

AILA CITIZENSHIP DAY TRAINING SERIES

Naturalization Hot Topics • Part 1

Policy updates, adjudication trends, and best practices from the ground

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Where we're headed



01 • Start with a win

Birthright citizenship survives — and other good news worth saying out loud



02 • Policy updates

What has actually changed since last Citizenship Day



03 • On the ground

How it's rolling out at the local offices — trends, denials, delays



04 • Best practices

Screening, expectations, and counseling before you file

Mark your calendar: Hot Topics Part 2 — Monday, September 8, 2:00 pm ET — complex cases, to-file-or-not-to-file, and litigation options.

Birthright citizenship: still alive



Outside the Supreme Court, June 2026

6–3

SCOTUS strikes down EO 14160
June 30, 2026



Travel-ban adjudication hold
vacated
(Dorcas v. USCIS No. 1:26-cv-00132
(D.R.I.)).

- **Children born on U.S. soil are U.S. citizens — regardless of their parents' status** *Trump v. Barbara*, 598 U.S. ____ (2026).
- Nationals of the travel-ban countries can naturalize again
- And people are still naturalizing — slower, but the path is open

02

Policy updates

What's changed since last Citizenship Day



Good moral character: a “holistic” standard

No longer the absence of bad acts — USCIS now expects **affirmative positive conduct**.



The shift

Statutory bars → discretionary factors: acts
“contrary to the average behavior of citizens
of the community”



Positive factors

Employment · family ties · community
involvement · taxes paid · education



Conditional bars

Include CIMT/controlled-substance
inadmissibility, false testimony, 180+ days
imprisonment — and extramarital affairs

Practice shift: Build the affirmative GMC record into every filing — letters, tax transcripts, community evidence. Clearing the bars is no longer enough.

Military naturalization



- **Only two qualifying discharges: “Honorable” and “General – Under Honorable Conditions”**
- “Uncharacterized” DD-214 after 8/1/2024 no longer counts
- COVID-vaccination discharges: client may request a records correction
- No more interviews or oaths at ports of entry. Veterans abroad need a visa or parole to come in for the interview



Screen early: Pull the DD-214 before you quote a timeline. A veteran client outside the U.S. now has a much longer road.

Electronic payments only



No more paper



- Checks and money orders no longer accepted — limited exceptions only
- Aligns with EO 14247 (“America's bank account”)
- **Paper filings: Form G-1450 (credit/debit) or G-1650 (ACH)**
- ACH warning: client may need to pre-authorize the DHS withdrawal with their bank

Practice tip: Confirm the card has enough available credit for the full fee at the moment of filing — a declined charge means USCIS returns the whole application.

The 2025 civics test is now in effect

128

questions in the bank
(25% new or revised)

20

asked at interview
(up from 10)

12

correct answers
to pass

65/20

rule still applies

- **Applies to every N-400 filed on or after October 20, 2025 — those interviews are happening now**
- Longer format is more daunting — start test prep earlier in the timeline





N-648 medical disability exception

- USCIS frames the exception as “exploited” — every N-648 now read with suspicion
- **Must be filed concurrently with the N-400; late or multiple N-648s raise “credibility concerns”**
- Certifying professional must explain the nexus — how the disability prevents completing the English/civics requirements



Don't self-censor: Scrutiny is not a reason to abandon valid claims. A well-documented N-648 is still the law — the chilling effect is the point.

The role of the attorney under siege



No more telephonic appearances

- Announced May 18, 2026
- Exceptions: government custody (incl. unaccompanied children), disability accommodations, office-director discretion



Practitioner discipline USCIS PA-2026-04

- July 13, 2026: conduct must stay “within the bounds of the law”
- Discipline grounds include a “grossly excessive fee”...
- ...and **“obnoxious conduct which would constitute contempt of court”**
- <https://www.uscis.gov/policy-manual/volume-1-part-d-chapter-5>

“Obnoxious conduct.” “Excessive fee.” **We don't know what those mean** **either.**

Until someone defines them: stay on the record, stay professional, document everything —
and keep being a zealous advocate. Zealous is not obnoxious.



Personal investigations

- **Officers now specifically authorized to conduct home and neighborhood visits**
- Probing “attachment to the Constitution” — covering residence and employment, “at least” 5 years back
- Applicants may proactively submit corroboration from neighbors, employers, co-workers



Prepare clients: A knock on the door can now be part of the adjudication. Tell clients — and their households — what a visit looks like and that they can ask for counsel to be contacted.

Selective Service: no more status letters

- **As of June 30, 2026, SSS no longer issues status information letters**
- Verify registration online at sss.gov/verify
- Can't pull the letter? Call 1-888-655-1825 or 1-847-688-6888
- Still stuck? Document the attempts and file them as evidence of good faith

You will be able to download an official Registration Acknowledgement Letter after successfully verifying your registration.

Last Name

No dashes or hyphens, use a space

Social Security Number

No dashes or spaces

Date of Birth

SUBMIT

sss.gov/verify

What we told you last year...

~16/yr

cases filed,
Biden administration

~42/yr

cases filed,
first Trump administration

None

no statute of limitations
to pursue denatz

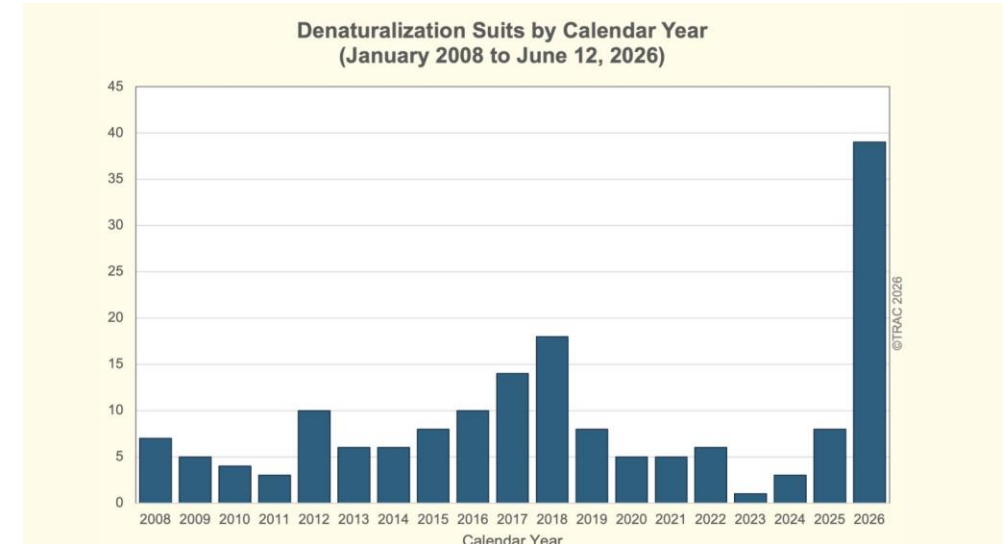
High

burden: “clear, convincing,
unequivocal”

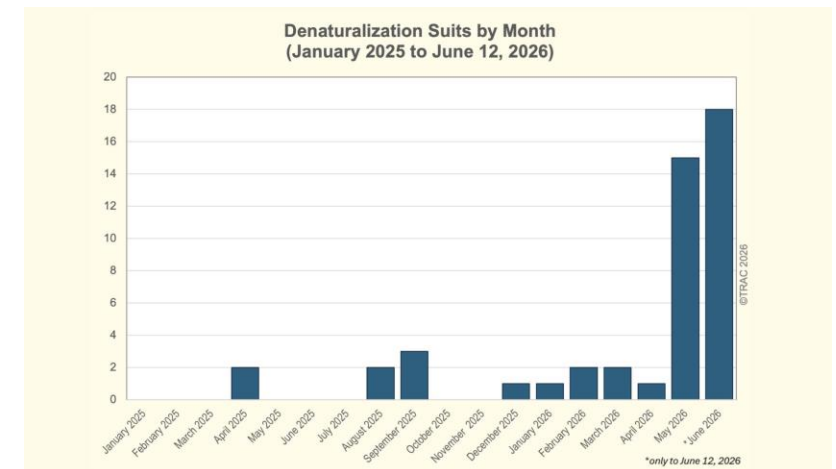
- Two grounds: concealment/willful misrepresentation (“deliberate deceit”) or illegal procurement (never actually qualified)
- **Maslenjak v. United States** (582 U.S. 335 (2017): “small omissions and minor lies” are not enough

...and the 2026 update: a real spike

- Historic pace: fewer than 1 case per month
- **May 2026: 15+ cases. June: 18 by June 17**
- Reported USCIS quota: 100–200 referrals/month
- Reality check: “files case” ≠ denaturalized. The burden hasn't changed



Source: TRAC, through June 12, 2026



Proposed fee increases: N-400 and N-336

Table II.1: Current Fees and Proposed Fees for Form N-400 and Form N-336

Immigration Benefit Request	Current Fee	Proposed Fee	Percent Change
Form N-336 Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336 (paper filing)	\$830	\$1,475	78%
Form N-336 Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336 (online filing)	\$780	\$1,425	83%
Form N-400 Application for Naturalization (paper filing)	\$760	\$1,330	75%
Form N-400 Application for Naturalization (online filing)	\$710	\$1,280	80%
Form N-400 Application for Naturalization (aliens with household income below 400 percent of the FPG)	\$380	N/A	N/A

Note: The current Form N-400 reduced fee option of \$380 is only available through paper filing.

+75–80%

proposed N-400 increase
(to \$1,280–\$1,330)

N/A

the \$380 reduced-fee option
simply disappears from the table

Counsel now: The fee landscape may look very different by next year — clients on the fence should know. More by Part 2.

03

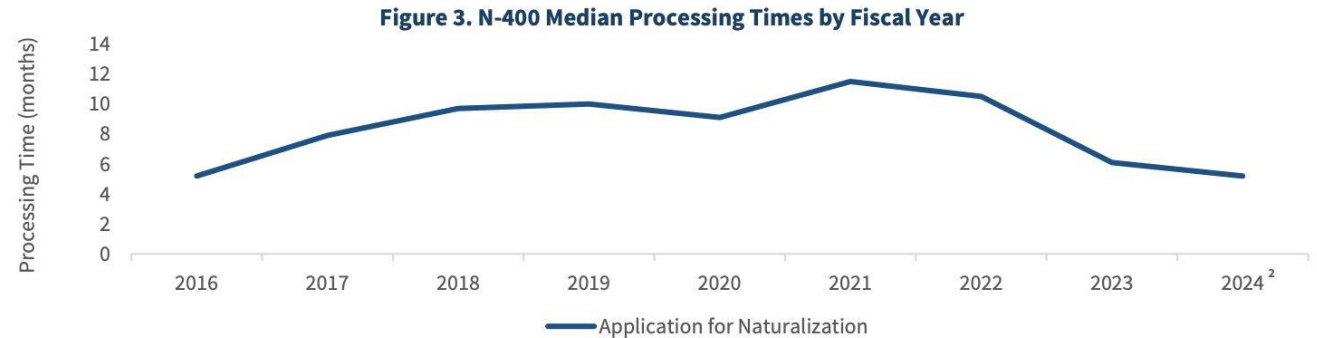
What we're seeing on the ground

The policy flurry was last year — this year is about how it's being applied

Wait times: the slow-walk is the policy

620,920

N-400s pending as of 12/31/2025
(2022 backlog: ~280,000)



Average processing times

Tampa 12 mo · Denver 12.5 mo · Albuquerque 11 mo · Houston 11.5 mo · D.C. 10.5 mo

- Interviews happen — then files just sit. Cases that closed in 3 months now take 10+
- Oath ceremonies pushed out months after approval
- Increasingly, litigation is the only lever (more in Part 2)

How the scrutiny is showing up in denials



GMC stretched

Reaching outside the 3/5-year window — even for conduct already waived



“Attachment” doubts

A novel denial theory — e.g., questioning applicants who spent time abroad



Fishing questions

“Ever been denied a visa?” — irrelevant questions asked to test candor



Dredging the file

Original DS-160s and NIV applications threaded back to entry



False-claim outreach

Denials over documents a child never saw or presented



NTAs + publicity

NTAs after natz filings — arrests promoted on DHS socials

The pattern: Assume the government will dig through the entire immigration history — which means we have to dig first.

04

Best practices

Screening, expectations, and counseling before a single form is filed

Prior to filing: build your own record first



Statement of understanding

Set expectations in writing:
extreme delays, litigation possible,
nothing guaranteed



Fingerprint everyone

Run your own background check
— ask about arrests, even
expunged ones



Test English yourself

“Please stand and raise your right
hand” — unwritten, but 100% part
of the test



FOIA every client

Get the file before the government
surprises you with it

Prior to filing: dig before they do



Consistency check

Compare every prior filing: marriages, divorces, children, employment, addresses, timelines



Verify the green card basis

Asylum: return trips home? Employment: real intent to stay with the sponsor? Read the category code



Screen inadmissibility

Prior misrep, visa denials, other names, smuggling — and grounds that were never actually waived

Counseling: to file or not to file



- **Informed consent on everything — walk each risk to its conclusion**
- Give options, risks, and benefits — then let the client decide
- Don't change your practice based on the government's posture. The chilling effect is the strategy
- When cases stall: mandamus works — and batching keeps it affordable (Part 2)

Resources & what's next

AILA resources

- Citizenship & Naturalization Law Toolbox
- Naturalization featured-issues page (policy tracker)
- AILA policy brief on denaturalization
- USCIS statistics & processing-times pages



Hot Topics · Part 2

Monday, September 8 · 2:00 pm ET

- New policy developments (there will be some)
- Complex cases: to file or not to file
- Messy hypotheticals: what would you do?
- When and how to litigate

Nine days before Citizenship Day (September 17) — implementation fresh in mind.

Thank you!

Questions?



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