

This article provides basic information about the Naturalization process. Whether to naturalize or not is an intensely personal one with many important considerations. For many naturalization is an emotional decision --- for some the summit of a successful immigration process and for some the end of the last formal bond with their country of origin. There are also many practical considerations. Naturalization may limit ability to own property in their home land and yet others may risk deportation from the United States as result of a naturalization application. The decision, therefore, to acquire naturalization by choice requires careful analysis and consideration and you may want to discuss naturalization with an experienced attorney who can help you decide if naturalization is right for you, and, if necessary, successfully help you through the process.

### What is Naturalization?

Naturalization is a process which a lawful permanent resident (a “green card holder”) in the United States is granted US Citizenship and this process culminates into adopting a new homeland and renunciation of your original citizenship.

### Who can naturalize?

A person who has become a lawful permanent resident (a “green card” holder) in the United States, and is over 18 years of age, seeking to become a United States citizen can naturalize. The process is started by filing form N-400.

### Whether to Naturalize?

First, assess your own circumstances, and consider whether becoming a US Citizen makes sense and whether it will provide you advantages. Common privileges include visa-free travel to many countries, including Canada, minor children deriving US Citizenship through you if you naturalize, being able to vote for government officials, right to sit on the jury, rights to sponsor relatives for permanent residence, the ability to apply for federal jobs, and the entitlement to full protection of the US laws. The potential disadvantages are loss of other citizenship(s), and restrictions regarding ownership of property in one’s home country,

Second, research your home country's citizenship laws to find out whether dual citizenship is allowed or whether it will cause you to lose your current nationality. For instance, India does not allow dual citizenship and you will have to have your Indian passport cancelled after you acquire US citizenship. You may, however, choose to acquire the Overseas Citizenship of India (OCI) card or the Persons of Indian Origin (PIO) card that allows certain privileges, including visa-free travel to India, and exemption from registration with local police authority, to name a few.

### Basic Requirements for Naturalization:

#### a. Residence requirement:

In order to apply for naturalization, you normally must have resided in the United States as a legal permanent resident for five years and have been under the jurisdiction of the USCIS director or state where you file the petition for at least 3 months. You can apply within 3 years for naturalization if your spouse has been a United States citizen for the last three years, and you lived with your spouse during that time. Naturalization applications can be sent in up to 90 days before the three or five year mark is reached. The two primary residence requirements can be very complicated depending on evaluation of your residence in the naturalization context.

#### b. Good moral character:

To qualify for naturalization, all applicants must demonstrate their good moral character during the three or five year period of residence required for your application. Some of the bars to good moral character, include, criminal convictions, trafficking in controlled substances, false testimony to USCIS, failure to pay child support, failure to pay income tax, fraudulent use of public benefits, etc.

#### c. Speaking, Reading and Writing English:

Applicants must speak, read, and write English. Typically during naturalization interviews, an applicant is required to understand the questions asked by USCIS examiner and converse with the examiner, as well as, be able to write out a sentence and read a paragraph. There are certain exceptions for applicants over fifty years of age or for those who cannot comply due to a physical, developmental, or mental disability.

### d. US History and Government Test:

All applicants must demonstrate knowledge of the fundamentals of United States history and government. The recently revised test places an emphasis on the fundamental concepts of American democracy and the rights and responsibilities of citizenship. For a list of 100 test questions see: <http://tinyurl.com/57sarh> . If an applicant does not pass at the initial interview, the officer will schedule a second interview within 90 days.

If you would like to see a particular topic/issue covered in future issues please send me an email at [ISW\\_E-Sandesh@mithraslaw.com](mailto:ISW_E-Sandesh@mithraslaw.com) with "ISW E-Sandesh" as the subject.

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