

LEARNING MADE EASY



2nd Edition

# U.S. Citizenship

for  
**dummies**<sup>®</sup>  
A Wiley Brand



Interview to  
become a U.S. citizen

—  
Understand immigration  
law and policies

—  
Know the exam and what  
to expect on test day

**Jennifer Gagliardi**

Expert Citizenship/ESL Instructor





# U.S. Citizenship

2nd Edition

by Jennifer Gagliardi

for  
**dummies**<sup>®</sup>  
A Wiley Brand

## U.S. Citizenship For Dummies<sup>®</sup>, 2nd Edition

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# Introduction

So you want to live in America? You're in good company. Between 2015 and 2019, approximately 1.1 million people per year became permanent legal residents of the United States. Sixty percent of these new immigrants came to reunite with family members who had already made the move to the unparalleled freedom and opportunity the United States offers her people. Fourteen percent specifically came here to offer their skills to help keep the U.S. workforce strong. Still others came to escape persecution and tyranny in their homelands.

Many permanent residents choose to take living in the United States a step further by becoming naturalized United States citizens. By becoming a naturalized citizen, these immigrants will experience nearly all the benefits granted to citizens born in the U.S. (the only exception is that they can't become president or vice president of the United States).

Despite pandemic-related closures, the U.S. Citizenship and Immigration Services (USCIS) welcomed 625,400 new citizens in fiscal year (FY) 2020 during naturalization ceremonies held across the United States and around the world. Among the top five countries of birth for people naturalizing in FY 2020, Mexico was the lead country, with 13.3% of all naturalizations, followed by India (7.7%), the Philippines (5.3%), Cuba (5%), and the People's Republic of China (3.7%). The top five countries of birth comprised 35% of the naturalized citizens in FY 2020. For some, the process of immigrating to the U.S. and becoming a citizen was simple and straightforward. For others, the journey through the immigration and naturalization process became an endless parade of obstacles, delays, forms, and paperwork.

This book will help you get through this often confusing process, from determining how best to qualify to live permanently in the United States to gaining a green card to become a naturalized citizen of the U.S. Along the way, we point out the important requirements you need to meet and give tips and insights into dealing with USCIS, as well as other government agencies you'll come into contact with while attempting to immigrate to the U.S. or become a citizen.

We wish we could tell you the immigration process is always simple, but each case is different and there are many special circumstances and exceptions to the rules that can come into play. In the aftermath of the tragic events of September 11, 2001, the complications have only increased. The U.S. immigration system has been under unprecedented public scrutiny. In most immigration cases, the

services of a competent immigration attorney are highly recommended. Sometimes an attorney's help is absolutely necessary in order to protect your immigration chances and help you through the process. Often, you can get free or low-cost help from nonprofit immigration services, designed to help immigrants legally live in the United States.

## About This Book

In this book, we let you know things you can do to make the immigration and naturalization process easier and less stressful, as well as where to find additional help in case you need it. You'll discover how to be proactive and stay a step ahead of the USCIS by anticipating which forms and paperwork you'll need in advance. We also alert you to important points that can help you protect your immigration case throughout the proceedings.

If you plan on becoming a citizen, we also get you ready to pass the English, civics, reading, and writing portions of the naturalization interview. This part, more than any other, seems to fill potential citizens with fear. But you really shouldn't worry. The USCIS is not expecting you to be an expert. In this book, we show you how to find out what you need to know. In fact, you'll probably find practicing for the tests enjoyable, if not fun.

Why does a book on citizenship spend a fair amount of space on how to immigrate to the United States? Because you must first be a lawful permanent resident for a designated amount of time before you even qualify to try to become a naturalized citizen. So lawful immigration truly is the first step to naturalization.

Still, you will note this book is not called *U.S. Immigration For Dummies*. We'll help you identify potential ways to immigrate, but this book isn't long enough to cover actual petitioning and visa processing. We also avoid detailed discussion of non-immigrant visas.

In all cases, we've kept the chapters *modular*, meaning you'll find all the information you'll need on a given subject, or we'll refer you to other chapters in the book for further detail, and you don't have to read the book from start to finish to understand the topic at hand.

# Foolish Assumptions

Because you bought this book, we assume you are interested in living permanently in the U.S. or are a friend or relative of someone else who does. You (or your friend or relative) probably want to take the immigration process all the way to the end — naturalization — but regardless of your immigration goals, this book can help.

We don't assume that you have a legal background or any familiarity with U.S. immigration. As such, we have made every attempt to explain the complicated legal process of immigration and naturalization in simple, easy-to-understand language. Nonetheless, we still strongly urge you to seek the advice of a competent attorney or immigration service to help you pursue your goals. Don't worry, we also tell you how to find reliable help.

## Icons Used in This Book

Icons are the pictures you'll see in the margins throughout this book. Although they're mighty fun to look at, they're there to serve a purpose: flagging your attention to key pieces of information. Here's what the various icons mean:



REMEMBER

This icon calls your attention to information we cover elsewhere but that's so important we think it's worth repeating (and worth remembering).



TIP

The Tip icon points out practical advice that will make your naturalization and immigration process easier.



WARNING

This icon highlights key points that can save you trouble, money, or in the worst-case scenario, forced removal from the country.



TECHNICAL  
STUFF

This icon points out more information than you technically need, but provides interesting facts that explain the hows and whys of immigration.

# Beyond the Book

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For quick tips about immigrating to the United States and taking the first steps toward citizenship, go to [www.dummies.com](http://www.dummies.com) and type “U.S. Citizenship For Dummies Cheat Sheet” in the search box. You can find information on determining your eligibility for citizenship along with advice on how to become a lawful permanent resident of the United States.

# Where to Go from Here

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Depending on your goals and where you are in the immigration process, you can dive right into Chapter 1 and read the entire book or skip to the chapters that best apply to your unique situation.

If you already hold an alien registration card and are now interested in gaining U.S. citizenship, you can easily skip over the chapters that deal with visas and gaining lawful permanent residence — although if you have friends or family members who also want to immigrate, you can certainly help them with this information.

If you're just beginning the process, you won't need to concern yourself with studying for the naturalization interview yet. But when that time comes, the information will be waiting for you in Parts 2, 3, and, 4.

# 1 Pursuing Immigration and Citizenship

## **IN THIS PART . . .**

Plan your immigration and path to U.S. Citizenship

Find out about U.S. Citizenship and Immigration Services, the Department of Homeland Security, the Department of State, and other agencies that affect immigration and citizenship.

Safeguard your future immigration plans with the appropriate visa.

Fill out the USCIS Form N-400 Application for Naturalization.

- » Planning your way to citizenship
- » Understanding the immigration process
- » Preparing to prove your case

## Chapter **1**

# The Joys of Becoming a U.S. Citizen

**T**he decision to become a U.S. citizen is one of the most important choices you can ever make. Before you can become a U.S. citizen, however, you first must be a lawful permanent resident of the United States. For this reason, before you begin the process, you need to know what you want to achieve — legal immigration or naturalization — and whether you can expect to qualify for it.

This chapter gives you an overview of your immigration options, helps you understand the benefits and disadvantages of becoming a U.S. citizen, and shows you what to expect during the process. Although we go into more detail later in the book, this chapter helps you determine what your immigration and citizenship goals are and shows you how best to pursue them.

## Determining Whether You Really Want to Become a U.S. Citizen

Becoming a U.S. citizen carries important duties and responsibilities as well as rights, rewards, and privileges. Before you make the decision to pursue U.S. citizenship, you need to be aware of what you stand to lose and what you stand to gain and be sure that you're ready to fulfill all the obligations of a good citizen.



REMEMBER

*Naturalization* refers to the process by which immigrants become citizens. In most cases, if you were not born in the United States, you must be *naturalized* to become a U.S. citizen.

## What you lose

When you become a U.S. citizen, you must give up all prior allegiances to other countries. Although nobody will care if you root for your birth country in a soccer match (actually, some soccer fans may care, but the U.S. government certainly won't), you won't be able to defend that country against the United States in times of conflict or war. You must also be willing to serve your new country, the United States of America, when required. What this means is that if the United States is at war or in the midst of some other type of crisis, you need to be willing to take up arms or otherwise aid the U.S. military effort in whatever capacity is needed.

Giving up your allegiances to other countries doesn't necessarily mean you have to give up your citizenship in other countries. You may be able to maintain your original citizenship(s) *and* hold U.S. citizenship (having citizenship in more than one country is known as *dual citizenship*). The United States allows dual citizenship (though it is disfavored). Some countries do not allow dual citizenship. If you are a citizen of such a country, you will likely give up your citizenship upon naturalizing to U.S. citizenship. This information may affect your decision to apply for U.S. citizenship. To find out if your citizenship can be affected, check with the embassy of each country where you have or are considering citizenship.

Furthermore, giving up your allegiance to other countries does not mean that you must stop speaking your native language, teaching your children about your culture, or practicing your religion. These are gifts to be shared not only with your friends and family but also your fellow Americans.

## What you gain

The United States Constitution, the country's most important document and essentially the rulebook for how the U.S. government runs, guarantees all people living in the United States, whether U.S. citizens or not, certain rights. Freedom of religion and speech, the right to peaceable assembly, and the right to a fair trial if you're ever accused of a crime are all important freedoms guaranteed to everyone in the United States.



U.S. citizens, both born and naturalized, however, are eligible for many additional benefits based on their status as U.S. citizens. These include the following:

- » The right to vote and, therefore, to have a voice in government
- » The right to hold elected office (except for the offices of president and vice president, which are reserved for natural-born citizens)
- » Certain government jobs
- » Scholarships and/or grants
- » The ability to petition for immediate relatives to join you in the United States without being subject to visa limits
- » Protection from forced removal from the country
- » Certain types of public assistance

## Your rights and responsibilities as a U.S. citizen

When you become a naturalized U.S. citizen, you must take the *Oath of Allegiance*. The Oath of Allegiance is your promise to the government and the people of the United States that you will

- » Give up any prior allegiances to other countries.
- » Support and defend the Constitution and the laws of the United States against all enemies.
- » Support, defend, and obey the laws of the United States.
- » Serve the United States, if required, in times of war or national emergency. You may be called to serve in the military or help U.S. military efforts in some capacity.
- » Swear allegiance to the United States.

In addition to the responsibilities outlined in the Oath of Allegiance, U.S. citizens have other important duties:

- » **Serving on a jury:** One of the most important rights in the United States is the right to a trial by a jury in most cases. Serving on a jury when asked is an important obligation of U.S. citizens in order to protect the U.S. system of justice, in which the power still rests with the people.



WARNING

Although there is a small chance you may never be called to report for jury duty, know that if you do receive a notice to report, you're legally compelled to do so. Failure to report for jury duty can result in a fine, jail time, or both.

- » **Voting:** The United States has a government of the people, by the people, and for the people. The ultimate political authority is not in the hands of the government or of any single government official — instead, the ultimate political authority is in the hands of the people. Citizens of the United States have the right to change or abolish the government or to amend the Constitution. U.S. citizens exercise their power by voting for elected representatives.
- » **Being tolerant of others:** Some people say that the United States is a “melting pot,” the assimilation of many different peoples to create one people; others say that the United States is more like a “tossed salad,” a medley of different cultures — each separately identifiable — while still enhancing the common culture. People living here need to be tolerant of all races, religions, and cultures.



REMEMBER

Although you aren't legally compelled to perform some of these duties — for instance, no one will take you to jail if you don't exercise your right to vote — you will deprive yourself of the important benefits of living in the United States if you don't participate.

## Mapping Your Way to America: Typical Ways People Immigrate to the U.S.

Before you can even think about becoming a naturalized citizen of the United States, you must be a lawful permanent resident of this country. A *lawful permanent resident* is a foreign national who has been granted the privilege of permanently living and working in the United States. Most adult applicants (those 18 or older) must have been lawful permanent residents of the United States for the five years prior to applying for citizenship. If you're married to and living with your U.S. citizen spouse, and your permanent residence is based on that marriage, the residence requirement drops to three years, as long as your spouse has been a citizen for the three years prior to your application. (We go over the eligibility requirements for naturalization in further detail in Chapter 3.)



WARNING

If you were admitted or paroled into the United States by an immigration officer, you were issued or received a Form I-94, Arrival/Departure Record, which shows a specific date when you are required to leave. People who stay in the United States illegally for over 180 days past the I-94 Departure Date and then leave the United

States can be barred from reentering the country for at least three years. If the period of unlawful presence was less than a year, then the bar applies for three years (unless you leave voluntarily after removal proceedings start). If the period of unlawful presence was for a year or more, the bar is for ten years.

U.S. Citizenship and Immigration Services (USCIS) won't count time you spent here illegally before April 1, 1997. Asylees (with pending cases), minors under the age of 18, Family Unity beneficiaries, and battered spouses/children and victims of trafficking (who can prove a connection between the status violation and abuse) do not accrue unlawful presence.

For further information, [USCIS.gov](http://USCIS.gov) has a detailed web page about Unlawful Presence and Bars to Admissibility with a link to the USCIS Adjudicators Field Guide (ch.40.9.2), which describes special circumstances and remedies. Please consult with an immigration legal service representative about lawful presence issues.



WARNING

Bottom line: Don't overstay your welcome. If you're in the United States on a temporary visa and you stay after your visa expires, you're putting your future chances for lawful permanent residence at risk. Being in the country illegally is grounds for removal and for denial of future immigration benefits. If you are currently in the country illegally, you should seek competent legal advice before leaving the United States to try to secure a visa.



TIP

To check whether your immigration status is currently legal, rely on your I-94 (Arrival-Departure Record). You receive this document from U.S. Customs and Border Protection (find out more about the CBP in Chapter 2) upon entering the country, or from the USCIS if you extended your immigration status while already in the United States. Many people believe the visa is what determines the amount of time you can stay in the United States, but this isn't the case.

The CBP is supposed to give a person the amount of time for which a visa petition is approved, rather than the amount of time the visa is valid — which is sometimes less than the amount of time granted in the petition. Likewise, the CBP can approve entry for a lesser amount of time than the visa would indicate.



REMEMBER

If you stay in the United States for more time than your I-94 allows, you are out of status, even if your visa indicates a longer period.

Your visa can say it expires tomorrow, but the airport inspector can stamp your I-94 for six months. On the other hand, your visa can say it's valid through 2010, but the inspector can stamp you for only one month. The stamp is always your guide.



## HOW IMMIGRATION LAW DEFINES CHILDREN

The definition of a child has specific meaning in immigration law. When you read government documents that say, for instance, that you're able to sponsor "children," that means you can sponsor an unmarried son or daughter under the age of 21 who was born in wedlock or is your legally recognized stepchild or adopted child. If, on the other hand, an immigration document refers to a "son or daughter," this refers to a child age 21 or older.

How can you achieve legal permanent residence? Although there are other ways, which we go into in Chapter 3, most people immigrate for one of two reasons:

- » To reunite with family members already living in the United States
- » To pursue a permanent employment opportunity in the United States

## Reuniting with your family

In order to use family connections to immigrate to the United States, you must have a *close* relative already living here who is willing to sponsor you. So how close is close? If your relative is at least 21 years old and a U.S. citizen, born or naturalized, they may sponsor you if you are their

- » Husband or wife
- » Unmarried child under age 21
- » Unmarried son or daughter over age 21
- » Married son or daughter
- » Brother or sister
- » Parent

Citizens may *not* sponsor their grandparents, grandchildren, aunts, uncles, cousins, or anyone else.

Legal permanent residents, or green-card holders — those legally living and working in the United States who have not become naturalized citizens — may only sponsor their

- » Husband or wife
- » Unmarried children of any age

Legal permanent residents (green-card holders) may *not* sponsor brothers or sisters, parents, grandparents, grandchildren, aunts, uncles, cousins, or anyone other than their spouse and children.

But wait, it's not so easy. Beyond having a willingness to sponsor you, your relative must meet certain criteria in order to be eligible to become a sponsor:

- » Your relative must be able to provide documentation of their own immigration status — as a lawful permanent resident or as a United States citizen (born or naturalized).
- » Your relative must be able to prove that they can financially support you (and any other family members they are financially responsible for) at 125 percent above the government-mandated poverty level. In other words, in order for a sponsor to bring a relative to live permanently in the United States, the sponsor must be both willing and able to accept legal responsibility for financially supporting that family member. You can find more information about how to meet this qualification in Chapter 3.

## Pursuing employment opportunities

If you want to immigrate to the United States based on the fact that you have a full-time, permanent employment opportunity waiting for you here, both you and your prospective employer must meet a list of specific qualifications. Although one of the goals of the USCIS is to provide the United States with a strong and stable workforce, the USCIS also wants to be sure that immigrants aren't taking jobs that would otherwise go to unemployed U.S. citizens.



REMEMBER

Before you even get started, keep in mind that your prospective employer has to first certify the position with the Department of Labor. This *Labor Certification* is required to show there are no qualified, available U.S. workers to fill the job.

The USCIS grants permanent residence based on employment skills in one of five categories:

- » **Priority Workers (category EB-1)** have extraordinary ability in the arts, education, business, science, or athletics, or are considered to be outstanding professors or researchers. Notice the superlatives: *extraordinary*, *outstanding*. This category is one of the most difficult ones to qualify for unless you're a

Nobel Prize winner or hold other such prestigious and public accolades in your given field. You may qualify, however, by presenting extensive documentation proving your professional or academic achievements in one of the listed fields as well as evidence of your financial success in your field and your ability to substantially benefit the United States. Another way to qualify for the Priority Workers category is if you happen to be a manager or executive of a company that has transferred you to one of its branches in the United States.

» **Professionals with Advanced Degrees or Persons with Exceptional Ability (category EB-2)** are members of their professions holding advanced degrees, or their U.S. equivalent, or persons with exceptional ability in business,

sciences, or the arts who will benefit the interests or welfare of the United States. In order to qualify for this category, be prepared to show how becoming a legal permanent resident will be good for the economy or culture of the United States or how you can help meet the academic needs of the country. You may also qualify for this category if you're a qualified physician and you agree to practice medicine in an area of the United States that is medically underserved.

» **Skilled or Professional Workers or Other Workers (category EB-3)** have less stringent requirements for qualification than people who qualify under the EB-1 and EB-2 classifications, but this category sometimes has a much longer backlog of people waiting for visas, especially in the Other Workers category. You can qualify for a classification EB-3 employment visa in three ways:

- **As a Skilled Worker:** If you can fill an open position that requires at least two years of experience or training, you can qualify as a Skilled Worker. The Department of Labor determines which jobs are considered skilled, as opposed to unskilled, labor.
- **As a Professional:** Professionals must hold a U.S. baccalaureate degree or the foreign equivalent degree normally required for the profession. Education and experience may not be substituted for the actual degree.
- **As an Other Worker:** Those who fall into the category of Other Workers have the skills to fill jobs that require less than two years of higher education, training, or experience. This category receives the most petitions, so if you fall in this group, you may have to wait many years before being granted a visa.

» **Special Immigrants (or category EB-4)** primarily are members of religious denominations that have nonprofit religious organizations in the United States. You must be able to prove that you have been a member of this organization and have worked for the organization for at least two years before you applied for admission, and you must be coming to the United