

This post explains the various requirements and things to consider if you qualify for citizenship and are thinking about applying.

Lawful Permanent Residents or Green Card Holders can qualify to apply for citizenship when they have held residency for 5 years, or 3 years if they are married to a US citizen, regardless of how they obtained residency.

Physical and Continuous Presence Requirements

As stated above, a green card holder doesn't qualify to apply for citizenship until he or she has held residency status for 5 years (or 3 through marriage to a U.S. citizen). Aside from this continuous presence of residency status, there is a physical presence requirement. An applicant for citizenship must be physically present in the United States for at least half of the 5 (or 3) year period.

Any absences from the U.S. of more than 6 months in any single trip can call into question a break of physical presence, and worse, can lead to the possibility of USCIS charging you with an abandonment of your green card status. ***As a USCIS policy, if you have any breaks of continuous presence of more than 6 months, you must wait four years and a day before filing for naturalization, regardless of how long you have held green card status.***

Jurisdiction Requirement

USCIS requires you to reside in the state in which you are applying for at least 3 months before filing the application. If you have recently moved across state lines, you must wait this time period before filing.

Good Moral Character Requirement

You must demonstrate that you are a person of Good Moral Character for the 5 (or 3) years immediately preceding the application. Good Moral Character is not exactly defined, although there is certain conduct that would lead to an automatic denial by law. Those factors include:

- Being a habitual drunkard;
- Having committed certain criminal acts;
- Deriving income from illegal gambling activities;
- Giving false testimony for the purpose of gaining immigration benefits;
- Having spent 180 days or more in the aggregate in jail or prison;
- Being an aggregated felon; and
- Having participated in the persecution of others

The above-listed factors will lead to an automatic denial of a naturalization application. However, USCIS considers your conduct in many other ways to make this determination. Have you been filing taxes as a permanent resident? Do you owe any significant amounts in back taxes? Have you been supporting your dependents through paying alimony and child support? A consultation with



an immigration attorney will assist you in going through various factors to determine whether you may have a problem meeting the good moral requirement and consider waiting to file until the incident or issue is outside of the 5 or 3 year statutory period.

English and Civics Requirements

One final requirement is that you can demonstrate your ability to read and write in English, as well as answer questions about the history and government of the United States. The reading and writing is elementary-level, and there are a total of 100 civics questions to study, all with the answers published in advance. You can find a [practice test online](#) as well as a [study guide](#).

There are three exemptions for certain individuals from taking the English and civics test. Those are:

- 50 years or older and had residency status for at least 20 years
- 55 years or older and had residency status for at least 15 years
- 65 years or older and had residency status for at least 20 years

If you qualify for an exemption under the first two prongs, the English requirement is waived and you may communicate to the officer through an interpreter in your native language. The civics questions can also be translated and answered in your native language. If you qualify under the third prong, the English requirement is waived and you are given easier civics questions to study. You can also use an interpreter throughout your interview.

These are the basic requirements to file for US citizenship. As always, you should consult with an immigration attorney to review these factors as they apply to your individual case and learn more about the process.

If you would like to discuss your options for applying for citizenship, [contact our office](#) today!