

PRACTICE AREA

## NATURALIZATION AND CITIZENSHIP

Becoming a U.S. citizen and holding the U.S. passport is the American dream for many immigrants. We are privileged to assist our clients through this process by accurately assessing one's eligibility to obtain U.S. citizenship, preparing a quality naturalization package, preparing for a citizenship interview, and accompanying our clients to the citizenship interview. Pender & Coward immigration attorneys guide our clients throughout the naturalization process until they are holding their Naturalization Certificate in one hand and an American flag in the other.

### Naturalization and Citizenship Applications

Naturalization is the process of becoming a U.S. citizen for people who were born outside of the U.S. If you have a parent who was a U.S. citizen before turned you turned 18, then you can apply for a Certificate of Citizenship, instead of Naturalization, as you can obtain automatic U.S. citizenship through your parent.

Before naturalization, a lawful permanent resident applicant must be 18 years old or older and willing to support and defend the U.S. and its Constitution, and the applicant must meet the physical, continuous presence requirement. Specifically, permanent residents who are still married to and cohabitating with their U.S. citizen petitioners can apply in 3 years, while other permanent residents have to meet the five-year continuous permanent resident status. Also, an applicant must have been physically present in the U.S. for at least half of the required continuous presence time, unless one meets an exemption based on certain overseas employment.

### Permanent Residency and Green Cards

In general, one may obtain permanent residency (Greencard) through employment-based immigration or family-based immigration. For specifics, please visit our employment-based immigration page and family-based immigration page.

### Citizenship Tests and Interviews

Once an applicant submits a naturalization application, the U.S.C.I.S. will schedule an in-person interview at a local field office. At the interview, the interviewing officer will review the application and the applicant will take a citizenship or naturalization test, unless the applicant qualifies for an exemption.

What is the process for naturalization and citizenship applications, and how can I qualify for them? Before you can apply for naturalization, you must first determine your eligibility. We will review your record, including any criminal/arrest record and travel record, and your English ability to determine your eligibility to apply for Naturalization.

Specifically, you must be a lawful permanent resident who is at least 18 years old or older, who is willing to support and defend the U.S. and its Constitution. You must also meet the physical, continuous presence requirement. Permanent residents who are still married to and cohabitating with their U.S. citizen petitioners can apply in 3 years, while other permanent residents must meet the five-year continuous permanent resident status. Lastly, an applicant must have been physically present in the U.S. for at least half of the required continuous presence time.

What is the process for citizenship tests and interviews, and how can I prepare for them? The naturalization test is a two-part test: an English proficiency test and a civics test. While an applicant does not need to speak perfect English, an applicant needs to be able to read, write, and speak basic English language. For the civics exam, the interviewing officer will choose 10 questions from the 100 pre-given questions about American government and history. The applicant needs to answer correctly at least six questions to pass the civics test. Thankfully, the U.S.C.I.S. provides study materials and 100 questions with answers, which are available at [uscis.gov/citizenship](https://uscis.gov/citizenship).

The applicant can be accompanied by an immigration attorney to the naturalization interview. Our attorneys can provide help in preparing and submitting the naturalization application, as well as accompany our clients to the naturalization interview.

Can I be exempted from the citizenship tests if I do not speak or understand English? If you are 50 years old or older and you have been a permanent resident for 20 years ("50/20" exception), or if you are 55 years old or older and you have been a permanent resident for 15 years ("55/15" exception), then you will be exempted from the English language exam. While you are still required to take the civics test, you can take the civics test in your native language by bringing your own interpreter, who is fluent in both English and your native language. In the alternative, if you have a physical or developmental disability or a mental impairment that prevents you from taking the exam, you may be waived from both English and civics tests based on medical certification completed by a licensed medical or osteopathic doctor, or licensed clinical psychologist.

Can I still apply for citizenship based on my arrest or conviction record? If you have been arrested, detained, or cited by a law enforcement officer, then we would ask that you obtain a certified copy of court disposition documents, including expunged records and probation records. Then, our immigration attorneys will examine the criminal records to determine your eligibility and the timing of your application.

Applying for naturalization to become a U.S. citizen is an exciting process for our clients. Pender & Coward immigration attorneys are experienced in filing for naturalization for conditional permanent residents, as well as in assessing eligibility for filing for applicants with criminal/arrest/citation records or other state/federal law violation history.

One can apply for naturalization within 90 days preceding the continuous resident requirement, instead of waiting for the full 5 years (or 3 years for permanent residents who are still married or cohabitating with their U.S.

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citizen petitioners). If you wish to file for naturalization as soon as you are eligible, then we advise our clients to speak to Pender & Coward immigration attorneys as soon as you are interested in and eligible to file for naturalization.

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