

IMMIGRATION TIDBITS



Who are Ineligible for Naturalization

By Atty. Crispin Caday Lozano

There are many cases in which an alien applies for naturalization and later on denied. We will discuss who are ineligible for naturalization in this issue.

Question: How many years is the required permanent residency for aliens applying for naturalization?

Answer: The basic rule is that the alien must be a Lawful Permanent Resident (LPR) for five years. If married and residing with a U.S. citizen spouse, the required residency is three years.

Question: What is the period of time that the good moral character (GMC) of an applicant should be proven?

Answer: The applicant must be of good moral character for the period of time required for residency as discussed above. In general, the alien must be an LPR for five years and if married and living with a U.S. citizen spouse, the alien must be an LPR for three years. This period of time is also called statutory period of required residency.

Question: Who are ineligible for naturalization during the statutory period?

Answer: The following are ineligible for naturalization during the statutory period:

1. A habitual drunkard;
2. A prostitute, a producer of prostitutes, or a person who

the proceeds of prostitution;

3. An alien who encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter the U.S. in violation of law;
4. Certain aliens who were previously deported;
5. Aliens convicted or who admit committing crimes involving moral turpitude or controlled substance offenses, except one offense of simple possession of 30 grams or less of marijuana, or an offense that falls within the petty offense exception; One whose income is derived principally from illegal gambling activities;
7. One who has been convicted of two or more gambling offenses during the statutory period;
8. One who has given false testimony for the purpose of obtaining benefits under the Immigration and Nationality Act (INA);
9. One who during the statutory period has been confined, as a result of conviction, to a penal institution for an aggregate period of 180 days or more; regardless when the offense was committed;
10. One who has practiced or is practicing polygamy;
11. Unless the alien establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:
 - a. Willfully failed to support dependents;
 - b. Had an extramarital affair, which tended to destroy an existing marriage;

- c. Committed unlawful acts that adversely reflect upon the applicant's moral character, or was confined or imprisoned for such acts

12. An alien who 10 years prior to filing was engaged in specified activities or was a member of a group such as communists, terrorists, etc.

Question: What should an alien do if he or she plans to apply for naturalization?

Answer: It is advisable to consult with an experienced immigration attorney about his or her case before applying for naturalization.

Note: This is not a legal advice and you may need to talk to an experienced immigration attorney about your case. Our office offers free initial consultation on all immigration matters.

Crispin Caday Lozano is an active member of the State Bar of California and he specializes in immigration law. His offices are located in Los Angeles, San Jose and Hayward, California. You can contact him at telephone number (510) 375-3040 or (510) 538-7188.

(For updated Visa Priority Dates visit our website www.alphacargo.com)

VISA PRIORITY DATES BEING PROCESSED AS OF FEBRUARY 2007

	ALIEN RELATIVE PETITION'S PRIORITY DATES
Unmarried Sons & Daughters of US Citizen	1ST JAN 01, 1992
Spouse & minor children of Green Card Holders	2A MAR 22, 2002
Unmarried Sons & Daughter s over 21 yrs of Green Card Holders	2B OCT 01, 1996
Married Sons & Daughters of US Citizen	3RD FEB 08, 1991
Brothera & Sisters of US Citizen	4TH AUG 01, 1984