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Acquisition of U.S. Citizenship by Naturalization

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Naturalization is another pathway to obtaining U.S. nationality. “Naturalization” under the Immigration and Nationality Act (“INA”) is defined as means the conferring of nationality of a state upon a person after birth, by any means whatsoever. *INA §101(a)(23)*. As a prerequisite, all applicants must already be lawful permanent residents (i.e. green card holders). That is, it is not possible to go from a nonimmigrant visa category straight to applying for naturalization.

Under the INA, there are different sections of law that state the criteria for naturalization. There are the general provisions that can apply to all lawful permanent residents and other sections that ease the path to naturalize based on specific cases. Under the general provisions (i.e. *INA §316*), lawful permanent residents must satisfy the following conditions:

1. Is at least 18 years of age;
2. Are a lawful permanent resident at the time of filing;
3. Have lived within the state or USCIS district where residence is claimed for a least 3 months;
4. Have been physically present within the United States for the applicable period of time;
5. Have been continuously present for the applicable period of time;
6. Can demonstrate good moral character;
7. Can demonstrate an attachment to the principles and ideals of the U.S. Constitution;
8. Can demonstrate a basic knowledge of U.S. history and government and ability to read, write, speak, and understand basic English; and
9. Take the Oath of Allegiance

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As mentioned above, these are the general provisions. Nevertheless, there are a number of exceptions. For example, under the general provisions, a lawful permanent resident must demonstrate five years of continuous residence. On the other hand, the period of time is reduced to three years in the case of a lawful permanent resident married to a U.S. citizen. In order to benefit from this exception, the lawful permanent resident must be married to a U.S. citizen for a period of three years in a “marital union,” and the spouse has been a U.S. citizen during this entire three-year period. Importantly, it should be noted that to benefit from this three-year requirement, it is not necessary that the lawful permanent resident obtain his or her green card through marriage to their U.S. citizen spouse.

In addition, there are specific sections of the INA that apply to spouses of U.S. government officials and U.S. military personnel stationed abroad. The purpose of these provisions is to facilitate the naturalization of these spouses. For example, lawful permanent residents of U.S. military personnel are able to complete their naturalization application outside the United States if certain conditions are fulfilled.

What these examples show is that there are the general provisions that all lawful permanent residents can fulfill to be eligible for U.S. naturalization. Nevertheless, depending on the individual’s situation, there could be other provisions of the INA that could also apply to the lawful permanent resident that facilitate their being eligible for U.S. naturalization.

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For more information concerning the U.S. citizenship for children of a U.S. parent, please do not hesitate to contact the Law Firm of Shawn Quinn – Attorney at Law.