</sup>

If an applicant made enough money to be required to file a federal, state, or local tax return, but did not do so, she must also mark “yes” and explain to USCIS why she did not file. Failure to file taxes since becoming a permanent resident is a good moral character issue, but not an issue that will cause the applicant to be deportable. See the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide* for more information on this topic.

It is important to note that USCIS is primarily concerned with what the applicant has done for the last five years (the period for which good moral character is required—three years for applicants married to U.S. citizens) but USCIS may look at the applicant's conduct prior to that five year period. An applicant who failed

<sup>39</sup> 8 CFR § 316.12.

<sup>40</sup> People with very low incomes *are not required* to file income tax returns. For example, for 2016, a single person who was under 65 years of age at the end of 2016, and whose gross income was \$10,350 or more was required to file an income tax return for the 2016 tax year. Married individuals filing jointly would be required to file if they were both under 65 years of age at the end of 2016 and their gross income was \$20,700 or more. See Internal Revenue Service (IRS), *1040 Instructions*, (Dec. 15, 2016), available at <https://www.irs.gov/pub/irs-pdf/i1040gi.pdf> (last visited Nov. 2017). The IRS publishes filing requirements every year to help people determine whether they are required to file a federal income tax return. Advocates can use the IRS website for specific information about filing requirements for applicants depending on their age, filing status, and gross incomes. You can find these requirements in the “Filing Requirements” Section of the instruction booklet for the year of filing. The requirements are outlined in Charts A, B, and C.

<sup>41</sup> Instructions for N-400, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>42</sup> Instructions for N-400, Page 12, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).



to file a tax return at any point in time should see an immigration expert and a tax expert who will help him determine whether this may be a good moral character issue and whether to file her past tax returns before applying.<sup>43</sup>

**Item 6** concerns whether the applicant owes any overdue federal, state, or local taxes. Even if an applicant negotiated a settlement with the Internal Revenue Service for payment of back taxes, if the applicant still owes some money as part of such a settlement, he or she has to answer “yes” to **Item 6**. Often payment plans will not cause a naturalization denial.

**Items 7.B. and 8** ask whether, since becoming a lawful permanent resident, the applicant did not file a federal, state, or local tax return because she considered himself to be a “non-U.S. resident” and whether she indicated on a federal, state, or local tax return that she was a nonresident. A “yes” answer to these questions may raise a rebuttable presumption that an applicant has abandoned her status as a lawful permanent resident. Anyone who marks “yes” to these questions must see an expert in immigration law before applying for naturalization—someone who has abandoned her residence risks being placed in removal proceedings, losing her green card, and being deported.

### **Item 9: Affiliations**

This section asks the applicant to list membership or affiliation with any group—both in the U.S. and elsewhere. If she needs additional space, she should attach another sheet of paper.

There are two purposes for the questions in this section. First, membership in some groups can reflect positively upon one’s good moral character. For instance, if the applicant is an active member in her child’s Parent-Teacher Association (PTA), volunteers at the local Red Cross, or is involved in an organization that helps the community, USCIS will consider such membership and activity to be a positive factor when determining good moral character.

The second and more common use of the questions in this section is to determine whether the applicant has been a member of a communist, totalitarian, anarchist or Nazi group, or any group committed to overthrowing the United States government.<sup>44</sup> Advocates should also be on the lookout for organizations that fall within the “terrorist” group definition<sup>45</sup> and any direct or indirect involvement by the applicant with such group(s), including providing material support. If you are working with an applicant who is concerned about her membership or participation in any group, you must work with her to prepare to explain it to the adjudicator at her interview.

### **Item 10-11: Certain Political Activities**

People who have been involved in certain political activities (in the U.S. or abroad) cannot naturalize until ten years after they have stopped their involvement in those activities. Those political activities include advocating anarchism (a philosophy opposed to all forms of government), advocating totalitarianism (one political party or group controls everything), or advocating communism (for example, as practiced in the

<sup>43</sup> Usually, an applicant can file past returns and set up a payment schedule with the Internal Revenue Service for any back taxes owed.

<sup>44</sup> INA § 313.

<sup>45</sup> See generally INA § 212(a)(3)(B), (E)-(G); INA § 237(a)(4)(B), (D); INA § 219.

former Soviet Union). Concerns about communist affiliation are far more common than concerns about the first two philosophies. A person who *voluntarily* participated in communist activities or with communist groups cannot naturalize for ten years following her last involvement.<sup>46</sup> However, if the applicant can prove that the association or activities were involuntary,<sup>47</sup> required by law<sup>48</sup> (as in several communist countries), or necessary for the purpose of obtaining employment, food, or other essentials of living,<sup>49</sup> she will be allowed to naturalize. USCIS will ask many applicants from communist or formerly communist countries about this issue. In making a determination of whether the membership was voluntary or not, the applicant should be ready to say truthfully whether or not she believes in the principles of communism, anarchism, or totalitarianism.

### Items 12-21: National Security and Additional Good Moral Character Questions

**Items 12 through 21** are questions based on legal requirements involving the applicant's eligibility as it relates to national security and good moral character. Some of these questions stem from the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004<sup>50</sup> and the Child Soldier Accountability Act of 2008.<sup>51</sup> These laws amended provisions of the INA as it relates to good moral character, inadmissibility, and deportability. For example, the IRTPA amended the INA making it a permanent bar to showing good moral character if the applicant at any time engaged in genocide, acts of torture or extrajudicial killings, or severe violations of religious freedom.<sup>52</sup> It also added a ground of deportability for receiving "military-type training"<sup>53</sup> from or on behalf of an organization that at the time the training was received was a terrorist organization.<sup>54</sup>

**Item 14.A-F** asks if the applicant has ever been involved in any way with any of the following: genocide; torture; killing or trying to kill someone; badly hurting or trying to hurt a person on purpose; forcing or trying to force someone to have any kind of sexual contact or relations; or not letting someone practice his or her religion. If the applicant is the victim of one of these crimes, the applicant can answer "no" unless the applicant was both a victim and perpetrator of the act. USCIS has said that the applicant should answer "yes" if the applicant ever committed one of the acts listed, or if any action taken by the applicant, even if under duress, contributed to or enabled another person to carry out these acts against another.

Individuals found to have engaged in the conduct specified in **Item 14.A-F** may have problems demonstrating good moral character, and because these offenses relate to grounds of deportability and inadmissibility (which could cause applicants to be found to have been inadmissible at the time of becoming a permanent resident or other admission to the U.S.), they could be placed in removal proceedings and deported. For example, an applicant who has ordered, incited, assisted or otherwise participated in genocide,<sup>55</sup> torture<sup>56</sup> (or extrajudicial killings), or severe violations of religious freedom,<sup>57</sup> at any time, is

<sup>46</sup> INA § 313(a) and (c); 8 CFR § 313.2.

<sup>47</sup> INA § 313(d); 8 CFR § 313.3(b)(1).

<sup>48</sup> INA § 313(d); 8 CFR § 313.3(b)(4).

<sup>49</sup> INA § 313(d); 8 CFR § 313.3(b)(5).

<sup>50</sup> Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, 118 Stat. 3638 (2004).

<sup>51</sup> Child Soldiers Accountability Act of 2008, Pub. L. No. 110-340, 122 Stat. 3735 (2008).

<sup>52</sup> Pub. L. No. 108-458, § 5501, 118 Stat. 3740 (2004).

<sup>53</sup> "Military-type" training includes many types of activities, such as causing death or serious bodily injury, destroying or damaging property, assembly of explosives, firearms, and other weapons. Pub. L. No. 108-458, § 5402, 118 Stat. 3737 (2004).

<sup>54</sup> *Id.*

<sup>55</sup> "Genocide" is the specific intent (whether in time of peace or war) to destroy in whole or in substantial part, a national, ethnic, racial or religious group by engaging in certain acts against members of that group, including killing, causing serious bodily injury, or

permanently barred from establishing good moral character for naturalization.<sup>58</sup> Applicants who answer “yes” to any of these questions should consult with an expert immigration attorney to determine whether they are eligible to naturalize, and whether they may be possibly deportable.<sup>59</sup>

**NOTE:** The language used in many of these questions on the current N-400 form has been simplified for applicants. However, this also means that it can be difficult for applicants and their representatives to identify the meaning given to these terms by USCIS. For example, **Item 14.D.**, related to “badly hurting” or trying to hurt a person on purpose, can likely be read to mean “intentionally and severely injuring” another person as specified on Form I-485, Part 8, Item 58.c (Application to Register for Permanent Residence or Adjust Status, Rev. 06/26/17). Be sure to read and consult the USCIS Policy Manual, Vol. 12. Citizenship & Naturalization, Part F: Good Moral Character, when completing this section of the form. The Policy Manual is available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartF-Chapter4.html> (last visited Nov. 2017).

Many of the newer questions in Part 12 are broad and include terms not defined in the INA, such as whether the applicant participated in a self-defense unit, police unit, or insurgent organization (Part 12, Item 15).<sup>60</sup> Because these questions are overly general and legally vague, advocates should thoroughly interview applicants to determine whether the response on the form is relevant. Advocates working with applicants who received Temporary Protected Status (TPS), asylum, or benefits under the Nicaraguan Adjustment and Central American Relief Act (NACARA) should review the applicant’s original asylum, TPS, or NACARA application to determine if the applicant may have already provided information answering Items 14 through

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causing permanent impairment of mental faculties through drugs, torture or similar techniques. See 18 U.S.C. § 1091(a) for complete definition.

<sup>56</sup> “Torture” is an act committed outside the U.S. by a person acting under color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incident to lawful action) upon another person within his custody of physical control. See 18 U.S.C. § 2340 for a complete definition.

<sup>57</sup> Violation of religious freedom applies to a noncitizen who, while serving as a foreign government official was responsible for carrying out certain offenses such as arbitrary prohibitions on, restrictions of, or punishment for assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements; speaking freely about religious views; changing one’s religious beliefs and affiliation; possession and distribution of religious literature, including Bibles; or raising one’s children in the religious teachings and practices of one’s choice; or any of the following acts if committed on account of an individual’s religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution. See 22 U.S.C. § 6402 for a complete definition.

<sup>58</sup> INA §§ 101(f)(9); 212(a)(3)(E) and 237(a)(4)(B) (genocide and torture); 212(a)(2)(G) (religious freedom). See also USCIS Policy Manual. Vol. 12. Citizenship & Naturalization, Part F: Good Moral Character, Chapter 4. Available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartF-Chapter4.html> (last visited Nov. 2017).

<sup>59</sup> Legal advocates should review relevant grounds of inadmissibility and deportability, including: INA § 237(a)(4) subsections (B) terrorist activities; (D) participation in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing; (E) participation in commission of severe violations of religious freedom; (F) recruitment or use of child soldiers; INA § 212(a)(2) subsection (G) foreign government officials who have committed particularly severe violations of religious freedom; INA § 212(a)(3) Security and Related Grounds including subsections (B) terrorist activities and organizations defined; (E) participation in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing (F) association with terrorist organizations; (G) recruitment or use of child soldier; INA § 219 (8 USC 1189) definition of foreign terrorist organization.

<sup>60</sup> In a meeting with advocates in Washington, DC on April 24, 2014, USCIS clarified that for Item 15.B., relating to the applicant’s membership, service, help, or participation in a paramilitary group, USCIS is not looking for organizations that are associated with the United States military, such as ROTC.

21. The applicant will want to make sure she is responding consistently across applications or providing explanations for any inconsistencies.

**WARNING:** Beware that many behaviors may trigger terrorism-related inadmissibility grounds (TRIG) and might not have been detected in earlier applications. Seemingly benign activities may now trigger a “material support” of terrorism or other terrorism-related ban. This is true for activities that may have been disclosed on the applicant’s original application, since at the time USCIS was not evaluating applications for those TRIG.

While the TRIG bars are broad, advocates should be aware that USCIS has issued policy memoranda regarding the implementation of new discretionary exemptions to TRIG for certain *voluntary* activities or associations under INA §212(d)(3)(B)(i), such as those related to the Farabundo Marti National Liberation Front (FMLN), the Nationalist Republican Alliance (ARENA), the Eritrean Liberation Front (ELF), and other groups.<sup>61</sup> It is the ILRC’s position that these memorandums appear to provide officers the discretionary authority not to apply TRIG to certain voluntary activities in non-duress situation that would otherwise constitute material support. Keep in mind these exemptions are policies and may be changed at any time. It is good practice to regularly check the USCIS website for updates. More information on TRIG exemptions can be found at <https://www.uscis.gov/laws/terrorism-related-inadmissability-grounds/terrorism-related-inadmissability-grounds-exemptions>.

Advocates working with applicants who may have applied for and/or received asylum, TPS, or benefits under NACARA should thoroughly review the applicant’s original application for facts that may indicate the applicant engaged in or provided material support to “terrorist activities.” You can obtain a copy of the individual’s application and complete immigration or “A File” by submitting a Freedom of Information Act (FOIA) request to USCIS.<sup>62</sup> This way, you can better analyze the information and carefully determine whether or not the applicant whom you are assisting should apply for naturalization.

**Item 19** asks if the applicant has ever received any type of military, paramilitary or weapons training. This includes mandatory military service in the applicant’s country of birth or citizenship. According to USCIS, in this context an applicant should respond “yes” even if the weapons training was recreational, and explain the circumstances on a separate sheet of paper.<sup>63</sup> Applicants and advocates should be aware that “weapons” training is not limited to firearms.

<sup>61</sup> The full list of TRIG Groups Based Exemptions memoranda is available on the USCIS website at:

<http://www.uscis.gov/unassigned/terrorism-related-inadmissability-grounds-trig-group-based-exemptions> (last visited Nov. 2017).

<sup>62</sup> The ILRC has created a guide on how to request information under the Freedom of Information Act (FOIA) and Privacy Act, available at <https://www.ilrc.org/step-step-guide-completing-foia-requests-dhs>.

<sup>63</sup> Clarified by USCIS in a meeting with advocates in Washington, DC on April 24, 2014.

**Items 20-21** directly relate to the Child Soldier Prevention Act of 2008. The Act defines “armed force or group” as an army, militia or other military organization whether or not it is state-sponsored, but excludes groups assembled solely for nonviolent political association.<sup>64</sup>

### **Items 22–29: Criminal Record**

It is very important for applicants to be honest about any arrests, no matter how long ago, now matter how seemingly insignificant the offense, and regardless of whether the charges were dropped or erased (“expunged” or “vacated”) from the applicant’s record—because the questions ask whether the applicant was ever arrested, cited, or detained, not just convicted. USCIS will discover arrests through the applicant’s fingerprint checks so there is no advantage in hiding arrests. Additionally, an applicant could be denied naturalization for a lack of good moral character if she gives false testimony under oath (i.e., verbal testimony at the naturalization interview).

It is important to note that **Item 23** of this section asks “Have you ever been arrested, cited, or detained by any law enforcement officer (including any immigration official or any official of the U.S. armed forces) for any reason?” As such, this would include any arrest, citation, or detention by the INS, the Border Patrol, USCIS, CBP, ICE, or any Immigration Service agency. Also, due to the fact that this question includes the word “cited,” the ILRC believes that applicants should answer “yes” to this question, even if the only interaction the applicant has ever had with any law enforcement official was a traffic citation, and disclose those incidents in Part 12, **Item 29**.<sup>65</sup> A parking ticket is not a traffic citation or moving violation. Although traffic citations without arrests should not affect one’s good moral character for naturalization, many USCIS offices require that an applicant note any traffic citations on the application and mention them when under oath during the interview or else possibly risk having her naturalization application denied for giving false testimony under oath. Often, USCIS will follow up by asking if the citations are paid.

USCIS will use an applicant’s fingerprints to find out about all of her arrests—so they will know if the applicant lied, and can deny the application for that reason. Anyone who answers “yes” should see an expert in immigration law since an applicant may be denied, placed in removal proceedings, and possibly removed from the U.S. if she has been convicted of certain crimes. On the other hand, an immigration law expert may know how to address these issues.

Someone who was arrested by the INS, the Border Patrol, USCIS, ICE, or CBP and left the U.S. under “voluntary departure” should consider this an arrest in answering Item 23. As with all arrests, an applicant who was arrested by any of the above-mentioned federal agencies and then allowed to leave the U.S. under voluntary departure, should write an explanation to this question about the circumstances of the arrest and departure. Generally, a voluntary departure prior to becoming a permanent resident will not affect one’s naturalization application. For example, an applicant might relate the circumstances of her voluntary departure on her N-400 as follows: “In 1978 I was detained by the INS during an INS raid of my workplace. I

<sup>64</sup> Pub. L. No. 110-340, § 2442, 122 Stat. 3735 (2008).

<sup>65</sup> The instructions for the N-400 indicate that if the fine was less than \$500, then documentation of the incident is not required, unless the incident was drug or alcohol related. See page 10 of the Form N-400 instructions. This instruction supports the conclusion that any citation should be disclosed in response to Item 16, but that further documentation/records will not be required with a traffic citation of less than \$500. See N-400 form instructions, page 10, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

voluntarily departed the United States and returned to Hong Kong. In 1986, I immigrated to the United States with a family visa.”

**PRACTICE TIP:** The applicant may have misconceptions as to what constitutes an arrest or conviction. In addition, she may think that if the arrest occurred several years ago, it will not show up in her record or is unimportant. To avoid misunderstandings, explain to applicants that you need to know everything about their encounters with the police or any other law enforcement agency, no matter how trivial it may be. It may also be a good idea to obtain the applicant’s FBI record, state criminal history records, and court dispositions to confirm the applicant’s recollections and to comply with the USCIS’ requirement that dispositions on all criminal cases be submitted.<sup>66</sup>

**Item 27** relates to whether the applicant has received a suspended sentence, been placed on probation, or has been on parole. If the applicant is now on probation, parole or under a suspended sentence, USCIS cannot adjudicate his or her naturalization application.<sup>67</sup> Further, although probation, parole, or a suspended sentence during the relevant statutory period does not automatically preclude the applicant from establishing good moral character, this may affect the overall good moral character determination. All applicants who answer “yes” should consult with an experienced immigration attorney.

**Item 28.B.** asks applicants who have ever been in jail or prison to indicate how long they were in jail or prison. While the form only provides space for “Years,” “Months,” and “Days,” if the applicant was detained in jail or prison for less than 24 hours, the applicant should enter “1” in the “Days” field. The applicant should also provide a written explanation on a separate sheet of paper that includes the actual number of hours the applicant was detained.

### Items 30-32: Good Moral Character

These questions relate to the applicant’s good moral character. They involve issues such as alien smuggling (includes helping a family member illegally enter the U.S.), failure to pay child support, giving false testimony to come to or stay in the U.S., prostitution, polygamy, illegal gambling, and the sale and/or smuggling of controlled substances, illegal drugs, or narcotics. Some of these activities, such as failure to support dependents, might result in a denial of the naturalization application (but nothing more). Other activities, however, such as alien smuggling and drug-related offenses, can also result in the applicant being placed in removal proceedings. It is important to note that for some of these offenses the applicant does not need to be convicted for USCIS to deny the naturalization application and/or place the person in removal proceedings. The mere commission of some of these activities is sufficient. For more information while completing this section, be sure to read and consult the USCIS Policy Manual, Vol. 12. Citizenship & Naturalization, Part F: Good Moral Character, when completing this section of the form. The Policy Manual is available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartF-Chapter4.html> (last visited Nov. 2017). It is also important to note that even though some states have legalized the medical or

<sup>66</sup> See the USCIS Policy Manual, Vol. 12., Citizenship & Naturalization, Part F: Good Moral Character, Chapter 3 Evidence and the Record, which discusses circumstances where an applicant is required to provide a certified court disposition, available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartF-Chapter3.html> (last visited Nov. 2017).

<sup>67</sup> 8 C.F.R. § 316(c)(1).

recreational use of marijuana, marijuana is still a controlled substance under federal law. See ILRC’s Community Flyers on Marijuana for a brief overview, available at <https://www.ilrc.org/community-flyers-marijuana>. For a deeper analysis of the immigration consequences of marijuana use, see ILRC’s recorded webinar Dangers and Benefits of Legalized and Medical Marijuana, available at <https://www.ilrc.org/webinars/dangers-and-benefits-legalized-medical-marijuana-0>.

**NOTE: Item 30.I**, which asks about misrepresentation by the applicant to obtain a public benefit in the United States, is not limited to “willful and knowing” misrepresentation. According to USCIS, if the applicant has ever made any misrepresentation, such as lying or omitting information, to obtain a public benefit, regardless of whether the applicant intended to misrepresent herself, the applicant should answer “Yes” and provide a written explanation on a separate sheet of paper. Applicants who answer yes to this question should consult with an experienced immigration attorney before applying.

For more information on these good moral character issues and how they can affect one’s naturalization application and immigration status, please see the ILRC’s manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide*.

### **Items 33-36: Removal, Exclusion, and Deportation Proceedings**

Someone who has been deported, excluded, or removed in the past should see an expert in immigration law before applying for naturalization. Even if she was deported, excluded, or removed long ago, and then became a lawful permanent resident after the deportation was waived,<sup>68</sup> we still suggest that an applicant with this history see an expert in immigration law to ensure there will not be problems pursuing naturalization. If someone is now in deportation or removal proceedings or under an order of removal or deportation, generally the USCIS cannot naturalize the person until the proceedings are terminated.

### **Item 41-44: Selective Service**

Every male between the ages of 18 and 26—citizen or not—has to register with the Selective Service (or the “draft”). The only males exempt from this requirement are those who are here pursuant to a non-immigrant visa or in diplomatic status. USCIS considers it a lack of good moral character for men who are required to register with the Selective Service to knowingly and willfully fail to do so. Applicants who were required to register with the Selective Service, and did, must include the date of registration and their Selective Service number on the form (Item number 46.B.). Applicants who were required to register for the Selective Service but did not, and are still under 26 years of age, must register for the Selective Service before applying for naturalization.<sup>69</sup>

<sup>68</sup> If the applicant was deported, and then immigrated legally within five years of her deportation date, she would have needed a waiver of the “prior deportation” ground of exclusion. INA § 212(a)(9)(A).

<sup>69</sup> See N-400 Form, Item 46.C.1. See also USCIS Policy Manual, Vol. 12., Citizenship & Naturalization, Part D: General Naturalization Requirements, Chapter 7, available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartD-Chapter7.html> (last visited Nov. 2017). For more information about the Selective Service, visit <https://www.sss.gov/Registration-Info/Who-Registration> (last visited Nov. 2017).

**PRACTICE TIP:** An applicant can find out if he did register for the Selective Service, or what his registration number (and date of registration) was, by visiting the Selective Service Online Registration Verification website at <https://www.sss.gov/Registration/Check-a-Registration/Verification-Form> (last visited Nov. 2017).

The rules are a bit more confusing for applicants that did not register for the Selective Service. Some people are required to submit a statement explaining why they did not register and a status information letter from the Selective Service<sup>70</sup> and others are not required to submit such information. The rules are as follows:<sup>71</sup> If the applicant is between 26 and 31 years of age when he applies for naturalization *and* did not register for the Selective Service (or between ages 26-29 and applying based on marriage to a U.S. citizen), he must provide a status information letter from the Selective Service and a statement explaining why he did not register. The applicant must include the statement and letter with his naturalization application.<sup>72</sup>

If the applicant was required to register for the Selective Service, but did not, and is more than 31 years of age when he applies for naturalization (or over age 29 and applying based on marriage to a U.S. citizen), he does *not* need to submit a status information letter from the Selective Service or a written statement explaining why he did not register.<sup>73</sup>

For a thorough description of USCIS' policy regarding failure to register for the Selective Service, including information on what to say in the attached statement, please see the ILRC's manual titled, *Naturalization and U.S. Citizenship, The Essential Legal Guide*.<sup>74</sup>

### Items 45-50: Oath of Allegiance

In order to become a U.S. citizen, an applicant must be willing to support the U.S. government. Generally, this requires that the applicant be willing to serve in the armed services or provide alternative service if she is "religiously" opposed to bearing arms.<sup>75</sup> If she answers "no" to any question in Items 45 through 50, you and the applicant will need to work together to provide a full explanation.

### Part 13: Applicant's Statement, Certification, and Signature

By signing the form, the applicant is indicating that the information provided and documents submitted are correct to the best of his knowledge.<sup>76</sup> Providing false information can be a ground for revocation of

<sup>70</sup> See N-400 Form, Item 46.C.2. Applicants can find the status information letter request form on the Selective Service website at <https://www.sss.gov/Registration/Status-Information-Letter> (last visited Nov. 2017). The letter request form cannot be completed online. Applicants must print and fill out the form and mail it along with supporting documents (if necessary) to the address provided on the form.

<sup>71</sup> See N-400 Form, Item 46.C.

<sup>72</sup> See N-400 Form, Item 46.C.2.

<sup>73</sup> See N-400 Form, Item 46.C.1.

<sup>74</sup> See also USCIS Policy Manual, Vol. 12., Citizenship & Naturalization, Part D: General Naturalization Requirements, Chapter 7, available at <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartD-Chapter7.html> (last visited Nov. 2017).

<sup>75</sup> INA § 337.

<sup>76</sup> 8 CFR § 335.2(e). Although the Form N-400 signature clause reads "I certify ... that I provided or authorized all of the information in my application ... and that all of this information is complete, true, and correct," the oath included in 8 CFR § 335.2(e) reads, "I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this



naturalization. According to the instructions, if an applicant is unable to write in any language, he may sign his name with an “X.”<sup>77</sup> A family member may assist the applicant in signing the form.<sup>78</sup> Furthermore, a legal guardian or parent may sign if applicable.<sup>79</sup>

### Part 14: Interpreter’s Contact Information, Certification, and Signature

Some people may need an interpreter to help complete the N-400, including those seeking an exemption as well as those who may not feel comfortable completing a legal form in English. Anyone who uses an interpreter should complete this section.

The interpreter is also required to complete this section. By signing this section the interpreter is certifying that he or she is: (1) fluent in English and the language used to interpret to the applicant; (2) that he or she has read every question and instruction on the form, and the applicant’s answer to each question to the applicant; and (3) the applicant understood each and every instruction, question, and answer to each question.

### Part 15: Contact Information, Declaration, and Signature of the Person Preparing This Application, if Other Than the Applicant

If someone helped the applicant complete the N-400, the person who prepared the application should complete this section.<sup>80</sup>

Also, USCIS could interpret 8 C.F.R. § 1003.102(t) to require all attorneys and accredited representatives to complete a G-28 and sign the N-400 application form if they assisted with the preparation of the form, which is defined to include giving legal advice and could include helping with the completion of the N-400 form.

**NOTE:** If an application was completed during a group processing event, such as a citizenship workshop, then the sponsoring organization and representative can provide their name, address, contact information, and signature for the interpreter section (Part 14) and preparer section (Part 15).<sup>81</sup> This information must be handwritten or typed as USCIS will no longer accept stamps or stickers in Parts 14 and 15.<sup>82</sup>

application for naturalization subscribed by me, and the evidence submitted with it, are true and correct to *the best of my knowledge and belief*” [emphasis added].

<sup>77</sup> See N-400 form instructions, page 9, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>78</sup> USCIS Policy Manual. Vol. 12., Citizenship & Naturalization, Part C: Accommodations, Chapter 3, available at <https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartC-Chapter3.html#footnote-5> (last visited Dec. 2017).

<sup>79</sup> See N-400 form instructions, page 9, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>80</sup> See N-400 instructions, available at <https://www.uscis.gov/n-400> (last visited Nov. 2017).

<sup>81</sup> See USCIS’s *Instructions for Applicants Receiving Assistance at Group Processing Events* (Feb. 9, 2017), available at <https://www.uscis.gov/forms/instructions-applicants-receiving-assistance-group-processing-events> (last visited Nov. 2017).

<sup>82</sup> See USCIS’s *Instructions for Applicants Receiving Assistance at Group Processing Events* (Feb. 9, 2017), available at <https://www.uscis.gov/forms/instructions-applicants-receiving-assistance-group-processing-events> (last visited Nov. 2017).

## Parts 16-18: Signature at Interview, Renunciation of Foreign Titles, and Oath of Allegiance

These parts of the application should **not** be filled out by the applicant before submitting his or her application. An applicant should complete these sections at her interview, only if and when the USCIS officer instructs her to do so.



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### 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.