



20th Anniversary Citizenship Day 9.20.25



AILA Citizenship Day

- AILA's 20th annual Citizenship Day will take place on or around Saturday, September 20, 2025
- Citizenship Day is a nationwide event hosted by AILA chapters across the country along with local grassroots partners. Each year, Citizenship Day helps thousands of eligible legal permanent resident prepare and apply for U.S. naturalization.
- AILA National provides training series to prepare Citizenship Day Coordinators and volunteers to feel confident for their community event.

Agenda

- Eligibility requirements
- The new N-400 naturalization application
- Additional resources





ELIGIBILITY REQUIREMENTS



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Basic Requirements for Naturalization

- At least 18 years old
- Lawful permanent resident
- Five years of continuous residence
- Physical presence for half of the five years
- Good moral character
- Be able to pass exams on English and U.S. government and history
- Take a loyalty oath and be attached to the U.S. Constitution



Rapport

Applicants must trust you

- confidence that the information shared is confidential
- belief that you are acting in her best interests

Applicant must understand what information you need

- explain the legal and documentary requirements
- ensure the applicant understands that you can help her best with complete and accurate information

Beware!

- Past Denials
- Criminal Convictions
- Removals



When in doubt, refer it out!

Red Flag Checklist

Call an attorney or trained staff member to verify if applicant is eligible to apply if they answer yes to the following questions:

1. Have you been outside the U.S. for six months or more since becoming a Lawful Permanent Resident?
2. Have you EVER claimed to be a U.S. citizen (in writing or any other way)?
3. Have you EVER registered to vote in any federal, state, or local election in the United States?
4. Are you younger than 18?
5. Have you EVER lied to any U.S. government official to gain entry into the United States?
6. Have you EVER been arrested, cited, or detained by any law enforcement officer (including USCIS and military officers) for any reason?
7. Have you EVER been charged or convicted of committing a crime or offense?
9. Have you EVER had your criminal record cleared?
10. Since becoming a Lawful Permanent Resident, have you EVER failed to file a required federal, state, or local tax return?
11. Do you owe ANY overdue taxes, whether federal, state, or local?

In general, if you are unsure on any of these questions please speak with an attorney or trained staff member for assistance.

Lawful Permanent Residence

- Is your client actually an LPR?
- Ask how the client obtained green card
 - Was it through a fraudulent marriage?
 - Did the client lie about eligibility?
 - Was the client eligible for the green card?

Absences Can Affect Naturalization

LPR requirement

- Can be found to have abandoned LPR

Continuous Residence

- Can be found not to have continuous residence

Physical Presence

- Can break physical presence by spending too much time outside U.S.

3 Month District/State Residence

- Can be found not to have 3 month residence





Continuous Residence: Three-Year Rule



Must have three years of continuous residence in U.S. if married to a U.S. citizen before qualifying for naturalization (can apply three months early)

- LPR for three years
- Married to and living with U.S. citizen for three years
- Spouse must have been U.S. citizen for at least three years
- $3+3+3=3$



Physical Presence

Physical presence requirement. INA § 316 and 8 CFR § 316.2(a)(4).

- Must have been physically present in U.S. for half of five-year period which is 30 out of last 60 months. ($365 \times 5 \div 2 = 912$ days)
- If married to a U.S. citizen, then must be physically present for half of the three-year period which is 18 out of last 36 months. ($365 \times 3 \div 2 = 547$ days)

Physical Presence Trips Outside the U.S.

TIME	RESULT	CONSEQUENCES
Trips of one consecutive year and greater	Breaks Continuous Residence	Wait 4 years + 1 day from date of return (or 2 years + 1 day for 3-year applicants) to apply
Trips greater than 6 months, less than one year	Presumption (Rebuttable) of Abandonment; provide explanation & proof that didn't establish primary residence outside U.S.	Wait 4 years + 6 months from date of return (or 2 years + 6 months for 3-year applicants) if unable to rebut presumption of abandonment
Exceed 912 days outside U.S. in 5 years (or 547 days for 3-year applicants)	Breaks Physical Presence Rule	WAIT: Apply when total falls below 912 or 547 day maximum; still must maintain Physical Presence until swearing in (no trips longer than 6 months).

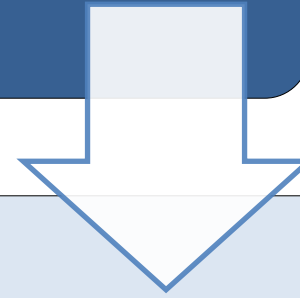
Good Moral Character

- ✓ Must prove GMC for required statutory period (3/5 Years)
- ✓ CIS can consider prior "bad acts"
- ✓ Not moral excellence
- ✓ "Totality of Circumstances" approach by USCIS
(*new USCIS memo August 2025*)



Good Moral Character

You can't be placed in removal proceedings merely for not having GMC.



But you could be denied naturalization or some forms of relief from removal.



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3 Step Analysis for GMC

1. Is the applicant deportable?

→ **INA § 237**

2. Is the applicant statutorily barred from showing good moral character?

→ **INA § 101(f)**

3. Does the applicant have issues that raise discretionary concerns?

→ **BALANCING TEST (based on case law)**

3 Step Analysis for GMC

1. Is the applicant deportable?

See grounds of deportability at INA § 237,
including:

- Criminal convictions
- Alien smuggling
- Unlawful voting
- False claims to USC
- Abandonment of LPR status
- Any fraud/misrepresentation in past applications



3 Step Analysis for GMC

2. Are there any bars to demonstrating GMC?

a) Permanent Bars to GMC: Murder, aggravated felonies*, persecution, genocide, torture of others

b) Conditional Bars (for acts during statutory period)

- Certain criminal convictions/conduct (e.g. probation)
- Habitual drunkard (watch out for DUIs) & illegal gambling
- Alien Smuggling
- False testimony under oath in seeking immigration benefit
- Failure to support dependents & adultery
- Unlawful acts: certain criminal convictions, illegal voting, claim to USC, failure to file income tax returns, failure to register for selective service

3 Step Analysis for GMC

3. **Does the applicant have issues that raise discretionary concerns? In other words, what is the likelihood that applicant will demonstrate GMC?**
 - Conduct outside statutory period still counts (to negate rehabilitation for example), but cannot be sole reason to deny.
 - **USCIS *should* do balancing test:** negative GMC factors v. positive ones. Determined on a case by case basis (totality of circumstances).
 - If no deportability grounds apply, then only risks denial of application (time & money) and can apply again later if denied (accumulate clean statutory period).

Good Moral Character

- Habitual drunkard
- Income principally from illegal gambling
- Convicted of two or more gambling offenses
- Confined to penal institution for 180 days or more
- Giving false testimony under oath
- Convicted of/admitted CIMT
- Any offense related to a drug offense
- Multiple offenses where aggregate sentence is 5 years or more
- Reason to believe drug trafficker
- Prostitution
- Alien smuggler
- Polygamy



Good Moral Character

Will not be granted if:

- Still on probation or parole
- Willful failure to pay court-ordered child support or alimony payments
- **Beware: Drunk driving (D.W.I/D.U.I)**

Other bad factors:

- Selective Service
- Failure to Pay Taxes
- Unlawful voting/ false claim to USC
- Other bad acts



Good Moral Character

New USCIS Memo (08/15/25) on GMC Adjudication Guidelines:

USCIS is signaling a restrictive view of GMC for naturalization, suggesting that applicants may need to prove GMC beyond not having a disqualifying record.

<https://www.uscis.gov/sites/default/files/document/policy-alerts/08.15.2025->

[Restoring a Good Moral Character Evaluation Standard for Aliens Applying for Naturalization-Policy Memorandum FINAL.pdf](#)



Criminal Record

Applicants who have been arrested, cited, or detained must provide:

- A certified copy of the record of conviction, such as court dispositions, sentencing documents, complaint.
- If a traffic incident was related to alcohol or drugs, applicants may need to submit documentation for traffic fines.
- If person convicted of a crime such as driving while intoxicated (DWI) or domestic violence, must first speak with an immigration attorney before submitting an application.

Using the IDP Chart for Criminal Consequences of Crimes

- The Immigrant Defense Project (IDP)'s widely used two-page *Immigrant Consequences of Crimes Summary Checklist* can be found here:

<https://www.immigrantdefenseproject.org/updated-immigration-consequences-convictions-checklist/>

CRIMINAL BARS ON OBTAINING US CITIZENSHIP. INA § 101(f)

Will bar an LPR from US citizenship

If occurring during the applicable required residence period, the following bar the finding of **good moral character** (GMC) required for US citizenship:

- Conviction of **an Aggravated Felony on or after Nov. 29, 1990**
 - Note: this permanently bars citizenship even if committed before the applicable residence period
- Conviction or admission of **Controlled Substance Offense** (unless single offense of simple possession of 30g < of marijuana)
- Conviction or admission of a **Crime Involving Moral Turpitude** (unless single CIMT & the offense is not punishable by > 1 yr & does not involve a prison sentence > 6 mos)
- Conviction of 2 or more **offenses of any type & aggregate prison sentence of 5 yrs**
- Conviction of 2 or more **gambling offenses**
- Confinement as a result of a conviction to a penal institution for 180 days +



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IDP Chart for Criminal Consequences of Crimes



Immigration Consequences of Crimes Summary Checklist

For more comprehensive legal resources, visit immdefense.org. © 2025 Immigrant Defense Project

CRIMINAL INADMISSIBILITY GROUNDS. INA § 212(a)(2)

Will or may result in ineligibility to obtain lawful admission status in the US or prevent a noncitizen who already has lawful admission status from being able to return to the US from a trip abroad.

- Conviction or admission of a **Controlled Substance Offense** (if categorical match to federal "controlled substances")
- DHS **reason to believe that individual is a drug trafficker** [see RTB box]
- Conviction or admission of a **Crime Involving Moral Turpitude** (CIMT), including generally offenses:
 - with an *intent to steal or defraud* as an element or
 - in which *bodily harm* is caused or threatened by an intentional act *or* *serious bodily harm* is caused or threatened by a reckless act. [Matter of Fualaau](#), 21 I&N Dec. 475 (BIA 1996) or
 - that are sex-related
- **Petty Offense Exception** – for 1 CIMT if no other CIMT & the offense is not punishable > 1 yr & does not involve a prison sentence > 6 mos.
- **Prostitution** (conviction, admission, or intent to engage in US) or other **commercialized vice**
- Conviction of **2 or more offenses** of any type & **aggregate sentence to confinement of 5 yrs**

CRIMINAL BARS TO 212(h) WAIVER OF CRIMINAL INADMISSIBILITY based on extreme hardship to USC or LPR spouse, parent, son or daughter. INA § 212(h)

- Conviction or admission of a **Controlled Substance Offense** other than a single offense of simple possession of 30g or less of marijuana
- Conviction or admission of a **violent or dangerous crime** is a presumptive bar, 8 CFR § 1212.7(d)
- Conviction of an **Aggravated Felony**, or a **Criminal Inadmissibility Offense** if removal proceedings initiated before 7 yrs of lawful residence. **But note: these bars do not apply to non-LPRs or LPRs who adjusted to LPR status inside US & have not entered as LPR from abroad.** [Matter of J-H-J](#), 26 I&N Dec. 563 (BIA 2015)

CRIMINAL BARS ON ASYLUM based on a well-founded fear of persecution in country of removal. INA § 208(b)(2) – OR ON WITHHOLDING OF REMOVAL based on threat to life or freedom in country of removal. INA § 241(b)(3)(B)

- Conviction of a **"Particularly Serious Crime" (PSC)**
 - All **Aggravated Felonies**, INA § 101(a)(43), will be deemed PSCs for asylum
 - Withholding barred if aggravated felonies w/ aggregate 5 yr + sentences of imprisonment
 - Withholding presumptively barred for Aggravated Felonies involving unlawful trafficking in controlled substances – [Matter of Y-L](#), 23 I&N Dec. 270 (A.G. 2002)
- Conviction of **other offenses deemed a PSC**. IDP/IRGC [Particularly Serious Crime Bars Chart](#)
- Conviction of a **violent or dangerous crime** presumptively bars asylum. [Matter of Jean](#), 23 I&N Dec. 373 (A.G. 2002)

CRIMINAL BARS ON 209(c) WAIVER OF CRIMINAL INADMISSIBILITY based on humanitarian purposes, family unity, or public interest (only for asylees or refugees). INA § 209(c)

- DHS **reason to believe that individual is a drug trafficker** [see RTB box]
- **Violent or dangerous crime** is a presumptive bar. [Matter of Jean](#), 23 I&N Dec. 373 (A.G. 2002)

CRIMINAL BARS ON NON-LPR CANCELLATION OF REMOVAL based on 10+ yrs US continuous physical presence & "exceptional & extremely unusual" hardship to USC/LPR spouse, parent or child. INA § 240(A)(b)(1) – OR ON VAWA CANCELLATION based on 3+ yrs continuous physical presence of battered spouse or child & "extreme hardship" to battered person, their child, or parent. INA § 240A(b)(2)

- Conviction of an offense described under the criminal inadmissibility or deportability grounds
- Conviction or admission of crimes barring finding of good moral character (GMC) during 3 or 10 yr period [see GMC bars on back]

CRIMINAL DEPORTABILITY GROUNDS. INA § 237(a)(2)

Will or may result in deportation of a noncitizen who already has a lawful admission status, such as a lawful permanent resident (LPR).

- Conviction of a **Controlled Substance Offense** (CSO) (if categorical match to federal "controlled substance") **EXCEPT** a single offense of simple possession of 30g or less of marijuana
- Conviction of a **Crime Involving Moral Turpitude** (CIMT)
 - One CIMT committed w/ 5 yrs of admission into the US & for which a prison sentence of **1 yr or longer** may be imposed
 - Two CIMTs committed at any time after admission & "not arising out of a single scheme"
- Conviction of a **Firearm or Destructive Device Offense** (if categorical match to federal "firearm/destructive device")
- Conviction of a **Crime of Domestic Violence, Crime Against Children, Stalking, or Violation of Protection Order** (criminal or civil)
- Conviction of an **Aggravated Felony** – defined in INA § 101(a)(43) & including the following crimes, even if not a felony, or **attempts or conspiracies to commit them**:
 - ♦ **Murder**
 - ♦ **Rape**
 - ♦ **Sexual Abuse of a Minor**
 - ♦ **Controlled substance trafficking** (if categorical match to federal "controlled substance"), including most sale or intent to sell offenses and possibly certain second or subsequent possession offenses where the criminal court makes a finding of recidivism
 - ♦ **Firearm Trafficking & other designated firearm/destructive device offenses** (if categorical match to federal "firearm/destructive device")
 - ♦ **Crime of Violence and 1 yr + prison sentence***
 - ♦ **Theft or Burglary and 1 yr + prison sentence***
 - ♦ **Fraud or tax evasion and loss to victim(s) > \$10,000**
 - ♦ **Prostitution business offenses, commercial bribery, counterfeiting, or forgery and 1 yr + prison sentence***
 - ♦ **Obstruction of justice or perjury and 1 yr + prison sentence***
 - ♦ **Other offenses listed at INA § 101(a)(43)**

- * "1 yr + " prison sentence includes suspended sentences of 1 yr or more

CRIMINAL BARS ON LPR CANCELLATION OF REMOVAL based on LPR status of 5 yrs or more & continuous residence in US for 7 yrs after admission. INA § 240A(a)(3)

- Conviction of an **Aggravated Felony**, INA § 101(a)(43)
- **Offense** triggering removability referred to in **Criminal Inadmissibility Grounds if committed before 7 yrs of continuous residence in US**, INA § 240A(d)

See page 2 for detailed information on:

- ➔ Mandatory Detention
- ➔ Criminal bars to:
 - ♦ US citizenship
 - ♦ Temporary Protected Status (TPS)
 - ♦ Deferred Action for Childhood Arrivals (DACA)

"CONVICTION" as defined for immigration purposes. INA § 101(a)(48)(A)

Formal judgment of guilt entered by a court, **OR**, if adjudication of guilt has been withheld, where:

- (i) a judge or jury has found the noncitizen guilty or the noncitizen has entered a plea of guilty or *nolo contendere* or has admitted sufficient facts to warrant a finding of guilt, &
 - (ii) the judge has ordered some form of punishment, penalty, or restraint on liberty
- Court-ordered drug treatment or domestic violence counseling alternatives to incarceration (ATI) w/ guilty plea **IS** a conviction for immigration purposes (even if the guilty plea is or might later be vacated)
- Deferred adjudication w/o a guilty plea **NOT** a conviction
- **NOTE: A juvenile delinquency adjudication or analogous youth offender adjudication IS NOT a conviction.** [Matter of Devison-Charles](#), 22 I&N Dec. 1362 (BIA 2000) (NY Youthful Offender)

"ADMISSION" of criminal conduct requires:

- conduct admitted constitutes a crime under the laws of the jurisdiction where it occurred. [Matter of M](#), 1 I&N Dec. 229 (BIA 1942)
- individual admitted all factual elements of the crime. [Matter of E-N](#), 7 I&N Dec. 153 (BIA 1956)
- individual was provided with a definition of the crime before making the alleged admission. [Matter of K](#), 9 I&N Dec. 715 (BIA 1962)
- the admission was voluntarily given. [Matter of G](#), 1 I&N Dec. 225 (BIA 1942)

NOTE: Guilty plea alone is insufficient. [Matter of Thomas](#), 21 I&N Dec. 20 (BIA 1995)

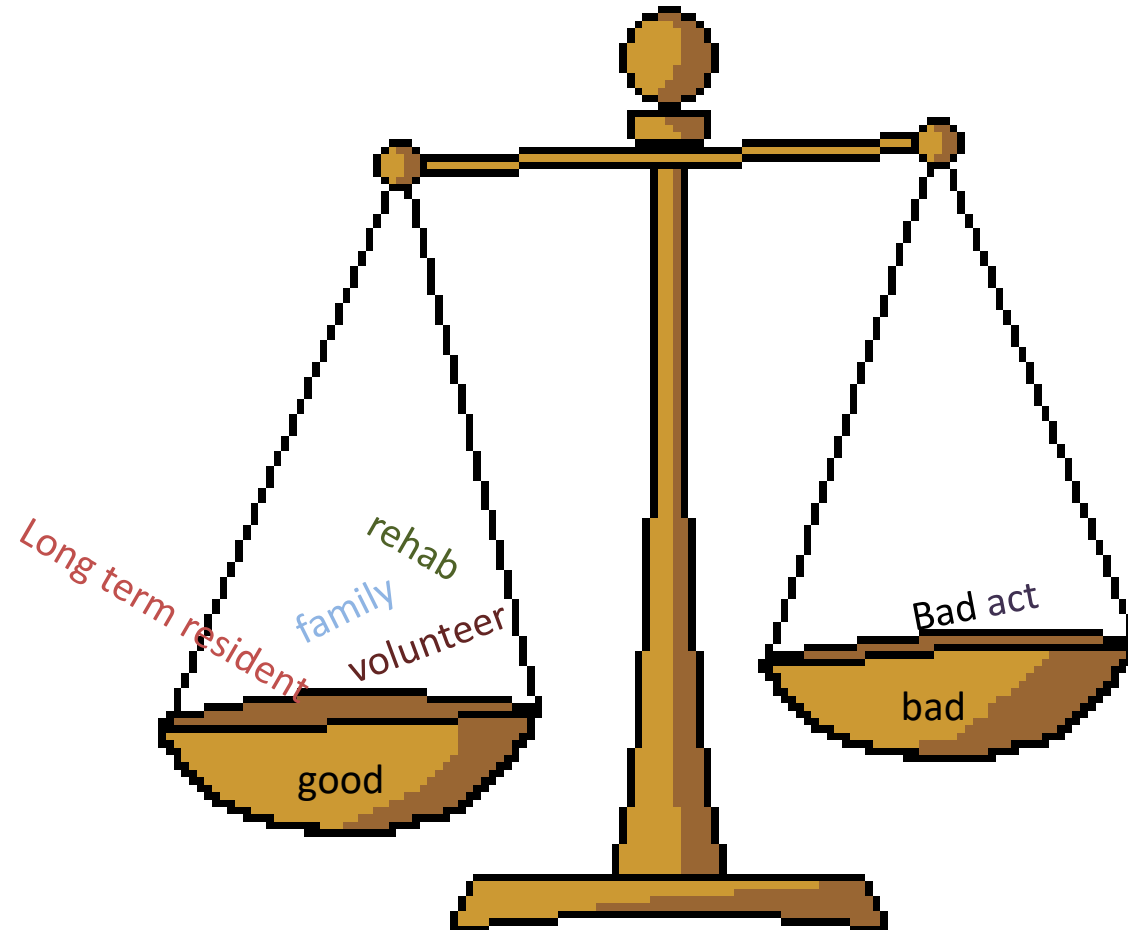
REASON TO BELIEVE DRUG TRAFFICKER (RTB) INA § 212(a)(2)(C)

- **DHS does not need to show a conviction.**
 - Only substantial & probative evidence that individual engaged in unlawful trading or dealing of a controlled substance
 - Police testimony or reports, admissions by noncitizens, delinquency adjudications, criminal complaints, & other evidence of sale or possession w/ intent to distribute have all been held to support RTB.
- Where RTB comes up:
 - AOS (affirmative or defensive) or consular processing
 - Returning LPR (*treated as seeking admission under INA 101(a)(13)(C)*)
 - LPR otherwise removable, needing to re-adjust
 - Spouse &/or children of any of the above if they obtained any financial or other benefit from the illicit activity w/ the previous 5 yrs.
- See IDP [Key Removal Defenses](#), 71–73.



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Good Moral Character





English & Civics Requirements

Applicant must demonstrate that they:

- can speak, read, and write basic English, and
- know basic facts about civics, that is, U.S. history and government.

English. The applicants must be able to answer questions on their **application**, write a sentence in English and read a sentence in English.

Civics. The applicant must answer 10 correct questions out of 20 on the civics test. Most applicants will be required to study from a list of 100 possible questions.



English and Civics Waiver

Applicants are exempt from demonstrating English proficiency if:

- they are **50 and have been a** Permanent Resident for at least **20** years.
- they are **55 and have been a** Permanent Resident for at least **15** years.
- **If the applicant is 65 and have been a Permanent Resident for at least 20 years, they can study from a** designated list of just 20 questions.

In most instances, the applicant must bring an interpreter to the interview.

Certain medical conditions may be exempt from one or both exams. The applicant's medical doctor or specialist must complete the Form N-648 (Medical Certification for Disability Exceptions).



THE NEW N-400

(REVIEW FROM ANNOTATED FILE)



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How can I participate?

Download additional tools and tips sheets
www.ilrc.org/citizenship-and-naturalization

Disseminate information about the importance of Citizenship – promote the NALEO Educational Fund hotline, (888) 839-8682

For additional assistance



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