

# Spotlight: Immigration

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## Inside Issue 3

- We discuss English Language requirements for Citizenship and recommendations for DACA holders and Haitians with TPS.

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## English Requirements for Citizenship

If you are currently a Lawful Permanent Resident, there are many benefits to becoming a naturalized citizen of the United States. You are able to obtain a US Passport and vote. You are also eligible for certain benefits that are only available to Citizens. In this newsletter, we will discuss who is required to know English to become a citizen, and who is exempt from that requirement.



In order to become a United States Citizen, you must be a lawful permanent resident (green card holder) for 5 years, and be a person of good moral character. If you received your green card based on marriage to a US Citizen, then you can apply in 3 years if you are still living in marital union. Most applicants must be able to read, write and speak English, and answer questions about United States history and civics. Your English comprehension skills are tested in the interview, where the officer will go over your application in English, asking questions such as your address, your phone number, your marital status, and if you have ever committed any crimes, to name a few.

The officer then will give you 10 questions related to United States history and civics, chosen from a list of 100 questions. You must answer 6 correctly to pass. Then, you will be given a three chances to write a sentence in English, and then to read a sentence in English. You are given two chances to pass the English comprehension, reading, writing, and questions.

There are certain people who do not have to meet these requirements. If you are over 50 years of age and have had a green card for more than 20 years, you are exempt from the English writing, reading and speaking comprehension. You must

still answer the 6 questions correctly from the 100 questions, but you can do it in your own language. You must provide your own interpreter. If you are over 55 years of age and have had a green card for more than 15 years, you are also able to answer the questions in your own language.

If you are over 65 years of age and have been a resident of the United States for more than 20 years, then you are able to do the civics portion in your own language. However, you are only tested on 10 questions from a list of 20 questions, and the questions are simpler. The 100 civics and history questions can be found on USCIS's website under their citizenship resources.

Some people are eligible to waive all of the requirements for the Citizenship exam. In order to do this, you must have a physical or developmental disability or a mental impairment that prevents you from learning English and learning the history and civics questions, even in your own language. This impairment must have lasted or be expected to last for more than 12 months, and cannot be the result of alcohol or drug use.

### EXCEPTIONS TO ENGLISH TEST

50/20—50 years old 20 years residency

55/15—55 years old, 15 years residency

65/20—65 years old, 20 year residency

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*The information presented in this newsletter should not be considered legal advice. Please remember that immigration laws and regulations can change at any time. If you have a question about immigration law, you should speak with an immigration attorney. To schedule an intake appointment at Catholic Charities, please call (414) 643 8570 x. 4418.*

## By the Way...

Though there has been a change in the Presidential administration, we are still encouraging clients to renew their DACAs (Deferred Action for Childhood Arrivals), and continue to apply for the first time, if they are eligible. It is important to remember that:

- Applicants should meet with a lawyer before renewing DACA if they have any criminal record (apart from minor traffic violations that don't involve drinking or drugs).
- We are not currently recommending that clients travel with DACA, even if granted advanced parole. We do not know what problems applicants may face upon return to the United States.
- You should renew your DACA 5-6 months before the date of expiration.

# DACA

## Citizenship Test Exceptions.....(continued)

The medical exception form can be completed by any medical doctor, doctor of osteopathy or clinical psychologist who is licensed to practice in the United States. This form should be completed by your regularly treating physician, but it can also be completed by a specialist who is familiar with your medical history. For example, if you are requesting a medical exception for a brain injury, you could request the N-648 be completed by the neurologist who treated you for that injury.

If an applicant's N-648 form is not accepted at their citizenship interview, he or she will be tested on civics, history, reading and writing. However, they will receive 2 chances to pass the citizenship exam if they are not successful the first time.

USCIS is becoming increasingly strict with N-648 forms. Applicants should carefully check over the form with their doctor to ensure that everything is filled out correctly and that every questions on the form is answered.



Finally, the fees should not be a bar to becoming a United States Citizen. If your household income is at or below 150% of the federal poverty line, if your family receives public benefits, or if you are suffering from a financial hardship, you can receive a fee waiver to cover immigration's cost for the application, which is \$725.00.

If you have any contact with law enforcement or immigration in your past, it is especially important to speak with an immigration attorney before applying for citizenship, as submitting your application can have unintended consequences.

### Haiti TPS

TPS (Temporary Protected Status) applications for re-registration have been recently opened for Haiti.

- TPS extended through January 22, 2018. Re-registration deadline is July 24, 2017.
- Employment authorization documents are automatically extended through January 18, 2018.

It is unclear if the Department of Homeland Security will extend TPS to Haitians after this extension. Therefore, beneficiaries of TPS from Haiti should speak with a lawyer to discuss their immigration options.

DHS also encourages Haitians to obtain necessary documents, such as passports, and to prepare for their return to Haiti in the event that TPS is not re-extended.