Obtaining United States Citizenship

Questions have been posed to the Embassy regarding the ability of Marshallese citizens to gain citizenship in the United States. This pamphlet serves to answer some of those questions.

This pamphlet is to serve as a general guide only. It is not a binding interpretation of the U.S. Immigration and Nationality Act. There may be other procedures for which you may be required to follow that are not discussed in this pamphlet. If you have specific questions about whether you meet the eligibility requirements for U.S. citizenship or what procedures you should follow, you should contact the U.S. Citizenship and Immigration Services (USCIS) or contact an attorney who can help you. Although the Embassy is willing to assist with questions about your status as a Marshall Islands citizen, the Embassy does not provide legal advice.

Note that citizenship in the U.S. is a privilege. It is not guaranteed. Even if you meet all of the eligibility requirements discussed in this pamphlet, the U.S. has the discretion to not extend that citizenship privilege to you.

Effect of the Compact

Neither the original nor the amended Compact of Free Association offers an independent basis for gaining citizenship in the United States. The Compact allows for Marshallese citizens to enter into the U.S. as non-immigrants, without the need for a visa. It does not provide a separate means of gaining U.S. citizenship. However, it specifically provides that entry into the U.S. through the Compact does not bar a Marshallese citizen from gaining U.S. citizenship. This means that a Marshallese citizen is eligible to apply for U.S. citizenship if he/she otherwise meets all the criteria set out in the U.S. Immigration and Nationality Act.

The First Step: Legal Permanent Resident Status

Before you can apply for U.S. citizenship, you must first apply to be a legal permanent resident of the U.S. (you must obtain an I-551, or a “green card”). To do this, you need to file a visa petition that is based on different eligibility criteria, as described below.

If you are already in the United States, you can apply to adjust your non-immigrant status to permanent resident status if you meet the same eligibility requirements described below. To adjust your status, you need to file the adjustment application, I-485, in addition to the visa petition.

Eligibility Information

If one or more of the following categories apply to you, you may be eligible to apply for legal permanent resident (LPR) status:

1. **Family member**: I-130 visa petition and I-864 affidavit of financial support
• You are the spouse, parent, unmarried child under age 21, the unmarried son or daughter over age 21, the married son or daughter, or the brother or sister of a U.S. citizen and have a family-based visa petition approved in your behalf.
• You are the spouse or unmarried son or daughter of any age of a lawful permanent resident and you have a family-based visa petition approved in your behalf.

2. **Employment**: I-140 visa petition
• You have an approved visa petition filed on your behalf by a U.S. employer.
• This category may apply to employees with extraordinary ability, employees with advanced degrees or exceptional ability, professionals, skilled workers, employees of a religious vocation, or investors who create employment opportunity for others.

3. **U.S. resident since before 01/01/72**
• You have been a continuous resident in the U.S. since before January 1, 1972.
• You must be able to prove such continuous residence.

4. **Diversity visa**
• You have entered into the State Department’s diversity visa lottery, only available to people from countries that have sent less than 50,000 immigrants in the last 5 years, including the Marshall Islands, and you have received notice that you have won a visa.
• To enter into the visa lottery, you must have a high school diploma or the equivalent or have worked at least 2 years in the last 5 years at a job that requires 2 years of training or experience.
• You must have submitted an electronic application available only on the State Department’s website at www.dvlottery.state.gov.

5. **Private bill submitted by a U.S. Congressman**
• You can request that a U.S. Congressman submit a bill on your behalf, seeking to grant you LPR status.

**Other Required Forms**

In addition to the visa petition, you may be required to file the following forms:

1. G-325A – biographic data sheet (if you are between the ages of 14 and 79)
2. I-693 – medical examination sheet (not required if you are applying based on continuous resident since 01/01/72)
3. I-864 – affidavit of financial support filled out by your sponsor (not required if adjusting based on an employment petition)
4. I-765 – authorization for employment (if you are seeking employment while your petition is being processed)
5. I-94 – evidence of arrival
Numerical Limitations

Once your visa petition is approved by USCIS, it will be forwarded to the U.S. State Department’s National Visa Center. The State Department will then assign you an immigrant visa number if one is available. A visa number may not be immediately available because the State Department has reached its numerical limitation of visas for the year. If this is the case, you may have to wait up to several years for a visa number.

Rights as a Legal Permanent Resident

A LPR has different rights than a naturalized U.S. citizen. Unlike citizenship, an LPR status is freely revocable. For this reason, if you leave the U.S., you are not guaranteed re-entry. To preserve your right to re-enter, you should file for a re-entry permit each time you leave the U.S. If you commit a crime while outside the U.S., though, the U.S. may still deny you re-entry.

As a LPR, you are still subject to deportation if you commit a serious crime while in the U.S.

Special Instructions for Military Personnel

If you are a member of the U.S. Armed Forces, you are exempt from some of the requirements above. You may apply for your citizenship if you have served active-duty during authorized periods of conflict. Recently, President George W. Bush signed an Executive Order identifying September 11, 2001 and after as an authorized period of conflict. This means that if you are currently serving active-duty, you may apply for your U.S. citizenship without obtaining LPR status. You will need to do this through your chain of command. You will need to submit a Application for Naturalization (N-400), Biographic Information Form (G325B), and a certified Request for Certification of Military or Naval Service (N-426).

Once you receive your citizenship, your spouse may then be eligible to submit a visa petition as a family member. If you are deployed abroad for one year, your spouse may also be eligible for expedited naturalization.

The Second Step: Obtaining U.S. Citizenship

Once you have a visa number, you can apply for your U.S. citizenship upon meeting the requirements below.

Residency Requirement

U.S. citizenship is typically achieved after at least 5 years of continuous residence in the U.S. as a LPR. However, the term may be shorter if you are in the U.S. military or if you are applying under a marriage-based visa petition. Additionally, you may not leave the U.S for longer periods of time, or you may have to start your residency requirement all over again. For instance, if you have been absent from the U.S. for a period of more than
a year, your continuity of residence is deemed disrupted. If you have been absent for longer than six months but less than a year, your continuity of residence may be deemed disrupted unless you can show that you did not abandon your residence during this period.

There is also a three-month residency requirement in any one state or district. Military personnel are exempt from this requirement.

**Good Moral Character**

Generally, you must show that you are a person of good moral character for the statutory period (typically five years, or three years if married to a U.S. citizen, or one year for Armed Forces expedite) prior to filing for naturalization. If you have been convicted of an aggravated felony or a crime of moral turpitude, you are permanently barred from naturalization. Your citizenship petition may also be denied if you are found to be a habitual drunkard or have willfully failed or refused to support dependants.

**Proficiency in English Language**

You must be able to read, write, speak, and understand words in ordinary usage in the English language. You may be exempt from this requirement if you have resided in the U.S. as a LPR for periods totaling 15 years or more and you are over 55 years of age, or you have a medically determinable physical or mental impairment that affects your ability to learn English.

**Knowledge of U.S. Government and History**

You must demonstrate a knowledge and understanding of the fundamentals of the history and form of government of the U.S. You will have to take a “civics” test under this requirement.

You may be exempt from this requirement if you have a medically determinable physical or mental impairment that affects your ability to learn U.S. history and government. Additionally, if you have been residing in the U.S. as a LPR for at least 20 years and are over the age of 65, you may be given special consideration in satisfying this requirement.

**Oath of Allegiance**

Before you obtain U.S. citizenship, you must take an oath of allegiance. In doing this, you swear to support the U.S. Constitution and obey the laws of the U.S.; renounce any foreign allegiance and/or foreign title; and bear arms for the Armed Forces of the U.S. or perform services for the government of the U.S. when required.