

IMMIGRATION, NATURALIZATION & CITIZENSHIP



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Citizenship

Citizen packets (the basic application forms) may be obtained by calling the Immigration & Naturalization Service (INS) automated service line at 1-800-870-3676. If you have specific questions and have not filed an application yet you may contact the Denver INS office.

INS will schedule your application interview and testing for citizenship according to the order in which received. When traveling overseas in conjunction with a spouse's PCS move, expeditious processing is possible but may require a letter from the sponsor's commander describing your circumstances. If the applicant needs to expedite the processing of the application, they should also include a letter explaining the circumstances (i.e., military reenlistment, etc.) and requesting examination and swearing-in in Denver.

General Naturalization Requirements (Adults)

One way to become a US citizen is through naturalization. To become naturalized, a green-card holder must meet the following requirements:

Age Applicants must be at least 18 years old. Refer to the section, Naturalized Citizen's Children under Waivers, Exceptions, and Special Cases for information on applicants who are less than 18 years old. *See Also INA 334(b)*.

Residency A green card holder over the age of 18 must have lived in the US for at least 5 years before applying to become a naturalized US citizen.

Good Moral Character Generally, an applicant must show that he or she has been a person of good moral character for the statutory period (typically five years or three years if married to a U.S. citizen or one year for Armed Forces expedite) prior to filing for naturalization. The Service is not limited to the statutory period in determining whether an applicant has established good moral character. An applicant is permanently barred from naturalization if he or she has ever been convicted of murder. An applicant is also permanently barred from naturalization if he or she has been convicted of an aggravated felony as defined in INA 101(a)(43) on or after November 29, 1990. Under INA 101(f) a person also cannot be found to be a person of good moral character if during the last five years he or she:

- has been convicted of one or more crimes involving moral turpitude
- has been convicted of 2 or more offenses for which the total sentence imposed was 5 years or more

- has been convicted of any controlled substance law, except for a single offense of simple possession of 30 grams or less of marijuana
- Visit <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization/path-us-citizenship> for more information.

Language Applicants for naturalization must be able to read, write, speak, and understand words of ordinary usage in the English language. *See INA 312*. Applicants exempt from this requirement are those who **on the date of filing**:

- have been residing in the United States subsequent to a lawful admission for permanent residence for at least 15 years and are over 55 years of age;
- have been residing in the United States subsequent to a lawful admission for permanent residence for at least 20 years and are over 50 years of age; or
- have a medically determinable physical or mental impairment, where the impairment affects the applicant's ability to learn English.

United States Government and History Knowledge An applicant for naturalization must demonstrate knowledge and understanding of the fundamentals of the history and of the principles and form of government of the United States. Applicants exempt from this requirement are those who, on the date of filing, have a medically determinable physical or mental impairment, where the impairment affects the applicant's ability to learn U.S. History and Government. Applicants who have been residing in the U.S. subsequent to a lawful admission for permanent residence for at least 20 years and are over the age of 65 will be afforded special consideration in satisfying this requirement. *See Also INA 312*

Oath of Allegiance To become a citizen, one must take the oath of allegiance. By doing so, an applicant swears to:

- support the Constitution and obey the laws of the U.S.;
- renounce any foreign allegiance and/or foreign title; and
- bear arms for the Armed Forces of the U.S. or perform services for the government of the U.S., when required.

In certain instances, where the applicant establishes that he or she is opposed to any type of service in armed forces based on religious teaching or belief, INS will permit these applicants to take a modified oath. *See Also INA 337*

Waivers, Exceptions, and Special Cases

Spouses of U.S. Citizens Generally, LPR married to a U.S. citizen may file for naturalization after residing continuously in

the United States for 3 years, if immediately preceding the filing of the application:

- the applicant has been married to and living in a valid marital union with the same U.S. citizen spouse for 3 years;
- the applicant has been living in the U.S. for the 3 years of;
- the U.S. spouse has been a citizen for all 3 years and meets all physical presence and residence requirements; and
- the applicant meets all other naturalization requirements.

See Also INA 216A, INA 319, INA 316.

Children There are several ways foreign-born children of U.S. citizens may obtain proof of citizenship:

- Generally, U.S. citizen parents of children born abroad may file a N-600 Application for Certificate of Citizenship. This form should be completed in accordance with the instructions provided.
- *Important note: Children born abroad to U.S. citizen parents are automatically US citizens. The Certificate of Citizenship is merely a record of citizenship - it does not confer citizenship on an applicant.*
- Adopted children of citizen parents *acquire* citizenship. For adopted children, adoptive parents file an N-643 instead of an N-600. However, adopted children over 18 must file an N-400.
- For answers to more specific questions regarding naturalization of children, please contact your local office of the United States Customs and Immigration Service (USCIS) or visit the agency's website.

See Also INA 320, INA 321, INA 322

Veterans of U.S. Armed Forces Certain applicants who have served in the U.S. Armed Forces are eligible to file for naturalization based on current or prior U.S. military service. Such applicants should file the N-400 Military Naturalization Packet.

Lawful Permanent Residents with 3 Years U.S. Military Service An applicant who has served for 3 years in the U.S. military and who is a lawful permanent resident is excused from any specific period of required residence, period of residence in any specific place, or physical presence within the United States if an application for naturalization is filed while the applicant is still serving or within 6 months of an honorable discharge.

To be eligible for these exemptions, an applicant must:

- have served honorably or separated under honorable conditions;
- completed 3 years or more of military service;
- be a legal permanent resident at the time of his or her examination on the application; or
- establish good moral character if service was discontinuous or not honorable.

Applicants who file for naturalization more than 6 months after termination of 3 years of service in the U.S. military may count any periods of honorable service as residence and physical presence in the United States.

Veterans who have served honorably in any of the periods of armed conflict with hostile foreign forces specified below
An applicant who has served honorably during any of the

following periods of conflict is entitled to certain considerations:

- World War I - 4/16/17 to 11/11/18;
- World War II - 9/1/39 to 12/31/46;
- Korean Conflict - 6/25/50 to 7/1/55;
- Vietnam Conflict - 2/28/61 to 10/15/78;
- Operation Desert Shield/ Desert Storm - 8/29/90 to 4/11/91; or
- any other period which the President, by Executive Order, has designated as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with hostile foreign forces.

Applicants who have served during any of the aforementioned conflicts may apply for naturalization based on military service after qualifying service and the requirements for specific periods of physical presence in the United States and residence in the United States are waived. **See Also INA 328, INA 329**

The information provided in this document is meant for the sole use of Active Duty service members, retirees, and their families. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibilities vary widely according to the facts and circumstances in each case. Laws can vary across states, services, and civilian jurisdictions. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.