

©n! Good moral character

IN A NUTSHELL

You must demonstrate good moral character for the full 3- or 5-year residence period; Immigration may also consider earlier conduct.

Showing good moral character can be complicated. Some factors disqualify you automatically. Others fall into a gray area and might lead to a negative determination. Finally, how you got your green card and your answers at the interview can lead to a denial for bad moral character.

Avoid problems later by being honest and open now with yourself and your attorney.

POTENTIAL PROBLEMS

If you have committed or pled guilty to DUI or any criminal offense you need professional advice before applying for naturalization. This simplified summary cannot substitute for the advice of a competent attorney in sorting out whether you are eligible to naturalize and whether applying may put you at a higher risk of being removed.

Automatic bars

- conviction of an aggravated felony after November 1991
- committing any drug offense (except for a single incident of possession of less than 30g of marijuana) or giving Immigration reason to believe you were involved in drug selling
- having spent a total of 180 days in jail
- committing a crime involving moral turpitude (a broad category that includes theft offenses like shoplifting)
- having been convicted of 2 crimes for which a suspended or actual sentence of 5 years or more was imposed
- involvement in prostitution
- involvement in smuggling someone into the US
- giving false testimony under oath

Common problems and gray areas

Other crimes and problems will often be considered against you, especially repeat offenses or a negative trend that carries over into the 3- or 5-year good moral character period. Consult a local attorney to understand local USCIS practices if you have had any of these problems:

- a drinking problem, especially if you have more than one alcohol-related arrest (DUI, disorderly conduct, etc.), unless there is clear evidence of rehabilitation
- willing failure to register for the draft
- failure to pay child support or alimony
- failure to file tax returns or pay taxes timely

Many officers will give you the benefit of the doubt if you took action to correct tax, child support or alimony problems. Gather the evidence to show the efforts you made. Expect close scrutiny if you separated or divorced shortly after getting your green card through marriage or if you got your green card based on the 1987-88 amnesty programs.

Problems at the interview

Be careful at your interview to not lie or repeat or reinforce errors in your application. Some USCIS examiners treat errors or misunderstandings (like forgetting or downplaying a past arrest or tax problem) as false testimony and deny the application, even if the errors or misunderstandings themselves could not be a basis for denying your application.