

Week 3 Study Guide

3.1 Naturalization & INA Requirements

- Naturalization is the process through which someone without birthright citizenship is able to become a U.S. citizen
- There are seven requirements to qualify for naturalization
 1. Age
 - Must be 18 years or older, unless dependent child of naturalizing parent
 2. Residence and Presence
 - Requirements for Lawful Permanent Resident:
 - 5 years residence (as LPR)
 - 2.5 years presence in the U.S.
 - 3 months presence in State
 - Requirements for Spouse of U.S. Citizen:
 - 3 years residence (as LPR)
 - 1.5 years presence in the U.S.
 - 3 months presence in State
 - 3 years martial union
 3. Good Moral Character
 - Never been convicted of an aggravated felony or other serious offenses
 - During last five years of residency, not convicted of
 - Being a drunkard, gambling for a living
 - Committing a crime of “moral turpitude”
 - Committing immigration fraud
 - Spending 180 days in prison
 4. Knowledge of History and Civics
 - Pass a test on U.S. history and civics
 5. English Language
 - Pass an English language exam
 6. Oath of Allegiance
 - Take an oath of allegiance in a public ceremony
 7. Attachment to the Constitution
 - Cannot be hostile to the U.S. Constitution

Resources and References

- [USCIS form N-400 \(Application for Naturalization\)](#)

3.2 Residency & Exams

- Residence
 - The address of the physical structure that you live in.
- Presence
 - Where your body is physically located.
- Knowledge of History & Civics Exam
 - The exam is pulled from a pool of 100 study questions. The exam itself is 10 questions and exam takers must get 6 out of 10 questions correct.
 - *Exception*: Individuals over 65 years old and who have 20+ years as a Lawful Permanent Resident (LPR) can take it in their native language AND only have to study 20 questions.
- English Language Exam
 - Part 1: Pass a speaking test by completing the naturalization interview in English
 - Part 2: Pass a reading test by reading one of three sentences correctly.
 - Part 3: Pass a written test by writing one of three sentences correctly.
 - *Exceptions*: Those with mental or physical impairments, those age 50+ and who have 20 years as LPR, or those age 55+ and have 25 years as LPR.

3.3 Naturalization Cases

- No new content, just applying information from the lessons above.

3.4 Visa Related Terms

- A visa is an official document that gives permission for an individual to **arrive** at the U.S. border.
 - **Immigrant visas** allow you to arrive at the U.S. border and seek entry as a lawful permanent resident.
 - **Non-immigrant visas** allow you to arrive at the border and seek entry as a temporary visitor.
 - Border officials have final say on who is admitted. When admitting someone, they will issue an I-94 and/or stamp a date in a passport.
- An I-94 is a record of arrival and departure. It indicates when a petitioner entered the U.S. and how long they are allowed to stay.
 - I-94s can be found online if the petitioner entered the U.S. within the last 10 years.
- Intent refers to your declaration of your purpose or motivation for coming to the U.S.

- Failure to act consistently with your stated intent is immigration fraud, which can prevent you from entering the US or cause you to be deported from the US.

3.5 Immigrant and Nonimmigrant Visas

- Immigrant and non-immigrant visas both give permission to the individual to arrive at the U.S. border
- However immigrant visas can lead to lawful permanent residence, while non-immigrant visas cannot
 - The most important distinction between the two is the intent of the applicant in coming to the U.S.

3.6 Inadmissibility and Deportability

- Admission - The INA defines admission as “the lawful entry of the [individual] into the United States after inspection and authorization by an immigration officer.”
- Inadmissibility
 - Applies to people who have not received admission as defined by the INA, whether they are outside or inside the U.S.
 - Seeking to adjust status is legally “seeking admission” to the U.S. (even though you were admitted with a previous status). If a person trying to adjust status is inadmissible, that person can be removed from the U.S.
 - Inadmissibility grounds (reasons you can be deemed inadmissible to the U.S.)
 - Public Charge
 - Health
 - Criminal
 - Security
 - Immigration Violations
 - Immigration Documents
 - Citizenship Eligibility
 - Previous Removal
 - Labor Certification
 - Miscellaneous
- Deportability
 - Deportability grounds are the reasons you can be deported from the U.S.
 - Deportability grounds are similar to inadmissibility grounds.
 - If you are subject to deportability grounds, you may be sent to immigration court.
 - Partially accredited reps can’t represent individuals in immigration court.
 - NOMAS doesn’t represent individuals in immigration court.
 - However, some NOMAS clients may need to know that even though they have legal status, they can be deported for deportability grounds like criminal activity.
- Inadmissibility vs. Deportability
 - Individuals seeking admission (sometimes referred to as “arriving aliens”) are subject to inadmissibility grounds.
 - Individuals who have been admitted are subject to deportability grounds.

References and Resources

- [Definition of Admission INA § 101\(a\)\(13\)\(A\)](#)
- [USCIS Form I-485 \(Application for Lawful Permanent Resident Status\)](#)
- [USCIS Form I-693 \(Record of Medical Examination\)](#)

3.7 Cases NOT Represented by NOMAS

- Three main types of cases are NOT represented by NOMAS:
 - Consular Processing
 - NOMAS does not represent anyone in consular processing or in applications for tourist or student visas (because NOMAS only represents people currently in the U.S. - these applications all take place when someone is outside of the U.S.).
 - Immigration Court
 - NOMAS does not represent anyone in immigration court (If someone is subject to deportability grounds, they would be sent to immigration court.) Partially accredited reps cannot represent individuals in immigration court or provide legal advice related to immigration court or defensive proceedings.
 - Anyone with a Notice to Appear
 - People with a "Notice to Appear" (which means that they have been summoned to go to immigration court) have already started the removal process and cannot be represented by NOMAS.
 - An example of an NTA is in the References and Resources section below.
- Other things to remember about NOMAS representation:
 - NOMAS typically does not represent individuals during USCIS interviews.
 - NOMAS does not represent anyone with a complex case.
 - NOMAS does not represent anyone with a complex criminal history.
 - NOMAS representation only covers what is written on the letter agreement.
 - NOMAS cannot provide answers to questions for individuals who want help filing cases by themselves.

References and Resources

- [DHS Form I-862 \(Notice to Appear; NTA\)](#)
- [Another example of an NTA](#)