



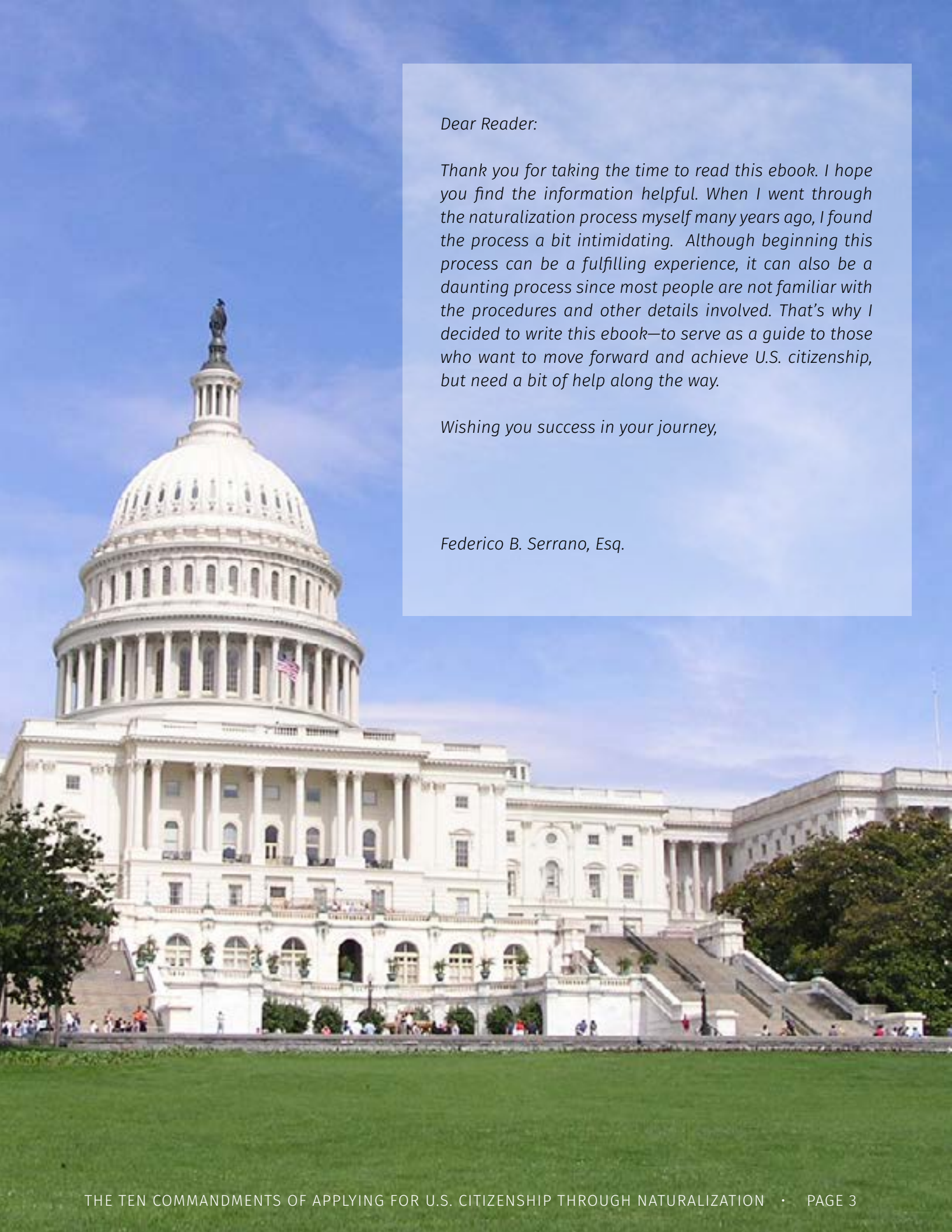
THE TEN COMMANDMENTS OF APPLYING FOR U.S. CITIZENSHIP THROUGH NATURALIZATION



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Dear Reader:

Thank you for taking the time to read this ebook. I hope you find the information helpful. When I went through the naturalization process myself many years ago, I found the process a bit intimidating. Although beginning this process can be a fulfilling experience, it can also be a daunting process since most people are not familiar with the procedures and other details involved. That's why I decided to write this ebook—to serve as a guide to those who want to move forward and achieve U.S. citizenship, but need a bit of help along the way.

Wishing you success in your journey,

Federico B. Serrano, Esq.

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COMMANDMENT #1

THOU SHALL ENSURE QUALIFICATION *BEFORE APPLICATION*

In general, to be eligible for naturalization, the applicant must be at least 18 years old, be lawfully admitted to the U.S. for permanent residence, be a person of good moral character, have a basic command of the English language, and also have a basic knowledge of U.S. History and Government. An applicant for naturalization must also show that he or she is aligned with the principles of the Constitution of the United States, and will be required to take the Oath of Allegiance.

The applicant must also have resided continuously in the U.S. for a period of five years following their lawful admission to permanent residence (three years if the applicant is the spouse of a U.S. citizen) and must be actually physically present in the U.S.

for at least two-and-a-half years for most applicants, one-and-a-half years for spouses of U.S. citizens.

Keep in mind also that an absence from the U.S. that is too long will break the continuity of the applicant's residence in the U.S. for naturalization purposes. It's important for those frequent travelers to review their travel dates carefully to make sure that they meet the minimum requirements.

Applicants for naturalization need to meet all of the minimum requirements before submitting their application to the U.S. Citizenship and Immigration Services (USCIS). The [website](#) for USCIS has many helpful resources including a comprehensive and detailed [Guide to Naturalization](#).



COMMANDMENT #2

THOU SHALL DISCLOSE ANY STATE-SPONSORED “OVERNIGHT STAYS” AT THE LOCAL JAIL

Although not every citation, arrest, or conviction renders the applicant ineligible to apply for U.S. citizenship, an applicant who has ever been involved in any criminal proceeding should consult with an experienced immigration attorney before submitting an application with the U.S. Citizenship and Immigration Services.

All citations, arrests and convictions should be analyzed by an experienced immigration lawyer to determine whether these offenses render the applicant ineligible to apply or whether the applicant’s criminal history would not only result in the denial of the application, but possibly the initiation of removal proceedings against him or her. If the applicant elects to move forward with the application, all citations, arrests and convictions should be disclosed—even if the records have been expunged.

It is very important to highlight that the definition of what exactly constitutes a conviction is different

for immigration purposes than it is for state purposes. A person for example might have a “conviction” for immigration purposes even though there is no conviction for state purposes or the records have been expunged. The fact that the offense might have occurred many years ago in most cases is irrelevant. Final disposition records for all cases should be provided to the attorney. When in doubt, applicants can obtain an [FBI Criminal History Record](#) or Rap Sheet.

In final analysis and as embarrassing as it may be, the applicant’s interests are better served by having an open and honest conversation with his or her attorney about any and all encounters with law enforcement. Being straightforward about one’s past can save the applicant thousands of dollars in legal fees and more importantly, a lot of heartache for them and their families in the future.



COMMANDMENT #3

THOU SHALL NOT HAVE MORE THAN ONE SPOUSE AT A TIME

It's been said that King Solomon had 700 wives, but let's face it, you and I are no King Solomon. This commandment of "one-spouse-at-a-time" should be self-explanatory, but in my years practicing immigration law, I have encountered several cases where the applicant had been married to more than one person at a time, and didn't even realize it (E.g., divorce not finalized in home country). In a couple of other cases, the person thought they were legally married, when in fact they were not (E.g. legal element for marriage not fulfilled). Some people are under the genuine

albeit incorrect impression, that because they were married in their home country—and not in the United States—that their marriage back home somehow didn't count or was not valid, and therefore considered themselves single. *Hmmm..*

The moral of the story is that if you have a spouse, keep your spouse (your children will thank you for it). If you end up parting ways, make sure your divorce is final. If you decide to remarry, keep your divorce certificate handy, because you will need it for your interview.



COMMANDMENT #4

THOU SHALL FEED YOUR CHILDREN— WHEREVER THEY ARE

As discussed earlier, having good moral character is one of several requirements an applicant must meet in order to become a naturalized U.S. citizen. What constitutes good moral character, although not defined by statute, has been interpreted by case law to mean behavior that meets the moral standard of the average citizen in the applicant's community.

There are various factors that will affect a determination of good moral character. One of these factors includes not financially supporting the applicant's children (or spouse in some cases).

Therefore, if the applicant has children that are under 18 years of age, during the qualifying time as a Lawful Permanent Resident (LPR), whether 3 or 5 years, and these children are living abroad or at a different home, then the applicant must bring to the naturalization interview proof of support which can include the following: bank statements, money transfers, cancelled checks, receipts, court or agency printout of child support payments, evidence of wage garnishments, notarized affidavits, or other documentation indicating support for the children.



COMMANDMENT #5

THOU SHALL PREPARE WELL FOR THE INTERVIEW

There are some key points that applicants should consider as they prepare for their naturalization interview before the U.S. Citizenship and Immigration Services (USCIS). What's a nervous applicant to do? Here are some thoughts to help along the way:

- **Read the Naturalization Application carefully and understand the attestations you are making.** Some of the language used in the application can be a bit confusing and intimidating. The interviewing officer will read most of those questions verbatim. Add to that some of the legal language peppered throughout the questionnaire, and your head can be spinning in no time.
- **Know what the Oath of Allegiance actually says.** An applicant for naturalization must show that he or she is aligned with the principles of the Constitution of the United States, and will be required to take the Oath of Allegiance. Here's what it says:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this

obligation freely without any mental reservation or purpose of evasion; so help me God.

- **Study, study, and then study some more.** [USCIS' Citizenship Resource Center](#) is an excellent resource which includes study materials, videos, practice tests, and other resources that will have you passing the exam with flying colors.
- **Lastly, before heading out the door, review carefully the list of documents needed to bring to the interview.** This can include original birth, marriage, divorce certificates, passport, LPR card, and other items outlined in the interview notice. Any delay, even for a simple document, can delay adjudication for weeks (or even months).



COMMANDMENT #6

THOU SHALL NOT HAVE SELECTIVE MEMORY



Not remembering important information can complicate an applicant's naturalization application. This is especially true when dealing with issues of eligibility. That's why having a copy of one's "[A file](#)" has become increasingly more important. The "A file" is basically a person's record maintained by the U.S. Citizenship and Immigration Services (USCIS).

Once created, it contains all immigration records for that particular person. Consult with an experienced immigration attorney to obtain these records.

The USCIS interviewing officer will want to ensure that all eligibility requirements were met at the time of the original adjudication that granted Lawful Permanent Residence (LPR) status. Applicants should then

come to the interview prepared to address potential concerns that the adjudicating officer may have.

The general rule of thumb is that if an applicant changed employer (or spouse) within six months to one year of obtaining their LPR status (based on that relationship), they should come prepared to show the legitimacy of the employment or marriage relationship. The closer the severing of the relationship is from the time of the LPR grant, the more likely it is that questions will be asked. It's important to keep in mind that an application for naturalization gives USCIS a fresh opportunity to review the applicant's file in its entirety, not just the naturalization or citizenship application.

COMMANDMENT #7

THOU SHALL ANSWER TRUTHFULLY

We have already mentioned in Commandment #2 how important it is to be truthful about any criminal history the applicant may have when applying for U.S. citizenship. Full disclosure doesn't end there though. All of the information provided in the application, and during the interview, should be both accurate and truthful.

Some questions have historically been a stumbling block for applicants applying to naturalize. These questions include: have you ever received public

assistance, have you ever served in any armed forces, have you ever been placed in removal proceedings, have you ever been cited or arrested, do you owe any money to the Internal Revenue Service (IRS), etc.

If the applicant has any doubt about how to respond to these questions, or any other question in the application, it would be important to consult with an experienced immigration attorney. Keep in mind that all questions will be administered under oath.



COMMANDMENT #8

THOU SHALL PLAN AHEAD

Processing times with USCIS, as with any other government agency, varies depending on a number of factors—most of which are outside the applicant’s control. Therefore, your application is not guaranteed to be processed within a given number of months. Yes, USCIS has some estimated [processing times](#) but there just that—estimates. Factors that can delay processing of the application can include: an incomplete application, primary documents not submitted, rejected application, name-change request, different “[A-Files](#)”, FBI background check delays, and a host of other factors.

Travel plans should be avoided during the application process. Although the applicant can travel outside of the United States while the application is pending with USCIS, there are two important dates in which the applicant generally will be required to be in the United States for. The first is for a

biometrics appointment where USCIS captures the applicant’s fingerprint, photo and signature. In most cases the biometrics appointment will be within 1–2 months of submitting the application. The second important date to keep in mind when making travel plans, is the actual naturalization interview. The interview date will vary depending on the USCIS District Office, but it’s normally within 5–10 months of submitting the application.

Keep in mind that the naturalization interview does not equate to being sworn-in as a U.S. citizen. If the applicant passes the examination and interview successfully, the applicant will be able to swear-in that same day (in some cases) or most likely given another date (normally 1–2 months after the interview) in which to swear-in. Again, local practice and processing times will vary depending on your particular USCIS office.



COMMANDMENT #9

THOU SHALL KEEP RECORDS



Applying for U.S. citizenship requires that you put together several important documents. The instructions for the Naturalization Application found in the [USCIS](#) website will provide you with a list of items needed. Start collecting the records and documents that you need as soon as possible.

When submitting the application, the applicant should keep the originals and only send copies. Although very rare, USCIS has misplaced an

application or two from time to time. If you send originals, and somehow it gets misplaced, the applicant will have a hard time getting those back. Bring the originals at the time of the interview. Applicants should keep a full and complete copy of everything provided to USCIS, including the tracking number. With all the money being paid to USCIS for your application, a couple of more dollars to track the package shouldn't break the proverbial piggy bank.

COMMANDMENT #10

THOU SHALL AVOID MOST COMMON MISTAKES

Throughout the years I have seen applicants make some common mistakes when submitting their citizenship application. The good news is that you can avoid them.

- **Not Reviewing Your Application.** Forget about the English test, the civics test, and everything else that's on your mind and take the time to thoroughly examine every aspect of your application and supporting documents.
- **Forgetting the Filing Fee or Sending the Wrong Amount.** Although the application fee can put a dent on the average wallet, not including the fee or sending an incorrect amount will only lead to the application being rejected.
- **Applying When Not Yet Eligible.** Check eligibility before applying. Sending the application too early will result in the application being rejected.
- **Not Including the Required Supporting Documents.** Some of the supporting documents that should be included with the application include: a copy of applicant's LPR card; birth, marriage and divorce certificates; final disposition records for any arrests or citations; passport pictures; translation of foreign documents, and other eligibility documents as noted in the instructions for the application.
- **Traveling Too Much.** Some applicants travel a lot. If you're one of them, make sure to meet the physical presence requirements. Some travel outside the U.S. can jeopardize an applicant's residency status. This may happen for example when an applicant has traveled longer than 180 days in one trip, or when a person continually travels outside of the U.S. for prolonged periods of time and are not residing continually in the U.S.
- **Lack of English Proficiency.** Unless an applicant qualifies for an [exemption](#) or waiver, he or she will be required to take an English and civics test. Taking some classes offered at many community or nonprofit organizations may be the person's best next step.
- **Waiting Until the Night Before to Study.** This may work for some, but not for many. Take some time to prepare. USCIS provides many [resources](#) on their website that will make the process of studying easier.



mistake

CONCLUSION

I hope you have found the information contained in this ebook helpful. Thank you for taking the time to read it. If you're considering applying to become a U.S. citizen, I would highly recommend that you consult with an experienced immigration attorney. With so many attorneys offering telephonic or video consultations, and some even offering free consultations, the tide is in your favor. I wish you all the best in your endeavors.

If you have any comments or suggestions I would love to hear from you. You can reach me by email at fserrano@serranoimmigration.com or at:

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