

# Basic Requirements For United States Citizenship

Becoming a United States citizen gives you many advantages over being a lawful permanent resident. For example, you may be able to pass your citizenship onto your children. Like everything else with immigration, to become a U.S. citizen, you must fill out a form and pay a fee. Ultimately, your best chance at success will be through the help of an experienced immigration attorney.

## Basic Requirements for United States Citizenship

### **1. You must be at least 18 years old to apply for citizenship.**

Children cannot apply for citizenship. You must be at least 18 on the day you file your application for citizenship. Literally, if you are 17 years and 364 days old when you apply, Immigration will take your \$725.00 payment and deny your application. Your payment will not be refunded.

### **2. You must live in the area or district where you will apply for citizenship for at least three months beforehand.**

If you just moved to Milwaukee from another state, for example, you will have to live here for three months before you can apply for citizenship. This is because different offices have authority, or jurisdiction, over different areas. If you have a home in more than one state, you should apply in the state where you file your federal income taxes.

There are some special rules for some people who might live in more than one place. For example, students can apply either where they attend school, or where they consider to be their permanent residence. There are also some special rules for military members and their spouses.

**IMPORTANT NOTE:** If you move while your citizenship application is pending you must notify Immigration immediately so that they can send your file to your new

location. You should also let your lawyer know right away.

### **3. You have to be a lawful permanent resident for a certain amount of time.**

In other words, you cannot apply for citizenship immediately after receiving your green card. In general:

- Most people have to be lawful permanent residents for five years before applying for United States citizenship. Additionally, you can submit your application 90 days before your waiting period is completed. But be careful to count out 90 days exactly before you send in your application. If Immigration receives it more than 90 days early, they will keep your money and deny your application. However, you can submit your application fewer than 90 days early. Talk to your immigration attorney if you have any questions about this rule.
  - Married to a U.S. Citizen  
If you are a lawful permanent resident married to (and living with) a United States citizen, you only have to wait three years before you can apply. VAWA self-petitioner or VAWA cancellation of removal. If you received lawful permanent residency through a VAWA as the spouse of a United States citizen, you only have to wait three years before applying for U.S. citizenship. If you received lawful permanent residency through a VAWA as the spouse of a lawful permanent resident, you have to wait five years before applying for U.S. citizenship.
  - Conditional Residents who are Domestic Violence Victims  
If you lift the conditions of your residency based on the domestic violence of a United States citizen, you only have to wait three years before you can apply.
  - Refugee  
If you are a refugee, you must be a lawful permanent resident for five years before you are eligible to apply for U.S. citizenship. However, there is a different rule for refugees. When a refugee receives a green card, the green card is backdated to the date when they entered the United States. For example, Rose enters the United States as a refugee in 1999, but then waits twenty years, and applies for her green card in 2019. When her card comes, it will state that she received it in 1999 because it is backdated to when she first came here instead of when her status changed. Because of

this backdated time on her green card, Rose can immediately apply for citizenship. Catholic Charities has worked with many clients for whom this was the case.

- Asylee

Asylees must wait five years before they can apply for U.S. citizenship. Like refugees, their cards are backdated. However, their cards are only backdated for a maximum of one year.

#### **4. Continuous residence requirement: you must spend a certain amount of time inside of the United States.**

This requirement is commonly called the continuous residence requirement. USCIS requires that you have remained in the United States for at least 50% of your time as a lawful permanent resident.

- Five year (60 month) waiting time:

Before you can apply to become a U.S. citizen, you must have remained inside the United States for a minimum of two and a half years (30 months) within the past five years.

- Three year (36 month) waiting time:

Before you can apply to become a U.S. citizen, you must have remained inside the United States for a minimum of one and a half years (18 months) within the past five years.

If you are unsure whether or not you meet your continuous residence requirement, please speak with a competent attorney.

**IMPORTANT NOTE:** There are two timeframes that can break your continuous residence and force you to start all over again:

If you leave the United States for more than six months, Immigration will assume that you have broken your continuous residence.

You can convince them that you did not break your continuous residence if you can prove that you still really live in the United States. You can show them, for example, that you did not quit your job, that you filed your income taxes, that you kept your home, and that your close family members are still here. You might also want to explain why you were gone for so long.

For example, you might have gone on a study abroad program, left to care for a sick relative, or became sick yourself while traveling. If you have left for more than six months, please speak to a competent attorney before submitting your application. If you leave the United States for more than a year, you will break your required continuous residency and have to start all over again. If you are a religious worker or left for work reasons there may be an exemption for you. Please speak to a competent attorney before submitting your application.

### **5. You have to be a person of good moral character.**

Immigration requires that you demonstrate good moral character during the time you are waiting to apply to become a U.S. citizen (three or five years depending on your circumstances – see continuous residence requirement directly above).

Although the law does not specify what constitutes good moral character, it does highlight what stops you from having good moral character. Learn more in our [Good Moral Character](#) article.

### **6. You must have a basic understanding of how to read and write in English.**

This does not mean that you write long and complicated sentences with lots of fancy words. Immigration has a list of words that you need to know for reading and another list for writing. You will need to show your vocabulary by reading one sentence out loud and then writing one sentence. Usually, the immigration officer will ask you to read a sentence in the form of a question. When you write your sentence, it is usually the answer to the question. For example, the officer might ask you to read, “Where is the White House?” Then the officer would ask you to write, “The White House is in Washington D.C.”

You can find the vocabulary list for writing [here](#) and the reading list [here](#).

Your English language skills will be tested further because you have to complete your entire citizenship interview in English. You must be able to understand and answer all of the questions in a long form in English.

### **7. You must have a basic understanding of United States history and civics.**

During your naturalization interview, you will be tested on U.S. history and civics. The immigration officer will ask you a question and you have to answer. It is not a

multiple choice test, and no one will give you any hints.

You will be asked 10 questions from the list of 100, and you have to get six right. Once you answer six correctly, the USCIS officer will stop asking the questions.

USCIS has the complete list of the [100 questions](#) on their website. There you can also find vocabulary lists, flash cards, and [other study materials](#).

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[Citizenship Immigration](#)

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