

Webinar

Question and Answer Follow-Up on Naturalization of VAWA, SIJS, U and T Visa Recipient Survivors:

September 27, 2022

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The following slides are intended to be a guide to lead our discussion on this topic and to provide substantive material for your future reference.



Link to Slides and Supplementary Materials

- Slides & Materials:
<https://niwaplibrary.wcl.american.edu/webinar-naturalization-tta-uscis-9-23-2022>
- NIWAP Podcast Series Directory:
<https://open.spotify.com/show/5SbCodnS6Br28mHtnTdlOk?si=03eea03451964cd2&nd=1>
- NIWAP Podcast Series Directory:
<https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims>
- All State Public Benefits Charts and Interactive Public Benefits Map (2022): <https://map.niwap.org/>
- To request training in your community, email us at:
info@niwap.org

Naturalization of VAWA, SIJS, U and T Visa Recipient Survivors: TTA from USCIS and NIWAP (September 23, 2022)

This webinar will provide participants with an overview of the naturalization process of VAWA, SIJS, U and T visa recipients. U.S. Citizenship and Immigration Services (USCIS) will discuss their work to remove barriers to citizenship and promote naturalization under Executive Order 14012 and the Interagency Strategy for Promoting Naturalization, as well as review the naturalization application process and address the particular circumstances, needs, and concerns of lawful permanent residents who were VAWA self-petitioners, T and U visa holders, and Special Immigrant Juveniles. Information regarding the training and technical assistance NIWAP can provide on immigrant survivors' naturalization and other (Training and Technical Assistance) TTA immigration matters will also be shared during the webinar.

PowerPoint Presentation

USCIS Materials

- USCIS Citizenship Public Education and Awareness Campaign
- USCIS -Find Help in Your Community
- USCIS – determining eligibility questionnaire
 - In Spanish
- USCIS Citizenship Resource Center
- USCIS Naturalization for VAWA Lawful Permanent Residents (September 21, 2022)
- USCIS Naturalization for Lawful Permanent Residents Who Had T or U Nonimmigrant Status (September 21, 2022)
- USCIS Naturalization for Special Immigrant Juveniles (SIJS) (September 21, 2022)
- USCIS Naturalization For Lawful Permanent Residents Who Had Asylee or Refugee Status (September 21, 2022)

Tools and Training Materials

- ILRC Naturalization Form N-400: ILRC Annotated Form & Translations
- ILRC A step-by-step guide to completing the new naturalization application
- The Citizenshipworks Network
- Ciudadania Centers
- Catholic Charities

NIWAP

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For technical assistance on the legal rights of immigrant crime victims, please contact us at (202)274-4457 or at info@niwap.org

Other resources:

Directory of programs with experience serving immigrant victims

State-by-state map of available public benefits

Find upcoming webinars and trainings in your area

View past webinar recordings, PSAs, and a set of roll call training videos for law enforcement at

How NIWAP Can Support You

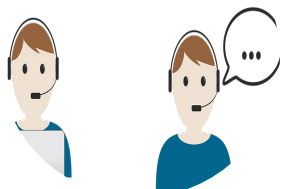


Training and Virtual Training: Develop curricula for in-person and web-based learning designed to meet your specific needs



Resource Hub: Wide range of accessible tools and publications designed to strengthen your response and best practices for serving noncitizen victims using a trauma-informed approach

SUPPORT



Technical Assistance: Consultations with subject matter experts to answer case-specific inquiries, discuss safety planning, develop strategies and policies, and provide case law, legal and evidence based research in support of your work with immigrant survivors

Types of Technical Assistance

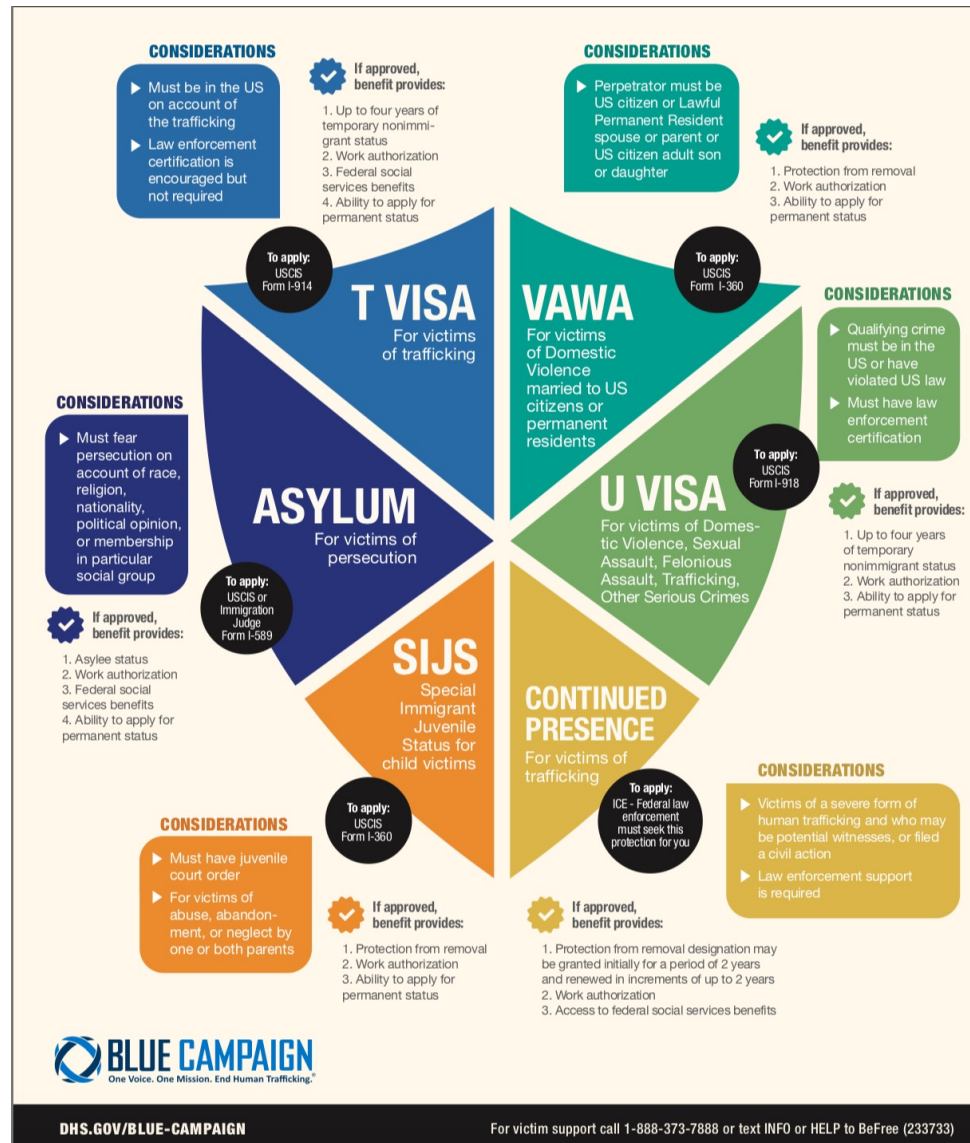
- Case consultations
- Training materials, practice tools, legal research, motions, briefs
- In-person trainings and webinars
- 24/7 web library and training videos
- Help developing policies/protocols
- Strategies for removing systemic barriers
- Communities of Practice and Roundtables
- Immigration support for
 - VAWA self-petitions, U and T visa, SIJS, Battered spouse waivers, and Naturalization for Survivors

Join Our Virtual Roundtables and Community of Practices

- For advocates, family law attorneys, law enforcement, prosecutors and system-based advocates
- Learn and share through interactive discussions
 - Strategies to develop best practices, build community, strengthen skills and discuss emerging issues
 - Ask questions from subject-matter experts and peers

NIWAP's Technical Assistance Support for Non-Citizen Survivors Applying for Naturalization

Primary Immigration Protections for Victims



Benefits of US Citizenship

- **The Right to Vote:** Citizens can cast a ballot and fully participate in the electoral process.
- **Protection from Loss of Legal Status:** Citizens may not be removed, or deported, from the United States. They are also able to re-enter the U.S. without being required to establish admissibility each time.
- **Freedom of Travel:** Citizens can leave and re-enter the United States easily, regardless of how long they are gone. They never lose their right to live here legally.
- **Passport:** They can obtain a US passport for identification abroad.
- **The Right to Hold Office:** They can run in elections and win public office.

Additional Benefits of U.S. Citizenship

- **Government Employment:** Citizens may obtain one of the many government-related jobs restricted only to US citizens.
- **Public Benefits:** Citizens access public benefits without 5-year bar or 40 quarters of work credit requirements. They can also receive Social Security benefits wherever they live worldwide.
- **Tax Deductions:** They can receive substantial deductions on U.S. estate taxes.
- **No Longer Need to Report:** US citizens don't have to report any information—address changes or anything else—to the U.S. Citizenship and Immigration Services (USCIS).

Benefits of U.S. Citizenship

Sponsoring/Protecting Family Members

- **Bringing family members to the United States:** US citizens can help family members become Permanent Residents.
- **Obtaining citizenship for children:** In most cases, a child born abroad to a U.S. citizen is automatically a U.S. citizen.
- **US citizens can file a petition for their:**
 - Spouse
 - Parent
 - Child of any age, married or unmarried
 - Brother
 - Sister

Naturalization

Naturalization Requirements:

- Be at least 18 years of age at the time you file the application;
- Have been a lawful permanent resident for the past three or five years
- Have continuous residence and physical presence in the United States;
- Be able to read, write, and speak basic English;
- Demonstrate good moral character;
- Demonstrate a knowledge and understanding of U.S. history and government;
- Demonstrate a loyalty to the principles of the U.S. Constitution; and be willing to take the Oath of Allegiance.

Citizenship Matters

- Citizens cannot be deported from the United States
- Any noncitizen is potentially subject to removal from the United States

Citizenship Matters

- Citizens have rights to full participation in political arenas
- Citizens have advantages in family-sponsored immigration system

U.S. Citizens and Nationals by Birth in U.S. Territories

- “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”
 - U.S. Constitution, Amendment 14, Section 1
- 14A covers birth in the 50 states, District of Columbia, Puerto Rico, sometimes Northern Mariana Islands and Guam
- A person born in American Samoa, Swains Island is a “national” at birth

U.S. Citizenship through Citizenship of Parents

- By statute, many persons born abroad are citizens at birth based on having a U.S. citizen parent
- Some residence requirements related to the parent may apply
 - Concern is to avoid passing on U.S. citizenship for generations with no ties to United States
- Statute in effect at time of birth governs

U.S. Citizenship through Citizenship of Parents

- By statute, children may derive citizenship from a parent's naturalization
- Parent's naturalization must occur while child is under age 18
- Child must be a lawful permanent resident
- Citizen parent must have legal and physical custody

U.S. Citizenship through Naturalization

- Only lawful permanent residents (green card holders) can apply to become a U.S. citizen by naturalization
- Must have held lawful permanent resident status for a specified amount of time (usually 5 years, 3 years for spouses of U.S. citizens)
- Must not be deportable

U.S. Citizenship through Naturalization

- Must show “good moral character.”
- Must demonstrate ability to speak English and, with some medical exceptions, knowledge of U.S. history and government
- Must take a loyalty oath.
- **Must be 18 years of age to naturalize**

Exceptions to English Language Only

- Age 50 or older at the time of filing and have lived as an LPR (Green Card holder) in the United States for 20 years (commonly referred to as the “50/20” exception). OR
- Age 55 or older at the time of filing and have lived as an LPR in the United States for 15 years (commonly referred to as the “55/15” exception).

Civics Test Exceptions

- Even if applicants qualify for the 50/20 or 55/15 exception, applicants are still required to take the civics test in their own language.
- Applicants must bring an interpreter to interview.
- If applicant is 65 or older and have been an LPR for at least 20 years at the time of filing, applicant will be given special consideration regarding the civics requirement.

Medical Disability Exceptions to English and Civics


- Applicants may be eligible for an exception to the English and civics requirements if they are unable to comply with these requirements because of a physical or developmental disability or a mental impairment.
- To request this exception, applicant must submit Form N-648, Medical Certification for Disability Exceptions, completed by a licensed medical or osteopathic doctor, or licensed clinical psychologist.

Establishing U.S. citizenship

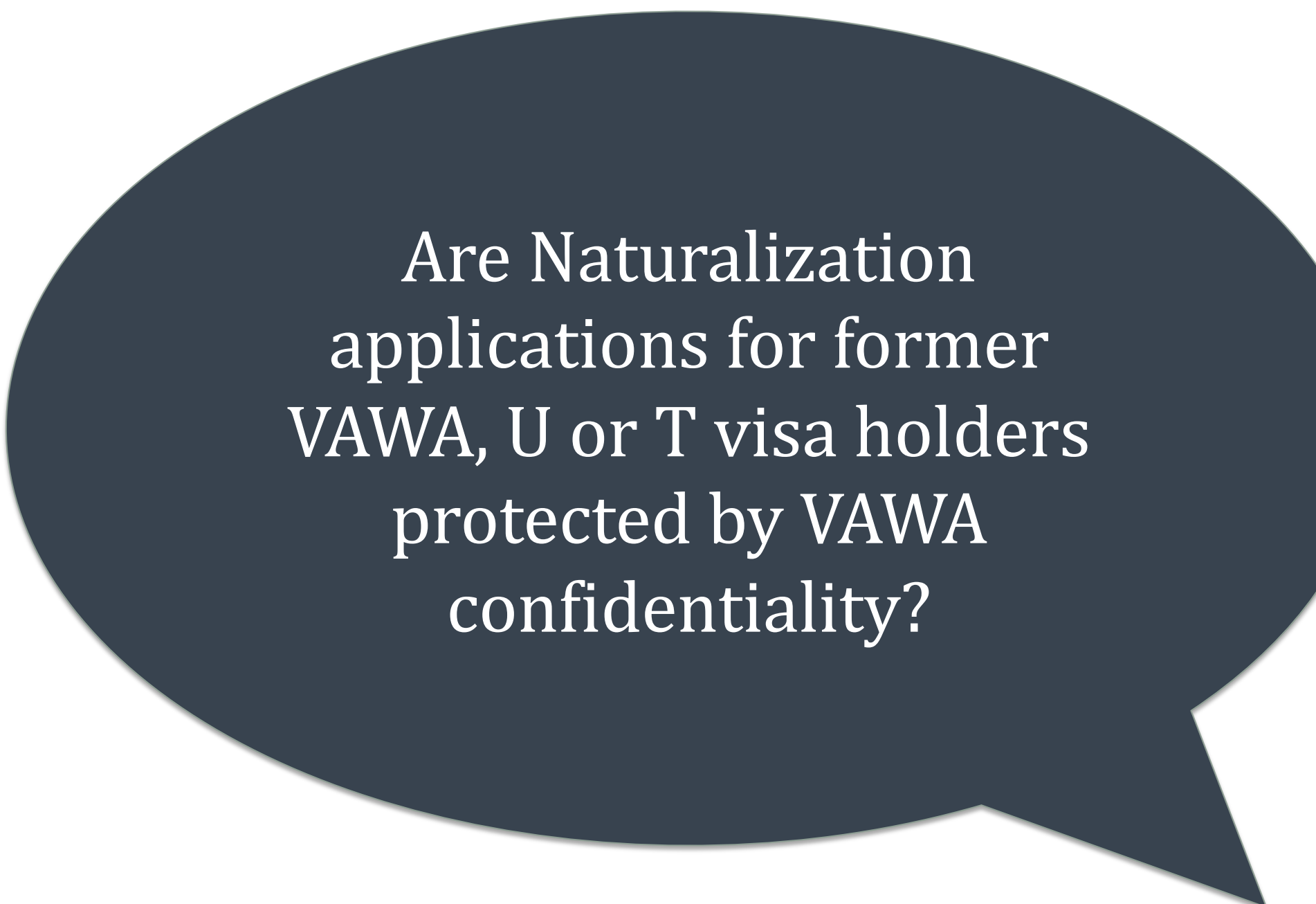
- Does the child have a birth certificate evidencing birth in the United States?
- Does the child have a U.S. passport or certificate of citizenship?
- Does the child have evidence of other immigration status?
- **If you do not have proof that a child is a U.S. citizen, immigration assistance or consultation is needed**

When are LPR's who gain immigration status through an approved VAWA Self-Petition eligible to naturalize?
How does marriage or divorce impact their ability to apply for naturalization?

When are LPR's who gain immigration status through an approved U visa eligible to naturalize? What about T visa? How does marriage or divorce impact their ability to apply for naturalization?



When are LPR's who gain
immigration status through
an approved SIJS eligible to
naturalize?



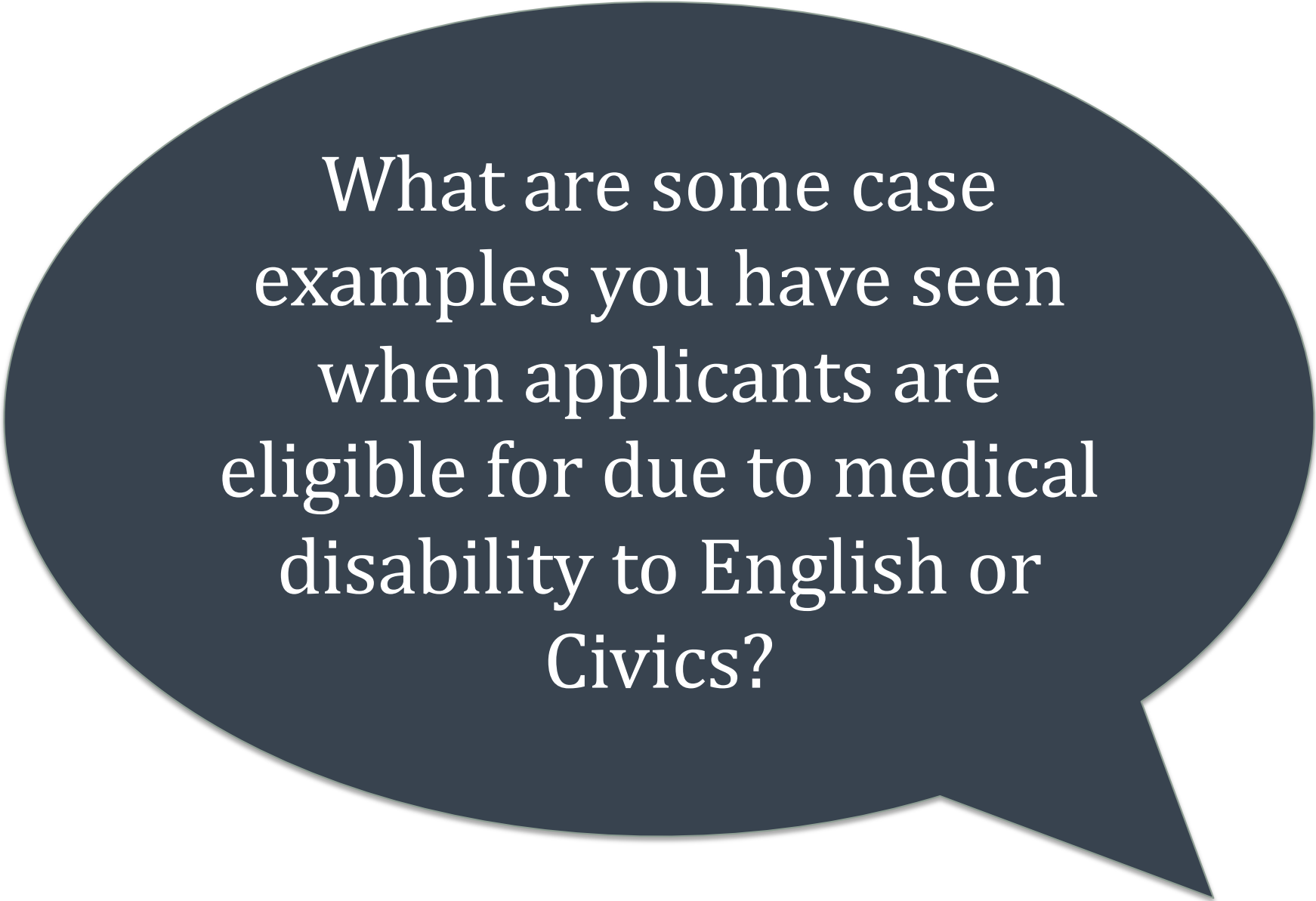
Are Naturalization
applications for former
VAWA, U or T visa holders
protected by VAWA
confidentiality?

English Language Exemptions


- Applicants are exempt from the English language requirement, but are still required to take the civics test if you are:
 - Age 50 or older at the time of filing and have lived as a permanent resident (Green Card holder) in the U.S. for 20 years (commonly referred to as the “50/20” exception).
 - Age 55 or older at the time of filing and have lived as a permanent resident in the U.S. for 15 years (commonly referred to as the “55/15” exception).

Medical Disability Exceptions to English and Civics

- Applicants may be eligible for an exception to the English and civics naturalization requirements if you are unable to comply with these requirements because of a physical or developmental disability or a mental impairment.



What are some case examples you have seen when applicants are eligible for due to medical disability to English or Civics?



What are some of the
most common red flags
for applying for
Naturalization?

Red Flags to Consult With An Immigration Expert

- <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Final-Red-Flags-Naturalization.pdf>

Red Flags for Naturalization


A U.S. citizen will have new rights and responsibilities. Not everyone will be eligible for naturalization. It is important to carefully screen applicants and get all the facts, assess any potential issues and consider your clients options before they apply.

As you prepare to screen applicants for naturalization, please check all boxes that may apply to your client. This checklist has a series of questions to ask applicants that could (but not always) indicate an eligibility or deportability issue.

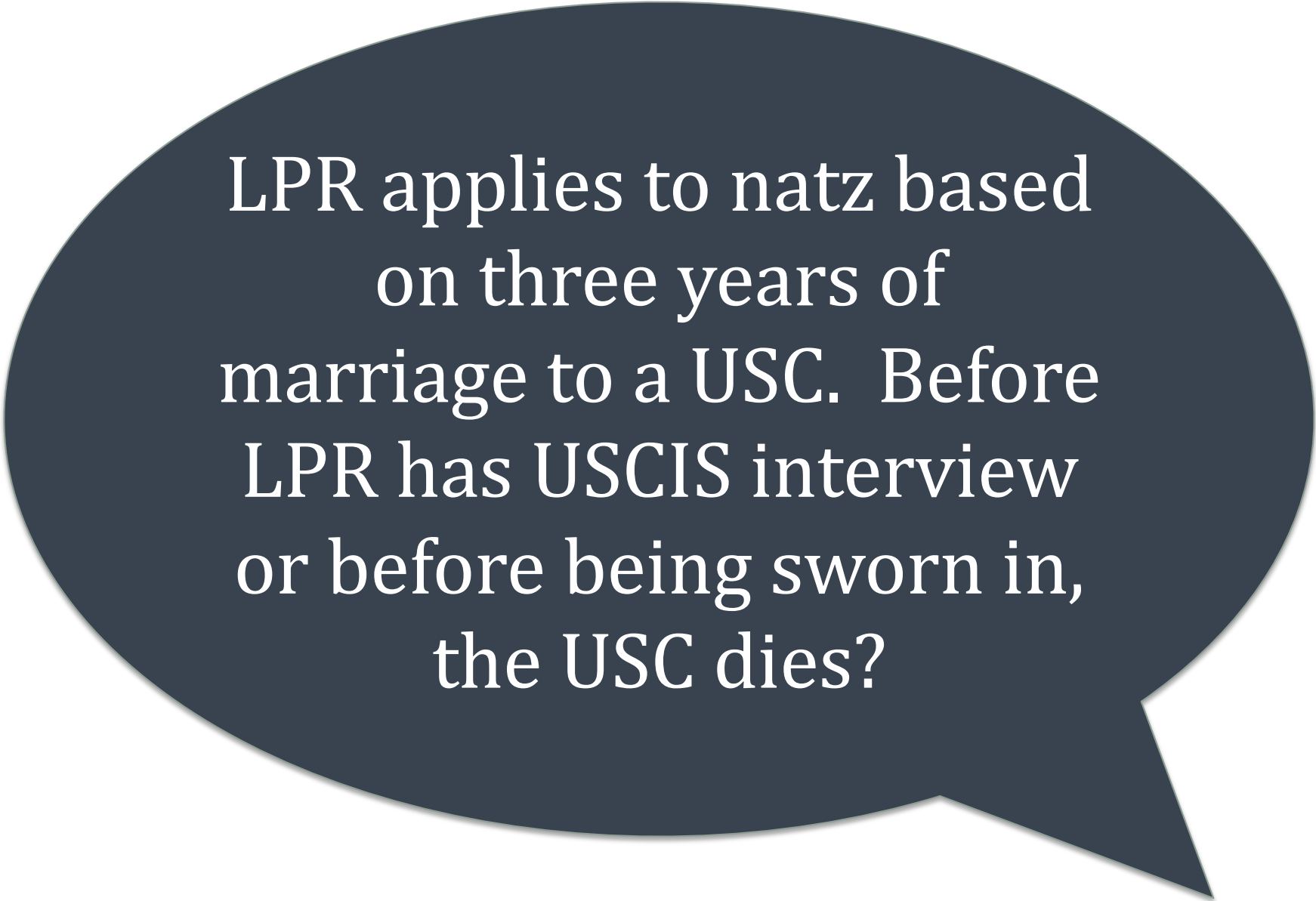
It is important for your client to be completely honest on the application for Naturalization. If one of these boxes is checked, it does not mean that your client will not be able to become a citizen.

- ☐ I made a trip outside of the United States and stayed for more than six (6) months
- ☐ I moved to another country after I got my green card
- ☐ I have been to Immigration Court since receiving my green card
- ☐ I have been arrested or convicted of a crime or I have committed a crime
- ☐ I am on probation or parole for a criminal conviction
- ☐ I have not filed federal income taxes, or I owe taxes
- ☐ I have not supported my children, or I owe child support

Question and Answer



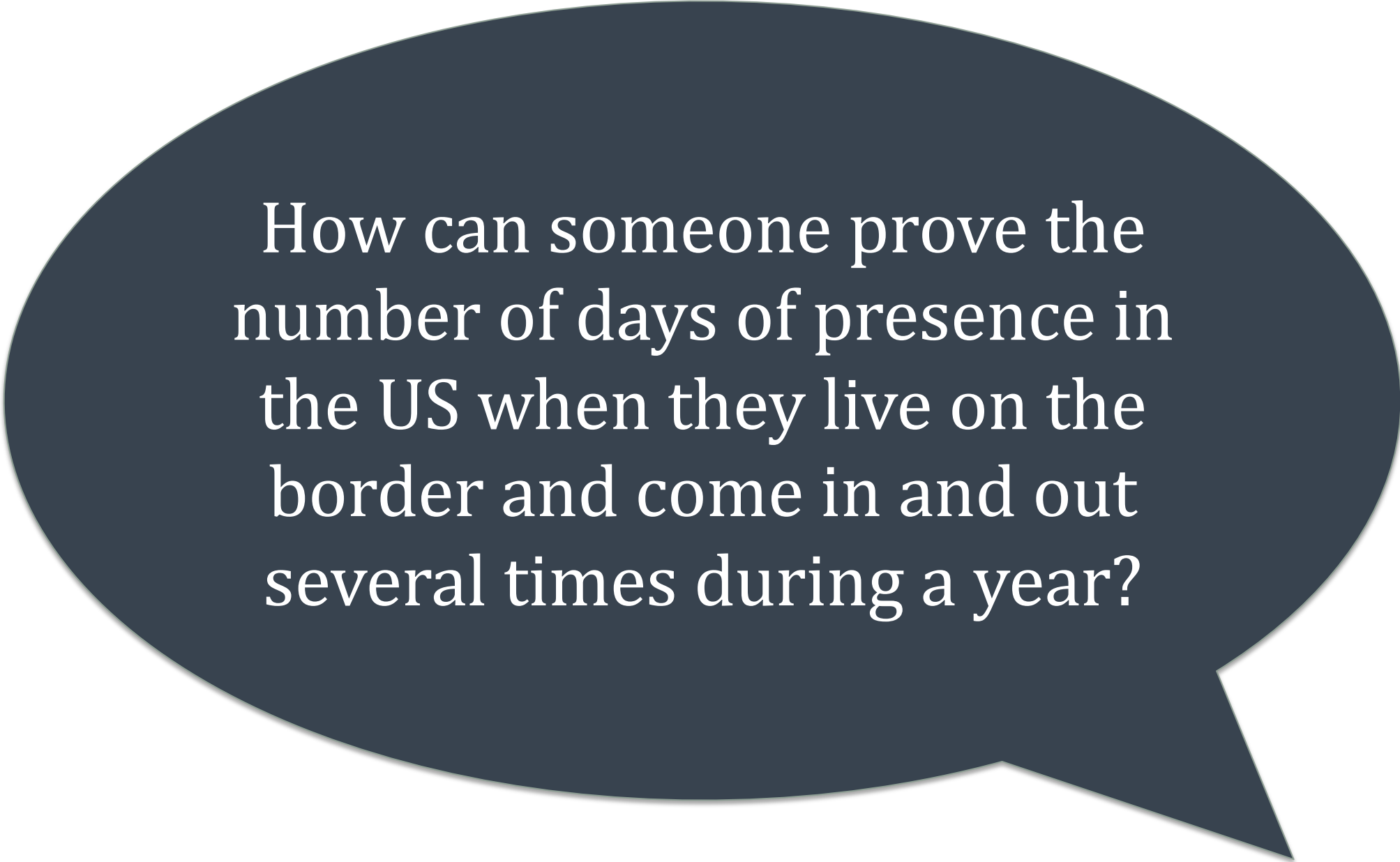
What are some best practices for keeping track of and contacting clients that are eligible to apply for naturalization?



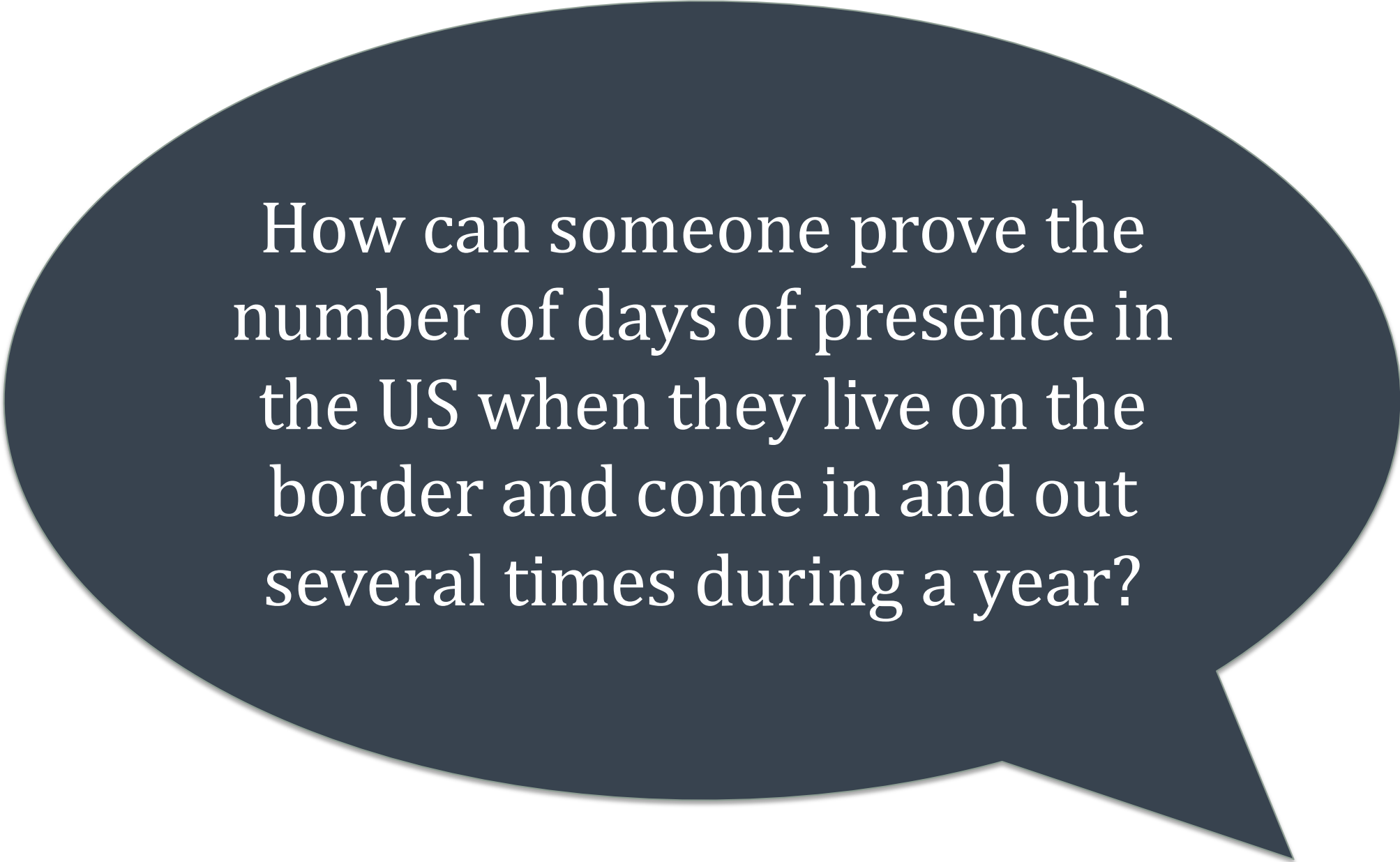
LPR applies to natz based
on three years of
marriage to a USC. Before
LPR has USCIS interview
or before being sworn in,
the USC dies?

SIJs are not subject to inadmissibility ground of false claim to citizenship. What will happen at Naturalization? Can they later apply for LPR status for a parent once they are U.S. Citizens?

When an applicant disclosed during the AOS phase the smuggling of a spouse and or children to the US, but was not required a smuggling waiver, would it be required during Natz application?



How can someone prove the number of days of presence in the US when they live on the border and come in and out several times during a year?



How can someone prove the number of days of presence in the US when they live on the border and come in and out several times during a year?

Technical Assistance

- NIWAP
 - Call: 202.274.4457
 - Email: niwap@wcl.american.edu

