

## **“Risks of Applying for US Citizenship” by Adam Edward Rothwell, Esq.**

Taking the oath for US Naturalization is the final step in the immigration process. And for the vast majority of foreign citizens, it takes years of time spent in the US before a Naturalization Application is even a possibility.

As a proud American, I consider US Citizenship to be a blessing on multiple levels, and the US Naturalization Ceremony often makes people taking the Oath of Citizenship teary-eyed. SO I usually am a strong supporter in applying for US Naturalization when a successful application is possible. But there are certain situations where applying for US Citizenship can be very risky.

It is no surprise criminal issues in a foreign citizen’s background may result in substantial risk during a US Naturalization application. However, my experience has been foreign citizens with green cards but removable criminal issues generally avoid applying for US Citizenship. Usually the more common situation is a foreign citizen has multiple relatively minor convictions during the five years preceding a US Naturalization Application. This may result in a denial of US Citizenship under the good moral character requirement, but it should not impact anything beyond the Naturalization application.

As an aside over the years I have assisted a handful of clients arrested at the same time that they had pending Naturalization Applications. And I once assisted a foreign citizen who was arrested the day before a scheduled Naturalization Oath Ceremony.

More than arrests though, the biggest risks of applying for Naturalization often involve prior interactions with the immigration service or consulates. Applying for US Naturalization enables the Immigration Service to examine all relevant prior immigration applications and petitions before approving the Naturalization Application. And if a foreign citizen applying for US Naturalization previously received a US Immigration benefit either improperly or fraudulently, Naturalization is not an option. Afterwards, a real risk exists the foreign citizen may have his/her US green card jeopardized.

For example, I have seen many cases where foreign citizens previously divorced have later married and then received green cards through US Citizens. And then after a number of years these same foreign citizens have applied for US Naturalization. Yet, when these foreign citizens have applied for US Naturalization, the Immigration Service determined their previous divorce (for the marriage before marriage to the US Citizen) was never finalized.

In these situations, the first marriage never legally ended. As a result there exists no valid marriage to the US Citizen, which means the green card should never have been issued to the foreign citizen. These situations are fairly common, especially where the previous marriage and divorce to the non-US Citizen occurred overseas. And when this type of situation occurs, not only is the foreign citizen denied US Naturalization, its possible the Immigration Service will also try to void the foreign citizen’s green card.

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