



Stefano Abbasciano
stefano.abbasciano@vallalaw.com

333 Bush Street, Suite 2020
San Francisco, CA 94104
[T] +1 415.856.9001
[F] +1 415.856.9002

509 Madison Avenue, Suite 1200
New York, NY 10022
[T] +1 212.913.9246
[F] +1 917.591.6145

Representative Office
Via G. Leopardi 7
20123 Milano, Italy
[T] +39 (02) 46577920

WHY PERMANENT RESIDENTS SHOULD CONSIDER APPLYING FOR US CITIZENSHIP

By: Stefano Abbasciano

Many foreign nationals holding permanent residence status in the United States (Green Card) believe - mistakenly - that their status is comparable to that of American citizens because they can reside indefinitely in the US, work for any employer, and return to the United States automatically every time they travel overseas. Therefore, while meeting the requirements, they do not worry about applying for US citizenship.

Permanent resident status is a prerequisite for obtaining American citizenship. In fact, it is not possible to move directly from a work visa to citizenship without obtaining a Green Card first.

On a preliminary note, it is not mandatory for a permanent resident to become a US citizen. Many foreign nationals reside in the United States for decades while remaining in possession of a Green Card without any particular consequences. However, there are substantial differences between permanent resident status and US citizenship and, especially given the recent and ongoing developments in immigration, it is important for permanent residents to consider whether they should apply to become US citizens.

The main limitations in maintaining permanent resident status are the following:

1. Permanent residents remain subject to immigration laws and immigration courts. This means that a resident has no absolute right to reside in the US. In fact, if he or she committed certain types of criminal offenses, a resident could be removed from the country after being subjected to removal proceedings before an immigration judge. At the same time, a resident does not automatically have the right to return to the United States after traveling abroad; instead, the immigration officer at the port of entry has the authority not to admit the resident in the presence of reasons that make him or her inadmissible.
2. Residents have no right to vote. Among other things, it may happen that a resident is mistakenly placed in the voters' list. The improper exercise of the right to vote, which is an improper claim of being an American citizen, is one of the reasons why a resident cannot obtain US citizenship, and it can potentially jeopardize maintaining a Green Card itself.

3. Residents may not occupy certain public positions, such as in politics, law enforcement or the judiciary.
4. A Green Card is revoked in case of prolonged overseas stays. In general, permanent resident status implies the obligation to maintain residence in the United States. This means that traveling overseas for too long (generally over one year, with certain exceptions) can cause revocation of permanent resident status.
5. Permanent residents can sponsor fewer categories of family members. In particular, a permanent resident cannot sponsor his or her parents, brothers/sisters, or married children. Also, residents cannot sponsor their fiancé or fiancée.
6. When traveling abroad, residents will not obtain assistance from US diplomatic authorities.
7. Some public assistance and benefits are reserved for American citizens, and many federal programs apply a 5-year waiting period before permanent residents can benefit.

For these reasons, it is advisable to apply for US citizenship as soon as all the requirements are met. While a permanent resident is always considered a foreigner in the eyes of American authorities, the situation changes when American citizenship is acquired, even if the newly sworn US citizen keeps his or her nationality of origin (dual citizenship).

The general requirements for naturalization are the following:

- Being at least 18 years old at the time of filing;
 - Being a permanent resident for at least 5 years (with a shorter requirement for certain spouses of US citizen);
 - Demonstrating continuous residence in the United States for at least 5 years immediately preceding the date of filing (with a shorter requirement for certain spouses of US citizen);
 - Showing physical presence in the United States for at least 30 months out of the 5 years immediately preceding the date of filing (with a shorter requirement for certain spouses of US citizen);
 - Being able to read, write, and speak basic English, and having a basic understanding of U.S. history and government;
 - Being a person of good moral character; and
 - Demonstrating an attachment to the principles and ideals of the U.S. Constitution.
-

This article is for information purposes only and does not constitute legal advice. The information contained herein may be outdated or incomplete, and shall in no way be taken as an indication of future results. The transmission of this article is not intended to create, nor does its receipt constitute, an attorney-client relationship between preparer and reader. You should not act on the information contained in this article without first seeking the advice of an attorney. Requests for information or insights on the issue discussed in this article may be addressed to stefano.abbasciano@vallalaw.com.