

## **COMMON MISCONCEPTIONS OF NATURALIZATION APPLICANTS**

There are many misconceptions about the naturalization process. These misconceptions often occur as a result of rumors spread throughout the community. Here are just some of the more common:

Applicants who have lived in the United States for more than 15 or 20 years and are over 50 or 55 years old are not required to take an exam

The rule is that if you are 50 years of age or older and have lived in the United States as a permanent resident for the last 20 years or if you are 55 years of age or older and have lived in the United States as a permanent resident for the last 15 years, you do not have to take the English language portions of the exam. You will, however, have to take the civics exam in your own language and you need to bring a translator to the interview. There is also an exception for applicants 65 and over who have lived in the United States for 20 years or more. The difference is that they have an easier exam and a different set of questions to study. The questions may be found on the USCIS website at <http://www.uscis.gov/naturalization>.

There is no exam given to old people

Unless the applicant has a medical excuse, and this medical excuse is accepted by the Service, all applicants are required to take an exam. The Medical Certification for Disability Exceptions (Form N-648) defines this exception: "An individual is eligible for this waiver if he or she is **unable** to learn and/or demonstrate knowledge of English and/or U.S. History and civics because of a physical or mental impairment (or combination of impairments). These impairments must result from anatomical, physiological, or psychological abnormalities, which can be shown by medically acceptable clinical and laboratory diagnostic techniques. The impairment(s) must result in functioning so impaired as to render an individual **unable** to demonstrate the **required** knowledge." Each case is individually evaluated and there is no set standard for acceptance.

There is no exam if I passed history in high school/college

This is not true. However, there is a narrow category of persons allowed to continue the naturalization interview without taking an exam. These are applicants who were given amnesty in the mid-1990s and who were given an option to take the exam and passed it at that time.

The exam questions are taken only from the first 10 questions on the study guide

Although this is possible in theory, the reality is that almost any one of the 96 to 100 questions from the study guide could be asked and all should be studied. These questions may be found at <http://www.uscis.gov/civicsflashcards>.

You can write any sentence you want for the writing portion of the exam

The officer will not give you this option. There are specific sentences that the officer will ask for the writing test and applicants should have the ability to write any sentence the officer asks them to write. The standard is that applicants for naturalization should be able to write words in ordinary usage in the English language. Samples of some of these sentences can be found at <http://www.uscis.gov/naturalization>.

As long as you are able to answer all the questions taken from the naturalization application, you will pass the English language portion of the exam

The requirement is that the applicant should have a general knowledge of the English language in both speaking and understanding. The officer is free to interpret this as he or she wishes and may not pass applicants based solely on the ability to answer questions from the naturalization application.

Passing the exam means that you are now a citizen

You do not become a citizen simply by virtue of passing the exam. This only takes you to the next step of the naturalization interview, which involves questions about the information given on the N-400 Application for Naturalization. The final step will involve attending an oath ceremony, taking the oath, and receiving your naturalization certificate. Naturalization will occur on the assumption that the Service has been given no reason to deny between the time of the exam and the day of the oath ceremony. Some of the reasons naturalization may not occur include disqualifying criminal conviction(s), fraud, arrests made since the time of the interview, and disqualifying travel made outside the United States.

Medical excuses are automatically granted, especially for older people

Medical excuses are subject to review by the Service. This is not automatic. All elements necessary for approval must be indicated on the N-648, as discussed earlier.

Your only chance to change your name is at naturalization

The N-400 asks you whether you want to change your name. This is not your only chance to change your name. You may also do so at any time after naturalization by simply filing a request to change your name in court.

Any trip less than one year is ok for naturalization purposes

Trips that are over six months but less than one year are subject to scrutiny. You must show, to the satisfaction of the Service, that you did not abandon your residence. Some of the things you might be asked about include whether or not you received permission from your employer to take time off, whether you owned or leased a home and/or owned an automobile before leaving for your trip and then maintained them while traveling overseas, whether members of your immediate family accompanied you on the trip, whether you worked overseas, and whether

you had and maintained a bank account while traveling overseas.

Reentry permits excuse trips over one year for naturalization purposes

Reentry permits allow you to come back into the United States for any trip over one year, but do not excuse the trip for purposes of naturalization. An applicant must still meet the physical presence requirement.

If I have previously applied for US naturalization, I have previously claimed US citizenship

If you have previously claimed US citizenship, you have told others or written on applications in the past that you were already a United States citizen. Applying for naturalization is not the same as claiming that you are already a United States citizen.

Voting or registering to vote is ok because it is easy to do

Voting or registering to vote is limited to United States citizens only. The fact that it is easy to register does not mean that you are allowed to register. There will be language on the voter registration form and at the ballot concerning this requirement. Until you have taken the oath at the ceremony and received your naturalization certificate, you should not register to vote. Registering to vote and/or voting before the ceremony could result in a denial of your application for naturalization and, possibly, deportation.

“Arrests” do not include those made outside of the United States

All arrests are required to be reported, whether taking place in the United States or overseas. Overseas arrests are subject to verification by the Service.

Dismissal of a case after serving probation is not a conviction

Although the case is “dismissed”, the fact that you served probation is an indication of guilt and is, therefore, a conviction for naturalization purposes.

Supervision is not a conviction

This is just like probation – the fact that you received supervision is an indication of guilt and is, therefore, a conviction.

Being held/fingerprinted is not an arrest unless charged

If, against your will, the police hold you and/or take you in for questioning, that is considered an arrest. Likewise, if you are fingerprinted by the police, you have been arrested.

You do not have to report crimes committed outside the statutory period

Although the crime occurred outside the statutory period (“statutory period” usually meaning more than five years prior to the date of application), it should still be reported since the Service

will take these crimes into account as well. This requirement also applies to arrests not leading to convictions outside the statutory period.

Detention by immigration officers is not an arrest

Arrests or detentions made by the Service should be reported on the Application for Naturalization.

A DUI is not an arrest

Any DUI on your record should be reported as an arrest on the Application for Naturalization.

Permanent residents do not have to register for Selective Service

All adult males, both U.S. Citizen and permanent resident, between the ages of 18 and 26 are required to register for the Selective Service. Failure to register may result in a denial of your naturalization application.

You can give any reason or no reason at all for not taking the full oath of allegiance

The only excuse for this is on religious grounds. In addition to a written letter describing your beliefs, you must also provide a letter from your church indicating that you are a member and indicating how long you have been a member. The letter from the church should be an official letter and should also describe the church's philosophy and why they do not feel that you can take the full oath. If accepted, you will still be required to agree to perform work of national importance under civilian direction.