

Immigration Terms and Definitions

Legal Permanent Resident: Permanent resident status, evidence of which is the so-called “green card,” confers on foreign nationals the right to live and work in the United States. Permanent residents may apply for citizenship after five years, or three years for spouses of U.S. citizens, but are permitted to remain as resident aliens indefinitely. Although generally permanent resident status does not expire by mere passage of time, the exception is “conditional permanent residence,” discussed below. Permanent residents, as non-US citizens, may be found deportable from the United States. Aliens obtain permanent residency in several ways, most commonly by having a relative, who is a citizen or resident of the U.S., file a petition for them with United States Citizenship and Immigration Services (USCIS).

Conditional Permanent Resident: When an alien attains permanent resident status by marriage to a US citizen, either as the spouse or step-child of the US citizen, before the second anniversary of the marriage, then the resident status is “conditional,” and is only valid for two years. The condition on the residence is that the US citizen and the alien spouse jointly file a petition with USCIS during the 90 days before the residence is to expire, and, if instructed to do so, present themselves for an interview with an USCIS examiner. The alien’s failure to file the joint petition or to request a waiver of the joint petition requirement, or to appear for an interview, will result in the termination of the alien’s permanent resident status and referral for deportation proceedings.

Undocumented: An alien who does not possess the documents or legal status required by law to work or reside in a foreign country.

Naturalized Citizen: One who, being an alien by birth, has received citizenship under naturalization laws.

Temporary Protected Status (TPS): The Department of Homeland Security (DHS), upon finding that conditions in a foreign country are dangerous, for example because of war or natural disaster, may permit nationals of that country, who are already present in the United States, to stay temporarily and work in the United States. Grants of TPS are initially made for periods of six to 18 months and may be extended if the dangerous conditions continue. Examples include nationals of El Salvador who were granted TPS due to the earthquakes and nationals of Liberia due to war.

Refugee: An alien outside his or her country of nationality and outside the United States who is unable or unwilling to return to his country because he has suffered past persecution or has a well-founded fear of future persecution. The persecution that the alien has suffered or fears must be on account of the alien’s race, religion, nationality, membership in a particular social group, or political opinion. Refugees are eligible to apply for adjustment to lawful permanent resident status after living in the United States for one year.

Asylee: An alien in the United States or at a port of entry to whom DHS or an immigration judge has granted asylum, upon a finding that the alien has suffered past persecution or has a well-founded fear of future persecution. The persecution that the alien has suffered or fears must be on account of the alien’s race, religion, nationality, membership in a particular social group, or political opinion. Asylees are eligible to apply for adjustment to lawful permanent resident status after living in the United States for one year following the grant of asylum.

Employment Authorization: The temporary permission to work that USCIS grants to non-permanent residents. USCIS will grant and extend the validity of the employment authorization while an alien’s application for permanent residence is pending. In limited circumstances, USCIS will issue employment permission to an applicant for asylum while DHS is reviewing the asylum application. USCIS will also grant work authorization to nationals of a country designated for TPS.

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Government immigration website for forms and appointments: www.uscis.gov

Basic Information on Naturalization

What is Naturalization?

Naturalization is the process by which immigrants become citizens of the United States. To become a U.S. citizen, certain requirements must be met.

General Eligibility & Requirements

Age: An individual must be at least 18 years old.

Residency: An individual must have held Lawful Permanent Resident (LPR) status for five years. LPR means having a “green card.”

Good Moral Character: An individual must show no serious police record.

Language: An individual must be able to read, write, and speak English (see Special Cases, Exceptions & Waivers).

Civics: An individual must demonstrate knowledge of U.S. history and government.

Barriers to Naturalization:

An individual may be ineligible if they have had difficulties with the police or USCIS (formerly known as INS). If an individual has legal troubles, please tell them to see an immigration specialist before they begin the naturalization process.

Special Cases, Exceptions & Waivers

If a person is...

- *Married to a U.S. Citizen*, they may be eligible to file for naturalization after three years as an LPR.
- *50 years old and have held LPR status for 20 years, or 55 years old and have held LPR status for 15 years*, you may take your citizenship exam, consisting of 105 questions, in your native language.
- *65 years old and have held LPR status for 20 years*, a person may take the citizenship exam, consisting of 25 questions, in your native language.
- *An individual with a learning disability*, they may be exempt from certain parts of the citizenship exam.
- *A Veteran of the U.S. Armed Forces*, they may be eligible to apply for naturalization based on current or prior military service.

Application Procedure

Naturalization Application Procedure

1. Submit form N-400 to USCIS with fee of \$400 (price subject to change).
2. Fingerprint appointment will be scheduled by USCIS.
3. Citizenship exam appointment will be scheduled by USCIS. A person has to demonstrate their ability to read, write and speak English, and to answer question on U.S. history and government (see Special Cases, Exception & Waivers).
4. Upon passing the citizenship exam, an individual will be scheduled to a swearing in ceremony to become a U.S. citizen.

If an individual do not pass the citizenship exam, you can take it again.

What are the benefits of U.S. Citizenship?

- Ability to vote in local, state and national elections.
- Ability to obtain a U.S. passport.
- Ability to access public benefits, including Social Security, Medicaid and Medicare without taking into account years of continuous residency, eligible quarters of work and sponsor-deeming.
- A citizen cannot be deported.
- There are no waiting lists for petitioning for immediate family members and a citizen can petition for their parents and siblings if the citizen is 21 or older.

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