

AILA CITIZENSHIP DAY TRAINING SERIES · PART 2

Naturalization Hot Topics

Federal litigation & late-breaking updates

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Where we're headed



01 · Late-breaking

What's moved since July — six updates, one of them big



02 · To file or not

Complex-case hypotheticals: what would you do?



03 · Denials & appeals

What we're seeing, and how to fight an N-336



04 · Federal litigation

Delay Suits & Denaturalization

Where Part 1 left off



Best practices

FOIA everyone, fingerprint everyone, statement of understanding, test English yourself



The climate

GMC now “holistic”; neighborhood investigations authorized; scrutiny reaching the whole file



The slow-walk

Interviews happen, then files sit; oaths pushed months out

Today builds on that: Part 1 was how to prepare a case. Part 2 is what to do when the answer isn't obvious — and what to do when USCIS says no or says nothing.

01

Late-breaking updates



NGO voter registration reinstated pending final decision

- That 2025 alert had barred non-governmental organizations from providing voter-registration services at administrative oath ceremonies and only allowed state and local election officials
- The court reinstated the pre-existing Policy Manual language (effective June 2017);
- Net effect: NGOs may again register new citizens to vote at admin ceremonies — for now
- **Aug 3, 2026: the U.S. District Court for the District of Maryland stayed the USCIS Aug 29, 2025 policy alert**
 - *League of Women Voters v. USCIS*, No. 25-cv-3777 (D. Md. Aug. 3, 2026).
 - <https://www.uscis.gov/archive/court-issues-stay-permits-participation-of-non-governmental-organizations-at-administrative>





Investigations & examinations: now the default

- **New USCIS policy alert on investigations and examinations for naturalization eligibility — this time amending the Policy Manual (last year's was a memo, PM-602-0189, 8/22/25)**
- Applies to requests pending or filed on or after the publication date
- USCIS states applicants have no “reliance interests” in the prior blanket waiver of neighborhood investigations, and that the government's interest in “robustly enforcing the INA” outweighs any such interest
- Reads as a deliberate signal: neighborhood and personal investigations are now the posture, not the exception

<https://www.aila.org/library/uscis-policy-alert-on-investigations-and-examinations-for-naturalization-eligibility>

What's actually new: Last year authorized it; this codifies it in the Policy Manual and frames investigation as the default. Substantive scope is still murky — prepare clients and households for a possible visit.

Signatures: wet-ink and wet-ink copies only



Accepted

An original handwritten signature — or a photocopy of a document that itself bears an original handwritten signature



Not accepted

Auto-pen / e-signature, cut-and-pasted, or stamped signatures — and a copy of a copy



The risk

It's a clean, content-free reason to reject a filing — form-over-function denial and delay

Watch out: Some legal-aid/clinic workflows use e-sign-then-paste — that's now a rejection risk. And you can copy from an original, but not a copy of a copy.



Signatures: wet-ink and wet-ink copies only

“A scanned, faxed, or photocopied original immigration benefit request that contains the original signature is acceptable. A scan, fax, or photocopy of an already scanned, faxed, or photocopied original request is not acceptable.”

- <https://www.uscis.gov/forms/all-forms/instructions-for-applicants-receiving-assistance-at-group-processing-events>
- <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2>

Up & Coming Policy Shifts



Mandatory electronic filing

- Interim final rule announced; “strengthening national security” framing on 8/10/26
- **Not fully in effect yet but coming; 60 days notice period before required e-filing of a form**
- Build USCIS online accounts + a client e-signature workflow into intake
- <https://www.aila.org/library/uscis-to-publish-interim-final-rule-on-mandatory-electronic-filing>
- <https://www.uscis.gov/newsroom/alerts/uscis-to-require-electronic-filing-of-forms-strengthening-national-security>

Up & Coming Policy Shifts



The naturalization fee rule

- NPRM comment period closed Aug 24, 2026 (AILA filed a comment)
 - **No final fee amounts or effective date as of this presentation — could land any week**
 - Recall the proposal: N-400 up ~75–80%; the \$380 reduced-fee option disappears
-
- <https://www.federalregister.gov/documents/2026/06/23/2026-12542/naturalization-application-fee-adjustments>

Proposed fee changes

Form	Current	Proposed
N-400 (paper)	\$760	\$1,330
N-400 (online)	\$710	\$1,280
N-336 (hearing request)	\$780/830	~\$1,475
Military service members	Exempt	Exempt

Current and former military service members remain exempt.



The 237(a)(1)(H) fraud waiver just narrowed

MATTER OF FORJOE, 29 I&N DEC. 463 (BIA 2026)

- **The BIA overruled Matter of Agour (2015): the 237(a)(1)(H) fraud waiver is no longer available to people who committed the fraud at adjustment of status**
- It now reaches only fraud “at the time of admission” : read as lawful entry after inspection, i.e., immigrant-visa / consular-processing entrants
- **Why it matters for natz: the old safety net, “worst case, do a 237(a)(1)(H) waiver in removal” is gone for adjustment-based LPRs. So how the client got the green card (AOS vs. CP) is now a threshold question.**
- **Circuit split: the 4th, 6th, and 11th had relied on Agour — in those circuits, circuit precedent may still control. Check your circuit!**

Reliance argument: For clients who already relied on Agour (retained counsel, gathered evidence, incurred cost), argue Forjoe shouldn't apply to them. And note Koloamatangi separately forecloses LPR cancellation for fraud-based status.

02

To file or not to file



The accidental voter registration

The facts

LPR was auto-registered to vote at the DMV (motor-voter). No intent to claim citizenship; they never voted. Now wants to naturalize.

File or don't file?



Unwaived fraud at adjustment



The facts

Client entered on a B-1/B-2, adjusted status. On screening you find a possible misrepresentation on the original visa application, specifically an unwaived smuggling of a relative, never addressed at AOS.

File or don't file?

Taxes: three versions to File or Don't File?



On a payment plan

Owes back taxes, on an IRS installment agreement, current on payments.



Paid off last week

Same debt, but paid in full days before filing.



Non-working spouse

Stay-at-home applicant; the USC spouse is the one on the payment plan.

Ancient, minor(ish) criminal history

The facts

Three DWI convictions from the 1995, 1998 and 2001. Assume not deportable. Applicant has since built a clean, productive life. USCIS demands the old court records; some no longer exist.

File, don't file?

03

Denials & appeals



Denials in the wild



Waived, then denied

Natz denied on a false claim that pre-dated a U visa — already waived twice. Now on N-336.



The child's document

LPR holder through SIJ applicant denied over a birth certificate a smuggler used when they were a child.



The DHS employee

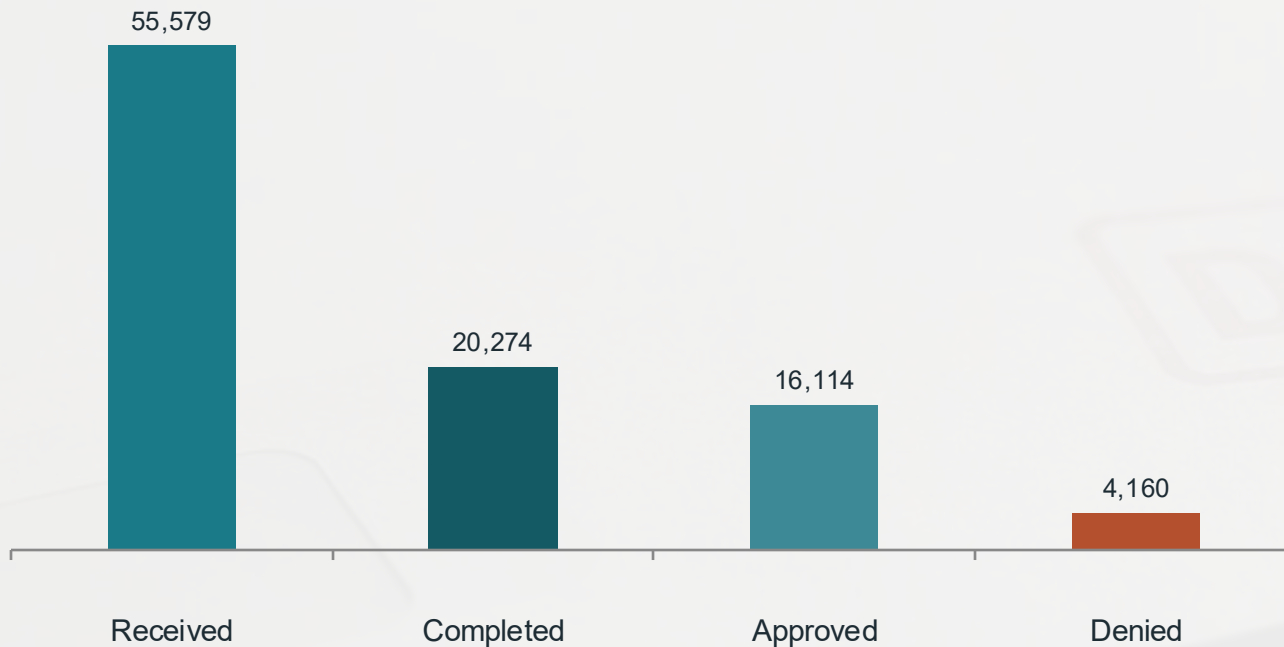
Denied for “no GMC” over 1990s theft charges. On appeal.

How to fight it — the appeal path: File Form N-336 within 30 days for a hearing before a different officer (INA 336(a) / 8 USC 1447(a)). Put in the affirmative GMC and rebuttal evidence you'd bring to court.

Appeal!!! These denials are often beatable. Don't let a bad N-400 decision stand as the last word — the N-336, and then 1421(c), exist for exactly this.

The backlog, in one month of data

USCIS naturalization, July 2026



778,000
N-400s pending (up from 744,412 in June)

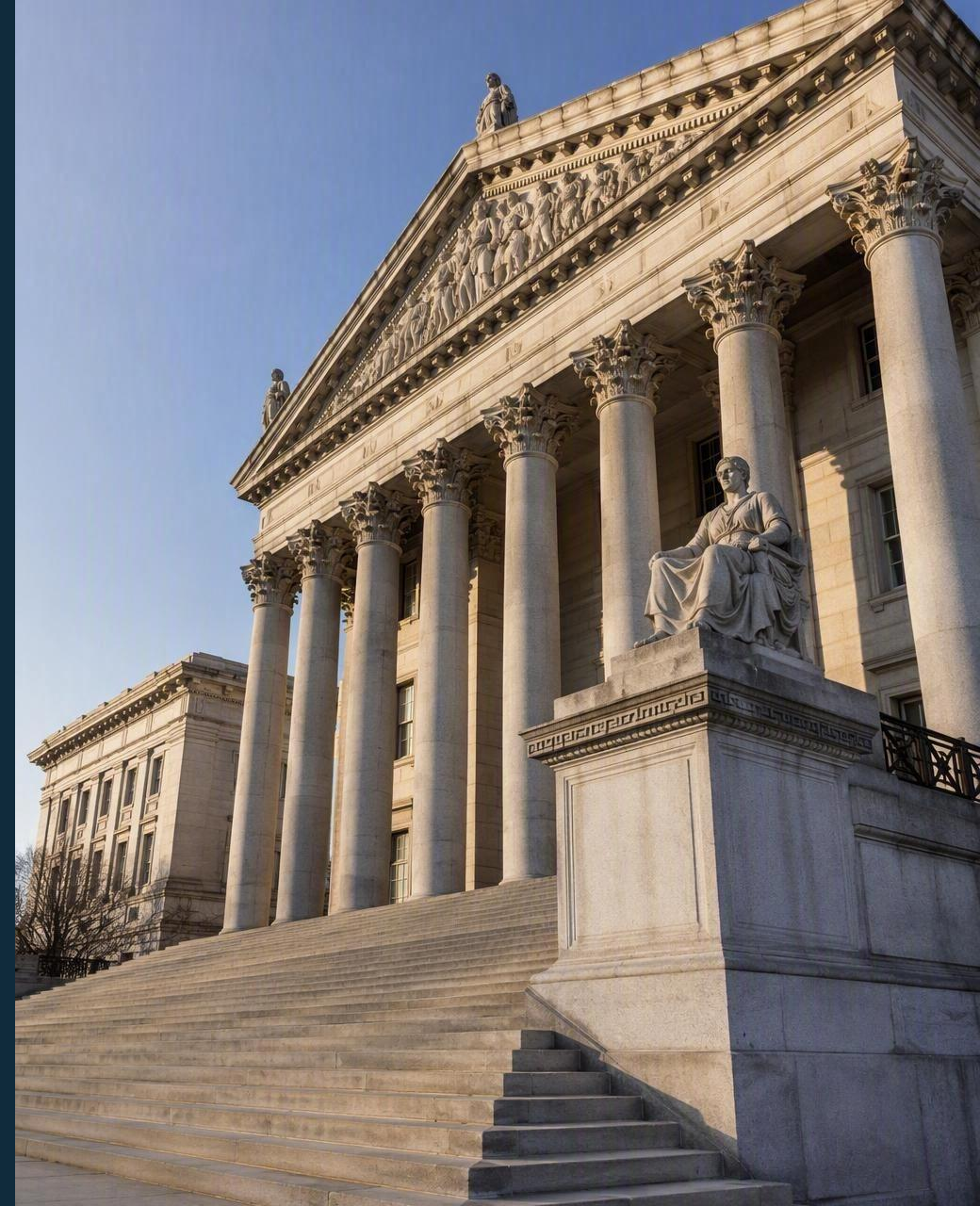
485,000
have been pending more than 6 months

~24 mo
real pace to clear — vs. 11.4 months “posted”

The story: Intake (55,579) dwarfs output (20,274) — the pile grows every month. At ~20k completions/month the true wait is closer to two years. Delay is the policy — and often litigation is the only lever.

04

Federal litigation



When USCIS just sits on it



Before the interview

- Vehicle: Mandamus (28 USC 1361) + APA (5 USC 555(b), 706(1)) — compel action “unreasonably delayed”
- Relief is an order to decide — the court does not take over the application
- Fact-intensive: how long, why, what's “reasonable”



After the interview

- Vehicle: 8 USC 1447(b) [INA 336(b)] — no decision within 120 days of the exam
- **The district court takes jurisdiction and may decide the case itself or remand with instructions**
- The 120 days runs from the interview — even if background checks are still “pending”

When USCIS says no



1 • Denial

USCIS denies the N-400 after the exam.



2 • N-336

Request a hearing before a different officer within 30 days (INA 336(a) / 8 USC 1447(a)).



3 • 1421(c)

N-336 denied? Federal district court reviews the denial DE NOVO (8 USC 1421(c) / INA 310(c)).

Why de novo matters: under 1421(c) the court makes its own findings of fact and conclusions of law and may hold a hearing — you are not stuck with the officer's record or deference. For the “whack-city” denials, that's the real remedy.

DNATZ: the standard vs. the noise

- **Terminology:** denaturalization is **NOT** deportation, you revert to your prior status (usually LPR)
- Civil (8 USC 1451(a)): illegal procurement or concealment/willful misrepresentation — “clear, convincing, and unequivocal evidence which does not leave the issue in doubt” (Schneiderman; Fedorenko). No SOL; no appointed counsel
- Criminal (18 USC 1425): beyond a reasonable doubt, 10-year limit, auto-revokes (1451(e)); Maslenjak (2017): the lie must be material
- **The noise: DOJ touts “record” filings — but “files case” ≠ denaturalized. The burden is steep; most people are not at risk**

Very high

government's burden of proof

→ **LPR**

status you revert to, not removal

RECENT FILINGS (COMPLAINTS — NOT RULINGS)

U.S. v. Acosta Torres

S.D. Fla., filed June 2026 — alleged concealment of a casino-fraud/money-laundering scheme; unlawful acts + false testimony during the GMC period

U.S. v. Lekaj

D. Conn., filed June 2026 — pre-naturalization child sexual abuse (later CT conviction); illegal procurement (no GMC) + willful misrepresentation

Thank you!

Questions?



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