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The New Naturalization Form: Pitfalls for the Unwary

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Twenty-one pages! That is the length of the new N-400, Application For Naturalization, plus 13 pages of instructions. Recent previous editions were 10 pages plus 6 instruction pages. Go back to 1999 and they were 4 pages plus 2 instruction pages. Back before 1998 it was required that the form G-325 was to be filed with the N-400. Later additions incorporated the needed questions from the G-325.

On the assumption that there are few who have used any edition besides the 3/22/12 edition and the current one the reader will be happy to know that we will only compare those two editions.

So is bigger better? Some commentators believe it is. The separate instructions are more detailed as are the instructions on the form itself. It still has, however, has some tricky questions.

The form is designed to capture the information needed to determine if the person is eligible to file for Naturalization. If they are at least 18 years of age. If they have the required period of residence as a permanent resident, if needed. If they have an impediment to establishing Good Moral Character for the required period of time. If they are willing to take the Oath of Allegiance. Knowledge English and Civics are covered at the Naturalization examination.

Let's take a look at the changes to the new form.

The basis for filing has been moved up to Part I. In addition to the previous three listed possible bases, 5 years as a Permanent Resident, 3 years as a permanent resident if married to and living in marital union with a U.S. citizen spouse for the

relevant 3 years and applying on the basis of military service, they have added the employment abroad provision (Immigration and Nationality Act (INA) §319(b)) which previously had to be written in the “other” section.

In the section for the name of the individual, now Part 2, the “other name(s)” section has been clarified to state that they want all names used since birth including nicknames and aliases. I don't know how many times I have argued with clients who say that their Facebook or email name should not be listed. Hopefully this will get them to stop arguing with me.

In the next section on changing one's name, the request for the Social Security Number and other biographic information remains the same, but parents, and marriage information have been moved to pages 5 and 8 respectively.

The waiver of English and civics section for those with physical or developmental disabilities has been moved below the section for those who are simply requesting an accommodation for a disability or impairment. While I am not privy to the thought process for this I would guess that people were requesting the waiver and not the accommodation. The waiver requires the filing of the N-648 certified by a medical doctor, doctor of osteopathy, or clinical psychologist licensed to practice in the United States. The accommodation is for those are deaf or hard of hearing, use sign language to communicate, are blind or have low vision. This is to allow them to take the tests with have assistance.

Next comes new questions regarding the age and length of permanent residence which can allow one to skip the English language test and for those over 65 with 20 years of permanent residence to also be given a simplified civics test.

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