

Naturalization (and Denaturalization)

Keeping an eye out for potential problems before they become problems

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General Buckets that things can get put in

- Problems in the acquisition of LPR status
 - Identity
 - Mistake or fraud
 - Reanalysis of eligibility
- Problems that arise after acquisition of LPR status
 - Maintaining continuous residency/abandonment of residency
 - Crimes that impact Removability
 - Crimes or behavior that impact GMC

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Problems in Acquisition--Identity

- Dueling birth certificates—this can include the petitioner of the underlying immigrant petition
 - Government databases are getting more sophisticated all the time
 - More international access to foreign birth certificates
- Mistranslated birth certificate name or date of birth
 - What is not a “big deal” today may become one later
- Variants in spelling/common use/informal name change
 - Check local law on ability to use married last name w/o name change
- “Giving” identity to relative for an immigration benefit
- Severely delayed birth certificate

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Problems in Acquisition--Mistake

- An LPR granted status by mistake is not really an LPR and thus is not eligible to naturalize USCIS Policy Manual Volume 12, Chapter 2.
- Common examples include:
 - Priority date was not current at the time of approval
 - Derivative beneficiary approved before principal applicant

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Problems in Acquisition—Mistake

- Mistake can be on the part of the individual, as well. Examples include:
 - F-2A who was single until the visa was approved, but married before entry to the US
 - F-2B who married and then divorced, and put down “single” on the visa application

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Problems in Acquisition--Fraud

- Be aware of the risk of Removal if you find an individual who committed fraud to immigrate—INA 237(a)(1)(A); 212(a)(6)(c)
- Fraud can occur in both Employment Based and Family Based categories
 - Did the person work for the sponsoring company? Do the job listed? Was porting an option, or did the person immigrate before that change to the law?
 - Did the qualifying relationship really exist? Brother-Sister; Parent-Child?

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Title search: Naturalization (and Denaturalization) Issue Spotting

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