You can now subscribe to email notifications of changes to dockets of interest. See the FAQs (https://www.regulations.gov/faq? anchor=subscriptions) and recent blog (https://www.gsa.gov/blog/2022/01/19/new-improvements-to-regulationsgov-boost-transparency-and-engagement).

X

Docket (/docket/USCIS-2008-0025) / Document (USCIS-2008-0025-0197) (/document/USCIS-2008-0025-0197) / Comment



Comment Submitted by Xuan Luo

Posted by the U.S. Citizenship and Immigration Services on May 23, 2022

View More Comments 11 (/document/USCIS-2008-0025-0197/comment)	
View Related Comments (124) (/docket/USCIS-2008-0025/comments)	Share ▼

Comment

I have several comments on the N-400 form.

In N-400 Part 1 item 1, the applicant must check one of several boxes of eligibility. Option A says: "1. You are at least 18 years of age and: A. Have been a lawful permanent resident of the United States for at least 5 years." Option B contains the same language but with 3 years instead of 5 years. An applicant may file his/her naturalization application up to 90 days before reaching the (5-year or 3-year) continuous residence requirement, as provided in INA 334(a), 8 CFR 334.2(b), USCIS Policy Manual Volume 12 Part D Chapter 6 section D, and the N-400 instructions section "Early Filing". For someone applying for naturalization under the 5-year (or 3-year) rule, but filing up to 90 days before he/she has been a permanent resident for 5 (or 3) years, it seems that he/she cannot truthfully select option A or B, since the statement that the applicant has been a

lawful permanent resident for 5 (or 3) years is not true at the time the application is completed. It seems the only truthful way for such an applicant to complete the question is to check box E, "Other", and write in an explanation involving early filing. This does not seem like a good workflow since "Other" should only be used for rare situations, and early filing is pretty common. I suggest modifying the language for options A and B to make it clear that people who are filing early, who will meet the respective continuous residence requirement within 90 days of filing, but not necessarily at the time of filing, can use that option too.

N-400 Part 12 item 7A asks, "Have you EVER not filed a Federal, state, or local tax return since you became a lawful permanent resident?" I suggest that it be clarified whether an applicant who did not file a tax return for a year, but was not required to file due to their low level of income, should select Yes or No to this question.

N-400 Part 12 item 23 asks, "Have you EVER been arrested, cited, or detained by any law enforcement officer (including any immigration official or any official of the U.S. armed forces) for any reason?" I suggest that it be clarified an applicant who received a traffic citation without being arrested should select Yes or No for this question.

Comment ID

USCIS-2008-0025-0204



Tracking Number

13g-uzir-7x6f

Comment Details

Received Date

May 22, 2022



Your Voice in Federal Decision Making

About Agencies Learn Reports FAQ

(/about) (/agencies) (/learn) (https://resources.regulations.gov/public/component/main?main=Reports) (/faq)

Privacy & Security Notice (/privacy-notice) | User Notice (/user-notice) | Accessibility Statement (/accessibility) | Developers (https://open.gsa.gov/api/regulationsgov/)

Support (/support) Provide Site Feedback